



# CHELtenham

## BOROUGH COUNCIL

### Notice of a meeting of Planning Committee

**Thursday, 22 October 2015  
6.00 pm  
Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	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) **15/01171/FUL Ladies College Swimming Pool,  
Malvern Road** (Pages 19 - 124)
  - b) **15/00676/FUL 60 Cleavelands Drive** (Pages 125 - 152)
  - c) **15/00681/FUL Land south of 205 Leckhampton  
Road - DEFERRED** (Pages 153 - 154)
  - d) **15/00958/FUL Former Barrington Lodge Nursing** (Pages 155 - 182)

**Home, 138 Cirencester Road**

- e) **15/01165/FUL Land adjacent to Gray House, Harp Hill** (Pages 183 - 210)
- f) **15/01319/FUL & LBC Compass House, Lypiatt Road** (Pages 211 - 234)
- g) **14/01450/FUL 282 London Road** (Pages 235 - 252)
- h) **15/01377/LBC Flat 1, 38 London Road** (Pages 253 - 260)
- i) **15/01659/LBC 2 Montpellier Spa Road** (Pages 261 - 266)
- j) **15/01660/LBC Tyndale, Clarence Square** (Pages 267 - 272)
- k) **15/01662/LBC 105 Winchcombe Street** (Pages 273 - 278)

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

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







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## Planning Committee

17<sup>th</sup> September 2015

**Present:**

**Members (14)**

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Baker (PB); Fisher (BF); Colin Hay (CH); McKinlay (AM); Savage (LS); Seacome (DS); Sudbury (KS); Thornton (PT); Wheeler (SW).

**Substitutes:** Councillor Rowena Hay (RH)  
Councillor Babbage (MB)  
Councillor Payne (JP)

Present as an observer: Councillor Flynn

**Officers**

Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Chloe Smart, Planning Officer (CS)  
Ed Baker, Senior Planning Officer (EB)  
Karen Radford, Heritage and Conservation Manager (KR)  
Cheryl Lester, Legal Officer (CL)

**1. Apologies**

Councillors Chard, Lillywhite, McCloskey and Stennett.

**2. Declarations of interest**

**15/00947/FUL - St Margaret's Hall**

Councillor Fletcher and Councillor McKinlay – trustees of the St Margaret's Hall and members of the user group – will leave the Chamber.

**3. Declarations of independent site visits**

None.

**4. Public Questions**

None.

**5. Minutes of last meeting**

Resolved, that the minutes of the meeting held on 20<sup>th</sup> August 2015 be approved and signed as a correct record *with the following correction:*

**15/00646/FUL Belmont, Hyde Lane**

Page 7, last paragraph

**BF :** ...The original dwelling was a very small bungalow with a ~~east~~ corrugated iron roof and one bedroom ...

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*Councillor Barnes thanked Heritage and Conservation Manager Karen Radford for her great contribution to Cheltenham Borough Council and to Planning Committee over the last ten years – her detailed knowledge and advice has always been extremely helpful to Members. She will be sorely missed.*

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## 6. Planning applications

Application Number:	<b>15/00591/FUL</b>
Location:	<b>Former Garage Site rear of 10-26 Hesters Way Road, Cheltenham</b>
Proposal:	<b>Erection of four dwellings and associated hard and soft landscaping</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit, with added informative in respect of leaf-guards</b>
Committee Decision:	<b>Permit, with added informative in respect of leaf-guards</b>
Letters of Rep: 2	Update Report: <b>Additional information, updated response from the Highways Authority, and additional conditions</b>

**EB** introduced the application as above, which was originally for five dwellings on the former lock-up garage site. The applicant volunteered to reduce the scheme to four units after discussion with planning officers. It is at Committee because Cheltenham Borough Council owns the land, and Cheltenham Borough Homes is the applicant. There is a report update, with additional information provided by the applicant: there were originally 19 lock-up garages on the site, but these have now been cleared. Three neighbours have right of way across the site, and information about that has been provided. The Highways Authority has also updated its response, with a further explanation of why it has no objection to the scheme. In light of this, however, five additional conditions have been added. Finally, Members should be aware that there is a typographical error at paragraph 6.13 which should read '**3 x three-bedroomed dwellings and 1 x two-bed...**'.

### **Public Speaking:**

There was none.

### **Member debate:**

**CH:** one of the representations refers to gated access to the back of Home Close, and to problems with anti-social behaviour and drug-dealing in the alleyway. Does not know the area well enough to comment, but if there is an issue here, why wasn't gating considered and is the objector now happy with what is proposed?

**SW:** when this was a garage site, it was very much enclosed; youngsters got in and got up to no good. Once the site is developed, however, it won't be as attractive for the likes of drug-dealing, rubbish dumping etc. Would have expected to see more properties on the site, and is glad about the lower density. Is also glad about the inclusion of photo-voltaic panels, and would like to see these as standard everywhere.

**PB:** the highways report states that lines will be used to restrict parking near the junction, but doesn't say what sort of lines. This is a busy junction, near shops, where people are likely to park for short spells. Will there be double yellow lines at the junction to ensure highway safety?



**EB, in response:**

- to CH, regarding gating, the original proposal involved blocking off the footpath from Ashlands Road to the top corner of the site. The neighbour expressed concern that this would cause a dead-end alley and provide an enclosed space which could attract anti-social behaviour and related problems. In the latest revision, the applicant has removed the gate, and retained this area as an open space. The neighbour's issue has thus been addressed; he has been emailed and provided no further feedback;
- to PB, highways officers have specifically requested a white line rather than double yellow lines, parallel with Hesters Way Road at the top, to highlight to local people that there is an access there.

**BF:** assumes that there will be public street lighting on the new estate? When the road is adopted by the county council, LED streetlights should be stipulated, compatible with streetlights elsewhere.

**KS:** this is a useful development, and should improve the area. On Planning View, was concerned about a row of attractive trees adjacent to Plot 4, which could cause potential conflict in the future. Are these in private ownership? How has the design been arrived at with the trees so close?

**GB:** Members were told on site that the crowns of the trees would be lifted, with the approval of the house owner.

**PB:** is reluctant to labour the point on parking, but with just a single white line, what will stop people from parking their cars near the corners to go to the shops?

**CH:** regarding the gating issue, now understands that the alleyway will not be blocked off and takes the view that a housing development may be less likely than a garage site to attract anti-social behaviour. However, the alleyway serves three or four houses, and it may have been better to close it off, with residents of those houses only able to access it. Why wasn't this solution considered?

**PT:** it was very obvious on Planning View that the alleyway is well-used as a shortcut between Hesters Way Road and Ashlands Road; Members saw mothers with pushchairs and children using it. It certainly didn't look unused.

**EB, in response:**

- to KS, regarding the trees, this is a group of ash trees referred to specifically in the report. Trees officers were initially concerned about the impact on these trees, but have provided additional guidance and concluded that they can be retained. Crown-lifting will be needed, but the future well-being of the trees will not be compromised. If Members wish, an informative about leaf-guards can be added, to ensure their further protection;
- regarding parking, understands there could be a separate process to be taken whereby a Traffic Regulation Order can be applied for. This would be reactionary rather than pre-emptive;
- regarding the gate and the footpath between Ashlands Road and Hesters Way Road, this is a general access and right of way, not specific to the few houses which back onto it. It is important to keep it open, and the highways authority welcomes the fact that it will remain;
- as an affordable housing scheme, it would have to meet Secured by Design standards, and there is no evidence of the need to close off the alleyway at this stage.

**SW:** regarding the parking issue, it is an offence to park within 10 metres of a junction, and it is the white line that makes it a junction, so anyone parking on the white line will be committing an offence. People may park there regardless, but he and Councillor Flynn can make sure the police are aware of potential issues here.

**DS:** are the roads on the site public highway or to be adopted or private land? It could be difficult to impose traffic and parking regulations if unadopted.

**EB, in response:**

- the site is currently private land, but it is CBH's intention to ask for the roads to be adopted. Gloucestershire Highways expects this to happen.

**KS:** on Planning View, Members were told that the crowns of the trees would be lifted to protect them and allow the development, but these will grow back and there could be conflict here. Regarding access for emergency services, is there enough space for a fire engine to reach the houses? There is no highway comment about this.

**EB, in response:**

- there is a condition recommending the requirement of a fire hydrant. Questioned the highways officer about access for emergency vehicles; he confirmed that it is wide enough.

**GB:** would Members like to include an informative about leaf guards, if approved?

(General response: yes.)

**Vote on officer recommendation to permit, with added informative in respect of leaf-guards**

14 in support – unanimous

**PERMIT**

***The Chair moved consideration of 15/01405/FUL 2 Highland Road up the agenda, as the only two public speakers present were registered to speak on that application only.***

Application Number:	<b>15/01405/FUL</b>
Location:	<b>2 Highland Road, Cheltenham</b>
Proposal:	<b>Proposed dwelling and garage</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep: <b>4</b>	Update Report: <b>Consultee comments (Architects' Panel and Environmental Health Officer) ; information regarding floor space.</b>

**EB** introduced the application as above, which is at Committee for two reasons: (1) at the request of Councillor Sudbury, and (2) because a previous application for a house on the same site was refused by Planning Committee in March. The recommendation is to approve, with conditions.

**Public Speaking:**

**Mrs Wendy Hopkins, agent on behalf of neighbours, in objection**

This proposal is for an additional dwelling within the current side garden of No. 2 Highland Road. A similar scheme was refused by Planning Committee in March, due to concerns relating to the architectural design and poor siting of the proposal, which Members felt would be harmful on the street scene. The house is prominently located, on an elevated plot adjacent to a junction. The character of the area is a leafy, residential suburb, with largely detached houses in good-sized plots with gaps in between. This infill proposal will destroy the pattern of the built form in the locality. At the last meeting, Members took great care in considering the scheme, which must be looked at in the context

of the Local Plan, the emerging Local Plan and the Garden Land and Infill SPG. Policy promotes high standards of architecture and urban design, and this is what proposals should respond to, not fill in every gap with a new dwelling. The architectural design of this proposal is more pleasing than the previous, but it is shoe-horned into a gap which is important for the local character of the area. The size of the proposed dwelling has increased, and with the harm to the area, and its siting would be overbearing and oppressive to the residents of 62 Sandy Lane. The NPPF requires development to improve the character and quality of the area, and any proposal should support the high quality design requirements of local and national policy. This does not, and it should be refused.

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

Following the previous refusal by Planning Committee, it was difficult to take a clear steer about which way to go with this proposal. Prior to submission, a number of designs were discussed with officers, and that was the one they felt most appropriate. At Committee, the principle of development on this site was accepted by most Members; it was the design they didn't like. Design is always subjective, but the applicant has worked with planning officers to address Members' concerns. As it was not clear exactly what was wanted, an appeal against the previous refusal has been lodged, but this will be withdrawn if the current application is permitted tonight. The objectors have deliberately tried to mislead Members regarding the size and impact of the proposed dwelling; a contextual analysis was carried out, demonstrating the plot area to building width ratio of houses in the area, and that analysis doesn't lie. The previous speaker made unfounded statements in the objectors' interest. It has also been stated that the proposal is too small for its context, but the Architects' Panel now supports it, it is in accordance with the NPPF and Local Plan, represents sustainable development and will cause no harm to the area. For these reasons, it should be supported, and requests that Members endorse the officer's recommendation to permit.

**Member debate:**

**PB:** this application is a good example of planning in action; the previous scheme was refused on design grounds, but this new application is better, more fit for purpose, and in keeping with the street scene. Does not consider the proposed dwelling is shoe-horned in, but that it fits in well. The borough needs housing, and it's inevitable that plots of this size will be built on. It isn't a particularly precious plot, and it's important that land such as this is used properly. Supports the revised application.

**BF:** the second speaker talked about the size of the plot and how the proposed dwelling fits in with the surrounding area, but the OS map shows the surrounding houses smaller in relation to their plot size than the proposed dwelling will be. In addition, 90% of the houses are open to the front. This proposal doesn't fit the street scene; it is a small plot. The design has been altered but isn't of particularly high standard. Agrees that this is a matter of opinion, but it's wrong to say that the proposed dwelling fits comfortably in with the rest of the street.

**JP:** is in favour of this application. To clarify, the plot is small but not the smallest on the street – there are two smaller, and the ratio of the plot size to the dwelling is better than quite a few on the street. Accepts that the street is very smart and respectable, and that the proposed dwelling will be the smallest on that road, but it will have very little impact, and is set back from the road. The design is very ordinary, but better than the previous design. It is a sensible proposal, doesn't create any tension between the proposed dwelling and other houses around it, which are large and respectable but otherwise quite ordinary. It sits back from the road, and the impact will be minimal.

**KS:** is conflicted over this application. Was opposed to the design of the previous scheme at the last meeting; this scheme is an improvement and will sit better in the site. Still has concerns, but isn't sure that these are strong enough to support a refusal. It would be good to retain space between the two properties, allowing long views to the hill for everyone to enjoy. The design is much improved – the previous design proposed too small a site, but is disappointed that the applicant has gone to appeal

with the previous scheme, at the same time as making a new application. Appreciates the neighbours' concerns; this will change the street scene a lot, but maybe not enough for her to move to refuse it.

**SW:** is in support of the recommendation, so not sure he should therefore be speaking, but would say that the architecture may not be a grand design, but not many of the houses in the area are. On Planning View, thought the proposal almost identical to No 3, opposite. Regarding shoe-horning the new dwelling into this space, we are being asked to build a lot of houses; this is not a backland development, but fitting an additional property into the largest site in the area. It is a credit to the architect, who has designed a property which fits well in the plot.

**Vote on officer recommendation to permit**

11 in support

2 in objection

1 abstention

**PERMIT**

Application Number:	<b>15/00947/FUL</b>
Location:	<b>St Margaret's Hall, Coniston Road, Cheltenham</b>
Proposal:	<b>Construction of a single storey 'annex' extension</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep: <b>1</b>	Update Report: <b>Additional officer comments; suggested conditions and informatives</b>

**Councillors Fletcher and McKinlay left the Chamber for the duration of this item.**

**CS** introduced the proposal as above, to extend this multi-functional community facility with an annex to the existing building. Permission was granted for a similar extension in 2003, but not implemented. It is at Committee because Councillor Whyborn is the Chair of the user group (the applicant) and because Cheltenham Borough Council owns the site.

**Public Speaking**

There was none.

**Member debate:**

**JP:** for clarification, noted that the 2003 permission included a condition to ensure that parking was restricted to users of the facilities; there is no such condition with this application. Notes that the management group rents out 12 spaces to the local laundry, but by expanding the facility, demand on car parking spaces could increase and spill out into the local area.

**CH:** as things change, community facilities need to be more and more available for any number of reasons. Various groups need to use these facilities, and therefore welcomes the notion that they can be increased. JP makes a valid point on car parking, and the group's reliance on income from renting out spaces could lead to conflict, but broadly, we should encourage the increase in the facility, which will enable better diversity of activities.

**CS, in response:**

- to JP, officers don't consider it necessary to include a car parking condition, as the applicants made clear in their submission that car parking provision is currently under-utilised. Three additional spaces are proposed as part of this application, and the extension will not result in any loss of parking.

**KS:** with regard to suggested Condition 4, which states that no amplified music shall be played outside the hours of 8.00-23.00, can activities take place before and after those hours with no amplified music? People coming and going, getting in and out of cars etc, make noise, and is concerned about the impact this may have on residents nearby. Otherwise, agrees with the points made by CH.

**CS, in response:**

- environmental health officers have raised no objection to the proposal, and their records show only two complaints about noise: one in 2002 in relation to car doors being slammed after a bingo evening, and one in 2012, relating to loud music at a party. As EH officers are happy with the proposed hours, there is no need to amend these.

**LS:** in Planning View, noted the size of the existing building and the size of the proposed extension. Cannot imagine there will be a significant increase in the noise levels as a consequence of the extension. Is also in favour of the proposal.

**Vote on officer recommendation to permit**

12 in support – unanimous

**PERMIT**

Application Number:	<b>15/00954/FUL</b>
Location:	<b>79 St Georges Place, Cheltenham</b>
Proposal:	<b>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.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit, with additional informative as regards encouraging the use of LED lighting</b>
Committee Decision:	<b>Permit, with additional informative as regards encouraging the use of LED lighting</b>
Letters of Rep: 1	Update Report: <b>Officer comments; suggested conditions and informatives</b>

**MJC** introduced the application as above, on the former Shop Fitters' site, telling Members that it will provide an additional 42 spaces, following demolition of derelict buildings on the site. The recommendation is to permit, and the update clarifies a couple of points: that the Environment Agency has no objections with regard to possible increased flood risk, and that the County Council has no concerns re highway safety. Condition 1 will make it clear that, if granted, the permission will be discontinued on or before 17<sup>th</sup> September 2020 with restoration to its former condition not including the re-erection of the demolished derelict buildings.

**Public Speaking:**

There was none.

**Member debate:**

**KS:** if the scheme is approved, will there be any documentation of the site and the interesting buildings to be demolished before they go?

**BF:** noted on Planning View that the listed wall that is remaining needs re-pointing and re-building in places. Is pleased to note that KR's comments have been taken into account .

**CH:** notes there is a condition about lighting, and suggests that LED lighting be used, as it is cheaper to run and altogether better, being more directional and with less drift, so causing minimal light pollution to adjacent properties. The Civic Society is disappointed that the site won't be redeveloped for five years, but points out that a scheme can be submitted before five years. In the meantime, with the shortage of car parking in the town, this is a good solution and will provide a good income.

**AM:** reiterating that point, the application is only for *up to* five years and another application can be made in the meantime. The site is not blighted.

**MB:** why has a five-year limit been imposed anyway?

**MJC, in response:**

- the five-year period was suggested by the applicant, so that we don't lose sight of the desire to develop the site itself. If left open-ended, it could be said that the car park is working well and should be retained. This way, a degree of pressure on the land-owner will be kept up;
- to KS, there has been no suggestion of the need to document the buildings to be demolished. They are in a sorry state, and this isn't something that would usually be asked for. Conditions relate to essential matters without which the permission would be refused, and this would not be the case here. Ultimately, it is in Members' hands – do-able but not essential;
- CH's point about lighting is valid, but we cannot insist on LED lighting. An informative can be included to encourage the applicant to consider it when complying with Condition 7.

**GB:** do Members want to pursue KS's suggestion of documenting the buildings?

**KS:** understands that this cannot be included as a condition. Would do it herself if allowed– did so for the Axiom, through the County Record Office – and realises that there may be nothing of any interest to us now, but it may be of interest to future generations.

**KR, in response:**

- there is usually a requirement for the recording of listed buildings when they are demolished. These are not listed buildings, and as a good design and access statement was provided by the applicant, it would not be considered necessary in this case.

**SW:** suggested that the Local History Society may want to do something about it.

**GB:** is sure that the Council's Property Team will take Members comments on board, and take the appropriate action.

**Vote on officer recommendation to permit**

14 in support – unanimous

**PERMIT**

Application Number: **15/01281/CONDIT**  
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)**

View: **Yes**  
Officer Recommendation: **Permit, subject to the completion of a s106 applying the same provisions of the previous s106 to this application**  
Committee Decision: **Permit, subject to the completion of a s106 applying the same provisions of the previous s106 to this application**  
Letters of Rep: **7** Update Report: **Additional officer comments (County Council response) and Additional representation**

**MJC** introduced the application, which seeks to make minor alterations to the approved scheme as set out in the five bullet points in the report at page 58 [of the Agenda], concerning the plant area, disabled parking provision, internal lay-out, the shop front, and drainage. It also seeks variations to some of the conditions set out in the description of the development. It seems complicated but given that some of the original conditions have already been discharged and in light of the cumulative effect of the proposed amendments, officers felt it appropriate to deal with a revised application. If permission is granted, a new planning permission will be granted, with the revised conditions attached. Members need to focus on the five proposed changes, which officers have recommended to permit. Also, and thanks to PB for drawing officers' attention to this, the previous application was subject to an S106 payment of £25,000 – which has been paid – and it is therefore important that this application also has the same legal agreement attached. If permitted, it should be subject to S106 agreement on the same terms as the original consent which related to a build out, pedestrian crossing, and waiting restrictions if necessary.

**Public Speaking:**

None.

**Member debate:**

**PB:** this has been a contentious application from the start, with the original application refused, and the new scheme hugely better than the previous one. The current application offers mostly improvements, and represents an important opportunity for the applicants to show their good intentions. Cages are to be unloaded at the front of the shop, and replacing the block paving with tarmac will make this a much quieter operation – can this be conditioned? Newspaper deliveries will be very early, and if these can be made through the front access rather than the car park, neighbours will be less disturbed; as a general principle, all deliveries should be through that area. Regarding the S106 contribution, in principle this will cover all the potential problems that the scheme will create and should therefore be implemented before the scheme starts. The highways authority is slow to say that

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it is at least implementing the scheme. The trigger should always be that any highway improvement scheme is in place before the applicant starts trading. It will be too late in this case, but in future, where there are material changes/highway concerns, why should these not be addressed before the applicant starts trading?

**SW:** will the vehicles loading and unloading at the front of the shop pull off the road?

**JF:** has a question regarding the reduced number of disabled parking spaces. How many were originally proposed, and how many are proposed now?

**MJC, in response:**

- the consented scheme made provision for 16 parking spaces including two disabled spaces; this scheme makes provision for 16 spaces including one disabled;
- these are the requirements of the Local Plan. Parking standards have changed, but this is in line with the Local Plan. The developer offered an additional disabled bay and wider-than-required bays throughout, but the change to the plant has eaten into this, leaving just the standard-sized bays and one fewer disabled bay. This is regrettable but consistent with policy;
- to SW, there is a detailed delivery management plan, requiring lorries to pull into the site and unload from the front; all cages will be unloaded at the front;
- to PB, regarding tarmac rather than block paving at that location, Condition 12 is detailed and refers to hardstanding to be used in accordance with the drawings, which show tarmac in that area;
- regarding the legal agreement, it is important to say that the applicants have complied with all the requirements of the agreement, with prior contribution having been made to the county council. It is now for the county to implement the works, not for the applicants. All we can require the applicants to do is facilitate the works; the county will carry it out at the time when it has the capacity to do it;
- the local authority needs to lobby the county, as a priority. It is not the applicants' fault and they should not be punished because the work has not been done;
- MJC and CL will have a discussion about this with regard to future agreements. It is an important point, but we cannot do anything about it for this application.

**KS:** has a number of issues with this application, the main one being the reduced size of the parking spaces. If these are smaller, albeit standard size, it may well encourage more people to park on the road, who can't be bothered to park in the bays. The road is a nightmare and not safe. This is a serious concern, which hasn't been considered fully, and could cause mayhem.

**GB:** parking is always an issue, but would think the majority of people who using the store will be people in the neighbourhood. It isn't a large supermarket, and although some people will use cars, imagines it will be mostly used for bits of shopping; car parking won't be a particular issue. The NISA store has no parking either and this doesn't appear to cause any concern.

**Vote on officer recommendation to permit, subject to the completion of a s106 applying the same provisions of the previous s106 to this application**

12 in support

2 in objection

**PERMIT**



Application Number:	<b>15/01339/FUL</b>		
Location:	<b>Unwin Road Garages, Unwin Road, Cheltenham</b>		
Proposal:	<b>Resurfacing of access road, marking of six car parking spaces and erection of fixed posts per car parking bay (following demolition of existing garages).</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>0</b>	Update Report:	<b>None</b>

**CS** introduced the application as above, for an area to the rear of 41-51 Unwin Road. The six spaces created will be unallocated and available for anyone in the area to park. The application is at Committee because Cheltenham Borough Council is the applicant.

**Public Speaking**

None.

**Member Debate**

**CH:** Cheltenham Borough Homes has unallocated car parking elsewhere, not part of the public highway, and where SORN vehicles can therefore be parked indefinitely. Can a condition or informative be included to prevent this? What will happen if a car gets dumped there?

**JF:** agrees that demolition of the garages is essential, but understood that the spaces were going to be marked to correspond with the houses, so that only those residents can use them. Why was it decided not to do this?

**CS, in response:**

- unallocated spaces allow for more flexibility and greater highway benefit. Some of the residents may not have cars or want the spaces. It is considered counter-productive to allocate them.

**Vote on officer recommendation to permit**

13 in support

1 in objection

**PERMIT**

*The meeting ended at 7.25pm.*

Signed by Cllr Garth Barnes, Chair of Planning Committee,  
on 22<sup>nd</sup> October 2015

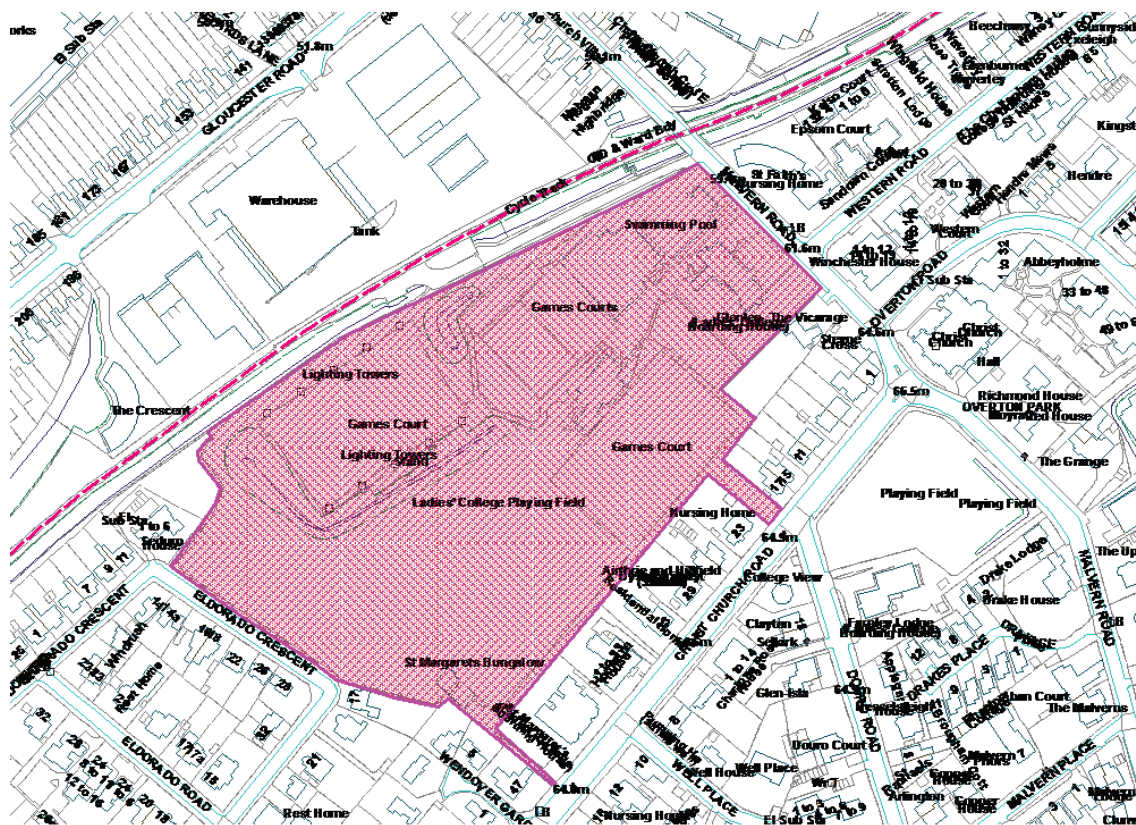
with / without amendments

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<b>APPLICATION NO:</b> 15/01171/FUL		<b>OFFICER:</b> Mr Ed Baker
<b>DATE REGISTERED:</b> 14th July 2015		<b>DATE OF EXPIRY:</b> 13th October 2015
<b>WARD:</b> Lansdown		<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Ladies' College	
<b>AGENT:</b>	Evans Jones Ltd	
<b>LOCATION:</b>	Ladies College Swimming Pool Malvern Road Cheltenham	
<b>PROPOSAL:</b>	Erection of new sports hall building to provide multi use sport hall, replacement squash courts and ancillary facilities. Erection of floodlighting of external hockey pitch. Demolition of existing squash court building and partial demolition of single storey structure attached to Glenlee House. Alterations to piers to side of access onto Malvern Road.	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to Cheltenham Ladies College's playing fields and sports grounds adjacent Malvern Road and Christ Church Road.
- 1.2 The grounds comprise a swimming pool and sports hall facilities, squash courts, outdoor games courts, two synthetic hockey pitches and three grassed sports pitches. Also connected with the College are boarding houses on Malvern Road and Christ Church Road. No academic teaching takes place at the site.
- 1.3 The application relates to the eastern part of the playing fields and sports grounds. The application site includes the swimming pool, existing sports hall, outdoor games courts, squash courts and the most easterly hockey pitch closest to Christ Church Road (referred to in the application as "the old astro turf pitch").
- 1.4 The wider sports and boarding house campus extends to some 6.7 hectares. The grounds are relatively flat but lower than Christ Church Road to the south east. The application site is bounded by Malvern Road on its east side and Christ Church Road on its south east side. On Malvern Road there is a mixture of residential and non-residential buildings. Glenlee – which is one of the College's boarding houses – is located next to the swimming pool on the frontage with Malvern Road. To the south east on Christ Church Road is a mixture of private housing, an elderly persons' home and a prep school's boarding house (not part of the College). Also on Christ Church Road are two more of the College's boarding houses: Roderic House and St. Margaret's.
- 1.5 To the north of the sports grounds is the Honeybourne cycle track beyond which are employment uses with planning permission for 107 new homes (13/00106/FUL permitted July 2015). To the west of the site are the College's playing fields including the newer hockey pitch and grassed sports pitches. Further to the west beyond these pitches are houses on Eldorado Crescent.
- 1.6 The site is located within the Central Conservation Area.
- 1.7 The original swimming pool and Glenlee boarding house are buildings of local importance.
- 1.8 Christ Church, situated to the east on the junction of Malvern Road and Overton Road is Grade II\* Listed.
- 1.9 The application seeks full planning permission for the following:
  - **Erection of new multi-use sports hall**
  - Provision of new outdoor courts
  - Demolition of the existing squash courts building
  - Partial demolition of single storey laundry next to Glenlee House
  - Alterations to the access and gate piers onto Malvern Road
  - Reconfiguration of car park and external landscaping
  - **Installation of floodlighting to the old hockey pitch (next to Christ Church Road)**
  - Erection of six number 15 metre lighting columns (retractable to 4.5 metres)
- 1.10 The new sports hall will be a multi-use games facility ("MUGA") that includes the following facilities:
  - Principal indoor play space that can be configured for the following uses:
    - 6 x badminton courts
    - 1 x hockey pitch
    - 1 x netball court
    - 1 x handball court
    - 3 x volleyball courts

- 1 x lacrosse pitch (reduced size)
- 1 x tennis court (optional)
- 1 x basketball court
- 5 x squash courts/multi-purpose areas
- Dance studio and storage
- Activity studio/function room
- 2 x multi-purpose studios
- 58-station fitness gym
- Martial arts and spin area
- Changing rooms
- Examination office
- Kitchen

1.11 The application follows pre-application discussions with officers.

1.12 It is supported by the following documentation:

- Design & Access Statement
- Planning Statement
- Justification Statement
- Lighting Impact Study
- Transport Statement
- Heritage Statement
- Energy & Sustainability Statement
- Arboricultural Reports
- Habitat Survey
- Response to public representations up to 10.9.15

1.13 The application is referred to the planning committee because of the nature and scale of the proposals, and at the request of Councillor Mason.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Honeybourne Line  
Local Listing  
Residents Associations  
Smoke Control Order

### Relevant Planning History:

**11/01125/FUL 31st October 2011 PER**

Erection of new sports hall building to provide three indoor tennis courts and ancillary facilities, revised parking and replacement squash

**11/01126/CAC 31st October 2011 PER**

Demolition of squash court building

**97/00942/PF 15th January 1998 PER**

Erection Of 3 Court Tennis Hall Adjacent To Existing Sports Hall With 3 Outdoor Courts On The Site Of The Existing 6 Tennis Courts

**97/00941/PF 15th January 1998 PER**

New All-Weather Hockey Pitch At The South West Part Of The Site

**96/00158/PF 21st March 1996 REF**

Provision Of Floodlighting To The Existing All Weather Sports Pitch

**95/00342/PF 24th June 1996 REF APPEAL**

To Provide Floodlighting To The Existing All Weather Sports Pitch

**95/00812/PF 14th December 1995 PER**

Extension To Existing Car Park

**95/00275/PF 25th May 1995 PER**

Revised Access To Public Highway, Provision Of Demarked Car Parking Spaces And Landscaping

**92/01020/CD 17th December 1992 PER**

Demolition Of Part Of An Existing Swimming Pool hall Retaining The Entrance Facing Malvern Road(Hall To Be Replaced With A New Pool hall)

**92/01017/PF 17th December 1992 PER**

Swimming Pool Hall

**90/00979/PF 25th October 1990 PER**

Link Between New Sports Hall, Changing Room And The Existing Swimming Pool

**89/00591/PF 29th June 1989 PER**

New Sports Hall, Changing And Ancillary Areas To Be Linked In The Future To The Existing Swimming Pool

**88/00312/PF 31st March 1988 REF**

Floodlighting To Redgra Pitch

### **3. POLICIES AND GUIDANCE**

#### Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

BE 1 Open space in conservation areas

BE 3 Demolition in conservation areas

BE 4 Timing of demolition in conservation areas

BE 11 Buildings of local importance

GE 2 Private green space

GE 3 Development within extensive grounds

GE 5 Protection and replacement of trees

GE 6 Trees and development

CO 1 Landscape character

NE 1 Habitats of legally protected species

NE 3 Biodiversity and geodiversity of local importance

RC 3 Outdoor playing facilities in educational use

RC 9 Honeybourne line footpath/cycleway

UI 2 Development and flooding

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

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

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

## National Guidance

National Planning Policy Framework

National Planning Policy Guidance

## 4. CONSULTATIONS

### **Heritage and Conservation**

*20th August 2015*

Further to: pre-application site visit, and application information.

#### Analysis of Site:

The site is not especially prominent from the nearby public highways but can be seen from the rear of near-by houses.

#### Comments:

1. I made very full and detailed comments at pre-application stage (15/00582/PREAPP).
2. There is an extant planning permission (11/01125/FUL) for a new sports hall on this site which was granted on 27th October 2011, and the current proposals are approximately of a similar size and site location to the previously approved scheme. Therefore the principle of these proposals is acceptable subject to the detailed design also being acceptable. Indeed the case for this school of international significance remaining at the forefront of girls' is of course welcomed.
3. There are two adjacent buildings which are on the Index of Locally Listed buildings and these are Glenlee (CLC boarding house) and the front section (i.e. 1930s entrance) of the swimming pool.
4. The existing swimming pool relates well to the retain 1930s entrance building and the setting of this 1930 entrance is enhanced by the current landscaping at the front of the site. The architectural form, design and materials of the existing swimming pool building are good. However the design of the existing sports hall is less successful and the existing entrance link is particularly poor and has been poorly detailed, with materials badly weathering.
5. The existing squash courts are modern and their loss is acceptable, and indeed is welcomed.
6. The proposed demolition of the laundry building which is an extension of Glenlee is of more concern. I raised this issue at pre-application stage as needing an historic assessment of its age and type of construction is required. Unfortunately the applicant's Heritage Statement is weak on the assessment of this area of the Locally Indexed building proposed for removal. From looking at the historic map of 1903, it appears that this area of the building currently proposed for removal was part of the original building. Its removal would not clarify the original floor plan as suggested in the Heritage Statement, if as appears from the historic map it was actually part of the original building.

### 7. GENERAL COMMENTS

- a. The existing site plan which includes the red line area, appears to have failed to include the area of the site which is the existing laundry (i.e. the part of the Glenlee building) within the red line area, so that needs correcting.
- b. I note that I made comments at pre-application stage to the lack of ground levels and internal floor levels being marked on the drawings. This information remains outstanding and is needed in order to fully assess the impact of the new building, the ramp, and the proposed changes to the existing ground levels. I suggest the level information is needed at that stage now and should not be left for a condition. This ground level information is such important critical information has an impact throughout the whole scheme, including the impact on the setting of the adjacent Locally Indexed buildings.
- c. The principle of the demolition of the squash courts is acceptable although the loss of the laundry is of concern (see below) and a more thorough and accurate assessed is required.
- d. I also suggested at pre-application stage that the site plan should show the proposed scheme and all future ambitions such as 'possible future boarding house extension' and 'possible extended tennis courts and extended parking' should be removed from the submitted drawings. The current proposed drawings for the site (i.e. proposed site plan dwrg. No. 7554/SK010G and proposed site landscape strategy dwrg no 7554/SK029) still are annotated with these notes. This needs correcting now and revised drawing must be submitted. These submitted site plan drawings in this form should not be accepted.
- e. The submitted lower ground plan (dwrg 7554/SK023C) shows the new laundry being located to the west of the new building. However the drawing has not completed. The extent of the laundry is not complete and does not correspond with the roof plan. In addition none of the uses for the rooms have been noted on the drawing. This needs correcting now.
- f. The Heritage Statement -
  - i. Is lacking and has some omissions in some respects. I have already commented on the proposed work to Glenlee (see above).
  - ii. In addition the list of relevant saved policies included in the Heritage Statement has omitted to include policies CP7, BE7 and GE3.

### 8. KEY ISSUES FOR THE PROPOSED SITE LAYOUT SOME OF WHICH WERE PREVIOUSLY RAISED AT PRE-APPLICATION STAGE (these comments remain valid and relevant)

- a. Car parking areas and vehicle movements -
  - i. This application has not proposing any extra car parking spaces to the west side of the site. However the cars which are proposed to be located to the west side of the new netball court are not proposed to be screen by landscaping between the netball court and the cars. This lack of landscaping is a disappointment and a lost opportunity.
  - ii. However of major concern is the relocation of the access road to the west car park. It appears that this road is shown to be moving from its current position, to the west by approximately 8m. However the area of land for the new access road is at a significantly lower level than the current road. This lower area of land is immediately adjacent to two very important trees. The impact of the new road in its proposed location and the impact of those new ground levels on the existing



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trees cannot be adequately considered without the proposed external ground levels being shown on the proposed site plan and on the internal floor levels. This lack of information in this particular area is also compounded by the incomplete lower ground floor plan drawing. The height of the laundry vehicles in close proximity to the nearby tree canopy is also of concern.

- iii. Also of major concern is the redesign of the car area located between the existing swimming pool and Glenlee. There is an apparent increase in hard landscaped area (i.e. the ramp) alongside the east side of the swimming pool and the general lack of soft landscaping to the west side of Glenlee, with the consequential erosion of the setting of this building. Again the lack of levels makes the impact of the new ramp difficult to assess. For example will the ramp have to be long to allow for the emergency exit door from the existing swimming pool? Indeed the elevation drawings showing the length of the ramp are not consistent with the plan drawings.
  - b. The relocation of the refuse bin storage area to the front of the 1930s swimming pool is completely unacceptable. Indeed this area is currently rather neglected and should be improved and enhanced not visually harmed by bins. This proposal will harm the setting of the Locally Indexed building and the conservation area.
  - c. Alterations to the entrance gates - the proposed widening of the west gate is acceptable in principle subject to the detailed design. The proposed removal of the section of boundary wall which currently screens the bin store area is unacceptable in principle without the bin store issue being satisfactorily resolved.
  - d. However the removal of the visually dominating existing ramp into the first floor entrance to the existing sports hall and swimming pool is welcomed and the simplification of the existing access arrangements is welcomed.
  - e. The impact of the flood lights to the hockey pitch cannot be assessed without more detailed information on these lights being submitted.
9. PROPOSED ARCHITECTURE
- a. The excellent quality of the existing buildings relies on the clear architectural form and clear detailing of the swimming pool building. However the existing sports hall and the link between the swimming pool and sports hall is less than successful and in some respects quite poor. Therefore the proposals to create a new entrance which partially obscures the existing sports hall building are welcomed. In order to create architectural harmony and avoid the ad-hoc appearance of this group of buildings; I suggest that the new entrance screen wall is extended north-eastward slightly to the junction with the swimming pool building.
  - b. I fully support the barrel vault form of the new roof over the sports hall. However there are long views of this new building especially its new roof. Therefore the lack of relationship of the 'wrap-around' buildings (ie function/multi-purpose hall and kitchen and studio) and the strong roof form beyond is disappointing. The resulting south-east elevation is poor and gives the appearance of extension on extension.
  - c. The proposed roof ventilators and rooflights on the new sports hall building, detract from the strong roof form, and make this roof look fussy and are unacceptable. Please ask for the ventilation to be resolved by some other method. Could some ventilation be provided via the end gables?

10. MATERIALS

- a. The proposed materials have now been confirmed and I remain unconvinced at the proposed aggregate facing blockwork.

11. SUMMARY

The principle of the proposals are acceptable, however there a number of significant concerns about the detailed proposals. The most important of these concerns being the resultant rather ad-hoc architectural form of the whole group of buildings (ie existing building and new building), with the end result looking somewhat disjointed and random.

CONSERVATION AND HERITAGE SUMMARY:

Please ask for revised drawings to address the above comments. Without significant revisions these proposals will harm the setting of the adjacent Locally Indexed buildings and harm the conservation area and should be refused.

*2nd October 2015*

Further to: pre-application information, application information and revised information.

Comments:

1. Most of the concerns I had previously appear to have been addressed in the revised information and/or the revised information had been more fully explained and justified.
2. I would like to see the narrow strip of landscaped area parallel to the new main entrance ramp to be as strong as possible and this strength will rely on a good planting scheme, which can be conditioned.
3. I have concerns about the height of the floodlights and their impact will rely on a suitable time related/use related condition.

CONSERVATION AND HERITAGE SUMMARY:

I do not object to the proposals provided the conditions suggested above can be attached.

**Landscape Architect**

*12th August 2015*

With respect to landscape issues, the proposal to demolish the existing squash court building is welcome. However, the proposal to erect a new multi-use sports hall building presents problems which would have to be resolved before the application could be supported.

The problems centre on the negative impact of the proposed building on the character and visual amenity of the local area.

**Character Areas**

The proposal site lies within Cheltenham's Central conservation area, which is divided into 19 character areas.

The Character Areas affected by the proposals are:

- Eldorado
- Lansdown

Character area appraisals and management plans for these areas were adopted by Cheltenham Borough Council as supplementary planning documents (SPD) in July 2008.

Eldorado Character Area

The proposal site lies within this character area.

The view of the Malvern Hills, seen across the Ladies College playing fields from the street next to the Christ Church Road entrance, is identified as a key view and vista in Fig 1 - Townscape Analysis Map of Eldorado Character Area.

Long distance views of Cleeve Hill, seen through spaces between buildings, form a rural backdrop for landmark buildings such as Christ Church.

The management plan requires that development proposals demonstrate how the setting and long distance views into and from the character area have been taken into account. (See page 26).

### Lansdown Character Area

The Lansdown Character Area appraisal identifies long distance views of the surrounding countryside - the Cotswold escarpment, Leckhampton Hill, the Malvern Hills, as an essential characteristic of the locality, providing a visual connection to its landscape setting.

The Ladies College playing field, although private land, is an important green space, contributing spaciousness and affording long distance views.

Para 4.8 of the character area appraisal refers to views of the Malvern Hills being particularly visible across the low-lying Ladies College playing field. A photograph of this view is included (Fig 13). This view is identified as a key view and vista in Fig 1 - Townscape Analysis Map of Lansdown Character Area.

It is noted that in the Design & Access Statement submitted with the application the photographs of this view appear to have been taken on hazy days and the photomontages 'white-out' distant views and sky. On recent site visits, however, the view of the Malverns has been clear and vivid and it was easy to understand why the character area appraisal had identified it as a key view and vista.

The management plan requires that development proposals demonstrate how the setting and long distance views into and from the character area have been taken into account. (See page 35).

### Local Plan Policies

#### Policy BE1 Open Space in Conservation Areas

Due to its height (12.1m) the proposed new multi-use sports hall would block the view of the Malvern Hills obtained from the street at the Christ Church Road entrance to the Ladies College playing fields. Views of the surrounding countryside are an essential part of Cheltenham's overall character, providing a visual connection between the town and the surrounding landscape. Para 5.18 of the Cheltenham Borough Local Plan (Second Review, Adopted July 2006) specifically refers to the importance in conservation areas of views and vistas afforded by open and green spaces. Para 5.19 refers to the cumulative impact of even small reductions in open space. The proposal, as currently submitted, would therefore not be in accordance with Policy BE1 Open Space in Conservation Areas, because it would block a key view identified in the Lansdown and Eldorado Character Area appraisals.

#### Policy GE2 Private Green Space

In addition to policies relating to conservation areas, the Local Plan also highlights the role of private green spaces, such as the Ladies College playing fields, in the urban green environment. Along with public green space they contribute a sense of spaciousness to the town and provide opportunities for 'views and vistas which create relationships between the built environment and the landscape'. (See Para 6.12). Blocking the view of the

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Malvern Hills would undermine this relationship and have a negative impact on the visual amenity of the local area. See Note (e) of Policy GE2.

In order to comply with Policies BE1 and GE2 and the management plans of the Eldorado and Lansdown character areas, the height of the proposed multi-use sports hall should be reduced such that clear views of the Malvern Hills are maintained.

Consider the following:

- setting the proposed building deeper into the ground
- reviewing the sports offered in the existing and proposed sports halls such that those requiring greatest height, such as tennis, would be located in the existing hall.

A combination of the above should allow for sufficient reduction in height of the proposed buildings to maintain clear long-distance views and preserve the character and visual amenity of the area.

### **Other Issues**

#### **Building Materials**

A characteristic of the Eldorado and Lansdown areas is their leafiness.

The materials of the external building fabric of the new building have been selected to be in keeping with the existing sports hall and are generally visually recessive. However, the combination of new and existing buildings will result in the background leafiness of boundary trees being replaced with stone aggregate blocks. Green wall panels, climbing plants or other mixed landscaping next to the building could be considered to soften the built form.

In order to emphasise the main entrance it is proposed to use aqua-blue copper cladding in this area. It may be that this will be too visually intrusive in this conservation area and that a more natural option, such as green wall panels or signature landscaping, could be considered.

#### **External Landscaping**

- More details of the landscape embankment planting are required.
- It is not clear from Drawing No. 7554/SK010 H where the proposed 2.4m high security fence terminates. It starts at the boundary and the D&A says it links with the existing hockey pitch fencing - but this is not indicated on the drawing. Please could the line of the new security fence be clearly shown on the drawing.

#### **Lighting**

There are issues of amenity associated with the proposal to install floodlights around the existing hockey pitch nearest to residences along Christ Church Road. This is a matter for environmental health officers to comment on.

In terms of the effect on the landscape, it is important to guard against 'visual clutter'. When looking from the Christ Church Road entrance it may be that the viewer would be presented with: hockey pitch fencing, floodlight columns, security fencing, embankment leading up to the new building - all of which, unless carefully planned, would result in a cluttering of a key view in this conservation area.

### **Conditions Required**

Should planning permission be granted, please could the following conditions be applied:

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- LAN02B Landscaping scheme (short version)
- LAN03B Landscaping - first planting season
- A long-term maintenance plan for the landscaped areas should be supplied.

6th October 2015

### Comments

Having reviewed the revised drawings, the principal landscape concern with the scheme remains i.e. the blocking of the view of the Malvern Hills, especially from the Christchurch Road entrance to the Ladies College. Therefore my previous comments still stand.

To summarise my previous comments:

- The view of the Malvern Hills is identified as a key view and vista in both the Eldorado and Lansdown Character Area Appraisals, and should be preserved.
- Policy BE1 *Open Space in Conservation Areas* and Policy GE2 *Private Green Space of the Cheltenham Borough Local Plan (Second Review, Adopted July 2006)* are relevant to this application.
- In order to comply with Policies BE1 and GE2 and the management plans of the Eldorado and Lansdown character areas, the height of the proposed multi-use sports hall should be reduced such that clear views of the Malvern Hills are maintained.
- In order to achieve a sufficient reduction in height of the proposed buildings consider the following:
  - setting the proposed building deeper into the ground
  - reviewing the sports offered in the existing and proposed sports halls, such that those requiring greatest height, such as tennis, would be located in the existing hall

In addition to the above, some further comments:

### Bin Storage

The Proposed Site Plan (*Drawing No. 7554/SK0101 Rev 28.08.2015*) shows the existing redundant bike store to be used as a bin store. However, the Proposed Boundary Wall – Plans and Elevations (Dwg No. 7554 SK049) shows bin storage behind the proposed railings. Please could this be clarified. Storage of bins behind railings is not acceptable as it would have an adverse effect on the street scene.

If the bins are to be stored in the redundant bike store, gates to the store will need to be installed in order to screen the bins which might otherwise be seen through the railings and adversely affect the street scene. Please could details of the enclosure be supplied.

### Planting

Consider planting in front of the new 2.4m high security fence and in the area between the maintenance path and the path to the netball court in order to screen parked cars when viewed from within the playing fields.

**Environmental Protection Officer**

*24th September 2015*

In relation to application 15/01171/FUL for Cheltenham Ladies College, Malvern Road, Cheltenham, Gloucestershire please see below for my conditions to be put forward, if you'd like me to add or change parts please do let me know.

Condition 1:

None of the flood lights hereby approved shall be illuminated outside the following hours:

Monday to Friday – till 19:00 hours

Saturday – till 18:00 hours

The flood lights shall not be illuminated on Sundays or on Bank Holidays.

Reason: to reduce the impact on nearby residential properties.

Condition 2:

As the proposed floodlight columns are retractable, the columns holding the floodlighting are to be fully retracted when the floodlights are not to be used on any day.

Reason: to reduce the impact of visual amenity on neighbouring residential properties.

Condition 3:

The lights shall be retracted by 19:00 hours at the latest Monday – Friday and by 18:00 on a Saturday.

Reason: to reduce the impact of visual amenity on neighbouring residential properties.

Condition 4:

In order to reduce the noise impact from balls hitting the edges of the pitch the applicant has put forward that a buffer could be installed around the sides. This buffer should be of an appropriate material to mitigate the impact and noise from the activities on the pitch, it must be installed according to the manufacturer's specification and maintained as required to keep it in good condition.

Reason: to aim to reduce some of the noise impact from the use of the pitch on residential properties.

Condition 5:

There will be 6 fixed floodlighting columns only on the pitch.

Reason: to reduce the impact on nearby residential properties

Condition 6:

For the pitch to be used by Cheltenham Ladies College only and there shall be no external hire of the pitch to any outside team.

Condition 7:

The vertical illuminance shall not exceed 5 lux as measured on a vertical wall of the property which faces the pitch at the nearby residential properties.

Reason: to reduce the impact of the new lighting on residential properties.

*7th October 2015*

The conditions recommended by this team have been made from an internal consultee perspective as a Senior Environmental Health Officer in the Environmental Protection Team. In order to make these conditions I have been involved in the process from the beginning by reviewing the pre-application information which was submitted by the applicant and providing feedback via the Planning Officer in the team.

As a result of concerns made, a site visit was undertaken by myself and a colleague, also a Senior EHO in the team, along with Ed Baker (Planning Officer), a lighting engineer and the applicant. This visit was conducted on 8<sup>th</sup> July and was useful for all to review the proximity of the homes in the vicinity as well as the proposed placement of the lighting columns in relation to fencing and vegetation which is already in situ at the site. At this meeting our concerns at the pre-application stage were discussed and the applicant took these on board to consider prior to submitting the full application.

Once the application was submitted, the information was passed to me as an internal consultee of the planning team here at CBC and all associated documents, reports and plans were reviewed again at this stage. At this time all comments on the public consultation section of application were also reviewed. As a result of this, contact was made with the lighting engineer for this project to discuss with him the potential impact on the levels of lighting at the nearest residential properties if the weather was to be foggy or if it was raining to various degrees. These concerns were addressed by him when the applicant provided responses to the objections raised (on the spreadsheet submitted by them) regarding the proposed scheme. All of these have also been reviewed in conjunction with putting forward these conditions from this team.

In order to finalise these comments and conditions from this team, all of the above have been reviewed as well as having regard for the relevant documentation on the lighting levels required for the sports the pitch will be used for, predominantly hockey. Further information was also reviewed from the Institute of Lighting Professionals (ILP) – “Guidance notes for the reduction of obtrusive light”, which provides lighting levels for various environmental zones. This has been reflected in condition 7 where a set lux level has been set for light at nearby residential properties. Other conditions have been compiled from the information provided in the application i.e. times of use, retracting the columns when not in use, number of columns to be installed. Other conditions have been placed on the proposals as a result of the joint visit to the site i.e. the buffer to be installed around the pitch.

**Tree Officer**

*4th August 2015*

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 Survey to BS 5837:2012 to include:

- Tree Protection Plan

*2nd October 2015*

The Tree Section has no objections with this application. In the current proposed site landscape strategy there is no tree planting, the Tree Section would like to see some tree planting as there is a large number of mature trees on the site. If permission is granted please use the following condition:

### Tree Protection

Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference Cheltenham Ladies College Sports Centre and the Tree Protection Plan Drawing Number 12974/49433 dated July 2015. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

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

*29th July 2015*

I refer to the above application plans and documents received on the 15th July for a new sports hall and facilities and alterations to access onto Malvern Road to which I have the following comments.

#### Site Location and Characteristics

The site is located within Cheltenham east of the town centre with pedestrian and vehicle accesses from Malvern Road a class 4 residential road within a 20mph speed limit zone with an additional vehicular access onto Christchurch Road subject to a 30mph speed limit. The site is within walking distance of some local amenities and services within this suburban area, regular bus services, rail services and Cheltenham Town Centre. Therefore the site is considered to be sustainably located providing alternatives to private vehicle use to access the site.

However despite the sustainable alternatives as illustrated in the transport statement interview surveys carried out illustrated that the predominant mode of travel is driving by private car.

#### Highway Safety

There has been only one report collision in the past 5 years nearby on a Western Road close to the site which was unrelated to the site access.

#### Trip Generation & Parking

The transport statement mentions that the primary use of the facilities will be for College pupils and private members, but does not preclude use by members of the public. The design and access statement states that members of the public can book facilities, which would restrict use. The statement mentions the majority of the use of the facilities by CLC (Cheltenham Ladies College) pupils and the vehicular traffic arising will be unaffected by the proposal, as the vast majority of pupils at CLC are boarders (79 percent) and walk and cycle the short distances from boarding houses. This is accepted and given the proposal would not affect pupil numbers trip patterns would remain largely unchanged. Therefore surveys of trips have focused on private members surveys.

The transport statement includes a worst case and realistic peak trip forecasts based on numbers of users expected and anticipated to use the proposed sports facilities at any one time. The worst case suggests a maximum of 128 people using the facilities at any one time and a lower realistic forecast of 98 additional people based variability of demand, availability of staff and changing room capacity. The statement based on a survey between 18:30 and 21:00 Thursday 25th June of private members mentions 45% of those surveyed were private car drivers.

Therefore based on this survey and maximum number of people using proposed facilities it is stated this would give rise to a demand for an additional 58 car parking spaces.



The application proposes a reduction in on-site parking from 85 to 81 parking spaces. The transport statement concludes that this is sufficient based on a parking survey of the surrounding streets and on-site parking spaces available showing between 70 and 138 on street parking spaces available and between 11 and 68 on site spaces available following parking surveys carried out. These surveys were carried out at identified peak on-site and off-site demand periods on a weekday and weekend.

Therefore on this basis and given the relatively sustainable location of the site it is accepted sufficient on and off site parking provision exists for the additional potential parking demand generated by the increase in trips to the proposed facilities.

The application site plan includes a new cycle store providing 22 spaces (11 stands), replacing previous cycle store with 15 spaces for the existing sports facilities. This is below the local plan standard for floor space of the new extended sports facility and it is noted that the cycle parking surveys are based on just that of private members and not for students. Therefore it is considered that increased cycle parking provision should be provided to meet Local Plan standards for the proposed building equating to 60 spaces of 30 Sheffield stands. These stands should be covered.

The application includes 5 disabled parking spaces which is compliant with the local plan disabled parking standards for the proposed and existing sports facilities.

### Site Access

The site includes four existing vehicle accesses which will be retained for the proposed site uses as well as the existing site uses. These include three site accesses onto Malvern Road and one onto Christchurch Road. The transport statement in provides visibility splay drawings in Appendix B, drawings SK01 to SK04 of the existing accesses stating sufficient visibility splays are available for posted speed limits. However it is unclear on drawings SK01, SK02 and SK03 of visibility splays provided due to the red line on the plans not clearly showing the existing boundary gateways and walls.

It is accepted that the accesses are existing and have operated without any related reported collisions. The proposals will likely increase traffic generation and pedestrian and vehicle visibility may be slightly obstructed by the existing site walls and gateways, however with the proposed alterations to widen the eastern access and replace a wall adjacent to the secondary access with a railing to improve existing inter-visibility and accessibility the site accesses are considered suitable.

I refer to the above planning application received on 25th June 2015. I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

1. The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 60 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.  
Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.
2. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan 7554/ SK010 H, and those facilities shall be maintained available for those purposes thereafter.

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Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

*11th August 2015*

I will amend my response to reflect the provision of 40 [bicycle] spaces (20 Sheffield stands) in reference to the amended plan when received or otherwise will revise my previous comment cycle condition for the provision of 40 spaces (20 Sheffield stands).

### **Environment Agency**

*15th July 2015*

Thank you for your letter consulting us on the above planning application. I note whilst you include a copy of our consultation checklist (filter), you have not identified a 'reason for consultation'.

Notwithstanding the above, this appears to be a lower risk planning consultation which does not appear to require direct consultation with us; it does not fall within our 'consultation filter'.

The proposed development appears to fall within Flood Zone 1 based on our 'indicative' Flood Map for Planning (Rivers and Sea). On this basis, we would recommend you refer to our area Flood Risk Standing Advice - for 'Operational Development (+1ha) within Flood Zone 1' and consult with the Lead Local Flood Authority (LLFA) i.e. the Gloucestershire Flood Risk Management team.

### INFORMATIVES

1. For contaminated land matters, you are advised to seek the comments of your Environmental Health Officer or Contaminated Land Officer, with reference to our 'Developer Guidance' sheet.
2. For foul drainage matters, you are advised to seek the completion of the 'Foul Drainage Assessment Form' for your consideration.
3. For Pollution Prevention and any consent requirements (separate to planning) you are advised to refer to our 'Developer Guidance' sheet which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities.

### **GCC Local Flood Authority (LLFA)**

*21st July 2015*

I refer to the above application received by the Lead Local Flood Authority (LLFA) on 15th July 2015, for comment on the management of surface water. It is understood that the development is in flood zone 1 but there is not any definite drainage strategy mentioned in the application for LLFA to assess. It is a mandatory requirement to provide sufficient information relating to the proposed surface water drainage strategy and consideration must be given to the provision of a sustainable drainage system.

On the basis of the documentation supplied to Local Planning Authority (LPA) it has not been possible to successfully review this application for the purpose of assessing the adequacy of the surface water drainage system. Insufficient detail has been provided in the applicant's submission and therefore the LLFA objects to the current proposal. We need further information, including the following:

1. Existing drainage survey information, details of diameter of existing pipes and their capacities and discharge points.

2. Please clarify total site area and developable area and topography of the site.
3. As it is a brownfield site LLFA (statutory consultee) recommends flow rate off site should be reduced by 40%.
4. LLFA requires further detail of the proposed outfall from site. It is recommended to conduct Soil Condition Test results BRE 365 /evidence to demonstrate that site is suitable for infiltration to cope with additional runoff due to climate change.
5. Any consideration to flow controls and pollution control devices? How are rates being restricted?
6. Further explanation to show how exceeding events will be adequately catered for and the flow routes on map.
7. Evidences to show if any test done to check the contamination at site and what measures have been taken to counteract this problem.
8. Explanation to show that the SuDS hierarchy has been given consideration.
9. General site levels and finished floor levels of the proposed dwellings.

The LLFA does have standing advice, Flood Risk Assessment Guidance and a SuDS Design and Maintenance Guidance document which can still be applicable in principle for this development. They can be accessed on the following website: <http://www.gloucestershire.gov.uk/extra/sudsplanning>

*23rd September 2015*

I refer to the above planning application, which the Lead Local Flood Authority previously objected to due to insufficient detail provided in the FRA and Drainage Strategy. Following further correspondence with the applicant and their subsequent resubmission of revised FRA it is now confirmed that the revised proposal meets the requirements of a major application for which the LLFA is a statutory consultee.

The LLFA have no further objections to this application based upon the surface water management proposals for the site. Section 5.6 states that during detail design stage drainage strategy could be modified so LLFA would recommend the following condition is given to any approval for the development:

Condition:

Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, sufficient information on how exceeding event will be dealt with and have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Condition:

Prior to the commencement of development details of surface water attenuation/storage works shall be submitted to and approved in writing by the Local Planning Authority. The volume balance requirements should be reviewed to reflect actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied.

Reason: To prevent the increased risk of flooding, It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Foul Water

Please note that proposed foul water is a matter that will be dealt by local sewerage authority and is not therefore considered by Lead local flood authority in this response.

Management and Maintenance Please note that the proposed future management and maintenance of the sustainable drainage system is a matter that will be dealt with by the Local Planning Authority and is not therefore been considered by the Lead Local Flood Authority in this response.

**Land Drainage Officer**

*4th August 2015*

I note the comments made by the Lead Local Flood Authority dated 21st July 2015 and would add the following:

The existing surface water drainage from the site, discharges into a ditch running parallel to the southern edge of the Malvern Road access to the Honeybourne Line (pedestrian and cycle way). This poorly maintained ditch itself discharges into a pipe network, the route and condition of which is unknown. During periods of heavy rain, the ditch and pipe network are often seen to be deficient in their current condition with surface water flowing overland and onto the Honeybourne Line. The Honeybourne Line is susceptible to standing water in this vicinity and therefore, if as proposed, surface water from the new development similarly discharges to the afore mentioned ditch and pipe network, measures should be taken to determine and establish their adequacy.

**Sport England**

*15th July 2015*

Thank you for consulting Sport England on the above application. I can confirm the consultation is statutory and that the consultation was accepted on 14 July 2015

In accordance with paragraph 42 of Circular 08/2005 (Guidance on Changes to the Development Control System), Sport England will respond to this consultation within 21 days of the date of receipt.

However, if insufficient information is received in order to allow us to make a substantive response to the consultation, Sport England will contact you to request further information. The 21 day deadline will not commence until receipt of the additional information.

*25th August 2015* - Thank you for consulting Sport England on the additional information provided by the applicant.

As you may recall, Sport England asked for information relating to three matters in its letter, they were:

- Which community clubs or users currently use the tennis/ netball courts
- When are the tennis/ netball courts used?
- How will the needs of these clubs or users continue to be met on or offsite?

The first two of the above has been addressed in the submitted letter provided by the School. The third point remains outstanding.

Sport England notes the planning history of the site (and planning precedents establish by past consents) but is simply keen to understand they extent to which netball and tennis activity will continue on the site as a result of the proposed development and how it will be reduced. The internal layout plans for the sports hall indicate that neither tennis nor netball

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would be provided in the same quantity as existing, but perhaps the applicant can clarify this.

On receipt of this information, I would be happy to provide swift further comment thereafter.

*3rd August 2015*

Thank you for consulting Sport England on the above named application.

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184).

Sport England is therefore a statutory consultee and has assessed the application in the context of its policy to protect playing fields, 'A Sporting Future for the Playing Fields of England' which accords with paragraph 74 of the National Planning Policy Framework. Essentially, Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or part of a playing field, unless one of five exceptions applies.

A copy of 'A Sporting Future for the Playing Fields of England' which includes the five exceptions can be found at: <http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/>

The application proposes the erection of new sports hall building with new multi-use sport hall and squash courts and ancillary facilities, and also the erection of floodlighting of external hockey pitch. Six tennis/netball courts will be lost as a result of the development. One of these will be replaced indoors, and a single new court will be provided externally.

The proposed floodlighting accords with the following Sport England policy exception:

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

The new sports hall building has scope to accord with the following Sport England policy exception:

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

However, before Sport England can be fully satisfied that the proposed development meets E5 above, it seeks clarity/ information on the impact of the loss of the tennis/netball courts.

Specifically, Sport England seeks to know:

- Which community clubs or users currently use the tennis/ netball courts?
- When are the tennis/ netball courts used?
- How will the needs of these clubs or users continue to be met on or offsite?

Upon submission of the above information by the applicant to the local planning authority, Sport England would like to be further consulted and would like to comment further.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We

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would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

2nd October 2015

Thank you for consulting Sport England on additional information and revised plans submitted as part of the above application for planning permission.

The additional information and revised plans comprise:

- Justification Statement - Health and Fitness Centre, by the Principal, dated September 2015
- Site Location Plan - Existing Site Layout (drawing numbered 7554 SK005 Rev C)
- Proposed Site Plan (drawing numbered 7554 SK010I)
- Proposed Lower Ground Floor Plan (drawing numbered 7554 SK011H Rev H)
- Proposed Upper Ground Floor Plan (drawing numbered 7554 SK012H Rev H)

In its first response to consultation on the application, Sport England advised that the proposed floodlighting would fulfil the circumstances described in exception E2 of its Planning Policy Statement. That is to say:

*'The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.'*

It added that the new sports hall had the potential to fulfil the circumstances described in exception E5 of the same Statement. That is to say:

*'The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.'*

However, in order to determine whether or not that was the case, clarification was sought over the impact of the development on the loss of existing tennis/netball courts.

From a letter dated 6 August 2015, by the College's Finance Director, it is understood that the needs of current community users of the courts that would be lost would continue to be met at Well Place.

Sport England has considered the additional information and revised plans and is satisfied that the proposal fulfils the circumstances described in exception E5 of its Planning Policy Statement and the third bullet point in paragraph 74 of the National Planning Policy Framework. This being the case, Sport England does not wish to raise an objection to this application.

The absence of an objection to this application in the context of the Town and Country Planning Act, does not in any way commit Sport England or any National Governing Body of Sport to support any related application for grant funding.

Sport England would appreciate being notified of the outcome of the application in due course by way of a copy of the decision notice.

If you would like any further information or advice please contact the undersigned at the address below

### **Wales and West Utilities**

*31st July 2015*

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.

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

*23rd July 2015*

Available to view online

### **Cheltenham Civic Society**

*14th August 2015*

This will have minimal impact on Malvern Road or the Honeybourne Line. It represents appropriate provision of the comprehensive facilities they need.

### **Architects Panel**

*3rd June 2015*

Comments received in connection with the pre-application:

This proposal for a new sports hall and associated accommodation for pupils and private members has been subject to consents in both 1998 and 2011. The current scheme represents a reduction in footprint over the 2011 approval but is slightly higher. The architect demonstrated that height had been reduced as part of the design process and it was generally felt that given the relatively hidden nature of the site, height was not necessarily an issue and that the scheme sat well within the context of the existing buildings and landscape.

A number of public consultations have been held and feedback was generally positive although comments were received regarding the proposed wind-catchers. The panel did not share these concerns and suggested that it might be interesting to make even more of

a feature of the wind catchers, perhaps echoing architectural features on the existing buildings such as the dome.

Aesthetically, the least successful elevation was the gable facing the sports pitch; however, it was noted that this would be fairly well screened by the ancillary accommodation and not subject to public views. The main longitudinal elevation was well composed and worked well with its context.

Overall, the panel felt that this was a well-considered scheme and an improvement over the previous approval and would therefore support an application on this basis.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	7
Number of objections	6
Number of supporting	0
General comment	1

**5.1** The Council has received a number of very detailed representations and objections to the application. The issues raised are summarised below and a full copy of the representations is appended to this report.

- The new sports hall is too high and will spoil views of the Malvern Hills and countryside.
- The building is unnecessarily bulky. The height of the sports hall is unjustified.
- Resulting harm to the Conservation Area. The proposal conflicts with the Lansdown Character Area Appraisal.
- The proposed floodlighting is too close to neighbouring properties. Harmful impact on neighbours' enjoyment of their properties. Noise disturbance. Loss of privacy. Detrimental to mental health.
- The lighting calculations do not take account of bad weather, rain, mist and reflection from the pitch. Questions the accuracy of the lighting calculations.
- Questions the suitability of the lighting levels for hockey.
- Insufficient information has been provided on the specification of the lighting.
- Lighting detrimental to wildlife.
- Conflict with neighbours' human rights.
- There is no need to floodlight the old astro turf pitch because there is an existing floodlit pitch which is not used regularly.
- Inaccuracies with the plans.
- Inaccuracies in the Heritage Statement.
- Noise disturbance from activities going on after dark. Noise from coaches on Christ Church Road.
- Additional traffic. Insufficient parking.
- The hockey pitch is prone to flooding.
- The proposals are in conflict with the NPPF, draft Joint Core Strategy and draft Cheltenham Plan.



## 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 the Government's national planning policy. The NPPF sets the weight to be attached to existing Local Plan policies. Paragraphs 214 and 215 state that where a Local Plan has not been adopted in accordance with the Planning and Compulsory Act 2004 – as is the case for the Cheltenham Borough Local Plan – weight should be afforded to Local Plan policies in proportion to the degree of consistency with the NPPF.

6.5 The Cheltenham Local Plan was adopted in accordance with pre-2004 legislation and therefore only policies which accord with the NPPF carry significant weight. Where the Local Plan is not in accordance, or is silent, then the NPPF prevails.

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

- (i) The need for the development
- (ii) The effect of the proposal upon local heritage assets
- (iii) Impact on trees
- (iv) Impact on neighbouring property
- (v) Access and transportation
- (vi) Drainage
- (vii) Ecology
- (viii) Other matters

### 6.7 The need for the development

6.8 The application is supported by a justification statement prepared by the College. The statement is summarised as follows.

#### Background

6.9 Cheltenham Ladies College was founded in the 1850s. It currently enrolls 850 girls who are taught at a 9 hectare site in a central position within the town. There are over 600 boarders and around 200 day pupils (an 80:20 split).

6.10 The playing fields and sports complex is a minimum 10 minute walk from the teaching campus. The girls are required to change at their boarding houses *en route* as there are no mass centralised changing facilities available.

#### Economic context

6.11 The College currently employs over 600 people. It directly contributes around £17 million to the local economy each year.

6.12 The College is renowned as one of the world's leading schools. Nationally, there has been an upward trend in the number of pupils attending independent schools over the past 30 years. However, there has been a substantial fall in the number of boarders over the same period. The College needs to invest in its facilities in order to remain competitive.

### Social factors

**6.13** The College is passionately committed to promoting the health and wellbeing of its pupils, and to encourage a life-long commitment to healthy exercise. The College wants to provide for all, whatever their sporting abilities. The College emphasises flexibility and versatility, and is aiming to improve the following areas:

- Enhancing dry, lit facilities by extension of space
- Providing additional floodlighting on the outside all weather surfaces
- Providing a long-term base for rowing

**6.14** As well as sport and leisure, the brief for the new facilities also includes:

- Disaster recovery facilities away from the teaching site
- A second server room for IT
- Improvement to the College laundry facilities (house-based laundry is unviable)
- Potential for public exams
- Improved systems for segregating college and member use

**6.15** The College surveyed its pupils in 2014, the results of which demonstrated support for improved sporting and leisure facilities. 76% of girls aged 11-14 stated that fitness was important to them. This increased to 87% for the 15-18 age group. There is a growing trend for fitness/relaxation/wellbeing/activities alongside more traditional sports.

**6.16** The proposals will significantly improve the accessibility and quality of sporting and leisure facilities at the College.

### Current problems/challenges

**6.17** The proposals will ensure that all lessons can continue as per the normal timetable without disruption by the weather or when ground is frozen. This will lead to better teaching and wider range of activities.

**6.18** Matches will not have to be rescheduled or cancelled. Other sports clubs will also not have to be displaced during bad weather conditions.

**6.19** There will be an extended and improved fitness suite which will remove the need for queuing. Increased space will improve facilities. Provision of a bespoke fitness studio, which currently does not exist.

**6.20** The existing squash courts leak and are in poor condition. There is also currently a shortage of courts.

**6.21** Existing spectator facilities are below standard. The new function room will provide an impressive space for hosting mid-week teas, receiving staff and parents, as well as transforming the spectator experience.

### Environmental

**6.22** Significant commitment to noise abatement and acoustic dampening to meet the needs of exam use.

**6.23** Some green energy capture. Low carbon footprint with girls walking to facilities. Improved cycle parking facilities.

### Need for flood lighting

- 6.24** The College cites significant benefits to tennis, netball, badminton, trampolining, volleyball, basketball, hockey, lacrosse, football, cross-country training and training for competitive fixtures.
- 6.25** Previous applications for floodlighting the tennis and netball courts at the College's nearby Wells Place site were refused. The after school tennis coaching programme currently has to stop during winter months. With the new flood lighting, the tennis coaching programme could take place all year around. Netball also currently has to take place indoors during winter months. There is currently only one court and four teams often have to share it.
- 6.26** Badminton is currently displaced completely during dark months. This is also the case for trampolining, volleyball and basketball.
- 6.27** During dark months, there can be serious health and safety issues for playing hockey, lacrosse and other hard ball games even after 3pm in poor weather conditions. Lessons are sometimes cut short and have to become theory based instead.
- 6.28** Some team sports currently have to share a pitch which means that training is not carried out on full-size pitches and does not recreate match conditions.
- 6.29** Cross country and running exercise can also better and more safely take place under floodlighting during dark months.
- 6.30** Unusually, the College runs all three team sports (hockey, netball and lacrosse) during the winter. This is necessary because of the large size of the college. Many schools only operate one team sport for a given winter period – this works for them because they are either smaller or co-ed with a smaller pool of girls. If the College did not operate three winter team sports at once then many girls would lose out on competitive sports.
- 6.31** Typically, around 300 of 850 girls represent the College in competitive teams each week. They need to train as a team if they are to be competitive, which places extra demand on facilities. Currently, many squads have to share pitches. The floodlighting of the second hockey pitch would therefore have invaluable benefit in terms of better re-creating match day conditions and providing a greater number of girls with competitive team opportunities. The current situation is that hockey and lacrosse training continue outside in the wet and cold conditions, unless extreme conditions prevail. Netball courts become slippery and dangerous sooner, and lacrosse only comes indoors when the groundsman decrees the pitch as very waterlogged. Therefore, light tends to be the dominant factor more than rain and cold.

### Timing

- 6.32** The project has an 18 month timeline. Construction needs to start in March (Easter) so that only one winter cycle is affected by construction (the summer months are lighter and the weather better which allows greater flexibility in providing sporting activities).
- 6.33** A March commencement also means that the facilities could be open in time for September 2017 and the start of the academic year. A later autumn commencement could potentially disrupt three or four winter teams which would have a significant impact.

### "Do nothing" scenario

- 6.34** The proposals are required to maintain the College's reputation as a leading world school. It is not possible to relocate or split the facilities. It is not a viable option for the College to do nothing and not proceed with the proposals.

**6.35** The consequences of a “do nothing” approach are as follows:

- Increased competition in the private education sector would make the College a less attractive option for parents
- Other schools in the sector have or are improving their health and fitness facilities
- The project is a long identified priority for the College. It is a more versatile, holistic and future-proof option than the elite-tennis proposals previously approved
- There is no reason why health, fitness, sport and wellbeing offerings should be at a lower level than the College’s competitors; and
- Failure to address the operational needs of the College now will, in time, diminish the standing of the school on the world stage. This would negatively impact on pupil numbers and the financial security and viability of the school.

**6.36** Officer conclusions on need

**6.37** It is clear that there is a very real need for the new sports hall and floodlighting by the College. The significant investment in the project should alone demonstrate the marked need for the proposals.

**6.38** The applicant’s Design & Access Statement states that the ‘...existing indoor facilities have insufficient capacity to meet current and projected future requirements for pupils to participate’. (par. 1.1) The proposals seek to redress this deficiency.

**6.39** The project is very important to the quality of teaching, the fitness and wellbeing of the pupils and the competitiveness of the College in the market place. In turn, there are economic and social wellbeing benefits to the town. These are very important material considerations in support of the proposals.

**6.40** The proposals would consolidate and enhance existing sports and leisure facilities on the existing sports campus. There are no in principle objections to the nature of what is proposed, or conflict with strategic planning policy. The acceptability of the proposals should therefore turn on consideration of the planning issues discussed below, whilst balancing the need and benefits of the proposals as set out above.

**6.41 The effect of the proposal upon local heritage assets**

The character and appearance of the Conservation Area

**6.42** The site is located within the Central Conservation Area. The statutory test is that proposals should either preserve or enhance the character and appearance of the Conservation Area.

**6.43** From a design impact point of view, there are four main aspects to the proposal. Firstly, the new sports hall. Secondly, the landscaping changes around the sports hall/swimming pool buildings, including the alterations to the access onto Malvern Road. Thirdly, the removal of the laundry building attached to Glenlee boarding house. Fourthly, the installation of the new floodlighting.

i) New sports hall

**6.44** The Council has already accepted the principle of a new sports hall in this location through the granting of the previous planning permission, 11/01125/FUL. That permission remains extant until October 2016 and in terms of assessing the impact of the current proposals, is a fall-back.

- 6.45** The existing permission is for a building designed for elite tennis. It is slightly lower than the sports hall currently proposed but wider. It has a barrel vaulted roof spanning east-west rather than north-south and has a different architectural design.
- 6.46** The existing buildings are set within spacious sports grounds. The site of the new sports hall is on the whole generally well self-contained. It is largely screened on its north side by a line of mature trees and hedgerow alongside the Honeybourne line, which shield the proposed sports hall from this direction. To the east from Malvern Road the new building would be masked by the existing sports hall and swimming pool buildings, located in between. To the west there is significant separation to the houses on Eldorado Crescent with some 220 metres or more of playing fields between the new sports hall and housing. To the south, there are medium distance views of the site from Christ Church Road although these are largely limited to within gaps between buildings.
- 6.47** The design of the new sports hall is largely influenced by function. It generally follows the linear form of the existing sports buildings and would physically link with the existing sports hall. Its barrel-vaulted roof has the same orientation as the swimming pool building to provide continuity. The new building is slightly lower than the existing sports hall. Its roof is quite utilitarian in appearance, metal clad and would have wind catchers to provide natural ventilation. The roof has been lowered in height during the pre-application consultation process and the number of wind catchers reduced – both these design changes are welcomed.
- 6.48** The building is to be faced in grey coated steel cladding with stone aggregate blockwork for the lower sections. It would have a pre-weathered aluminium standing seam roof. Windows would be powder coated aluminium. The architects say that there is a commitment to good quality materials throughout. A schedule of materials has been provided and it will be important to ensure that appropriate roof and facing materials are used. Samples can be secured by condition.
- 6.49** The massing of the building is broken up by a wrap-around lower section to the side of the building, which would be clad in the stone aggregate blockwork. This would help to give the building a more human scale and reduce its overall impact. It also provides visual connectivity with the existing sports hall with the wrap-around section extending in front of the existing sports hall. The visual cladding of the flank of the existing building is welcomed as this is currently not particularly attractive. The proposals would much improve the entrance to the new/existing sports hall buildings.
- 6.50** Aesthetically, the proposed building is not considered to be quite as attractive as the previous approved scheme. That scheme appeared lower and more streamlined with perhaps a more contemporary feel overall. The massing of the roof was not as great by reason of being lower but also because of its roof spanning east-west, thereby lessening its impact when viewed from Christ Church Road.
- 6.51** Nevertheless, the current proposal is considered to demonstrate good architectural design. Its increased height and mass and slightly more functional form are a result of the need to accommodate a range of different sports and leisure uses, rather than just tennis, which the previous building was tailored for. It is noteworthy that the new design has the support of the Architects Panel.
- 6.52** The key issue in terms of the impact on the Conservation Area is considered to be the impact on views from Christ Church Road to the south east. A number of local residents are particularly concerned about the massing and height of the building and the impact that it would have on the Conservation Area and long distance views of the Malvern Hills to the north. The Council's Landscape Architect shares some of these concerns. However, it is of note that the Conservation Officer is much less concerned and does not believe this to be a critical issue in terms of impact on the Conservation Area.

**6.53** The Central Conservation Area is divided into a number of character areas. The site is within and adjacent the Eldorado and Lansdown character areas. The Eldorado Character Area Appraisal identifies a key view/vista across the site from Christ Church Road, near to the junction with Douro Road. This is through a small gap between buildings where the College's car park is located. Paragraph 5.27 states:

*'The Ladies' College playing field occupies a large plot of land to the north of the Eldorado character area. The private playing field creates a sense of space, although it is generally well concealed from public views. Attractive long distance views of the countryside are permitted across the field through gaps between buildings and trees on Christ Church Road (in Lansdown character area) and Eldorado Crescent.'*

**6.54** "Action EL7" of the associated management plan confirms that the setting of the Eldorado character area is very important. Development should respect the important views within, into and from the character area. The Council will ensure that these are protected from inappropriate development and that due regard is paid to these views when public realm works are planned.

**6.55** A similar key view/vista is shown in Lansdown Character Area Appraisal. Paragraph 2.7 notes that views of the Malvern Hills '*...presented from open gaps between buildings create a rural connection between the countryside and urban area. These long distant views of the far away hills in turn reinforce and enhance the spacious character of the area, and provide a rural backdrop for some of the set pieces of architecture such as the spire of Christ Church.*'

**6.56** "Action LD7" of the documents management plans also refers to the importance of the setting of the Lansdown character area. Development should respect the important views within, into and from the Lansdown character area. The Council will protect these from inappropriate forms of development.

**6.57** The proposed sports hall will have some impact on views of the Malvern Hills and wider countryside from the Conservation Area. This impact will be confined to a section of Christ Church Road of approximately 140 metres in length, broadly between Nos. 7 to 33 Christ Church Road.

**6.58** Importantly, such views would largely be impacted by the sports hall already granted in 2011 were it to be built. The Council accepted then that such visual impact would be acceptable. The proposed sports hall would be 12 metres in height – around 2.3 metres taller than the previously approved scheme. The new sports hall would have a greater visual impact on long distant views – in some cases eliminating views of the Malvern Hills when it might have been possible to see glimpses of the top of them with the approved scheme. In other views, the building would reduce the level of visibility of the surrounding hills. The north-south orientation of the barrel vaulted roof would also have a greater visual impact than the approved scheme.

**6.59** However, given the comparative large scale of the building and its significant distance from Christ Church Road at around 145 metres, the overall impact of the proposed building is unlikely to be substantially different than the approved scheme. Moreover, views from Church Road of the Malvern Hills and distant countryside tend only to be fleeting. No major public vistas would be affected. The impact of the proposed sports hall on the Conservation Area over and above the approved building would therefore be limited.

**6.60** The proposals involve the removal of the 1970s squash court building, which is unattractive, dated and said to be in poor condition. The removal of this building is welcomed as it is currently seen in the foreground of the sports hall buildings when viewed

from Christ Church Road. The existing squash courts detract from views across the sports complex from Christ Church Road and in this regard the proposals would bring about a moderate improvement to the character and appearance of the Conservation Area.

**6.61** Returning to the new sports hall, it is concluded that this would have a slight negative effect on the character and appearance of the Conservation Area by reason of interference with some limited long distant views of the Malvern Hills and surrounding countryside. This impact has to be weighed against the positive benefits that the sports hall would have for the College as set out previously.

**6.62** When balancing these competing issues, it is considered that greater weight should be afforded to the marked benefits of the scheme to the College given the limited extent to which the building would impact overall on the Conservation Area.

**6.63** It should be noted that during discussions, the applicant was asked to consider reducing the height of the building or lowering into the ground to address the long distance landscape concerns. However, the applicant says that they have reduced the height of the building as far as practicable. The height has already been reduced following concerns raised by local people at the pre-application stage. The applicant has ruled out lowering the building into the ground due to prohibitive costs and because it would significantly compromise the internal floor levels and disabled access.

**6.64** The height of the sports hall is largely dictated by the requirement for minimum clearance of 9.0 metres above the net for tennis. This level of clearance is recommended by the British Lawn Tennis Association (10.67 metres is the standard for international tennis). The applicant confirms that the desire for an attractive building was also motivation for the height. If the requirement for tennis was removed then the building could theoretically be lowered and given a flat roof. However, the applicant wished to avoid a flat roofed industrial "shed" like building. They believe that the proposed design is aesthetically a much better solution.

ii) Landscaping changes

**6.65** The proposed landscaping changes around the sports buildings will in the main not be visible from the public realm. The most publicly visible changes would be to the car park and widening of the entrance gate piers next to Malvern Road. The Conservation Officer is satisfied that the revised plans address their initial concerns about the prominence of bin storage by relocating bin storage to the existing bicycle storage building. In respect of these aspects of the proposals, the character and appearance of the Conservation Area would be preserved.

iii) Removal of laundry building

**6.66** The existing laundry building is a later and unsympathetic addition to Glenlee. Its removal would be a heritage gain, improving the setting of Glenlee. It is important that exterior facing is made good following removal and this can be secured by condition. The character and appearance of the Conservation Area would be modestly enhanced.

iv) Floodlighting

**6.67** The proposed floodlighting of the hockey pitch would have two principal impacts. Firstly, the physical impact of the lighting columns themselves. Secondly, the impact of actual illumination.

**6.68** The proposed floodlighting comprises six lighting columns. These would be regularly spaced, three each side of the hockey pitch at the corners and centre. The columns would

be 15 metres high when operational and would have an automated lowering mechanism that would reduce them to 4.5 metres in height when not in use.

**6.69** The College is proposing to operate the lighting during the following hours only:

Monday to Friday	15:00	to	1900	hours
Saturday	15:00	to	18:00	hours

The floodlights will not be illuminated on Sundays or Bank/Public Holidays

**6.70** Outside these hours, as well as when the floodlighting is not in use, the columns would be retracted to 4.5 metres. In practice, the floodlighting is likely to be mainly used between October and March.

**6.71** When retracted, the impact of the columns on the Conservation Area will largely be limited. The lowered columns will be visible from within the College grounds and several adjacent properties on Christ Church Road. There may also be limited views of the columns from Christ Church Road between properties. When fully erected to 15 metres, the columns will be significantly more visible. Section drawings provided with the application show the columns to be taller than the adjacent dwellings, Nos. 15 and 17 Christ Church Road, which are themselves substantial townhouses.

**6.72** This impact has to be set against the fact that the columns would be viewed in the context of the wider playing fields. In 1996, there was an appeal against the decision of the Council to refuse planning permission for floodlighting of the same hockey pitch including 8 no. retractable 12 metre columns (95/00342/PF). The Inspector raised no concerns on grounds of impact on the character and appearance of the Conservation Area. The Inspector stated: *'Having regard to the established use of the character of the college sports field, the character of surrounding land uses, the proposed positions of the floodlights and their height when extended and retracted, it is my opinion that the proposal is acceptable in terms of the character of the Conservation Area.'* Although the scheme physically differs from the appeal proposal by proposing 6 no. 15 metre columns (instead of 8 no. 12 metre columns), the Inspector's conclusions remain important.

**6.73** As the Inspector pointed out, it would not be out of character to see floodlight in playing fields or school grounds. The columns will be fully erected for only part of the time – up to 4 hours on a weekday and three hours on a Saturday. The floodlighting will only be required during darker months, most likely between October and March.

**6.74** The second issue is the impact of the illumination on the character and appearance of the Conservation Area. Again, having regard to the Inspector's conclusions, it would not be out of character for a sports field to be illuminated. The principle of illumination is not therefore considered to be a critical point. Instead, the key issue is the extent to which the illumination will affect the character or appearance of the Conservation Area. The College, with advice from its lighting consultants, has sought to limit the visual impact of the lighting insofar as possible. This point is considered in particular depth in the next section of this report. The technical information provided with the application, as accepted by the Council's Environmental Protection Officer, suggests that the visual impact would be contained within the sports ground and would not have a significant wider impact. The Inspector did not object to the appeal proposal on grounds of impact of the illumination on the Conservation Area and that was for a scheme with a larger number of floodlights.

**6.75** It is again necessary to balance the competing issues. The lighting columns when fully erected and illuminated would have a negative impact on the character and appearance of the Conservation Area. The floodlighting would therefore fail to preserve or enhance the character and appearance of the Conservation Area. However, it is considered that the level of harm would not be significant and would be time limited. The impact would be



outweighed by the greater benefits of the floodlighting to the College. The effect of the floodlighting on the Conservation Area is therefore considered acceptable.

### Setting of Christ Church and buildings of local importance

- 6.76** The proposed lighting columns, when fully erected, would impact on the setting of Christ Church, the impressive Grade II\* Listed Church located to the east on the junction of Malvern Road with Overton Road. The columns would be seen in front of the Church in longer distance views from Eldorado Crescent.
- 6.77** However, these views of Christ Church are in the main restricted by a tall hedge on the boundary of Eldorado Crescent and College grounds. Therefore, it is considered that the impact of the extended lighting columns on public views of the Grade II\* Listed Building would be limited. The benefits of the floodlighting are considered to outweigh the limited impact that the lighting would have on the setting of the Listed Building.
- 6.78** The rationalisation of bin storage at the frontage of the site with Malvern Road is welcomed and the removal of the modern laundry building would be an enhancement to the setting of Glenlee. In these respects, the proposals would have a positive effect on these buildings of local importance.

### **6.79 Impact on trees**

- 6.80** The Tree Officer offers no objection. The Tree Officer has recommended a condition requiring tree protection measures during construction and a condition is recommended in the event that planning permission is granted.

### **6.81 Impact on neighbouring property**

#### New sports hall and landscaping proposals

- 6.82** The proposed sports hall and landscape changes around the swimming pool/sports hall will not adversely affect the living conditions of adjacent buildings and property. The sports hall would be too far away from neighbours at around 100 metres from the nearest residential houses on Christ Church Road. The proposed landscape alterations are by their nature relatively low impact.

### **6.83 Installation of floodlighting**

- 6.84** The main issue with regard to impact on neighbouring property is the effect of the new floodlighting. There are three main issues to consider in this regard. Firstly, the impact of the lighting columns themselves on the amenities of local people – both when fully erected and retracted. Secondly, the impact of the illumination. Thirdly, the noise associated with the increased use of the hockey pitch during winter months as enabled by the new floodlighting.

#### *Impact of the columns*

- 6.85** As previously mentioned, the lighting columns will be 4.5 metres high when retracted and 15 metres when fully extended. There will be six lighting columns in total; four to each corner of the hockey pitch and two to either side of the centre of the pitch.
- 6.86** The hockey pitch is situated at the rear of a number of properties on Christ Church Road, located to the immediate south east. Those properties are on higher ground than the hockey pitch – the ground falls in a north westerly direction from Christ Church Road towards the site. The hockey pitch is then sunken slightly into the ground. The bottom of the columns will be set at the level of the pitch. The changes in levels and relationship

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between Nos. 15/17, 23 and 29 Christ Church Road and the hockey pitch are shown in section form in drawing numbers 7554/SK065 and 7554/SK066.

- 6.87** The closest columns to the neighbouring properties will be the three columns on the south east side of the hockey pitch. The most north easterly column will be situated adjacent the end of the rear garden of No. 15 Christ Church Road, a private house. The central column on this same side of the pitch would be adjacent the rear of No. 23 Christ Church Road ("Roderic"), a College boarding house. The most south westerly column would be positioned next to the rear of No. 29 Christ Church Road, which is understood to be a preparatory boarding house (separate to the College).
- 6.88** Dealing with the columns retracted to 4.5 metres first. The impact of the retracted columns on Nos. 23 and No. 29 is not likely to be significant given their quasi residential/educational use. In the case of No. 29, there is a tall hedgerow/mature trees providing additional screening. No. 25, which is understood to comprise private flats, is off-set from the south western and central columns. The impact on No. 25 would also unlikely be significant.
- 6.89** The greatest impact would be on Nos. 15 and 17, a pair of semi-detached houses. These properties are situated closest to the north eastern column and, in the case of No. 17, the rear of the property would have a direct outlook towards this column. Objections have been received from both these neighbours. This column is likely to be an annoyance to these neighbours being only 5 metres from the boundary. Lighting columns are by their nature not attractive and collectively the columns would add a sense of visual clutter to the area. That being said, as previously been mentioned it would not be out of character for lighting columns and other such paraphernalia to be found at playing fields and sports pitches. Whilst it would certainly be preferable from an amenity point of view for the lighting columns not to be there, it is considered that the columns when retracted would not seriously affect the overall living conditions of these neighbours.
- 6.90** Drawing number 7554/SK065 shows the lighting columns when fully extended to 15 metres and the relationship with Nos. 15/17, 23 and 29. There is no doubt then when fully erected the height of the lighting columns will be substantial. The section drawings show that the columns would be higher than all of these buildings, including Nos. 15/17 which are the tallest of these adjacent buildings.
- 6.91** The extended columns would be visually unpleasant to the residential neighbours, Nos. 15 and 17. They would dominate the outlook from their rear gardens in very close proximity. The distance from the column to the end of the rear garden of No. 17 would be 5 metres. There would only be a 1.8 metre hedge/wall between the two. The distance to the rear of the house would be 25 metres.
- 6.92** This nearest column would have a significant impact on the amenity and outlook of Nos. 15 and 17. However, regard is had to the fact that the columns would not be permanently extended. The columns would only be permitted to be extended to full height between 15:00 and 19:00 hours during weekdays, until 18:00 hours on Saturdays and at no time on Sundays or Bank/Public Holidays. Even then the columns will only be extended and used during darker months, most likely between October and March.
- 6.93** Given that the amount of time that the columns would be extended would be limited, and bearing in mind the significant benefits that the lighting would bring to the College, it is considered that the benefits of the lighting would outweigh the temporary harm that the extended columns would have.

### *Impact of the illumination*

- 6.94** The second issue relates to the effect of the actual illumination on the amenities of neighbouring property. It is considered that the properties most susceptible to impact are Nos. 9, 11, 15, 17 and 25 Christ Church Road.
- 6.95** As mentioned, planning permission was refused at appeal for floodlighting of the same hockey pitch in 1996. Some of the objections specifically refer to this appeal.
- 6.96** The 1990s scheme differed from the current proposal in proposing illumination up to 20:30 on weekdays, 20:00 on Saturdays and 19:00 on Sundays. Eight lighting columns were proposed at a height of 12 metres (instead of six columns at 15 metres proposed by the current application).
- 6.97** In dismissing the appeal, the Inspector noted that: *'Whilst I accept that the intervening trees and rear boundary hedge would likely reduce the effect of light spillage, it is my opinion, however, that even with an average of 4.5 lux in close proximity to the dwellings, the rear gardens and rear elevations of the nearest properties in Christ Church Road would be subject to a noticeable increase in the level of illumination when compared with the present levels in the rear elevations, including bedrooms on upper floor, the 8 floodlights around the hockey pitch would create an illuminated background of considerable length and height, despite the trees and hedges near the pitch. Accordingly, I consider that the living conditions at present enjoyed by the occupiers of these properties in Christ Church Road would be significantly and adversely affected.'* (par. 11, Inspectors decision).
- 6.98** The Inspector was also concerned about noise: *'Furthermore, this increase in the hockey playing period, of the order of 33 hours, would extend into the hours of darkness on winter evenings. As pointed out by the Council, training and competitive matches generate a high level of verbal noise, with spectators, coaches and other players watching the match in progress, in addition to noise generated by the teams using the pitch. I consider, therefore, that the increase in the playing field hours on the hockey pitch which would be permitted by the proposed floodlights on winter evenings would result in significant disturbance due to noise for residents in properties in Christ Church Road adjoining the college sports field, particularly in those properties near to the hockey pitch.'*
- 6.99** The current application is supported by a Lighting Impact Study, prepared by a specialist lighting consultant on behalf of the College. The Study takes a precautionary approach, categorising the site as Zone E2rural, despite its urban environment. This is because of the relatively low current level of illuminance of the area.
- 6.100** The proposed lights are designed to reduce upward waste light and overspill. Additional spill screening is to be provided to control rear scatter. The lighting contours indicate the maximum vertical illuminance projected towards the nearest residential property is below 5 Lux. The Study concludes that the lighting will fully comply with the Institute of Lighting Professional's recommendations for a rural environmental Zone E2 for both maximum vertical illuminance and source intensity.
- 6.101** The Council's Environmental Protection team has considered the proposals and offers no objection to the application. It raises no concerns about the conclusions of the Lighting Impact Study. When comparing the current proposal with the 1990s scheme, it is important that the operating hours of the floodlighting have been reduced. The new cut-off period is 19:00 hours on weekdays (and 18:00 hours on Saturdays) with no floodlighting on Sundays. In relative terms, this is considered to be a marked reduction from the operating hours proposed by the 1990s application. With the floodlighting restricted to 19:00 during the week, activities would cease early evening and would not continue until mid-evening. The proposed operating hours are not considered to be anti-social. The number of lighting columns has also reduced from eight to six.

**6.102** Having regard to the technical information provided with the application and the advice from the Environmental Protection team, it is concluded that the impact of the illumination would not be significant. Regard is had to the benefits of the floodlighting as put forward by the College. In considering these issues in the round, it is concluded that the proposed floodlighting would be acceptable.

### *Noise impacts during illumination*

**6.103** The floodlighting would allow the hockey pitch to be used for sporting activities by the College during darker months and not just during the summer and lighter periods of the year. The proposal would not substantially change the nature of activity other than the fact that activities would be able to take place all-year around rather than limited to the summer and other times of the year when there is sufficient natural light to use the hockey pitch. The more limited hours of use proposed by the current application are considered to address the concerns about noise raised by the Inspector in the 1996 decision.

**6.104** The playing fields and pitches are for school use although it is understood that there is occasional use by non-school groups, particularly over the summer. The Environmental Protection Officer would prefer the use of the hockey pitch (when illuminated) to be limited to College use only as activities are likely to be better managed. It should be made clear to Members that the proposal before the Council is for floodlighting and not for a change of use of the hockey pitch beyond school use. Nevertheless, the applicant would accept a condition to prevent use of the hockey pitch when illuminated for non-school uses. It would be unreasonable to extend this to periods when the hockey pitch is not illuminated because this would fetter the College's existing limited rights for wider use beyond school-use.

**6.105** Some local residents have expressed concerns about noise from hockey balls hitting the back boards on the perimeter of the hockey pitch. The applicant has agreed to implement sound-proofing to deaden the noise from impact. This can be secured by means of condition and would be a gain all-year around, and not just during winter months.

### **6.106 Access and transportation**

**6.107** The Highway Authority offers no objection to the proposals. The new sports hall is intended for use by the College only and additional traffic would likely be minimal. The means of access to the site is considered acceptable and the widening of the access onto Malvern Road should improve highway safety.

**6.108** The applicant confirms that the Transport Assessment which supports the application considers peak traffic flows. The proposals will not themselves affect peak traffic flows and no significant concerns are identified by the report.

**6.109** Further to its original consultation response, the Highway Authority has agreed to lower the requirement for on-site covered bicycle parking from 60 spaces to 40 spaces. The applicant has agreed to this level of provision and a condition is recommended to secure these facilities where planning permission is granted.

**6.110** No severe highway impacts are identified.

### **6.111 Drainage**

**6.112** Gloucestershire County Council (as lead local flood authority) offers no objection on drainage grounds following the submission of further information from the applicant. The detailed drainage proposals should be secured by condition.

**6.113 Ecology**

**6.114** No harmful impacts on ecology are identified.

**6.115 Other matters**

**6.116** A resident is concerned that the proposals would breach their human rights, namely Articles 1 and 8 of Protocol 1 of the Human Rights Act 1998. The planning system is very much about balancing public and private interests. An interference with human rights is permissible by law where intervention is proportionate to the harm caused. In the case of the proposals, it is considered that the benefits to the College outweigh the limited impact that the proposals would have on the amenities of local people. Therefore, it is considered that the granting of planning permission would not conflict with the Human Rights Act.

**6.117** In response to objectors concerns that the lighting would not be fit for purpose, the applicant has confirmed that the proposed level of illuminance of 300 lux complies with the latest standards for hockey and other sports. According to the applicant, the provision of asymmetrical lighting is not an issue and is typically used for televised sports, including sports at Wembley stadium, the Millennium Stadium and World Cup soccer.

**7. CONCLUSION AND RECOMMENDATION**

**7.1** The proposals include the provision of a new sports hall and floodlighting of a second hockey pitch for Cheltenham Ladies College. The College has clearly set out why they are requirement. The proposals would have significant benefits to the College including the enhancement of teachings facilities, promoting the health and welfare of its pupils, and supporting the viability of the College into the future.

**7.2** The new sports hall and floodlighting will impact on local heritage assets. The site is within the Central Conservation Area. The floodlighting would have a limited impact on the setting of Christ Church – a Grade II\* Listed Building – and would enhance the setting of two local important buildings belonging to the College.

**7.3** The new sports hall is sizeable but its wider impact would be limited because of its location and spacious setting of the College grounds. The sports hall would diminish some long distance views of the Malvern Hills from Christ Church Road. However, these views are limited from the public realm and are glimpses between buildings rather than affecting major public vistas. These impacts have to be weighed against the significant benefits that the sports hall would have for the College. The overall impact on the Conservation Area would be limited and would be outweighed by the overriding benefits to the College.

**7.4** The new floodlighting would have some adverse impact on the Conservation Area. The 15 metre lighting columns when fully erected would be substantial and, together with their illumination, would likely have some negative effect on the character and appearance of the Conservation Area. However, the applicant has sought to reduce these impacts as far as possible and they would likely be limited. Again, the benefits of the proposal are considered to outweigh the impacts.

**7.5** The lighting columns when fully erected would be visually harmful to the amenities and outlook of the nearest residents, principally Nos. 15 and 17 Christ Church Road. However, the times in which the columns can be fully erected would be limited, both in terms of hours of operation and seasonality. When considered in the context of the benefits of the floodlighting to the school, the impact is considered acceptable.

- 7.6 The applicant has provided technical evidence to demonstrate that the illumination will not harm the living conditions of nearby residents. The Environmental Protection team has considered this evidence and offers no objection to the proposal on amenity grounds.
- 7.7 In conclusion, this application presents a number of competing issues that have to be balanced against each other. For the reasons set out in the report it is considered that benefits of the proposals outweigh the limited likely negative impacts.
- 7.8 Delegated authority is sought to approve the application with conditions.

## 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 7554/SK06, 7554/SK08, 7554/SK012 G, 7554/SK046, 7554/SK047, 7554/SK048, 7554/SK049 received on 06 July 2015; drawing number 7554/SK064 received on 11 August 2015; drawing numbers 7554 SK005 C (site location plan) received on 26 August 2015; drawing numbers 7554/SK010 I, 7554/SK020 G, 7554/SK021 F, 7554/SK022 F, 7554/SK029 A, 7554/L(9)040, 7554/SK065 A and 7554/SK066 A received on 07 September 2015; and drawing numbers 7554/SK011 H, 7554/SK012 H received on 10 September 2015.

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

- 3 The floodlighting hereby approved shall not be installed unless in accordance with drawing number SP1048/2 (Abacus 15m Telescopic Mast) received on 08 July 2015 and shall be retained as such at all times.

Reason: In the interests of the amenities of the area, having regard to Policies CP3, CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 The vertical illuminance when the floodlights hereby approved are in use shall not exceed 5 lux measured on the façade of any residential property adjacent the application site (excluding garages or outbuildings).

Reason: In the interests of the amenities of the area, having regard to Policies CP3, CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 The floodlighting hereby approved shall not be illuminated outside the following hours:

Monday to Friday                    15:00 to 1900 hours

Saturday                                15:00 to 18:00 hours

The floodlights shall not be illuminated on Sundays or Bank/Public Holidays.

Reason: In the interests of the amenities of the area, having regard to Policies CP3, CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 Outside the hours of use specified by condition , as well as whenever not illuminated, the lighting columns shall be reduced to 4.5 metres in height as shown on drawing number SP1048/2 (Abacus 15m Telescopic Mast).

Reason: In the interests of the character and appearance of the area, the setting of Christ Church (a Grade II\* Listed Building) and the residential amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 7 When the floodlighting hereby approved is illuminated the old astro turf hockey pitch shall not be used other by Cheltenham Ladies College staff, pupils and/or visiting school teams only.

Reason: The floodlighting has only been found to be acceptable for school use because of the special requirements of by Cheltenham Ladies College and in the interests of the amenities of the area, having regard to Policies CP3, CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 8 The floodlighting hereby approved shall not be illuminated unless a scheme for soundproofing the existing back boards surrounding the hockey pitch have been submitted to and approved in writing by the Local Planning Authority. The floodlighting shall not be illuminated until the approved scheme has been implemented and shall be retained as such at all times.

Reason: In the interests of the amenities of the area, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 9 The external facing materials used in the construction of the new sports hall shall not be implemented unless in accordance with a sample panel, which shall have first been constructed on site and approved in writing by the Local Planning Authority.

The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing materials including coping bricks/stones (if applicable).

The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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

- 10 The external roofing materials used in the construction of the new sports hall shall not be implemented unless in accordance with samples, which shall have first been provided on site and approved in writing by the Local Planning Authority.

The samples shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the roofing materials.

The approved samples shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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

- 11 Within three months of the removal of the laundry building as shown in the approved plans, all disturbed surfaces shall be made good using materials to match the existing materials, composition, form, finish and colour of the existing building.

Reason: In the interests of the setting of Glenlee, a building of local importance, having regard to Policy BE11 of the Cheltenham Borough Local Plan (adopted 2006).

- 12 No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence in relation to the new sports hall unless a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, size, position and method of planting of all new trees and shrubs; and a programme of implementation.

All hard and 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 unless otherwise agreed in writing by the Local 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, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, 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.

- 13 Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference Cheltenham Ladies College Sports Centre and the Tree Protection Plan Drawing Number 12974/49433 dated July 2015. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

- 14 Notwithstanding the submitted details, the sports hall hereby approved shall not be occupied or used for education purposes until cycle storage for a minimum of 40 bicycles has been provided in accordance with the approved plans. The cycle storage shall be retained as such at all times.

Reason: To off-set the requirement for additional car parking and to promote sustainable transport, having regard to Policies TP1, TP2 and TP6 of the Cheltenham Borough Local Plan (adopted 2006).

- 15 The sports hall hereby approved shall not be occupied or operated until the parking, turning and loading areas have been provided in accordance with drawing number 7554/SK010 I received on 07 September 2015 the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles 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).



- 16 No development shall be carried out in relation to construction of the sports hall until details of a surface water drainage scheme, to incorporate sustainable drainage principles as well as attenuation and storage, has been submitted to and approved in writing by the Local Planning Authority. The volume balance requirements should be reviewed to reflect actual development proposal, agreed discharge rate and the extent of impermeable areas and runoff to be generated. The sports hall shall not be occupied until the scheme has been implemented in full.

Reason: To ensure appropriate drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (adopted 2006). It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

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<b>APPLICATION NO:</b> 15/01171/FUL		<b>OFFICER:</b> Mr Ed Baker	
<b>DATE REGISTERED:</b> 14th July 2015		<b>DATE OF EXPIRY :</b> 13th October 2015	
<b>WARD:</b> Lansdown		<b>PARISH:</b>	
<b>APPLICANT:</b>	Cheltenham Ladies' College		
<b>LOCATION:</b>	Ladies College Swimming Pool, Malvern Road, Cheltenham		
<b>PROPOSAL:</b>	Erection of new sports hall building to provide multi use sport hall, replacement squash courts and ancillary facilities. Erection of floodlighting of external hockey pitch. Demolition of existing squash court building and partial demolition of single storey structure attached to Glenlee House. Alterations to piers to side of access onto Malvern Road.		

### REPRESENTATIONS

Number of contributors	<b>7</b>
Number of objections	<b>6</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

11 Christchurch Road  
Cheltenham  
Gloucestershire  
GL50 2NY

**Comments:** 4th August 2015

I am a supporter of the Ladies College and the significant investment that they make in the locality but I cannot support the current application for several reasons.

The proposed new sports hall design is approximately 2 metres higher than necessary (reference for example the Lawn Tennis Association guidance), and therefore unnecessarily spoils the vista of the Malvern Hills from various viewpoints on Christ Church Road. I could support this part of the application if the building height was reduced appropriately.

Regarding the proposed floodlighting scheme for the "old" AstroTurf pitch I urge you to reject this part entirely for the following reasons:

1. Light disturbance - these lights will be within a few metres of family orientated residential property and will affect sleep patterns of young children
2. Noise disturbance - sporting activity going on after darkness will have a similar detrimental effect for the families living within close proximity and significantly affect the amenities
3. Traffic disturbance and congestion - there is already a shortage of parking for sports facilities users and this will affect local residential parking further into the evening
4. Necessity (or lack of) - the College already have a perfectly good AstroTurf pitch with full lighting facilities and which is located much further away from residential property. Anecdotal evidence suggests that this facility is not used regularly and we therefore question the need for more floodlight pitches.

17 Christchurch Road  
Cheltenham  
Gloucestershire  
GL50 2NY

**Comments:** 11th August 2015  
Letter attached.

**Comments:** 1st October 2015  
Letter attached.

15 Christchurch Road  
Cheltenham  
Gloucestershire  
GL50 2NY

**Comments:** 11th August 2015

We have just returned from our holiday to discover from our neighbours that The Cheltenham Ladies College have submitted the above proposal.

Based on our understanding of the plans from the previous public consultations we strongly object to the plans, in particular to the floodlighting proposed for the hockey pitch and the increased roof height of the new sports hall.

We have tried and failed over the weekend and again tonight to access the documents with the application to allow us to compose our formal response. I visited the planning office today to explain the problems and our concerns in view of the imminent closure date of 11th Aug but was reassured that the date was not critical.

We did try to access the documents online in the office but again had problems which I understand are being looked at but don't appear to have been resolved yet. I am aware the hard copy documents can be viewed but could not stay in the department today to scrutinise them.

We also received no letter about the application despite our garden adjoining the hockey pitch and am uncertain why this was the case.

I would be very grateful if you could acknowledge receipt of this email and confirm our formal response can be submitted without prejudice after 11th Aug once we have been able to view all the necessary documents.

9 Christchurch Road  
Cheltenham  
Gloucestershire  
GL50 2NY

**Comments:** 4th August 2015  
Letter attached.

**Comments:** 19th August 2015

My wife and I have already registered in our 03 August letter our strong objections to the whole idea of floodlighting the astroturf pitch behind our house, and have also objected to the bulk and height of the proposed sports hall, which completely unnecessarily blocks key vistas of the Malverns from the public highway in Christ Church Road. We would not object to a lower height hall which did not block the vistas.

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In a letter of 13 August Ms Crews, Head of Planning drew our attention to additional information which had been received, and invited further comments. This I now do, and will comment on the four drawings of floodlights, the letter from Evans Jones in which possible floodlight curfew hours are discussed, and their heritage statement which appeared on 18 August.

The floodlight drawings show that the proposed 15m floodlights will be higher than our four story houses. To my mind this just reinforces the message that the floodlights will be overbearing, completely change the appearance of the local area and be visible over a wide area. I also suggest it would be useful to have the existing squash courts shown on the section through 15 Christ Church Road. The highest ridge on the courts, on the tower with the small metal chimney, is 5.08m higher than the hockey pitch (66.78-61.70m). The 15m masts will be three times higher than this, and I find this comparison very useful when viewing the scene from the Christ Church Road side and imagining just how high in the sky the masts will be.

I also find the drawings subtly deceptive. The architects seem to have sketched in more trees than the photographs or observation justify and, moreover, have coloured them solid green suggesting an enclosed space. However in winter, when it is proposed to use the floodlights, these deciduous trees will all be bare, very different and much less of an obstacle to light.

I also note that the architects show the 15m of the extended mast and the 4.5m of the retracted mast to be from the base to the bar supporting the luminaires. This is also the measure shown for this type of telescopic mast on the Abacus website at <http://www.abacuslighting.com/pdf/telescopic-club-range.pdf>. In contrast the lighting consultant in the lighting impact study shows the 4.5m retracted and 15m extended as being to the top of the luminaires. Scaling from the Abacus website, and dimensions on rival websites, indicate the luminaires add 0.45 to 0.50m to the height. I suggest we should be talking about 15.5m extended, 5.0m retracted.

15m/4.5m telescopic masts do not appear in the Abacus range as shown on their website, where the standard 15m mast retracts to 7.0m and these and the three other standard telescopic masts have extended/retracted ratios all in the range 2.0 to 2.3. In contrast the 15m/4.5m is a one-off special, unknown to the lighting consultant at the last public consultation, with a ratio of 3.3. This suggests to me that tops of these, possibly relatively unproven, masts may move more in the wind, and this should be considered in any calculations.

I only comment on possible curfew hours because the Environmental Health Officer has raised this with Evans Jones. We remain implacably opposed to any introduction of floodlights. I note that along with a "girls only" condition (in the planning statement) and switch off times as per the existing pitch the applicants are now also suggesting an earliest switch on time of 15.00 and a condition that the floodlights are always retracted outside curfew hours. I note that the earliest sunset in Cheltenham is at 15.57 on 12-13 December. Lighting up time for headlights is 30 minutes after sunset and we can work in our garden until then. Thus we will always be subject to at least about an hour and a half of unwanted light during gardening hours, in addition to all the unwanted aspects of turning night into day later on. I suggest a later switch on time would be appropriate at other times of the winter when sunset is later. In addition I suggest use of the floodlights is limited to those days of the year when sunset is 19.15 or earlier.

In terms of the heritage statement it is difficult to know where to begin since it is riddled with inaccuracies. This is highlighted in para 5 "Assessment of the Proposed Scheme" with the sub-heading "Indoor Tennis Courts and Demolition of Squash Courts", obviously a reference to the 2011 scheme. In para 5.7 it is stated that "The new hall has been sensitively designed with the Conservation Area in mind and would sit 1.9m below the highest point of the existing Sports Hall, which itself is set in the lowest part of a sloping site. The new building would, therefore, not dominate the skyline, but would be subservient to the existing sports facilities at the College." This again refers to (has been cut and pasted from?) the 2011 application where the tennis hall was initially to be 1.835m below the existing, but this became 2.835 in the permitted scheme. Is it any wonder that when the applicants do not know the height of their buildings or which scheme

they are referring to, that objectors like us wonder how much thought has been invested in minimising the heights of these buildings? The current proposal has the new sports hall only 0.541m below the existing and all the good things the applicants' consultants are saying in the heritage statement about the previous scheme obviously do not apply to the present one.

With reference to the blocking of the key vista of the Malverns the applicants seem determined to imply that the best views are not from the public realm but from the private and that somehow our stated concern for the Conservation Department identified vista is really a front for protecting views from our upper windows at the rear. Nothing is further from the truth. Our house is on land about 6m higher than the floor of the current sports hall and when we are standing on our upper floors we are more than 6m above ground and can see the Malverns over the level of the existing 12.44m hall. We cannot see the Malverns at all from the two lower floors.

In para 2.6 and plate 5 the applicants also suggest that we have planted substantial hedges to provide privacy from the activities on the sports field, with the subliminal message that with all that greenery in place why are we complaining about floodlights or anything. The truth is that virtually none of the greenery pictured is in our garden, but in no.7 or Christ Church Vicarage garden, and if the greenery and the garages were all removed one would get a fine view of the main entrance to the current sports hall but not a glimpse of any of the hockey pitches or the Malverns. The greenery screens us from Glenlee, the swimming pool and existing sports hall but not the hockey pitches or squash courts.

From the high point of the pavement in Christ Church Road, in the public realm, one sees more of the Malverns than one sees as one walks down the private car park towards the astroturf pitch. Moreover the arrangement of squash courts, tree line and Malverns, as viewed from Christ Church Road, is everywhere much as seen in plate 6 i.e. squash courts seen just below a line of trees with the Malverns seen above the tree line. Removing the squash courts does not allow one to see any more of the Malverns, it removes a blot on the foreground below the tree line. In that sense removing the squash courts improves the vista, but only as long as an over-high building is not put there to block the whole view.

The applicants' consultants' report includes "There is no question that the access road from Christ Church provides an important view of the distant Malverns from the pavement..." and "However, even if it is accepted that the Christ Church access road view towards the Malvern hills is not the most significant across the site, it is still incumbent on the applicant to mitigate any impact on that view by a sensitive siting of the proposed new buildings". If only the applicants would follow this part of their consultants' advice when considering the present application.

The consultants base their conclusion that floodlighting the astroturf pitch would have little impact on the character or appearance of the conservation area on the grounds that the sports centre complex is already very well lit at night and in a well-used town centre location. I cannot believe that the consultants have visited the area behind our houses at night, hardly typical of a town centre, or seen the measurements made by the applicants' lighting consultant, who concluded our outlook was one of low brightness. I suggest the consultants' conclusion about the floodlights should be ignored.

The additional information provided since our original objection reinforces our opposition to the whole idea of floodlighting and at the same time does nothing to convince us that the applicants have really applied their minds to preserving a key vista by minimising the height of the proposed sports hall, since they still seem to be discussing the 2011 application. As before we urge you to reject the current application for a 12m hall and invite an application for a significantly lower hall which does not unnecessarily block the public's views of the Malverns.

### **Comments:** 27th September 2015

My wife and I object to the whole idea of floodlighting the astro pitch immediately behind our house, not least because of the excessive light levels which will fall on our and our neighbours' houses and gardens. We also believe that the proposed multi-sports hall is significantly higher

than its intended use requires, and thus quite unnecessarily blocks a key public view of the Malverns from the pavement in Christ Church Road. We would have no objection to a lower height hall which did not obstruct the view.

We initially objected via a letter dated 03 August and added further comments on 19 August, following a letter to us from Ms Crews, Head of Planning. We have now received another letter from Ms Crews dated 17 September inviting comments on the 22 additional documents added since 19 August. These include responses to our earlier objections, further justification of the entire project and numerous new drawings. In commenting on these we should like to emphasize that we have engaged in the consultation process from the beginning but it is only now that all details are publicly available.

### FLOODLIGHTS

We note the response to our earlier objections in "Response to reps " (RTR) posted on the website on 14 September and the Principal's justification of the need for floodlights in the Additional info justification statement (AIJS) posted on 17 September. The lighting impact study presented by the applicants concentrated on training and match standard hockey. However the Principal, in the section "Rationale: floodlighting old astro pitch" in AIJS lists tennis and netball, and their knock-on effects on indoor badminton, trampolining, volleyball and basketball, before hockey as the key drivers of the need for floodlights. She relates this to the refusal of planning permission for floodlights for tennis and netball at Well Place in 2009.

We will first discuss the responses to our earlier objections and then the Principal's AIJS.

Our contention is that the applicants have underlit the pitch in order to shoehorn in a floodlighting scheme within 27m of the nearest kitchen window.. The applicants now state in RTR item 5 that the target maintained level will be 300 lux since this meets minimum requirements set out in a 2007 British standard and in the 2011 international hockey federation guidance. However we would point out that the Sport England guidance is dated November 2012 and this includes the statement (p7) "The level of illumination that is appropriate for a particular sport should be checked with the requirements of the National Governing Body (NGB) .....The CIBSE Lighting Guide 4 2006 and BS EN 12193:2007 give general recommendations for the range of lighting standards. However, it should be noted that in some cases, these differ from the requirements of the NGBs requirements (sic) as noted in Appendices 3 and 4." This clearly indicates that it is English NGB requirements that should be followed. These are higher than 300lux for both hockey and tennis, as noted in our original objection. For hockey the Sport England guidance also notes on p56 "England Hockey recommendations refer to the previous version of the FIH guidelines and are unchanged", thus confirming that England Hockey is sticking with the 2007 FIH recommendations, which the consultant describes as "obsolete".

We also note that the applicants have not responded to our point that the lighting fails to meet the uniformity standard of min/max >0.5. In addition it is still the case that no estimates of the horizontal illumination in our gardens have been provided.

The lighting consultant dismisses my suggestion, made as an ex-hockey player with some experience of playing under floodlights, that the asymmetric lighting of the pitch could add to problems. He notes (RTR item 5) major televised events are often asymmetrically lit. However the lighting and uniformity levels for these TV events are much higher, e.g. for hockey 800-3000lux and min/max>0.65. My suggestion would still be that when one is playing on a dimmed down unevenly lit pitch the asymmetric nature of the illumination is an additional factor which will make play more hazardous, since the asymmetric nature of the shadowing will make for even more uneven illumination. I note the consultant gives no examples of match hockey on 300 or 330lux asymmetrically lit pitches.

Given that the lighting consultant cannot predict how much light is scattered by rain and mist he is naturally keen to throw doubt on my results (RTR item 5). I can simply confirm that I have honestly and conscientiously tried my best to record the effects of rain and mist on the amount of

light from the Dean Close floodlights reaching Hatherley Road. I do not regard a light meter as a particularly difficult instrument to use and values did not change when measurements were repeated. The effect of mist is very obvious to the naked eye and one can see that the increased light is coming from the floodlights and has nothing to do with the differently coloured street lights. These were above and behind me for all measurements, including the 0.2lux recorded pointing towards the floodlights on a clear night after the floodlights went off. With respect to my attempts to estimate reflected light I have at least spelled out very clearly at the start of my appendix 2 the assumptions I have made, including the properties of the reflective surface. In contrast the consultant tells us what software he has used but says nothing about the assumptions built into it.

The drawing Revised floodlights 15m (RF15) posted on 10 September shows clearly how the extended floodlights tower over 15 Christ Church Road and confirms that the masts are only 27m from that house. While I accept that the trees and foliage mentioned by the consultant (last point under spill light, RTR item 5) may affect light reflected from the pitch onto the lower parts of 15 Christ Church Road the geometry of the situation is such that direct light beaming down from the luminaires and light diverted by scattering will be affected by foliage to only a very minor extent. I continue to believe that light levels falling onto our houses and gardens will be unacceptable, and that given how very close the luminaires are to our houses it would be most unwise to ignore the effects of scattering by rain and mist. What will the applicants do when light levels on adjacent houses exceed 5lux?

Turning to the curfew hours the agent states in RTR item 11 that "Your authority determined the last application for this site on the basis of the aforementioned curfew times. Not as per the much more restrictive curfew times now proposed" I disagree with this, stand by the points in my original objection and assert that the last application had similar curfew hours to the current application

The "aforementioned curfew times" are quoted as 20.30 Mon-Fri 20.00 Sat and 19.00 Sundays. The agent seems to base his comments entirely on the appeal inspector's decision letter. However it is important to note that the appeal, dated 21 Dec 95 and determined 24 Jun 96, concerned application CB/12205/14, which Cheltenham BC ("Your authority") had refused on 22 Jun 95. While the appeal was underway the College put in another application CB/12205/16 on 21 Feb 96 which was refused on 21 Mar 96. So CB/12205/16 is the last application for floodlights on the old astro and the question is, what curfew hours were involved?

The inspector was concerned with CB/12205/14 and there is no mention anywhere in his letter of CB/12205/16. The agent may have misconstrued para 8 of the inspector's letter which states that CB/12205/14 sought 22.00 Mon-Fri, 20.00 Sat and 19.00 Sun but "I note that your clients subsequently reduced the period on Mondays to Fridays to 20.30 hours". This reduction refers to something which was offered before CB/12205/14 was refused by Cheltenham, not to CB/12205/16. This is made crystal clear in the statement of appeal submitted to the inspector in Dec 95 which was made available to the public at the time, and which the Ladies College presumably also has. Para 4.1 includes "The College stated on 21st June 1995 that they would...limit its use to girls only and...accept time limits on its usage. The application suggested 10pm Mon-Fri, 8pm Sat and 7pm Sun. These times were subsequently reduced to 8.30pm weekdays. We will however be submitting a new planning application in parallel with this appeal with a suggested "cut off" time of 6.45"

The new application could only be CB/12205/16. The inspector was thus aware of the College's intention but did not mention it in any letter. I therefore stand by the point made in para 2.1 of my original objection that CB/12205/16, and reason 3 in the decision notice relating to noise, had similar curfew hours to the current application and the same "girls only" users.

Turning to the Principal's interesting additional statement (AIJS) we note the swing away from team sports to other less traditional activities and hence the need for the multi-sports hall. She mentions tennis, netball, hockey and lacrosse as potentially benefiting from floodlighting the old astro pitch and notes the health and safety risks associated with playing lacrosse and hockey in



poor light. In that context it remains very surprising to us that the college is specifying light levels which are dimmer than England hockey and Dean Close require for the game, are less than LTA minimum recommendations for tennis and do not meet the requirements for match netball. We cannot find the requirements for lacrosse either via Sport England or English Lacrosse but would be very surprised if those for hockey were adequate, not least because hockey only specifies pitch illumination and does not specify illumination of balls in the air. There is no mention of lacrosse in the application anywhere.

What does emerge from the Principal's statement (AIJS) is that top of the list of her priorities are tennis and netball. Her mention of Well Place is consistent with the message we received at the first consultation that the College had canvassed new residents backing onto Well Place courts as to whether a new application for floodlights might be acceptable, but when rebuffed the College turned its attention to the old astro and hence the current application.

The National Planning Policy Framework (NPPF) is much quoted by the agent. One of its themes is that planning is not just about scrutiny but should also be creative exercise. With that in mind I would point out that the Superseded proposed site plan (SPSP) posted on 10 July showed the green area between the netball court and the "new" astro as "area reserved for future tennis courts or extended parking". I suggest that, if combined with the outside space now allotted to one netball court, this area could accommodate three tennis courts, and at least two netball courts. Given that this location is more or less the same as that where the 1998 CB/12205/18 permitted three floodlit tennis courts I would assume that, subject to screening and curfew, permission for floodlighting would be forthcoming, thus matching the three tennis courts which were the subject of the Well Place appeal. I suggest this would be a more future proof and thus more sustainable solution to the tennis/netball concerns of the Principal than playing on a dimmed down "old " astro", since lighting to LTA standards and match netball would be possible. At the same time this would also allow more badminton/trampolining/volleyball/basketball indoors.

We therefore continue to urge Cheltenham planning authorities to reject the current application for floodlights on the "old astro" while at the same time suggesting an alternative approach which would deliver the Principal's top priorities.

### MULTI-SPORTS HALL

With respect to the proposed multi-sports hall which is to be added to the existing 1991 sports hall, the stated internal height requirements are 7.5m overall with a higher clearance over the centreline for tennis. The architects had 10.67m as the target for this clearance. In his response to reps (RTR) posted on the website on 14 September the agent points out (item 3) this is the international requirement but goes on to accept that the real requirement is the British Lawn Tennis i.e. LTA 9.00m clearance, which the building meets. The whole scheme only calls for one indoor tennis court, which is described by the architects as optional and does not even get a mention in the long list of activities which the Principal describes when justifying the new hall in the section "CURRENT PROBLEMS/CHALLENGES WHICH WILL BE ADDRESSED:" in the Additional info justification statement (AIJS) posted on 17 September.

Our contention is that this one tennis court could be accommodated in the existing 1991 hall, so allowing the height requirement in the new hall to be 7.5m overall, including at the centreline. This should then allow a revised design for the new hall with a lower overall height which would not block the view of the Malverns. We accept that the view is a minor feature of the conservation area brought to our attention by the Lansdown area character appraisal but do not see why it should be blocked unnecessarily.

In his RTR item 8 the agent states the existing hall does not have 9.0m clearance and thus could not house an LTA compliant court. We challenge this assertion. The existing hall was the subject of planning application CB/12205/07. Unfortunately the micro-fiche drawings now available for public inspection include floor plans but not sections, so I cannot confirm the exact internal height of the hall. However the original floor plans show the 1991 hall marked out for tennis, as indeed it still is today, with the lines in yellow. So this hall was designed for tennis and has been marked

## Page 66

up and available for tennis for 24 years, presumably to the satisfaction of the College. It is very difficult to believe that it has suddenly become unsuitable.

In our original objection it was noted that there are no structural members below eaves height i.e. 8.95m above the floor. The members appear to be slightly higher than that and are I suggest at 9.00m or more. They run parallel to the centreline. The 9.00m requirement only relates to the height at the centreline which does not have to be immediately under a structural member. If, despite the 24 years of use, the College wishes to argue that this hall is now unsuitable for tennis, please will the Planning Officer ask the agent to produce the original drawings of the hall, showing heights, for public inspection.

In RTR item 4 the agent rows back from his clear message in para 4.21 of the original planning statement that "the highest clearance overall is that required for tennis, this determines the maximum height of the building", and suggests that somehow any roof lower than the current one has to be uninspiring. However if one replaces the centreline target height of 10.67m with a target of 7.5m it must be possible for an architect and structural engineer to come up with a lower roofed building that is attractive.

Our aim in advocating a lower roofed building is to retain as much as possible of the current view of the Malverns from the pavement in Christ Church Road. The images in the new Key view 1 etc (KV123) posted on 10 September again do not do justice to the views from the pavement. However comparison of the existing vs proposed views brings home the height of the new building and the way it blocks the view.

It is a pity that once again the submissions are subtly deceptive. KV123 shows floodlights present in the "extant" scheme when in fact they were no part of that scheme. Indeed one of the mysteries around the current proposals is what has really changed between 2011 and now which makes floodlights desirable?

In the revised heritage statement (RHS) posted on 14 September the applicants again present pictures which suggest that somehow the Malverns are readily visible between nos. 23 and 25 Christ Church Road (plate 6 ) but they are lost in the mist when viewed via the car park (plates 3 and 4). I would simply point out that the view in plate 6 appears as figure 13 in the Lansdown character appraisal where nevertheless the key vista on the townscape analysis map is that via the car park. In para 2.8 of the RHS the applicants again confirm that it is "incumbent on the applicant to mitigate any impact on that view" i.e. via the car park.

The applicants refer to the National Planning Policy Framework (NPPF) in RTR items 16 and 42-45 and extensively in RHS para 4.1. Looking at the NPPF I do notice one clause not cited by the applicants, namely 132, which contains the sentence "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Our case is that the view of the Malverns is a small but real heritage asset and that the applicants have neither followed their own consultants advice to mitigate the impact, by minimising the height, nor have they clearly or convincingly demonstrated why a building with a potential internal height requirement of 7.5m needs an external height of 12m. Nothing in the applicants latest additions to the website alters our view that the current application for a 12m hall should be rejected and a new application invited for a Sport England compliant multi-purpose hall which offers 7.5m clearance but does not block the view of the Malverns.

15 Christchurch Road  
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Gloucestershire  
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**Comments:** 17th August 2015

My wife and I reside at the above address, with our 3 children, and wish to strongly object to the planning application for alterations to the CLC sports centre and the proposed floodlighting to the hockey pitch. We have lived at this property for 14 years and provide the following comments on the application and explanation for our objection.

It is understood that the CLC are seeking further planning permission for the extension of the sports centre which differs from the planning permission for the changes proposed in 2011 Ref No 11/01125/FUL & 11/01126/CAC. In addition, there is an application to install 15 metre floodlights to the Astroturf hockey pitch, which is located within metres of the bottom of our garden (see Photograph appendix 1).

Having been given permission to build the extension to the sports centre in 2011, a facility that required a designated height to fulfil the strict regulations for an elite, tennis facility, we now understand that the height of the roof is to be raised further. We note that the original planning application in 2011 had to be resubmitted with a lower height but still managed to fulfil the internal height specification. This new proposal is actually for a roof height even greater than initial rejected plan of 2011. The previous hall whilst still significantly impeding the view from Christ Church Road was thought to still allow the top of the Malvern range to be seen. The new plans for a significantly taller building would result in complete loss of this vista which is deemed a view of local significance. Whilst, in principle we support the upgrading of the centre, we strongly object to the increased height of the structure and do not feel the argument has been made as to why the height need to be greater now.

Despite the expense and work involved (for supporters and objectors) in achieving planning consent 4years ago nothing has happened to the site in the interim. It appears our original concerns (2011) with regard to "the thin end of the wedge " are coming to fruition. Perhaps emboldened by their previous success this further more challenging proposal is being made (Statement from Evans Jones Architects current website - "Case Study: Cheltenham Ladies College Sports Centre "Evans Jones Planning have led the project up to this point achieving Planning Consent in October 2011. As the site is set in a prominent position within a Conservation Area we consider the achievement of a consent first time, without resort to appeal to be a significant achievement.") If planning is granted this time what plans will be proposed in 2019? There are certainly already some additional ideas with regard to the boarding house sitting adjacent to the sports centre.

The school appears to have managed since 2011 without the stated urgent need to increase its provision of indoor space. The independent schools inspectorate gave a glowing report of the school congratulating them on their sporting achievements and availability of extra- curricular activities (Oct 2014).

Despite the stated problems of lack of space for the pupils the commercial gym continues to encourage additional members, classes for members and non-members continue within school hours and access hours to the gym areas for members have not been altered to increase use for the girls.

We understand the need to update facilities, we are very aware of the long term health and wellbeing benefits of sport, the governments aims in increasing involvement in sport and are strong advocates of good sporting provision for all but these must be considered in context. The CLC is not the focus of this government goal, their current provision and pupil involvement are far in excess of what many schools could only hope to attain. The new internal design does appear

to provide a more practical, multipurpose space but with the large internal space allowed for in the original plans the same should be achievable without alteration of external dimensions.

The commercial use of the sports centre after school hours has increased in recent years to the detriment of the previously peaceful local environment. For example a Roller Disco every Friday evening over which the sports centre staff appear to have minimal jurisdiction to control noise levels, circuit training (for members and non-members) particularly in warm weather when doors are opened or the class is moved outside and summer holiday use by visiting foreign schools often with large numbers of unsupervised teenagers hanging around the centre. It is therefore of great concern that with a new expensive sports facility any opportunity to maximise income beyond the usual school curfew will be taken resulting in further disruption.

Demolition of the old squash court and its inclusion in the new building and the aesthetic improvements in the external façade are not opposed.

The proposed installation of floodlights to the Astroturf hockey pitch involves erecting six 15 metre floodlight structures to illuminate the pitch. The proposals outlined are thought to be justified by the need to provide hockey training facilities for the pupils between 15.00hrs and 19.00hrs weekdays (15.00hrs and 20.00hrs Saturday) through winter month term times.

We would suggest that maximising daylight hour pitch usage would be the first most appropriate thing to do. Personal observation notes this is not currently the case. Not only is daylight in wintertime of significant health benefit (seasonal affective disorder, vitamin D production) with the reduced impact of harmful UVA & B effects that occur in summer, it is a far more sustainable approach without the detrimental environmental problems of increased energy consumption and light pollution. Nowhere in the plans does it document a minimum number of people to be using the pitch to allow floodlight use. The adverse environmental impact of the flood lights means switching them on to allow 1 or 2 players to do some training would be negligent.

Whilst trying to extend pitch use it should also be remembered that poor light is only one reason and wind, snow, low temperatures and rain are also factors. The floodlights, therefore, that will be present throughout the year are likely to add significantly fewer playing hours than initial calculations may suggest. With the already accepted sports hall plan (2011) indoor training is suggested as a more predictable and practical solution.

The CLC actually already have a floodlight pitch. Its introduction was also contentious. It is considerably further from any residential property than the new proposed site but still required screening with a large embankment and trees. It appears to have been built to a high specification with spectator seating but remains underused with or without lighting (timetabled use and "lights on" do not constitute actual usage). We have been led to believe that its 12metre tall floodlights are insufficient and illumination of the central pitch is inadequate. Rather than correct this, new plans are to floodlight another pitch with even taller floodlights but one so close (2metres) to residential properties that no screening to limit light spill or noise reduction will be possible. The floodlights when extended will be near the childrens' bedroom windows. Although the lighting engineers calculations imply light falling directly on the windows will be within permitted limits this completely understates the impact of a very brightly lit large area less than 20m from their windows. Very different to the subtle street lamps at the front of the property.

The lighting expert's calculations determine the area to be in an E2 (low distinct brightness) zone with lux readings of 0.26 - 0.55. This is with the existing floodlights on. Should the new floodlighting be allowed the new predicted light levels in our gardens are up to 50 lux, over 100 times the current light level. Does this mean future calculation of this locality's environmental zone would be with the new floodlights on placing it well in excess of the E4 environmental zone?

We are aware of the CLC's previous attempt to install floodlights at the Well Place tennis courts. This was rejected but one point in support of the site was its containment. This is not the case on this hockey pitch. From the drawings submitted by the architects on the 13th August 2015

(proposed floodlight 15 metre height, retracted to 4.5 height and view of proposed floodlights) it is clear that the floodlight whether extended or retracted will be visible from the road at 15 Christ Church Road as it is taller than the intervening garage and in fact all floodlights when extended and in use will be taller than the adjacent 4 storey houses and the sports centre. You will also note that from the sketches a tree has been drawn in suggesting limited impact on the view from the road at 15, Christ Church Road particularly when retracted.

However, from the actual site photographs below the drawings clearly no such tree exists. Should this uncontained floodlighting be allowed the character of this area will be changed forever. The warm glow of the subtle lighting of Christ Church's facade and the soft street lighting will be lost and completely at odds with the overwhelming bright white rectangle immediately behind the houses. This light will be visible from a considerable distance and accentuated by the surrounding low level of lighting. The lights when on will be easily visible from Christ Church Rd, Douro Rd, Lansdown Crescent, Malvern Rd, Wendover Gardens and Eldorado Crescent. They will also be taller than the proposed new sports hall and possibly will be visible from Gloucester Road. Their presence will dominate the evening winter landscape and severely and adversely affect the whole feel of this conservation area.

There are also road safety concerns - a motorist approaching Christ Church Road from Douro Road will be faced with bright floodlights interspersed by much darker house frontages making appreciation of other road users, particularly cyclists and pedestrians at night or in twilight far more difficult to appreciate when in the shadow of a building. The eye adapts preferentially and quickly to a bright light making shadow more intense. Also, as mentioned in our 2011 objections despite a fire engine managing to park in the car park by the current tennis courts adjacent to the sports centre visiting team coaches never do but use Christ Church Road. Pedestrian access to this car park from the hockey pitch would also be limited by the new sports hall making Christ Church Road coach parking inevitable. The coaches are often parked illegally close to junctions or blocking driveways, leave their engines running and several are often parked at a time. This poses significant danger at any time of day but on a dark evening would be an even more significant threat.

It should also be noted that once floodlights are in place they could be used on any occasion between the allowed hours. Whilst hockey is documented as the main reason for extended pitch usage tennis has also been discussed at pre-planning meetings. It is therefore quite likely that it is not just winter months when the floodlights may be used but on many dull summer and spring days. It is therefore likely there will be many occasions when they are switched on at a time when curtains in our houses are open or we are using our gardens.

The effect of the new proposed sports hall will also provide at further surface to reflect light towards the opposite boundary. Should the estimated light levels be an under estimation will local residents have any recourse to have the floodlights removed? In addition, the next planning proposal would no doubt be to extend the floodlight hours to allow commercial use for non-school teams and provide a further revenue stream as already happens with the sports centre.

Any use of a hockey pitch brings with it a considerable amount of noise. It is proposed that matches will be played which will create a significant increase in the noise levels of the usual hockey practise from players and supporters. This will be at a time when our family will be trying to eat, converse and relax after a busy day. Combine this with the glare of the floodlights because the kitchen blind is usually open until after sunset, and our pleasant evening is going to be shattered.

We are privileged to live in such a location. The CLC are a valued local school and business which has done much to ensure the continued success of the town and have contributed to improving the local environment with refurbishment and improvement of several notable local buildings. However, it is a symbiotic relationship and the school is advantaged by its location in a pleasant residential area and this should be preserved. We cannot support the current proposals of floodlighting and a much taller sports hall and conclude the above proposal will lead to a

significant loss of local amenity (defined as "the pleasant or normally satisfactory aspects of the location"). We find it especially difficult to understand how it could be considered acceptable to floodlight a site with no containment, in a conservation area, within metres of residential properties and in clear view of many road at multiple points when a more sensible and economic approach would be to upgrade the lights for the existing floodlit pitch, which exists, and affords some protection from the light.

### Appendix 1

View from kitchen/dining room indicating how close the pitch and hence floodlight area will be. The floodlights when up and lit will be taller than the roof of the house!

#### **Comments:** 1st October 2015

We have been asked to submit further comments on the additional drawings and documents submitted for the above application. We wish to make it known that all our original objections, comments and submissions still stand. We fully understand and support the objections raised by our neighbours and will try to raise further points whilst avoiding excessive repetition.

There have been a significant number of new or updated documents uploaded which we have considered and will address individually.

#### 1. Additional info Justification Statement

Maintaining the special character of the area should be as important to the school as it is for local residents. It is therefore disappointing that this statement makes no reference to demonstrate an understanding or empathy towards the views of the local community on whom this project will impact greatly. We are sorry the school were unable to consider some concessions or generate more constructive, amiable dialogue with local residents.

The future aspirations of the school are clear but the document does not provide specific detail with regard to use of the sporting facilities only generalisations. We have no issue with the improvement of indoor facilities but only ask these are restricted to the previously approved external dimensions. With regard to floodlighting, over the last month, despite good light in the afternoons and evenings use of the pitches has been very limited which does not support the justification for provision of 2 floodlit pitches.

We can appreciate that 'sport in blocks' is more time efficient but mornings should also be considered as potential blocks for obvious daylight reasons. We assume involvement in the sporting sessions timetabled up to around 4.30pm is mandatory but after this participation may be encouraged but is optional. At this time sports of the girls own choosing are more likely to be pursued and as documented by the Principal, the CLC survey shows a move away from team sports, in keeping with similar findings by Sport England to those that would be provided by the sports hall further reducing demand on the pitches in the late afternoons and early evenings.

Whilst we have been led to believe hockey has been the main rationale for floodlighting the older pitch but this statement lists multiple sports - tennis, netball, lacrosse, football, hockey, cross country training further demonstrating the lack a clear plan or need for its intended use. As we have learned during this planning process, floodlighting requirements vary widely between sports and cannot believe a second inappropriately lit pitch should be approved. There is still no mention of improving and optimising use of the current floodlit pitch.

The occurrence of wet or frozen pitches is correctly used to support the argument for increased provision of indoor facilities but at the same time reduces the justification for floodlighting.

The Principal expressed concern that her pupils may be considered or feel like "second class citizens" due to the lack of facilities. We consider this comment inappropriate and doubt any residents in Cheltenham would regard the CLC pupils as such.

## 2. Response to reps

We will respond to the specific responses to our initial stated concerns (now labelled as points 47 - 59)

47 - The decision is between complete loss or restriction of an agreed locally significant view. Economic gains if any for the school of a higher roof versus a lower roof cannot be calculated now and are unlikely ever to be. Its social role can only be for the members of the school not the community at large and again how does roof height influence this? Any perceived difference in this between the new and the original plan is unquantifiable. We also question the "environmental role" of such a building compared to the originally agreed plans.

48 - No statements of restricted further development on the site are given in the justification document.

49 - 50 - We still maintain, through personal observation, that the hockey pitches remain chronically under-utilised despite all the timetabling and match practice issues the school report to have and that floodlighting an additional pitch cannot be justified.

51 - Noise reduction will be a relief but we beg to differ with the statement "outside commercial interests are not a concern to this project". There is no reassurance that future commercial activities in the hall or on the pitches will not be offered.

52 - We still await suggestions on a minimum number of people required to be using the pitch in order to warrant floodlight use. When insufficient people or no-one is present lights should be off and retracted.

53 - the quoted document and the lighting consultants comments do not address the concerns of having a 15 metre floodlight adjacent to our garden boundary and the sense of loss of privacy. The Clean Neighbourhoods and Environment Act 2005 clearly defines light intrusion as a nuisance to be protected against, it does not require specific lux or luminance to be reached merely that if normal living patterns or activities are altered or affected by light spillage it should be considered a nuisance. We would also ask that if the floodlights at anytime exceed the stated legal maximum for light spill on domestic residences that they would have to be switched off immediately.

54 & 55 - Diagrams have been updated and demonstrate the absence of any screening trees at the bottom of our garden. We also submit that a wall of less than 2m is dwarfed by an adjacent 15m floodlight and provides no useful restriction of light spill. No comment or consideration of the impact of 3 floodlights that have no screening of any sort and will be very visible from Christ Church Road between houses 11 & 15 has been made. This will result in considerable loss of amenity and cannot be considered to be of low or no impact.

56 - We have major concerns about the road safety. The fact that the Evans Jones are not aware of road traffic accidents caused by floodlights is of no reassurance. We live opposite the junction of Douro and Christ Church Roads and regularly hear screeches of breaks and horns going as cars try to pull out of the junction. Cyclists have been knocked over, whom we have assisted, and thankfully no one has been severely injured yet. The eye's adaption to areas of brightness accentuates shadow making cyclists and pedestrians in these areas even less visible. The floodlights will be on during rush hour, at twilight and in damp/misty weather and will make this junction even more treacherous. That fact that nobody has been seriously injured in recent times does not make it acceptable to ignore the potential risk.

57 - We strongly disagree with the statement that the use of the floodlights in the summer, if dull weather, would not have any impact on local residents. We are most likely to be outside at this time of year. We would request restriction of use also to based around British Summer Time in addition to the curfew hours proposed.

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59 - Use will certainly be varied according to the Justification document, which describes multiple sports that could be using the pitch. Noise will remain an issue, shouting, screaming, whistles and horns are not reduced by backboard padding.

### 3. Revised Heritage Plan

We disagree with a number of points in this report.

5.3 The statement "the feeling of spaciousness would be little altered by the proposal" - in a north south direction this may be the case but it cannot be said of the impact from the east west direction when the scale of the building will have a huge impact restricting the vista in an abrupt and very dominating fashion. Whilst the current squash courts are not pleasing to look they have a minimal impact compared to that of the proposed new building.

5.6 - Whilst there is some concealment, with the trees in leaf, the planned use of the floodlights will be in winter when the deciduous trees are without leaves meaning there will be a considerable impact from the floodlights. This also does not address the view of at least 3 floodlights which would be visible from Christ Church Road with no tree of any sort to act as a screen between house numbers 11 & 15.

5.7 - The new building will not be subservient to the old building particularly when viewed from the east as clearly demonstrated in the proposed site drawings 7554/SK0101 and SK029. The roof will be virtually as high as the existing roof and the claim that the view is already blocked by the current trees again is not relevant as they are deciduous and therefore do not block the view in winter.

5.19 - We disagree that the proposed floodlights would have a low impact. The current floodlights are shielded by a large planted bank and are considerably further from neighbouring houses. The other existing lighting is restricted to a few very low level lamps and wall lights. We also refer the light consultant's grading of the area as E2, low distinct brightness and as several of the consultees have stated the true impact of the floodlights cannot be usefully assessed with the current provision of information.

This revised report is clearly at odds with the landscape architects comments from the 14/08/2015. Consideration should also be given to the fact that hedges can be pruned to reinstate views, however, buildings cannot.

We would also draw attention to the statements in the Lansdown Character Area Appraisal and Management Plan July 2008 which asks for the control of new development and particularly mentions the "negative impacts of the presence of equipment or installations on or around buildings, such as large aerials or satellite dishes" and in action LD3 advise the use any planning powers to ensure that equipment or installations are installed away from public spaces and views, so as not to detract from views.

### 4. Revised drawings

There remain several inaccuracies in the drawings.

In diagrams 7554/SK065 and SK066 the cross sectional view through No. 15 is incorrect - what appears to be a wall is drawn significantly taller in relation to the house than is the case and the ground level and direction of slope are incorrect across the whole house and garden.

The ground contours at the floodlight footing is also incorrect and it is therefore still unclear exactly where the floodlight would be placed in relation to our rear boundary and the subsequent course of the path between the hedge and hockey pitch.

The floodlight posts are always drawn as thin poles in every diagram but are telescopic masts of increasing girth towards their base and their actual width is difficult to appreciate from these drawings.



There is still no photograph, diagram or drawing of the view from Christ Church Road between houses 11 & 15. Here at least 3 floodlights will be visible without any screening. The impact on the local amenity has not been adequately documented or even considered, a considerable amount of light will be visible between numbers 11 and 15 Christ Church Road in addition to the 3 flood light masts.

### Conclusion

The Cheltenham Ladies College obviously have many paid professionals helping them with these proposals. We hope the elected council members involved with this application consider they act as our representatives. We request our comments are regarded with equal importance despite our lack of formal training in these matters. The proposals will have considerable negative impact on our privacy, immediate environment and local amenity, not that of the architects, heritage or lighting consultants who do not live in the vicinity of the planned development. If any of our arguments or statements are unclear or if we can provide any more information that would help inform your decision, please do not hesitate to contact us.

130 Hatherley Road  
Cheltenham  
Gloucestershire  
GL51 3PN

### **Comments:** 24th September 2015

I have seen that there is a planning application to re-construct sports facilities at Cheltenham Ladies College, and in particular, there is a proposal for a flood-lighting the hockey-field.

I do not live near the proposed facility and have no particular axe to grind. But there is a debate between objectors to the plan and the lighting consultants supporting it, about the effect of mist and rain on light spillage on to adjoining properties. This makes reference to the experience of Hatherley Road residents who are affected by the floodlights of the similar installation at Dean Close School. I am one of these residents, and have comments to make.

There is no doubt that the presence of mist or fog increases light spillage on to our properties very considerably, and would presumably also do so also at the CLC installation, where the proposed lights seem to be closer to the houses than we suffer in Hatherley Rd. One of the objectors has taken measurements that quantify this. In response, the lighting consultant has raised a number of technical queries, but it is obvious that the general conclusion is true. In misty weather, when the floodlights go on, there is a wall of light on the hockey pitch opposite our house.

One of the queries raised by the lighting consultant was to what extent the increased light comes from scattering of the street lighting by the mist, as opposed to the floodlights. I can't put a figure on this, and don't think anyone has taken measurements, but the reply is obvious to us - a lot of the extra light is coming from the floodlights. Actually living here, we see the effect of the floodlights coming on, and we see the reduction in spillage on to our property when the lights go off. It is very noticeable.

The consultant says that in his experience light can be scattered by mist and rain, but there is not a significant increase in spill light, 'though there might be an increase in perceived spill light'. I'm afraid I don't understand the difference between scattered, spilled, and perceived spilled light. All I can say is that we get a lot more light on to our frontage from the floodlights opposite when the weather is misty than when it is dry.

A curious comment made by the lighting consultant is that the increase in perceived spill light is caused by illumination of the water droplets around the lights, "however, light is dissipated in all directions." Of course it is dissipated in all directions, that is exactly the problem. On a dry day,

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the floodlight design contains most of the light and directs it down on to the pitch; but in the mist, light is scattered in all directions, with an increased proportion of it landing on the surrounding house frontages.

In summary, although the lighting consultant claims that in his experience, wet or misty weather does not greatly affect the amount of light that spills on to nearby buildings, the experience of those who actually live near such an installation is that it does indeed affect it, a lot.

17, Christ Church Road  
Cheltenham  
GL50 2NY

9<sup>th</sup> August 2015

Mr E Baker  
Senior Planning Officer  
Built Environment Division  
Municipal Offices  
The Promenade  
Cheltenham GL50 1PP

Dear Mr Baker

**Re: Planning proposal 15/01171/ful**

We are grateful to the Planning Committee for considering our grave concerns regarding the proposed redevelopment of the Cheltenham Ladies' College (CLC) sports facilities.

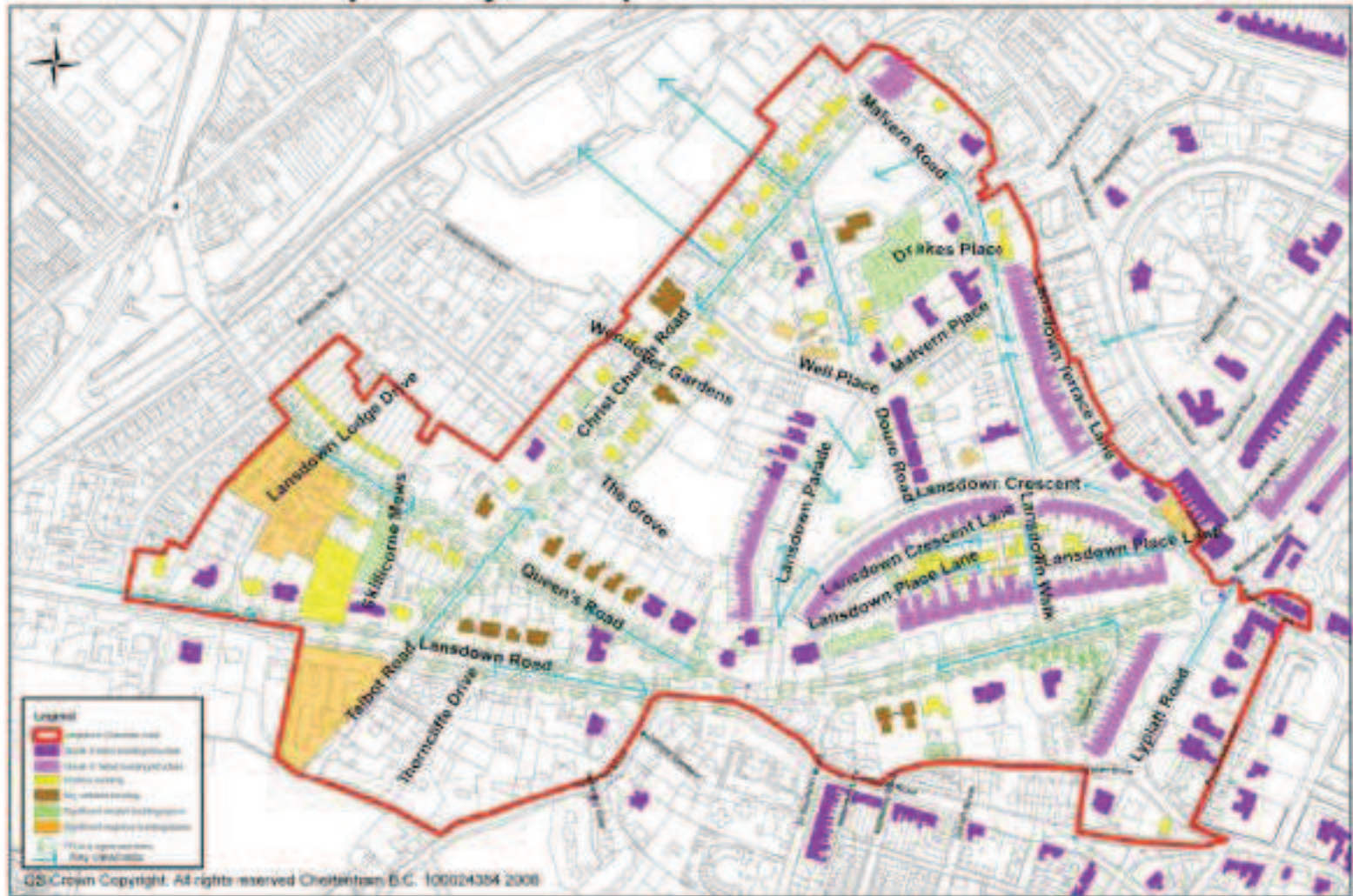
Our observations on the proposal are:

**The adverse impact on the Conservation Area**

1. Lansdown is a Conservation Area as described within the Planning (Listed Buildings and Conservation Areas) Act (1990) as well as current Government policy that is set out in Planning Policy Guidance 15 (PPG15). This legal protection encourages that the best features of the Conservation Area are preserved and that new buildings and street works are designed to maintain or enhance the area's amenities. Development should not cause any decline in the amenity value of the area.
2. The views from Christchurch Road that are marked in pale blue on the map below, are definitely identified as *key view vistas* (Local Development Plan Character Area Appraisal 2008: 1). If the sports hall is extended in length and height, one of these views from the

public highway that runs through the CLC school carpark, on through the sports field and onto the Malvern Hills in the distance, will be entirely obscured. An irrevocable harm for all those who work and live within the area.

**Townscape Analysis Map of Lansdown Character Area**



As noted in the Lansdown character appraisal and management plan report (2008:15) "Glimpses of the Malvern Hills are displayed in spaces between buildings and trees along Christ Church Road, particularly visible across the low-lying Ladies' College playing field. These views are important in establishing a rural connection and providing enclosure" (2008:15). The unnecessary (see below) enlargement of the sports hall and erection of floodlight pylons will obliterate the cohesion and balance that currently exists between the urban environment and an ancient landscape by imposing an industrial atmosphere.

3. The exceptionally close proximity of the floodlights to the houses and homes of this residential area will materially affect the nature of the community. The residential part of the community will be subsumed by the modernist school building.
4. The views identified on the Townscape Analysis Map are specifically emphasised as important to the character of the Conservation Area; the plan (2008: 16; 23) clearly states that vistas such as these "are important in offering an attractive setting for surrounding

buildings, enhancing the character and appearance of Lansdown and providing important open spaces within a built-up area”...and the... “...occurrence of public and privately owned trees and green spaces in the area greatly enhances its setting, character and appearance. Such spaces need to be well maintained and protected”.

5. Further, the Plan emphasises that best practice for Council is to ensure that all developments respect important views and preserve or enhance Lansdown area’s character: installations (such as floodlights) must be positioned away from public view or prominent positions. Clearly, flood lights will not enhance Lansdown’s conservation identity and run directly counter to the spirit of the Plan.

#### **Sports Hall Development and floodlighting the pitch adjacent to our home**

1. We understand the wish for CLC to improve its facilities so as to maintain its commercial viability that attracts considerable economic benefit to the town. We also recognise that the school has a duty to nurture the health and well-being of its students. However, it would seem fair that these duties should be exercised with due regard to the health and well-being of its immediate neighbours and the local community. So, although we find the prospect and design of the new sports hall to be unattractive and incompatible with the vision and objectives of the Cheltenham Plan (2013) and the Conservation Area Local development framework for Lansdown Area (2008), we acknowledge – with great regret – a potential need for CLC to redevelop the sports hall. We would simply ask that the planning committee considers the overall height of the facility so that it is no higher, for its proposed activities, than is recommended by Sport England.
2. The additional proposal to floodlight the hockey pitch immediately adjacent to our home is very distressing. It is impossible to understand the need for the extension of use of this pitch when there is an already a functioning floodlit pitch that is not used for significant periods of time, even during daylight hours, throughout the year.
3. We note that the new proposed floodlighting of the pitch is in an asymmetric layout, presumably, due to the manipulation needed to theoretically achieve the lighting levels that would barely comply with pollution regulations. By necessity this will provide an

uneven illumination of the playing surface. This is inherently dangerous for those playing high-speed games such as hockey, and will increase the risk of serious injury.

4. The proposal makes no reference to the traffic that will result from the extension of the sports hall and floodlighting of the pitches. The car park on Christchurch Road is already heavily used by CLC Sports Centre members and Airthrie school parents. Furthermore, the road itself is regularly used by visiting teams to park their coaches. Often, the coaches' engines are left running and we have to ask that they are switched off to reduce noise and exhaust pollution. Similarly, coaches frequently obscure or even block our drive way so that access is impeded. With more than one coach the scenes can often be chaotic and dangerous for pedestrians and other road users at this busy junction. With an increase in traffic, as a consequence of this development, the situation and dangers will be exacerbated.

It should be noted, that the established floodlit pitch at the other end of the sports ground already has a facility to park coaches and minibuses, however, this area is rarely used because access to this secluded area is a little more difficult than the street outside our homes.

Without adequate car parking facilities the Christchurch Road car park will become even more dangerous and the amenity that Christchurch Road affords to Cheltenham - the beauty of a wide tree-lined residential vista - will be replaced by a coach and minibus pound. Allowing this to happen would be in direct conflict with the third theme of the Cheltenham Plan (2013), which aspires to allow Cheltenham to be 'a place where the quality and sustainability of our cultural assets and natural and built environments are valued and recognised locally, nationally and internationally'.

5. It would seem more sensible for CLC to upgrade its established floodlit pitch, which was built with specific light and noise reducing features that include significant screening, sinking of the pitch and a steep perimeter bank covered in indigenous vegetation that has matured over the last 15 years. If CLC genuinely wishes to increase participation, we question why the modernisation of the floodlighting of this pitch with its established nuisance-reduction features has not been considered. Upgrading this pitch with the latest floodlight technology would actually reduce the impact on the residential amenity of Lansdown. It is difficult to understand why this option has not been submitted to the planning committee.

6. The pitch to be floodlit under the current proposal will require significant renovation. The pitch is prone to flooding and freezing and so is not playable for significant periods through the winter months. Pictures 1 and 2 (below) were taken from the rear of our property in November 2014.



7. To illustrate the close proximity of the pitch to our property, we frequently are asked to return balls that have landed in our garden after normal sporting activities. This is not a problem and we have always been courteous and accommodated the retrieving and reuniting of balls to their owners. However, if the pitch is used more frequently the prospect of this becoming a regular activity of home life is not acceptable and will compromise the privacy and quality of relaxation afforded by our home.
8. This pitch dominates the foreground and middle ground from the ground floor to the third floor vistas from our house, which includes our living room, study and bedrooms. It is

difficult to understand how, because of the proximity to our home that any light reducing feature will have any impact on the light pollution on our lives.

9. Adapting the existing floodlit pitch would be less disruptive for residents and would demonstrate a better commitment to two of the three main themes that inform the vision of the Local Cheltenham Plan (2013). Specifically, to establish and sustain Cheltenham as a “ A place where people live in strong, safe, healthy, well-served and well-connected communities and a place where the quality and sustainability of our cultural assets and natural and built environment are valued and recognised locally, nationally and internationally”.

### **Personal and Community mental health and well-being**

(With particular reference to the Clean Neighbourhoods and Environmental Act, 2005)

1. Recognising the necessity of a balanced symbiotic relationship between CLC and the community, we have tolerated the noise of hockey matches during the daytime with equanimity. The prospect of this increasingly unpleasant noise, from players and spectators, continuing into the evening would be very disruptive and significantly compromise the rights, as laid out in **Human Rights Act 1989: Protocol 1, articles 1 and 8**, to peacefully enjoy our home and garden.

Although we have seen the calculations of the lux light spillage we do not believe that these calculations reflect the typical conditions that reflect the seasons in Cheltenham. We are aware that light diffusion is exacerbated by wet and drizzly weather that is common throughout the year. Even on fair days light would trespass into our sanctuary, the sharp glare would dominate our lives, and a looming glow would invade our privacy and obscure the night sky and so prevent the recuperation we deserve at the end of our working days. Pictures 3 and 4 below are taken from our property in November 2014 and show the visibility of the established pitch with floodlights, even with its high screening vegetation bank. We tolerate this as we recognise the need for compromise to sustain community living. However, the proposal to floodlight the pitch in the foreground will cause significant and intrusive light pollution to our property and this will compromise our quality of life and is not acceptable or fair.





2. Light pollution is detrimental to the health and well-being of people and wildlife; meta-analysis has identified a real concern for the disruption to holistic physiological and psychological functioning of those who have reduced access to natural environments and have to endure exposure to artificial light (Falchi et al., 2011; Navara and Nelson, 2007). Berto (2014:394) notes the universal advantages of maintaining nature in urban environments: 'natural environments elicit greater calming responses than urban environments and, in relation to their vision, there is a general reduction of physiological symptoms of stress. Exposure to natural scenes mitigates the negative effects of stress and reduces the negative mood state and above all enhances positive emotions'.
3. The holistic health benefits to the CLC students of utilising natural light, over artificial light, have not been considered in this proposal. There is clear evidence of the accumulative personal, community and environmental benefits for children engaging in natural environments (De Vreede et al., 2014). It is now accepted that a well-designed urban landscapes can create a less stressful day and provide an opportunity for physical, cognitive

and emotional restoration. Maintaining natural elements and structural features in built environments helps to create urban community environments that are collectively “cognitive sustainable” and restorative from mental fatigue and the stresses of urban life (Joye, 2007; Grahn & Stigsdotter, 2003; Van de Berg et al., 2007). Our grandmothers encouraged us out into the fresh air and sunlight for our health. Has CLC considered the use of more imaginative timetables to encourage a healthy lifestyle for their students? We would certainly witness that the pitches are often empty during the daylight hours.

4. The health and well-being of the community including its wild-life – peregrine falcons and six species of small birds (bird count over one hour period in the morning, August 2015)- would be significantly compromised by both the destruction of natural habitats through the construction of and regular use of floodlights. The Royal Commission on environmental pollution considers that there is already sufficient research evidence for governing bodies to take action to reduce light pollution and light needs to be recognised that, just like noise and chemicals, in the ‘wrong quantity, in the wrong place and at the wrong time can cause problems and must be addressed explicitly’ (2009:30). The proposal to floodlight the pitch would lead to light nuisance so contradict one of the fundamental aims of the Local Cheltenham Plan (2013) which states that the natural and built environment are to be valued and recognised locally, nationally and internationally, therefore, we believe this proposal should be declined.

#### **Social capital, Community spirit and sustainable futures**

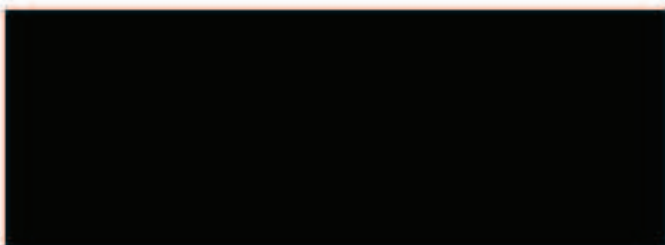
As residents living next to a potentially invasive development, we clearly will have concerns regarding our right to enjoy our home and privacy. At the ‘consultation’ meetings we found the applicant’s agents to be insensitive to our legitimate concerns through the belittling, dismissing and even ridiculing of our worries about the detrimental effects of the proposal. We have had to persevere in an attempt to fully understand the proposals and to construct an argument that gives a voice to our views. The experience has been most unpleasant and sadly has called into question our continuing desire to keep our family home, and to continue our contribution to maintaining diverse communities that share values of equity to access health and well-being without cost to others. Such an inclusive approach, if adopted by CLC and its agents, would have a less detrimental environmental impact and be more consistent and respectful of Lansdown’s

conservation status. It will also support actions that reflect a commitment to Cheltenham's Community Strategy Plan (2008) which states that the town should 'deliver a sustainable quality of life, where people, families, their communities and businesses thrive; and in a way which cherishes our cultural and natural heritage, reduces our impact on climate change and does not compromise the quality of life of present and future generations".

1. We would therefore on the grounds of the detrimental impact on the quality of life of the community, including CLC's students, and that on the natural urban environment ask that CLC explores the improvement of its currently floodlit pitch and maintains the unlit pitch in its current status.
2. All these concerns will be hugely exacerbated if this facility is built and subsequently, in order to address commercial and charity status requirements, CLC seek to extend its use further into the evening and night. We, therefore, request that in order to resist this inevitable consequence, that this professionally organised and financed campaign, which has dismissed and openly belittled the concerns of residents sympathetic to CLCs needs, should be suspended.

Thank you, for your attention,

Yours sincerely,



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17 Christ Church Road

Cheltenham, GL50 2NY

30<sup>th</sup> September 2015

Ms T Crews and Mr E Baker

Planning, Cheltenham Borough Council

Dear Ms Crews and Mr Baker

**Re: 15/01171/FUL**

We have read the responses by CLC, and their Agent, to our observations on their application to develop the sports facilities at the Ladies' College. These have not directly addressed our concerns nor even referred to our proposal for a compromise that could satisfy CLC's commercial needs within this residential environment.

To reiterate, we accept the need for CLC to develop its sporting facilities in order to meet commercial pressures as well as its requirement to provide for the sporting and recreational needs of its pupils. As neighbours, we reluctantly concede the need to accommodate any reasonable improvements in the facilities needed to meet these demands. Our objection rests on the apparent failure of the College and its Agent to frame their proposal according to established sustainable development guidelines.

The **National Planning Policy Framework 2012** (NPPF) introduced a 'presumption in favour of sustainable development' and makes clear that it is the purpose of planning to help achieve sustainable development, not development at any cost. To this end it contains strong safeguards to conserve and enhance our valuable natural and historic environment.

The NPPF informed the **Gloucestershire Joint Core Strategy 2013** (GJCS) that carried forward the promotion of sustainable natural and built environments. Strategic Objective 5 & 6 include:

1. Development [that is] well integrated with existing communities with regard to transport, infrastructure and service links and their visual appearance.
2. Development [has] created their own distinct sense of place, which was informed by high quality and inclusive design reflecting typical local settlement patterns, landscape character, house types and materials from the JCS area thereby producing a high quality built environment that respects and enhances local distinctiveness.
3. Making the best use of land by maximising the use of previously developed land.
4. Promoting the efficient use of natural resources, the re-use and recycling of resources,

And in Strategic Objective 9:

5. Providing...open spaces through the retention and development of a comprehensive green infrastructure network.
6. Ensuring that environmental quality and air quality is protected

**The Cheltenham Plan 2013**, which is part of the GJCS (2013), has three principal themes, the third of which...

...the quality and sustainability of our cultural assets and natural and built environment are valued and recognised locally, nationally and internationally...

...seeks to conserve and enhance Cheltenham's architectural, townscape and landscape heritage, particularly within the town's Conservation Areas. In addition, development should have high design and sustainability standards and is built to be adaptable over the long term. It should also minimise any impact on formal and informal green spaces and private gardens that contribute to local amenity and wildlife biodiversity.

In order to better meet these obligations, we would propose an alternative plan for the sustainable development of these facilities.

1. The existing sports hall is suitable for indoor tennis (LTA Document B2); there is sufficient clearance and floor space and, as the hall is already marked out for tennis, there is no need to consider a higher hall.
2. A new indoor multiple games area (MUGA) could be built adjacent to this existing facility on the proposed footprint, but would only need 7.5m clearance (<https://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>) to accommodate recreational activities and outdoor sports when the external facilities were not playable.
3. Finally, a safe external floodlit pitch (<https://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>) with a safe level of illumination for competitive hockey could be provided either by:
  - a. Modifying the existing illuminated and shielded hockey pitch.
  - b. Alternatively, a new area adjacent to the MUGA, which would allow three tennis courts to be built.

The advantages of this proposal would be:

1. CLC would be able to provide all weather year round facilities for most activities with adequate and safe lighting for their pupils.
  - a. The currently proposed lighting level (350 lux) is insufficient for safe competitive hockey that uses a heavy and hard ball. England Hockey stipulates a minimum safe lighting of 500 lux (<http://www.englandhockey.co.uk/page.asp?section=102>), and suggests the

safer 'Rush Hockey' that uses a larger and lighter ball for pitches with insufficient (350 - 500 lux) illumination.

- b. Even recreational tennis requires a recommended 500 lux (minimum 400 lux) on the principle playing area  
(<https://www.sportengland.org/media/30506/Artificial-sports-lighting-design-guide-2012-051112.pdf>)

2. The impact on the Conservation Area and the residential environment would be minimised by refurbishing or replacing the surface and floodlights alongside a builders' merchant yard. This pitch is at a substantially greater distance (approx. 100m) away from residential properties and is screened by a bank covered in mature vegetation including trees. The proposed floodlighting is only some 5m from our garden and 25m from the windows of bedrooms with no space for the provision of any screening at all.

We cannot identify any cogent argument against this suggestion in either the CLC Principal's letter or its Agents' responses. Indeed, this proposal would seem to align with the aspirations to preserve the character of the Lansdown area as described in **Lansdown Character Area Appraisal and Management Plan 2008**. Lansdown is noted as a historically planned and distinctive residential estate and, as a Conservation Area, this special character is worthy of protection. Views of the Tower of Christ Church were noted to be highly important in enhancing the area and prevalent from a number of areas both within and outside the character area. Long distance views of the countryside were seen to be prevalent over roofs of some buildings. Such views can be seen from Douro Road of the Cotswold escarpment. Glimpses of the Malvern Hills are displayed in spaces between buildings and trees along Christ Church Road, particularly visible across the low-lying Ladies' College playing field. Views of Cleeve Hill are presented from the end of Lypiatt Road looking down Montpellier Street. These views are important in establishing a rural connection and providing enclosure.

Many of these would be at risk of being obscured by the necessary glare from the proposed floodlights.

Modern intrusions in the form of satellite dishes and large aerials were deemed harmful to the overall appearance of buildings and detract from their special historic and architectural qualities. These additions can often be seen clearly from public space which harms the character and appearance of not just the individual buildings, but the area generally. The same must apply to floodlighting.

In reference to the latter we believe that CLC's Agent has been inconsistent and incomplete:

1. In the use of accepted standards. They choose lower 'international' standards than those that have been deemed as safe by Sport England and England Hockey. The proposal is for a club standard competition hockey pitch.  
(<https://www.sportengland.org/media/30506/Artificial-sports-lighting-design-guide-2012-051112.pdf>)

## **i** England Hockey Recommendations

### **Masts**

Lighting masts must not be erected within the run-off areas (minimum of 2m on each side-line and minimum of 3m on each back-line). For non-competitive activities, the recommended mounting height is 15m; however for club competitions and ball training the mounting height needs to be at least 18m so as to avoid glare.

### **Shadows**

To avoid disturbing shadows for the goalkeeper, it is recommended that 8 or at least 6 masts are used.

### **Minimum Lux Levels (Maintained)**

Class	Maintained lux	Activity
I	750	High-grade national club and international competition
II	500	Junior and low-grade club competition
III	300	Non-competitive training

2. We remain concerned because insufficient detail has been provided to allow an assessment of the full impact of the proposal. The Principal's letter, with which we agree in principle, has not clarified the nature of the activities that CLC wishes to develop for its pupils. Whilst a degree of flexibility is required to future-proof this development, a sustainable plan of CLC's sporting ambitions should have been provided in order to avoid unnecessary costs in unanticipated future re-development.

We are especially distressed with the prospect of invasive floodlighting of the 'old' hockey pitch. This will contravene our right to privacy and to enjoy our home environment.

The professional advice we have obtained indicates that the specifications included in the application are insufficient to allow a full assessment of the potential impact of light pollution on our homes, and by inference the safety of the pitch for even just practice hockey.

### **Specifically:**

1. The angulation and wattage/lumens of each lamp has not been specified in any part of the application. Verification of the submitted data, which have not included standard deviation calculations, is impossible. It is unclear whether we are being presented with the worst case scenario for light pollution that Sport England recommends should be used in any consultation process. Are we being presented with the best case scenario?
2. Although light amplification due to weather conditions can only be calculated after installation, a professional opinion of the likely degree of this phenomenon can and should be provided.

Despite this, we would suggest that we have demonstrated a willingness to engage with CLC to allow mutually acceptable development within this very special area of Cheltenham. However, in the light



of the plan we describe, we would be grateful if CLC's application is declined as it runs contrary to the sustainable development required by NPPF and its derivative documents.

Yours sincerely,



PS. All documents that have been referenced were accessed today 30<sup>th</sup> October 2015

**9, Christ Church Road, Cheltenham, GL50 2NY**



03 August, 2015

Mr Mike Redman  
Built Environment,  
Cheltenham Borough Council  
Municipal Offices, Promenade,  
Cheltenham,  
GL50 1PP

**Planning application 15/01171/FUL: The Cheltenham Ladies' College Health and Fitness Centre**

Dear Mr Redman,

On behalf of my wife and myself I wish to comment on and strongly object to various aspects of this application, which I note has been submitted while many are away on holiday. Our house, which overlooks the site, was first occupied in 1894, a few years before Christ Church Farm became the "The Ladies' College Playground".

In my mind the current application comprises two parts: a revision to the granted 2011 application (11/01125/FUL) in which a proposed tennis hall adjacent to the existing sports hall becomes a multi-use sports hall; and an application to floodlight the "old" astroturf pitch, which was not part of the 2011 application. I comment and object to these separately in detail below. We do not object to the sports hall in principle, just its unnecessary bulk and height which needlessly blocks a key vista. On the other hand we urge you to reject the application for floodlights completely.

The sports hall proposal this time involves a 12.0m high multi-use hall as opposed to a much lower 9.6m high tennis hall in the 2011 application. This new hall will be alongside the existing 12.4m high sports hall, all with the same floor level. All but one of the fitness, health and sports activities which the applicants wish to take place in these halls, as listed in their Design and Access statement, can be accommodated in halls with a clear height of 7.5m everywhere, the Sport England standard. The single exception is tennis which requires a greater height at the net. Quite amazingly, given this was a key argument in the 2011 application, the applicants again overstate the height requirement for tennis, stating it to be 10.67m at the net, not the 9.0m clearly stated by Sport England and the Lawn Tennis Association. This will have coloured the whole approach of the architects, since as the agent makes clear in the Planning Statement (para4.21), tennis has determined the height of the building. Moreover, while Sport England state that tennis is not usually played in multi-use sports halls because of the difficulties in getting the ball bounce right, it is also the case that the Design and Access statement clearly calls for only one "optional" tennis court in one of

the two halls. Perhaps again because of their mistaken belief in a 10.67m height requirement, the applicants have chosen to place tennis in the new hall and ignored the fact that the one tennis court could be fitted in the existing hall. This has, I estimate, an 8.95m clearance everywhere. With tennis in the existing hall, the new hall could be of Sport England standard where 7.5m clearance is achieved in halls with maximum roof heights of about 9.5m, as in the 2011 permitted scheme. This would reduce significantly both the bulk of the building and the extent to which a key vista of the Malverns, identified by the conservation department of the Council in the Lansdown character area appraisal, is blocked. Given that the applicants are blocking this key vista from the public highway, and thereby harming the conservation area when they very clearly do not need to, we ask you to reject this application and invite another with a 9.5m roofline. Our reasons are set out in more detail in paras 1.1 to 1.3

Our reasons for objecting to the 15m high floodlights on the Christ Church Road pitch, which is very close to our houses and gardens, are set out in considerable detail in paras 2.1 to 2.6 below and summarised in para 2.7 at the end. We are very disappointed that the applicants now wish to vary the 1997 approach in which a floodlit hockey pitch and floodlit tennis courts were permitted well away from our houses, not near them, and all access for hockey matches and other sports was via Malvern Road. We cannot be certain but the suggestion was, during consultation, that the existing floodlit pitch, which is used far from 100% of the time, has lighting problems. We believe the answer is to fix those problems, not inflict floodlights on us.

In terms of the application and its merits or otherwise we note that in trying to shoehorn in this scheme for match hockey, netball and tennis, the applicants have underlit it in comparison with levels described as "necessary" by the Council's own consultant for the Dean Close application for match hockey, and also underlit by Sport England and Lawn Tennis Association standards. Moreover it does not meet national or international hockey lighting uniformity standards. We believe that the application if permitted would have significant adverse effects, by way of light pollution, noise, traffic and parking problems, on the residential amenities we currently enjoy. We agree that the rear of our properties fall into zone 2 of the Institution of Lighting Professionals guidance but whereas the applicants claim that light levels falling on our houses would be within zone 2 we argue that that is far from the whole story because their data only include the effects of light travelling directly from the luminaires to our house and ignore reflection from the pitch and scattering in the atmosphere, effects described by Sport England as unavoidable and Thorn Lighting as quite significant but often ignored. Measurements on Hatherley Road when Dean Close flood lights were on, showed, that at a given position, 1.3lux on a clear dry day increased on a rainy day and became 5.4lux on a misty but hockey playable day. On the basis of this, and simple analysis to predict the levels of light reflected from the pitch, we conclude that when translated to our houses, where lights are much closer than in Hatherley Road, light levels will approach the zone 2 limits on clear days, will exceed them on rainy days and may even reach 20lux on misty days. Levels in our gardens, as predicted by the applicants for clear days are up to 50lux, which is 25 times higher than the 2lux which the Council's consultant advised might cause complaints in Hatherley Road and merited special mention in the decision notice.

We also argue there will be noise problems and are amazed there is no mention of the floodlighting in the transport statement. While we accept that some may argue that floodlights on 15m masts may not alter the character of the conservation area we suggest it is impossible to deny that lights behind and perhaps above our houses will have an adverse

effect on the appearance of the conservation area as perceived by pedestrians and others, and thus harm it.

We do not believe that refusing the floodlights part of the application will have an adverse effect on the competitive position of the school: given the facilities it will have with the second multi-sports hall etc and its academic and other excellence we simply cannot believe any prospective parents will be put off when they learn that one of the two astros is not floodlit.

For all the reasons above we believe the floodlighting part of this application should be rejected, and we call upon you to do so.

Detailed arguments now follow.

### **1. Proposal for multi-use sports hall etc**

I have no objection in principle to the idea of an additional sports hall in the proposed location. What I do object to is an over-high multi-sports hall which unnecessarily blocks a key vista of the Malvern Hills from the Christ Church Road pavement i.e. from the public highway. I also have comments on noise emanating from the halls, and traffic arrangements.

#### **1.1 Height, bulk, obstruction of views and a better alternative**

In 1998 permission was granted for an 11.4 metre high tennis hall in a similar position, but somewhat closer to the existing sports hall, as part of The Ladies' College declaring their longer term aspirations for the site when permission was also granted for the "new" astroturf, well away from our houses. The new astroturf was constructed, with floodlights, but the tennis hall and associated floodlit tennis courts were not, and the permission lapsed (CB 12205/18).

In 2008 Cheltenham Borough Council produced, as part of the Local Development Framework, a character area appraisal for the Lansdown part of the Central Conservation area. Amongst other things it was noted that "views of the Cotswold escarpment, Leckhampton Hill and the Malvern Hills presented from open spaces and gaps between buildings create a rural connection between the countryside and urban area..." and "Views are highly important in enhancing the character and appearance of Lansdown character area." "Glimpses of the Malvern Hills are displayed in spaces between buildings and trees along Christ Church Road, particularly visible across the low-lying Ladies' College playing field." Key views and vistas are summarised in a "Townscape Analysis Map" and include one looking from the public highway in Christ Church Road down the Ladies' College Christ Church Road car park.

Consequently when in 2011 the applicants presented a plan for a tennis hall which blocked much of this view, and thus in my opinion harmed the conservation area, I objected. The original plan called for a building 10.6 metres high, but this was reduced to 9.6 metres after I pointed out that tennis halls require 9.0 m clear height above the floor at the net, not the 10.1 metres the applicants had assumed (all these halls have the same floor level so building heights do indicate true heights of roofs above sea level). In recommending granting the application (11/01125/FUL) the Officer commented (1st update para 6.3) that "it must be of significance that the highest part of the curved roof will be lower than that of the previously

approved building". In the Architectural History and Conservation document (bottom p4) the applicants' consultants noted that "The new Indoor Tennis Court facility would undoubtedly have an impact on the site, but it would sit 1.9 meters (sic) below the highest point of the existing Sports Hall... The new building would, therefore, not dominate the skyline, but would be subservient to the existing sports facilities at the College." In other words, the lower level of the new building was a good thing. The 1.9 metres below became just over 2.8 metres below when the height of the building was reduced to 9.6 metres. It will be appreciated that, just as is the case when moving one's hand up and down before one's eyes, a small change in building height can have a big effect on the visibility of a distant view.

The multi-use hall now proposed in 15/01171/FUL is 12.0m high, with the highest point on the roofline (not counting the wind-catchers) at 69.69m above sea level, compared with 67.39m for the 2011 approved tennis hall and 70.23m for the existing sports hall. Thus it is higher than anything previously proposed and not at all subservient to the existing facilities. It will block much, if not all, of the key view from the pavement (not my kitchen window!) and therefore, once again, I object. I should emphasise that I do not object as a way to defeat the whole idea of a new hall, but because I believe necessity is often the mother of invention and that a much better compromise could be reached if the current proposals for the roofline were rejected, and an alternative approach, presented below, were adopted.

The applicants claim the key view of the Malverns is often obscured by haze and is not the best in Christ Church Road. However no number of photographs taken by them on misty days can hide the fact that on a sunny day, winter or summer, there are lovely views of the Malverns from the pavement at the entrance to the Christ Church Road car park. It is true that the present squash courts are an unappealing foreground to the view but they do not obstruct it. The applicants suggest that removing the existing squash courts, which I welcome, is a reasonable exchange for blocking the view with an over-high bulky building, and thus the conservation area would on balance be preserved, if not enhanced. I dispute that, but what cannot be disputed is that removing the squash courts while retaining the view would certainly enhance the conservation area and is surely a target worth having.

In the 2011 application everyone, including the conservation officer, accepted that the height of the building was of concern, and not increasing it was the justification for accepting a less than ideal roofline (Officer report 1<sup>st</sup> update, para 6.7h). The shallow barrel vaulted roof had its highline more or less perpendicular to Christ Church Road, as in the 1998 application, thus minimising obstruction of the view, and was approved by the conservation officer as providing design continuity with the form of the swimming pool (Officer report 1<sup>st</sup> update, para 6.7g). All this seems to have been thrown away in the current application, with the highline of the roof now parallel to Christ Church Road, maximising obstruction of the view, and the applicants congratulating themselves on reducing the height of the building from 13.2 m at the first consultation to 12.0m in the current application. I note that in the Planning Statement the agent now states (para4.19) that the 2011 permission was for a building 10.76m high. This is not true. Reference to the revised drawing 422530sections clearly shows it was for a building 9.6m high (67.395-57.790m) compared with the existing 12.44m sports hall (70.230-57.790m).

Details of the wide range of sports which it is proposed will be played in the new and existing multi-sports halls are given on pages 30 and 33 of the Design and Access statement (D&A). Details of the court sizes required for these activities can be found on Sport England's website at

<http://www.sportengland.org/media/30561/Comparative-Sizes-Checklist-April-2011.pdf>

The applicants state, and Sport England's website confirms, that all of the activities can be accommodated in halls with a clear height of 7.5m everywhere, with the single exception of tennis, which requires a higher height at the net. However I am completely flabbergasted to read (D&A p30) that applicants believe the height requirements for tennis are 10.67m at the net and 6.10m at the baseline. This is not true. Both Sport England and the Lawn Tennis Association at

<http://www.lta.org.uk/globalassets/venue/support-your-venue/documents/indoor-tennis-structure-guidance.pdf> p9 state that the requirements are 9.0m floor to ceiling at the net and 5.75m at the baseline, as was made absolutely clear during the 2011 application. I also note that on page 25 of the D&A that the one tennis court is described as "optional", hardly the description of a key requirement. Moreover in the Sport England guidance for floors in multi-sports halls at <http://www.sportengland.org/media/31288/Floors-for-indoor-sports.pdf> the section for tennis on p24 states "Tennis is not usually played in multi-sports halls due to the difficulty in creating the suitable ball bounce characteristics". I also note that of all the possible activities to be undertaken within the multi-sports hall, tennis, with one court, must offer the poorest return in terms of pupils involved at any one time. The lists on pp30 and 33 and the floor plans on pp31 and 32 of the D&A confirm that tennis is to be played in the new hall but not the existing. However internal inspection shows that in the existing hall there are no structural obstacles below eaves height, which the topographical survey submitted with the 2011 application shows to be at 66.74m i.e. 8.95m above the floor at 57.79m. Moreover p32 of the D&A shows that a club standard netball pitch will be accommodated in the existing hall along with the climbing wall. The Sports England size checklist shows the basic court sizes and overall sizes including run-offs to be smaller for a tennis court than a netball court, so it follows that a tennis court could also be fitted in.

Not surprisingly Sport England's advice on multi-sports halls consistently shows designs with a clear height everywhere of 7.5m, as can be seen in

<https://www.sportengland.org/media/31363/Sports-Halls-Design-and-Layouts-2012.pdf> and <https://www.sportengland.org/media/31442/Affordable-Sports-Halls-2012.pdf>

In both the former, at page 16, and the latter, at page 14, sections of halls are shown with overall floor to maximum roof heights of about 9.5m (based on simple scaling from the drawings), with the roof arch spanning the shorter dimension of the hall and producing a barrel shaped roof oriented as in the 2011 application.

On the basis of the above I conclude that in the applicants' scheme the "optional" tennis is not a major priority and any play in the new or existing multi-sports hall is unlikely to be 100% satisfactory. Nevertheless if the applicants really do wish to retain the one tennis court mentioned in the D&A then this could be accommodated in the existing hall. I assume the applicants have overlooked this possibility because of their misguided belief that tennis requires 10.67m clearance at the net. Once tennis is moved to the existing hall, all of the other requirements for the new hall can be met with a Sport England compliant hall for which maximum roofline need be no more than 9.6m high, i.e. much as in the 2011 granted application.

The proposed site plan shows one outside netball court adjacent to the new sports hall, and in the same position as the CB/12205/14 floodlit tennis courts. Tennis could also be played there.

Given all of the above, I urge the planning officers to reject the current plans for a new 12.0m high multi-sports hall and request the applicants to submit a new proposal with a maximum roofline at about 9.6m high (i.e. at ca. 67.4m above sea level). Why block a key vista in the Central Conservation area with an over-high building when you do not have to?

### **1.2 Noise and acoustics**

The section on p41 of D&A misses at least one key issue, the excessive noise, especially base tones, emitted from the roller disco sessions and suchlike held in the existing sports hall. The repetitive booming can be heard in Christ Church Road. I would urge the applicants to ensure that the proposed noise containment measures do work over the whole range of audible frequencies and power levels likely to be encountered in both the existing and the new hall.

### **1.3 Traffic**

It must be significant that on the Application Form it is stated that there is no existing or proposed provision for the parking of public carrier vehicles or buses, and there is no mention of these in the transport statements. It is the parking of coaches and minibuses in Christ Church Road, which accompanies school matches and sporting "jamborees" that often causes problems. This is compounded by the tendency of coach drivers to leave their engines running for prolonged periods. If one has a coach parked right outside one's house it is impossible to see approaching traffic and get out of one's drive safely. Jamborees also often bring in a lot of spectators by car.

These problems were recognised, but not completely solved, when the planning permission was granted which, as I understand it, currently governs parking on the site, namely the 1998 CB/12205/17. I draw your attention to condition 7 of the decision notice, which provides, contrary to the statement in the current Application Form, for on-site parking of 2 x 12 seat minibuses, and to condition 4, which provides that there will be no more than 60 spectators at any one time (at hockey matches on the "new" astro), because (reason 4) the site's car parking provision is unsuitable for more. In this context I note on p30 of the current D&A that the new hall will provide for up to 50 spectators at county netball events, something else not mentioned in the transport statement. Could that mean 110 spectators at one time, plus of course participants?

In the light of the above I suggest that the conclusions presented in the transport statement are far too complacent. In particular I urge you to see that there is some provision for on-site parking of mini-buses and to identify safe locations for coaches to unload and park, both now and after the proposed introduction of a parking scheme here.

## **2. Proposal to floodlight the existing "old" astro turf pitch**

My wife and I object to this proposal and urge the planning authorities completely to reject the idea of floodlighting this pitch. We believe that the applicants are trying to shoehorn in a floodlighting scheme which is extremely close to our houses and gardens and argue that despite any improvements on earlier schemes this current one should not be accepted because:

- overall the adverse effect on the amenities currently enjoyed by immediate neighbours such as ourselves will more than outweigh any marginal advantage to the competitive position the College in the independent schools sector, especially when one considers

the superlative facilities the College will have once the multi-sports hall etc is added to their existing facilities

- the character and certainly the appearance of this part of the Central Conservation area will be harmed.

In the paragraphs below I first comment on the history of the pitch and the various planning applications. I then set out our arguments in respect of the light pollution, increased noise and parking and traffic problems that the new scheme would bring, and the impact on the conservation area. Finally I address the economic issue, bearing in mind the College is one of Cheltenham's major employers.

Lighting is a complicated subject. I am not a professional lighting engineer but am a professional physicist with 35 years' experience applying classical physics to a wide range of problems in manufacturing industry. I have tried to explain my reasoning as clearly as possible but when it comes to original analysis, as in appendix 2, I understand many will not follow the physics, which nevertheless is available for inspection. I would simply comment that equally very few would follow the analysis that goes into the computer generated light spillage diagrams in the application.

## 2.1 History of the pitch

The applicants have listed and commented on the planning history of the site in the planning statement. In 1998, when the all-weather pitch was based on redgra, an application for floodlights was rejected. Despite this in 1992 the College spent £350k (ca. £650k in 2015 money) converting the redgra to astroturf without any further application for floodlights. This demonstrated the value of the pitch to the college whether or not it had floodlights, but also located the astroturf in one of the places in their sports field where the annoyance to neighbours by any subsequent use of floodlights would be maximised. The pitch is probably now coming to the end of its life. In 1995 an application involving telescopic masts (CB/12205/14) was rejected both by the council and on appeal. These masts were only 12m high extended, not 15m as in the current application. In the 1995 statement of appeal (para 4.1) the College stated they accepted use by girls only and that in parallel with the appeal they would submit a new planning application (CB/12205/16) "with a suggested "cut off" time of 6.45". Other documentation obtained from the Planning Department in 1996 in the course of objecting has handwritten on it (not by me!) "Proposed times Mon-Sat 18.45; no floodlighting on Sundays". I am therefore very surprised to see in the current Planning Statement (para 4.11) the agent claim that the /16 curfew hours were the same as in the appeal to /14 viz 20.30 Mon-Fri 20.00 Sats and 19.00 Sundays. With a curfew time of 18.45, and girls only, reason 3 in the decision notice for CB/12205/16, rejecting the application, relates to noise and disturbance at the same times as in the present application, and with the same users.

Noise was a continuing issue with the unlit pitch. In October 1996 our then neighbour at 15 Christ Church Road informed us that after a series of measurements Miss Evans from Environmental Health at Cheltenham Council had concluded that the noise constituted a nuisance but that the College had volunteered to restrict its activities, while asking that one last hockey tournament might proceed.

All of this, plus the advent of Mrs Tuck as new Principal, lead to a new approach in 1997 and the building of the new astro with floodlights shielded behind a bund and well away from our



houses. In addition to the curfew and restrictions on users the decision letter for CB/12205/17 called for all access to be from Malvern Road. The advantages of this for parking and general control can be seen by reading the Bursar's letter (appendix D of the Planning Statement). The College has, as far as I am aware, complied with all the conditions and not tried to change them. Equally the new pitch has been acceptable to us. It is now a great disappointment to learn that with yet a new Principal the message from Mrs Tuck that "there are no plans to place floodlights on our existing pitch" no longer applies. However each application has to be treated on its merits and that I will now do.

## **2.2 Lighting and light pollution**

### **2.2.1 Lighting requirements**

The lighting consultant's report concludes (p5) that the lighting system has been designed to allow participants to play hockey and other ball sports in safety. Match i.e. competitive hockey is mentioned together with netball and tennis. The question is, what level of illumination does this require? (In this context it is worth noting that the total light output, or light energy/second, coming from a lamp is measured in lumens. The level of illumination of a surface is measured in lumens per square metre or lux). In any situation one wants to minimise light levels to minimise cost and spillage of light on neighbours, but not so far as to prejudice safety.

The consultant quotes (p3) a number of standards for hockey pitches with levels from 250 to 300 lux. Surprisingly however there is no mention of Sport England or the national governing body England Hockey. Sport England has on its website a design guidance note "Artificial Sports Lighting Updated guidance for 2012" (November revision 002) <https://www.sportengland.org/media/30506/Artificial-sports-lighting-design-guide-2012-051112.pdf>. In appendix 4 (p52) there is a list of requirements for outdoor sports lighting with Sport England updates. Under Hockey it is stated "England Hockey recommends a minimum of 350 lux for competition and the following levels for particular pitches Class 1 = 750 lux Class 2 = 500 lux Class 3 = 300 lux See 'Guide to the Artificial Lighting of Hockey Pitches' download at [www.englandhockey.co.uk](http://www.englandhockey.co.uk)". If you follow the link you come to <http://www.englandhockey.co.uk/page.asp?section=102&sectionTitle=Facilities+Guidance> where, down the page, one can download both the Guide and a shorter pdf by clicking "Floodlighting". The Guide is the June 2007 International Hockey Federation (FIH) Guide, not the 2011 version quoted by the consultant, and it appears England Hockey have stuck with the 2007 guidance, since they have had plenty of time to change their website if they wanted to. The pdf is based on the Guide. Both state the minimum illumination for competitive hockey is Class 2 i.e. 500 lux.

I note that in what I believe is the latest approved school hockey floodlighting scheme in Cheltenham 10/00144/FUL at Dean Close School the Council's consultant Malcolm Mackness (Lighting Engineer pdf) states "The target horizontal illuminance for the pitch is 500 lux. This equates to the requirements of a Class 2 installation, as defined by England Hockey, for Junior and Low-grade Club competition. 500 lux is a relatively high figure, but is necessary because the small, hard ball travels at high speed. It seems an appropriate lighting level target for this installation...."

The Sport England Guide states competitive netball requires 400lux, but 200lux for training while tennis requires a minimum of 400lux on the court itself with 300lux on the side and

back runs. (Recommended levels for tennis are 500 and 400 lux. The same unambiguous figures are quoted on the Lawn Tennis Association website.) The figures quoted are all long term maintained levels, not the higher starting levels when lamps are new.

The present consultant's report notes (p5) that illumination levels have been reduced since the last public consultation to be in line with an un-named sport's governing body. My notes show that consultation started with 350lux maintained and 465lux initial illumination. During consultation I got the impression that since the rejection of floodlights on the Ladies' College Well Place tennis courts (07/01005/FUL) that tennis playing might feature prominently on the new hockey pitch. I believe the tennis illumination levels are therefore also very relevant.

I would find it very odd if the council were now to allow any application for competitive school hockey with light levels below the 500lux which their consultant described as "necessary". However given the Sport England comment re 350lux for hockey and the tennis requirement for 400lux I could understand an application for 400lux. I would be very surprised if the Ladies College, or their legal advisors, would wish to have a match pitch which does not meet published Sport England or England hockey minimum requirements.

I therefore urge you to reject this application and invite another with a higher level of illumination viz 400lux. Obviously I do not want more spillage of light on our houses: I suspect a proper level of illumination is incompatible with the shoehorning in of this floodlit pitch.

### **2.2.2 Pitch lighting and spillage as described by the applicants**

As noted above, lighting is a complicated subject. While the applicants may have submitted what they think experts in this area need, I suggest more explanation would help householders and other non-experts.

My understanding is that the applicants have noted the Institution of Lighting Professionals (ILP) *Guidance Notes for the Reduction of Obtrusive Light GN01:2011* and because their presented calculations show that the illumination of vertical surfaces, e.g. windows, on our houses and the glare from individual luminaires as observed from our houses falls within the ILP guidance they believe the application should be approved. My contention is that this is far from the whole story.

My own measurements fully support the consultant's conclusion that the rear of our houses should be considered to be in Zone 2 of the ILP guidance. For example at night at our top window, which is above the level of the existing floodlights, I record 0.2lux when they are on on a clear day, 0.4lux on a misty day, and 0.0lux when they are off. The Council effectively confirmed our zone 2 status via condition 8 of CB/12205/17 "Vertical illuminance..shall not exceed 5 lux..at residential property".

I note the lighting diagrams and calculations in the consultant's report. As I understand it, although this is not stated and I would welcome confirmation, the data presented represent the initial conditions when the average illumination is 430lux. The numbers on the pitch represent horizontal illumination (i.e. illumination of the horizontal pitch surface) and the contours "vertical illumination". The contours are at "3m high" which I assume is above the pitch. As our buildings are about 2m above the pitch these contours are at about 1m up our very much taller buildings. Given that the values are compared with the ILP

recommendations, I assume the tabulated data for source intensities in candelas refers to individual luminaires.

The asymmetric nature of the vertical contours, with for example the 2lux contour much closer to the residential side side-line than the sports centre side side-line, confirms the non-standard asymmetric lighting system deployed as part of the shoehorning. I note there is a consistent gradient in lighting levels as one moves parallel to the goal-line and crosses an imaginary centreline from goalmouth to goalmouth. Hockey England "Floodlighting" (as per 2.2.1 above) mentions avoiding disturbing shadows for the goalkeeper and using 8 or at least 6 masts. I suggest this asymmetric lighting will just add to that problem and lends weight to the argument that the pitch is inadequately lit. I also suggest that it is unwise to take standards which inevitably have been developed via trial and error on normal symmetrically lit pitches and apply them without further consideration to asymmetrically lit pitches.

The FIH/England Hockey 2007 and FIH 2011 guides to pitch lighting both call for uniformity of lighting across the whole pitch, which is both a playability and safety issue, since eyes take time to adjust to varying levels of illumination. In both guides two measures of uniformity are specified for all levels of play,  $E_{min}/E_{ave} > 0.7$  and  $E_{min}/E_{max} > 0.5$ . The consultant notes the scheme just meets the first criterion. However there is no mention of the second. Inspection of the pitch reveals a 304lux and a 717lux giving  $E_{min}/E_{max} = 0.42$ . The scheme thus fails the second criterion, which FIH 2011 stresses as important (p5). I suggest that that failure in itself is sufficient basis to reject this application.

As noted by the consultant the vertical illuminance limits quoted by ILP are cumulative, so background illumination (from the floodlights on the new astro) needs to be added to additional illumination from the scheme. Thus at most 0.55lux should be added to all other quoted values when comparison is made with ILP limits or values mentioned by inspectors before the new astro was installed. As I read the consultant's data, a contour of 2 lux comes close to our houses at 1m height, which is about 2.5lux when background illumination is added. Moreover in the tabulated data I see a maximum value of 3.1 lux or perhaps 3.6 lux when 0.55lux is added. Below I shall argue that when effects not mentioned by the applicants are included (reflection from the pitch and scattering in the atmosphere by rain or mist) this 3.6 lux will at times exceed the ILP limit of 5 lux by a wide margin. However at this stage I would simply point out that the ILP approach does not distinguish, for someone in zone 2 with a limit of 5 lux, between someone who already has 4.5 lux background and can object to a marginal increase of 0.5lux, and someone with an 0.5lux background who has a 4.5lux increase. This is particularly odd given that most human perception registers as equal steps equal ratios of stimuli. For example each 10decibel increase in sound level as one goes 50 to 60 to 70 is perceived as an equal increase in sound level even though the sound power involved increases 10 fold at each step. Thus in our case I would argue that one should take into account both the change in light level involved and the ratio involved. 0.55 to 3.6 lux is a nearly sevenfold increase in light level and a very noticeable change.

I object to the fact that no horizontal illumination data are supplied for our gardens which I could compare with the current night time level of 0.0 lux, and only 7lux immediately under the lamppost outside our house, 1 lux between lamp posts on our side of Christ Church Road and 0.3 lux on the footpath on the opposite side of the road adjacent to the Ladies' College lacrosse pitch. However I note vertical illuminances up to 50lux in our neighbours' gardens with a significant area of ours subjected to 10lux or more. I draw your attention to the corresponding spillage diagram for the approved Dean Close application 10/00144/FUL,

attached as appendix A. In his report the Council's consultant noted there might be some cause for complaint from 133 Hatherley Road, where there was spillage of 2lux maximum. Condition 3 of the decision notice called for additional shielding to mitigate this. If 2lux was a problem in Hatherley Road, then these levels of up to 50lux in Christ Church Road must be a mega-problem. I strongly object to this level of light intrusion into our gardens and ask you to reject this application for that reason. At consultation the applicants suggested that when the lights were on all neighbours would retreat to their houses and draw their curtains. This is rubbish. The existing lights are frequently switched on more than an hour before sunset and my wife and I can easily dig in our garden until 30 minutes after sunset (Lighting up time for headlights).

I note the data indicating luminaire intensities as those for individual luminaires when viewed from our houses and will comment further on glare below.

### **2.2.3 Other causes of light pollution and annoyance not discussed by the applicants**

I remember from discussions years ago, before lux values were discussed, or perhaps understood, that some local councillors rejected earlier floodlighting proposals simply because the lights were "just too close to our houses". This is a simple observation but still both true and relevant. It is of course obvious to all that the further one gets from a light source the poorer the illumination it provides. This is encapsulated and quantified in one of the fundamental laws of the science of light measurement, or photometry, namely the inverse-square law. It recognises that the lumens of light energy given off from a source radiating in all directions will effectively be spread out ever more thinly over the surface of an imaginary sphere of progressively bigger radius as the light moves away from the source. Since the surface area of a sphere is proportional to the square of its radius it follows that the illumination, measured in lux, falls off as the square of the distance. Thus if one doubles the distance the illumination reduces to a quarter of its previous level. Equally if one halves the distance the illumination increases four-fold. It also means that when one puts pitches very close to houses, effects that might otherwise be ignored should, at the very least, be considered.

As I understand it the data presented by the lighting consultant is based on "direct illumination" alone. That is to say light which travels in a straight line from the luminaires to the surface of the pitch or our houses on a clear day. However this is not the only route by which light can get from the luminaires to our houses. As Sport England in their floodlighting guide (p30) note: "...the glow which appears above a lit pitch when it is viewed from a distance at night, results from a combination of the reflectance of the pitch surface and light scattering by dust or moisture in the air above the pitch. As such, it is.. largely unavoidable." Equally Thorn Lighting, a floodlight manufacturer, notes at [http://www.thornlighting.com/PDB/Ressource/teaser/COM/TLG\\_Champion.pdf](http://www.thornlighting.com/PDB/Ressource/teaser/COM/TLG_Champion.pdf) (p11) "Indirect contributions come from the upward light reflected from the ground. In sports, for example, grass can reflect up to 10% of light while some artificial surfaces can reflect as much as 25%. The indirect contribution from an installation can therefore be quite significant but is often ignored as a contributor to obtrusive light."

These indirect contributions not only allow us to see distant floodlit pitches by diverting light in our direction but, when pitches are close, may also cause significant quantities of light to fall onto neighbouring properties. It will be appreciated that while a lighting engineer can point direct illumination with some precision, indirect light, from reflection from a matt

surface or scattering in the atmosphere, is radiated in all directions and is not under the engineer's control, although reducing the overall pitch illumination level will reduce indirect effects as well.

In appendix 2 I offer analysis which allows some estimate of the likely levels of reflected light on our houses. It assumes: the pitch is lit to 500 lux and is a matt surface that may be modelled as a uniform diffuser which reflects 25% of incident illumination. The answers are directly proportional to the lux level (and the reflection%) so a starting level of around 450lux would give answers 10% less while any maintained level greater than 385 lux would have a starting level >500lux, assuming a maintenance factor of 0.77, as per this application. Hedges etc are ignored. The analysis is for light reflected from a 1 metre wide strip on the pitch parallel to the goal line, directly in front of the nearest buildings. I conclude that such a strip would deliver 0.067 lux at 3m height on the nearest buildings, 0.126lux at 8m and 0.170 lux at 13m. Of course the other 90 metre strips which comprise the rest of the pitch will deliver progressively fewer lux, not least because of the inverse square law. Analysis beyond one strip is beyond my relatively simple first principles approach, but if one assumes that the 91 metre strips altogether deliver 10 to 20 times the single one considered, then at 8m up the building one gets about 1.25 to 2.5lux. At the very least these numbers indicate that neglecting reflection from the pitch is a mistake.

Calculating light scattered by the atmosphere onto our houses is quite beyond me. However luckily Cheltenham has some experimental facilities, namely the Dean Close pitch. Residents in Hatherley Road will confirm that on misty days floodlight levels on their houses are very noticeably higher than those on clear days. I have taken some measurements from the pavement opposite 130 Hatherley Road, the point marked A in appendix 1. On different days last winter I held my meter above the hedge in a vertical plane pointing towards the illuminated pitch, while the lights were on and hockey being played. My brief survey was far from comprehensive but, I believe, most instructive. Results were as follows:

Weather + light conditions	Light level recorded (lux)
Perfectly clear lights off	0.2
Perfectly clear	1.3
Hint of rain in atmosphere	1.6
Light to moderate rain, using intermittent wipers on car	1.8
Pretty misty but no need for rear fog lights. From steps of Christ Church, Airthrie traffic lights very visible but Queens Road not.	5.4

These results not only confirmed the very strong effect of misty conditions but also quantified the less noticeable but still significant effect of rain. Clearly the values predicted by software for clear days will underestimate what happens on rainy and misty days.

Of course the question is how does one translate these experimental results in Hatherley Road to Christ Church Road? One simple approach is just to say that if 1.3 lux on a clear day can become 5.4 lux on a misty day in one location, then 2 or 3.1 lux in another will obviously become something well over 5lux. However I suggest a better approach is also possible. The scattered light is coming from a shoebox shaped volume more or less the area of the pitch, but bounded by the rows of masts on either sides of the pitch, and extending up to the height

of the lamps, 15m in both cases. The distances in each location can be estimated reasonably well by scaling from drawings and bearing in mind that hockey pitches are 55m wide. On that basis I estimate the lines of the rows of lights are 71m and 133m away from location A at Dean Close but only 27m and 89m from the nearest buildings at Christ Church Road (nos. 15 and 17). If we apply the inverse square law to these dimensions, to get a feel for the factors involved, then the nearer edge of the shoebox of scattered light would produce  $(71/27)^2$  or 7 times more illumination on the nearest houses in Christ Church than on position A, while the distant edge of the shoebox would produce  $(133/89)^2$  or 2.2 more. Again because of the inverse square law the overall average multiplier will be weighted towards the nearer and higher value, but let us assume a value of 5 i.e. just a little more than the arithmetic mean (average) of 4.6. I suggest we apply this factor to the increment in illumination due to rain or mist i.e. to the (1.8-1.3) or 0.5 lux for light rain and the 4.1lux for the misty conditions. This gives, for vertical illumination on the nearest buildings, a 2.5lux increase due to light rain in Christ Church Road and 20.5lux increase for mist.

So for clear days we need to add perhaps 1.25 to 2.5lux of light reflected from the pitch to the 2.5 or 3.6 lux predicted by the applicants and another 2.5lux when there is light rain. Misty conditions will also certainly take levels well over the 5lux zone 2 limit and may well reach 20lux. These conclusions would not be altered significantly if the Christ Church Road pitch illumination were initially only 450lux, not 500lux, since the 2.5 and 20.5lux increases would only be reduced by 10%. Again, on these grounds I ask you to reject this application.

In terms of glare and general annoyance caused by the proposed lights I note there will be 9 luminaires which will be 15m high. Section 6 of proposed sections in the application suggests they will be higher than any house around here or Glenlee, but I suspect our houses have been undersized in rough sketches. However the lights will be at about the same height of our houses and will be an overbearing presence visible against a dark sky, not just from our houses, but everywhere in our gardens as well, and indeed far and wide (see para 2.5 below). I do not know the real relevance of the glare data for single luminaires since it will be more or less impossible to look at them individually. As it is we do get glare from the existing "new" astro floodlights, which was not present at original installation, and has arisen as shields or luminaire orientation have changed with wind and time. Even this, viewed from our kitchen window, while not damaging or unbearable, is annoying. I believe that it is impossible to capture in a few numbers the full overall impact of the floodlighting so close to our houses. However the scheme will involve turning night into day when it would otherwise be peaceful and dark and subject us to the glare from a whole bank of luminaires, an aura of scattered light from the all the illuminated volume and significant reflection from the pitch. Taken together with the significant increases in illumination of our buildings, as discussed above, and the very high levels of illumination in our gardens I believe this represents a significant adverse impact on the amenities we currently enjoy and call upon you to reject this application on that basis.

### **2.3 Noise and disturbance**

If granted this application would allow the noise associated with hockey matches, netball and tennis to be extended in winter to times after dark when, at the rear of our family houses, we could normally expect peace and quiet. This noise comes not only from players but spectators cheering them on and vehicles coming and going. Matches are currently played on the pitch in daylight hours and a recent one on a Sunday afternoon attracted about forty spectators. The fact that hockey can be noisy is well established: the inspector in the Well Place Appeal

(APP/B1605/A/08/2082821) also noted the considerable levels of noise and disturbance generated by netball (para 13). It is also the case, as noted above in para 2.1, that rejected application CB/12205/16 in 1996 was for floodlights on this pitch with girls only and an 18.45 curfew. Reason 3 in the decision notice cites noise, disturbance and loss of amenities by neighbours. It would be illogical to apply different reasoning now, and I urge you to accept that this is yet another reason to reject this application.

## **2.4 Traffic**

As far as I can see there is not one word in the application transport statement about additional traffic associated with the floodlit hockey pitch. When this pitch is used for matches e.g. on Sundays, the Christ Church car park is used. When there were 40 spectators plus competitors recently, on a Sunday, the car park was completely full and the whole of Christ Church Road between Malvern Road and Duoro Road, which is visible from our house, completely parked up. No doubt more cars were parked in Duoro Road and further down Christ Church Road. While the infrastructure may be able to cope on a quiet Sunday afternoon in the daylight, dark winter's evenings in the week during school term are a completely different issue and I suggest any use for matches would cause serious problems.

The Christ Church Road car park has no provision for mini-buses and no turning circle. Turning is difficult once it is, say, more than 50% full. It is often used by Airthrie parents collecting children. In the dark people routinely back out of the car park across the pavement and into Christ Church Road at the tricky junction with Duoro Road. The safety of pedestrians on the pavement is not helped by the hedge adjacent to the gate, which limits the ability of drivers to spot approaching pedestrians (although it may have the advantage in the College's eyes of obstructing the view of the Malverns and the site generally). The double yellow lines on the corner of Christ Church Road and Duoro Road, put in to improve drivers' sightlines, are often parked on.

The transport statement included some desk-based research noting a very low level of accidents in the area. I suggest that anyone interested in preventing accidents before they happen would, after a few evenings on the corner of Duoro Road, conclude there already is a serious problem. Adding match players and spectators would make the situation impossible. This is a very serious issue completely ignored by the applicants. It is another reason to reject this application. As noted above one of the big advantages of the "new" astro was the planning condition that all users would use the Malvern Road entrance (CB/12205/17, condition 5) because "the other accesses to the site are not suitable.."

## **2.5 The impact on the conservation area**

I believe that if this application for floodlights is granted the conservation area will be harmed. As with the obstruction of a key vista by the sports hall I recognise that any harm done will not destroy Cheltenham overnight, but I would point out that change can easily occur by a series of small steps which can alter the nature of an area, and therefore believe that any changes, small or large, which harm an area should be resisted.

I note that the Lansdown and Eldorado character areas are residential in character, and strongly agree with the sentiment in the 2006 Local Plan that it is highly desirable where possible to keep residences as individual houses. The row of houses 9 to 17 Christ Church Road are family houses and I suggest that anything which adversely affect the amenities of

these houses i.e. the qualities which make living there pleasurable and agreeable will, in the long run, harm the conservation area, since their sustainability as individual houses will be impaired.

My understanding is that conservation legislation stresses the importance of both the character *and* appearance of conservation areas and that both of these should be at least preserved, preferably enhanced, but definitely not harmed. While appearance covers how things look, character is more weighted to the uses to which buildings etc are put and what goes on in an area.

It might be argued that since the Ladies' College playing field is clearly a sports field and already has some floodlights then adding some more will not change the character of that part of the conservation area. I would counter that by noting that the whole purpose of the 1997 "new" astro was to hide the floodlights behind a bund. Moreover the 10 x10m masts are on land at 57.5m whereas the proposed 15m masts will be on land 61.7m high. Thus, when extended, the proposed masts will be 9.2m higher than the existing, and when retracted to 4.5m only 1.3m lower. The new masts, unlike the existing, will be clearly visible from the public highway between the houses in Christ Church Road, even when retracted. I believe it is impossible to deny that the appearance of the conservation area at night when the proposed lights are on will be very different from how it looks now or when the lights are off. In winter, with no leaves on the trees, anyone now walking along Malvern Road towards the church, or up Duoro Road, and looking towards our houses will see a pleasant residential area and no sign of the sports field or its floodlights. If this proposal goes ahead they will see lights shining between the houses and a huge volume of light behind the houses, suggesting the pedestrians are approaching an industrial estate.

There is a splendid view of the floodlit Grade II listed Christ Church tower, a key vista in the Eldorado character area, from the pavement outside 30 Eldorado Crescent, and the lights will completely obscure this whenever they are on.

Thus while some may argue that the new floodlights will not alter the character of the conservation area I suggest it is impossible to deny that they will harm the appearance of the conservation area, and I believe this is another reason to reject this application.

I note that when the inspector determined the appeal to CB/12205/17, which involved 12m not 15m masts, he stated that he believed the 12m telescopic masts and floodlights were acceptable in terms of the character of the conservation area, but offered no comment whatsoever as to their impact on the appearance of the conservation area.

## **2.6 The economic argument: does the College really need more floodlights?**

The College is at the top of the Premier league of British independent schools and attracts pupils from all over the world. The school is a major employer in Cheltenham and I recognise that the Council wishes to help it remain competitive by allowing, where possible, development of its Health and Fitness Centre. However this also tempts the school to describe as essential for competitiveness items which are not essential but "nice to have". I believe this application for floodlights falls into that latter category. My reasons are:

(a) when one considers the whole of the school day both existing astros are significantly under-used during daylight hours. On a dull November day 1800lux are available free of



charge and free of CO<sub>2</sub> production with over 6000lux on a bright day. I have been assured that timetable revisions to take advantage of this have been ruled out as impossible, because (more) sport during the day would leave teachers paid but idle in the main school. However, on reflection, I do wonder how past principals coped with that problem before floodlights were available. I doubt if they tolerated much thumb twiddling by idle staff.

(b) even during the hours when the floodlights could be lit the “new” astro is under-used. My guess is that it was used no more than 75% of the time last winter, probably less. During consultation I gained the impression there is a problem with the lighting on this pitch with a “dark stripe” down the middle. However if there is a problem the answer should be to fix the lighting on the new astro, since it is in the best place to minimise problems for neighbours

(c) the reason given in the statement of appeal for floodlights on the “old” astro in 1995, when there were similar numbers of pupils as now, was that floodlights would allow two matches to be played in an afternoon not just one. However now, with two pitches, one floodlit, it is now possible to play at least three matches.

(d) as stated in the Design and Access statement when the new multi-sports hall is complete ( and I assume permission will at some stage be granted; I just urge it will be for a lower height hall than currently proposed) the College will have the capacity to accommodate all girls indoors when the weather is bad.

(e) when I look at the superlative range of health, fitness and sporting facilities that the College will have when it has two multi-sports halls, swimming pool and outdoor facilities and also look at the Independent Schools Inspectorate October 2014 report on the school’s academic and other strengths I simply cannot believe that any prospective parent would be put off the school on learning that it has two astroturf pitches but only one is floodlit.

I therefore assert that any advantage to the competitive position of the school by floodlighting the “old” astro would at best be marginal. I therefore ask to you to ignore the economic factor when considering this application.

## **2.7 Floodlighting: summary and conclusion**

We very much regret that the college once more wishes to floodlight the pitch which is very close to our houses, despite three previous applications having been turned down and the college having an existing floodlit pitch which is well away from our and other houses.

It would appear that the applicants are trying to shoehorn in this pitch and we point out that it is underlit when compared with Sport England/ Hockey England/Lawn Tennis Association standards, as currently listed on their websites. The same Hockey England standards were described as “necessary” when the Council’s own consultant considered the Dean Close application for floodlights. The uniformity of the lighting of the pitch does not meet Hockey England or current international standards, and this in itself would seem to us to be reason to reject this application.

We argue that if the application were allowed there would be an adverse effect on the amenities which we currently enjoy in this residential street within the central conservation area. The adverse effects would be light pollution in our gardens and on the rear of our houses, noise and increased traffic/parking problems.

We agree our area falls within zone 2 as defined by the Institution of Lighting Professionals (ILP) and note that all sources of light need to be considered when comparing predicted light levels with ILP suggested maxima. The applicants' case is that their calculations show that light intrusion into the nearest windows and glare from individual luminaires will be below ILP maxima and so the application should be granted. Our counter-argument is that this is far from the whole story, not least because the applicants' light intrusion data only include light which travels in a straight line directly from luminaire to window and neglects reflection from the pitch and scattering in the atmosphere, which, for a given pitch illumination level, is totally outwith the control of the lighting engineer. These effects, which Sport England describe as "unavoidable" and Thorn Lighting as "quite significant but often ignored" may indeed often be ignored but should not be in our case when one recognises that the pitch is very close to our houses and illumination theory shows halving the distance from a light source does not double the illumination in lux, it increases it four-fold. In the absence of published information we offer a first principles estimate of light reflected from the pitch and experimental data for scattering from the floodlights at Dean Close. The latter show that in a given location a "window" illumination of 1.3lux on a clear day increases with rain and becomes 5.4lux on a misty day. This clearly demonstrates that clear day data as presented by the applicants are only part of the whole truth. We suggest light levels on the nearest windows will approach or exceed the ILP 5lux maximum on clear days, this level will increase in light rain (and no doubt in other conditions not covered by data collected near Dean Close) and may well reach 20 lux on some misty days when hockey is still possible.

Light levels of up to 50 lux in our gardens are way higher than the 2lux in one garden near Dean Close which the Council's consultant advised might cause complaints and merited special mention in the decision notice. The scheme will also involve turning night into day behind our houses where it would otherwise be peaceful and dark, and subjecting us to the glare from a whole bank of luminaires viewed against a dark sky, an aura of scattered light from the whole illuminated volume below the 15m high lights and significant reflection from the pitch.

It is well established that both hockey and netball can be very noisy especially when 40 spectators are present, as with current daylight matches. Allowing the application would cause this noise to be extended in winter to times after dark when, at the rear of our family houses, we could normally expect peace and quiet. We note that this application involves "girls only" and the same curfew as an earlier application where noise was cited as a reason for rejection in the decision notice.

We believe there will be significant traffic and parking and road safety problems with matches after dark in the winter and are amazed that the transport statement in this application does not even mention the effect of the floodlit pitch on parking etc in Christ Church Road. We believe this is a major omission.

While some might argue that the sports field already has well-hidden floodlights, so adding some very visible ones will not alter the character of the area, we argue that it is impossible to deny that the appearance of this part of the conservation area will be harmed when the lights are on.

Our assertion is that floodlighting this pitch is not essential for the Ladies College to maintain its competitive position as a school and major local employer; it is at best a "nice to have".

Given the superlative facilities the school will have with a new sports hall etc, and its outstanding academic record we just cannot believe any prospective parent will be put off by learning only one of the astros is floodlit.

We are concerned that problems with the existing "new" astro are behind this application. The "new" astro, which is underused, has the advantage that the floodlights are well away from our houses and all traffic is via Malvern Road. If there is a problem the answer is to improve the lighting on the existing pitch, not floodlight the one so close to our houses.

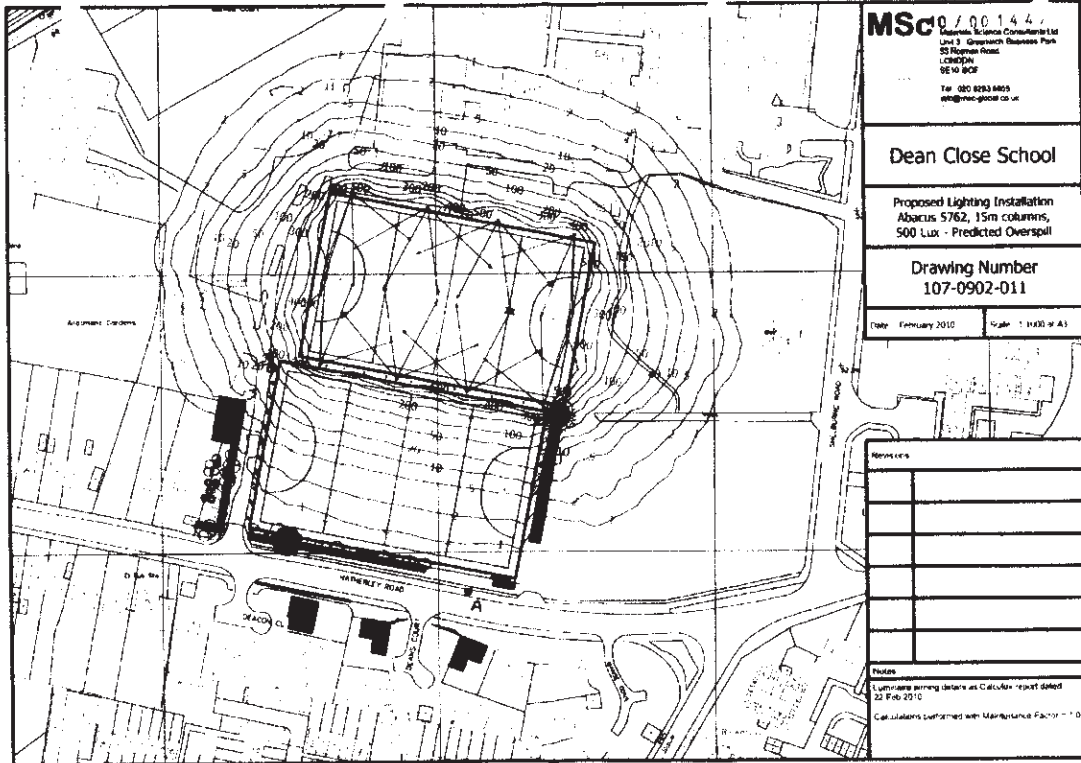
On the basis of all the above we conclude the application for floodlights is deeply flawed and urge you not to permit it.

Yours sincerely,



Appendices 1 and 2 are on pp19-22

Appendix 1



**Appendix 2**

Estimation of illumination of adjacent buildings by light reflected from pitch.

It is assumed that the pitch:

- will be lit to 500 lux, the minimum level for competitive hockey
- that the pitch is a matt surface that may be modelled as a uniform diffuser i.e. it's luminance and observed brightness is independent of its angle of orientation to the direction of observation (no matt surfaces completely satisfy this condition but many approach it – Philips make this assumption in their Calculux software see para 3.15.6 in Area guide v6.6)
- the pitch reflects 25% of incident illumination (Thorn Lighting state that grass reflects 10% but artificial surfaces up to 25%)

[www.thornlighting.co.uk/PDB/Ressource/teaser/E2/TLG\\_Champion.pdf](http://www.thornlighting.co.uk/PDB/Ressource/teaser/E2/TLG_Champion.pdf) page 11

The pitch is illuminated to 500 lux or 500 lumens/ m<sup>2</sup> and reflects 25% or a flux of 125 lumens/ m<sup>2</sup> .

Now an element area ds of a uniformly diffusing surface luminance L will emit a total flux F where

$$F = \pi.L.ds..... (i)$$

Thus the flux/unit area is  $\pi.L$  and the luminance of a surface emitting 125 lumens/ m<sup>2</sup> will be 125/ $\pi$  candelas/m<sup>2</sup>.

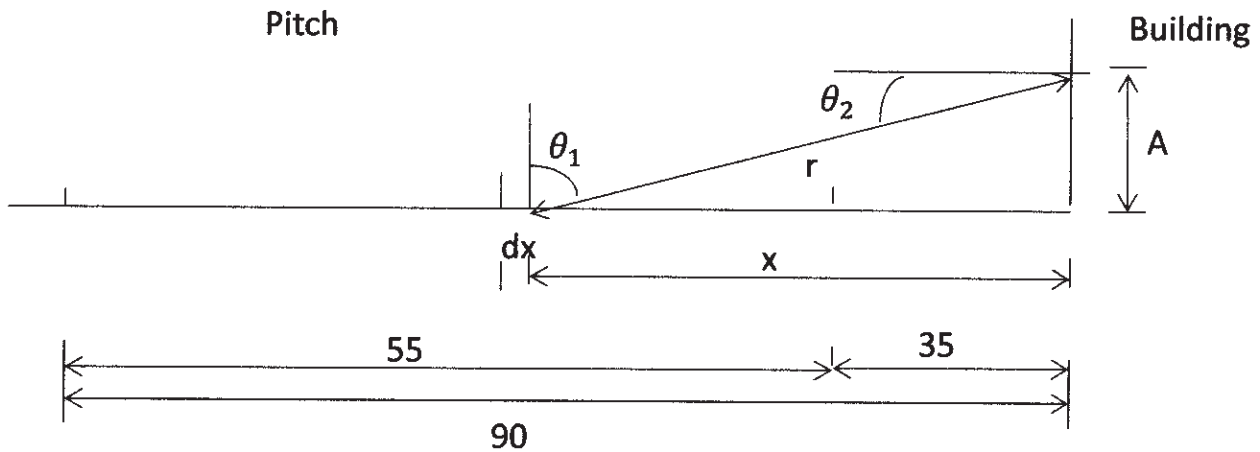
When one surface element ds<sub>2</sub> is illuminated by light radiated from a second surface element ds<sub>1</sub>, a distance r away , the illumination dE of ds<sub>2</sub> is given by

$$dE = Lds_1. \cos\theta_1.\cos\theta_2/r^2..... (ii)$$

where  $\theta_1$  and  $\theta_2$  are the angles between the straight line length r joining the surfaces and the normals to the surface elements ds<sub>1</sub> and ds<sub>2</sub> respectively.

We may start to assess the illumination of adjacent buildings by the pitch by applying equation (ii) to the light emitted from a strip of pitch 1 metre wide parallel to the goal line and lying directly in front of the nearest adjacent buildings. These are at 35m from the nearer sideline and 90m from the far sideline. A vertical cross-section through the centreline of such a strip is shown in figure 1 below. The aim here is to calculate the illumination of the building at a height A above the pitch. An element dx of the strip is shown at a distance x from the building. Since the strip is 1m wide this element dx has an area dx m<sup>2</sup> and by applying equation (ii) the illumination dE of the building at height A and in the cross-section shown will be given by

$$dE = 125. dx.\cos\theta_1.\cos\theta_2/\pi.r^2..... (iii)$$



**FIGURE 1.** Idealised vertical cross-section parallel to goal line through the pitch and an adjacent building at 35m from near side line and 35+55 or 90m from far side line. A pitch surface element  $dx$  at a horizontal distance  $x$  from the building lies at a distance  $r$  from an element of the surface of the building a distance  $A$  above the level of the pitch. Light leaving the pitch and travelling the distance  $r$  to the building makes an angle  $\theta_1$  with the normal to the pitch and  $\theta_2$  with the normal to the building

In order to calculate the illumination provided by all 55m of the 1m wide strip it is necessary to integrate the contributions of all the  $dx$ 's from  $x=35$  to  $x=90$ . To this end it is noted that

$$\cos\theta_1 = A/r \quad \text{and} \quad \cos\theta_2 = x/r \quad \text{so} \quad \cos\theta_1 \cdot \cos\theta_2 = A \cdot x / r^2 \quad .$$

Thus equation (iii) may be re-written as

$$dE = 125 \cdot A \cdot x \cdot dx / \pi \cdot r^4 \quad \dots\dots\dots \text{(iv)}$$

Since  $r^2 = A^2 + x^2$  (iv) in turn may be re-written as

$$dE = \frac{125A}{\pi} \cdot \frac{x \cdot dx}{(A^2 + x^2)^2}$$

whence  $E$  for the whole strip will be given by

$$E = \frac{125A}{\pi} \int_{35}^{90} \frac{x \cdot dx}{(A^2 + x^2)^2} \quad \dots\dots\dots \text{(v)}$$

Now 
$$\int \frac{x \cdot dx}{(A^2+x^2)^2} = - \frac{1}{2(A^2+x^2)}$$

And so equation (v) gives

$$E = - \frac{125A}{2\pi} \left[ \frac{1}{A^2+90^2} - \frac{1}{A^2+35^2} \right] \dots\dots\dots (vi)$$

where E is in lux and will be positive since the second term in the brackets is larger than the first.

The ground on which adjacent buildings stand is about 2m above the pitch. Hence values for A of 5,10 and 15m correspond to heights on the buildings of 3,8 and 13m.

Thus the illumination of the adjacent buildings by the 1m wide strip parallel to the goal line and directly in front of the buildings is: when A = 5m E = 0.067 lux; when A=10m E= 0.126 lux and when A=15m E = 0.170 lux . The value increases as A increases. This is not unexpected since looking back to equation (iii)  $\cos\theta_1 \cdot \cos\theta_2 = \sin\theta_2 \cdot \cos\theta_2 = \frac{1}{2} \sin 2\theta_2$  which increases with  $\theta_2$  until  $\theta_2$  reaches 45deg.

The pitch as a whole comprises 91 1m strips parallel to the goal line. Obviously none will contribute as much as the strip directly in front of the buildings and as one moves away from this strip illumination contributed per strip will fall off. Extending the calculation to all 91 strips is beyond this simple analysis. At A=10m i.e. 8m up the adjacent buildings the illumination will clearly fall a very long way short of 91 times 0.126 or 11.5 lux but I suggest it is not unreasonable to assume a value of 10-20 times 0.126 or 1.25 to 2.5 lux. These values will be lower at A=5m and higher at A=15m.

MPW Wilson 2015

Reference: Geometrical and Physical Optics, R S Longhurst, Longmans 1960 (pp 370-381)

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<b>APPLICATION NO: 15/01171/FUL</b>		<b>OFFICER: Mr Ed Baker</b>
<b>DATE REGISTERED: 14th July 2015</b>		<b>DATE OF EXPIRY: 13th October 2015</b>
<b>WARD: Lansdown</b>		<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Ladies' College	
<b>AGENT:</b>	Mr David Jones	
<b>LOCATION:</b>	Ladies College Swimming Pool, Malvern Road, Cheltenham	
<b>PROPOSAL:</b>	Erection of new sports hall building to provide multi use sport hall, replacement squash courts and ancillary facilities. Erection of floodlighting of external hockey pitch. Demolition of existing squash court building and partial demolition of single storey structure attached to Glenlee House. Alterations to piers to side of access onto Malvern Road.	

## Update to Officer Report

### Floodlighting

The applicant's lighting consultant has provided the following response to the latest objections from residents about the proposed floodlighting.

I have read with interest the letters of objection written by Mr Wilson and Mr & Mrs Gilbert and many of their objections are repeated although Mr Wilson does expand on his arguments. As such I have picked out the major points raised by both objectors and combined my response:-

The objections can be categorised into three main subjects:-

1. The quality of floodlighting and its conformity to national standards
2. Spill lighting and the effect of mist and rain
3. The appearance of the floodlights and structures

I will answer the objections to each point separately as below:-

#### **The quality of floodlighting and its conformity to national standards**

This was answered in my previous email. The minimum illuminance levels recommended for the safe play of all sports within the European Community are set out in BS EB 12193:2007. This document is a legal document and was written following painstaking deliberations with the various sports governing bodies and lighting professionals throughout Europe. The international governing body for hockey the FIH unilaterally raised their illuminance levels in 2007 but following criticism from many separate institutions reverted back to their original lower levels in 2011. The FIH are the world governing body( as FIFA are in football) and it is they who set the standards and guidelines not the national governing body.

Mr Wilson makes much of the 'asymmetric' lighting (his description not mine) of the pitch stating that it is uneven and unsafe. This is completely untrue, the floodlights facing the properties are elevated at 5 degrees lower than the floodlights facing away from the properties. This method of lighting is commonly and successfully used in order to reduce vertical spill light. The degree of asymmetry is negligible but reduces the spill light projected towards the properties by approximately 30% and it will have no discernible detrimental effect on the floodlighting of the pitch.

I will reiterate that the illuminance levels have been chosen to provide safe playing conditions for participants whilst minimising the impact on residents and the conservation area. The illuminance levels exceed the minimum requirements for safe play and that the pitch lighting will not 'uneven' or 'hazardous'.

### **Spill lighting and the effect of mist and rain**

As previously described the spill lighting calculations have been carried out using the methods described in the ILP 'Guidance notes for the reduction of obtrusive light'. The proposed lighting system fully complies with their recommended maximum vertical spill light values and individual source intensities for floodlights using direct lighting values for the agreed environmental zone (E2). This method of calculation has been adopted by all planning authorities throughout the UK as the benchmark for calculating obtrusive light.

I would agree with Mr Wilson that environmental conditions affect the distribution of light and can cause a scattering of light. However, I disagree that there is a standard formula for measuring or quantifying effect of mist and rain due to its variable density.

The spill calculations have been undertaken using an internationally accepted software package (AGi32) and approved manufacturers lamp and floodlight data. The calculations use initial lamp data and assume clean floodlights in their new state. No allowances for the blockage of light from trees, fences or any other screening, therefore, all spill values are worst case direct values.

### **The appearance of the floodlights and structures**

To answer Mr Wilson's claims that the masts will not be safe or will move too much in the wind I refer to my email of 10/9/2015:-

*The proposed masts are being designed especially for this project and do not appear in the Abacus standard range (they may be added at a later date). The masts are being designed to comply with the relevant design standards (ie British/European Standards and ILP Technical Papers) and as such will have to meet strict tolerances for carrying capacity, and wind loads. Abacus are the most experienced manufacturer of retractable masts in the world market place and have a wealth of structural experts who have worked on major projects both in the UK and overseas. They were chosen as our preferred manufacturer based upon this experience rather than using unknown manufacturers with totally untried products.*

I have tried to answer the queries raised as best I can but as you are aware most of the points have been covered previously. Mr Wilson seems to think that we can invent calculation methods or overlook British Standards which are set to protect the public. The system we have proposed is absolutely fit for purpose and will allow the students of CLC to play in safety.

If we go down the route recommended by Mr Wilson we will over design the lighting system, use 40% more energy, have more lighting structures and have a greater impact on the environment.'

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### Additional Representations

The following three representations have been sent directly to members and have been copied to officers. The representations are reproduced below.

#### **9 Christ Church Road**

*16th October 2015*

This application will be considered at your meeting next Thursday, with the recommendation to permit. It covers floodlighting of an existing astroturf hockey pitch right behind our houses and a new sports hall adjacent to an existing one. We strongly object to the floodlighting proposals and urge you to vote against them. In the spirit of the National Planning Policy Framework, which makes clear that planning should not be just about scrutiny but also be a creative exercise, we offer an alternative proposal which delivers much of what the applicants want without floodlighting the astroturf pitch.

We have no objection in principle to a new sports hall but object to its unnecessary 12 m height.

We have participated fully in the consultation process and submitted our objections which can be found on the planning website. However there is an awful lot to go through and wish to draw your attention to some key points.

#### **Lighting levels falling on our houses**

It is agreed that the rear of our houses fall into the Institution of Lighting Professionals zone E2 where light intrusion into windows should not exceed 5 lux, and indeed the planning officers propose to include a condition to that effect. The applicants have produced computer generated plots which show 2 lux produced by their floodlights close to our houses, making about 2.5 lux when added to existing background illumination. However it is vital to recognise that these computer plots only represent light coming directly in a straight line from the luminaires to the pitch or our houses on a clear day. It should be noted that light can also get from the luminaires to our houses via reflection from the pitch or via scattering by mist or rain. These effects are often ignored but should not be when floodlights are very close to houses, as is the case here.

One resident from Hatherley Road has reported on the planning website that in wet or misty weather there is a lot more light spilled from the Dean Close floodlights lights onto nearby properties. We can confirm this, having both seen the effect and made measurements. At the same spot the floodlights produced 1.3lux on a clear day, 1.8lux on a day with light rain and

20<sup>th</sup> October 2015

5.4lux on a misty but hockey playable day. If 1.3lux can become 5.4lux then 2.5lux in Christ Church Road can clearly become a lot more than the 5lux light intrusion limit. Indeed because the houses are only 27 metres from the floodlights in Christ Church Road, as opposed to the 70 metres in the Hatherley Road measurements, we believe, for good scientific reasons, that the effects of mist and rain will be very much higher in Christ Church Road, probably about 5 times higher, giving >5lux in rain and even 20lux on misty days.

In contrast the applicant's lighting consultant has stated that "light can be scattered by mist and rain but there is not a significant increase in spill light". The evidence from Hatherley Road is that this is simply not true. Given that light levels on our houses will exceed 5lux some of the time we urge you to vote against the floodlights. At the very least CBC should get independent advice before deciding this application and not just accept the applicant's consultant's assertions.

It is also noteworthy that in the Dean Close application for floodlights, 2lux falling in the garden of 133 Hatherley Road was considered by the independent lighting consultant to be a possible source of complaint and merited special mention in the decision notice. In Christ Church Road one neighbour has up to 50lux in the garden.

### **An alternative to floodlighting the "old" astroturf pitch**

While the application concentrates on hockey, the Principal has now made clear in her justification statement that the drive to floodlight the old astro comes from the rejection of an earlier application to floodlight three tennis courts at the Well Place tennis and netball centre. She has tennis and netball at the top of her list for floodlit activities, which would free up indoor space for badminton, trampolining, volleyball and basketball.

It would be possible to fit in three floodlit tennis courts, as per Well Place appeal, between the proposed multi-sports hall and the existing "new" floodlit astro in more or less the same location as the floodlit courts permitted under a now lapsed earlier planning application. During consultation it was made clear there are problems with the lighting of the existing and underused "new" astro. These should be fixed, rather than insist on floodlighting the old astro for hockey.

Taken together these steps would deliver a large fraction of the Principal's objectives in a more sustainable way, since the tennis/netball courts could be lit to LTA and match netball standards, not to the much lower standards proposed for the "old" astro.

### **Multi-sports/tennis hall**

We sympathize with the Principal's desire to promote health and fitness by introducing a wider range of activities in a second sports hall. The only question is how high does this hall need to be and hence does it need to block a key vista of the Malverns identified in the Lansdown character area appraisal.

All of the new activities could be fitted in a hall with 7.5 m internal clearance. The only exception is tennis, where the architects had a target of 10.67m at the centreline, but the real requirement is 9.0m. Only one "optional" tennis court is required in one of the two halls, but the applicants have chosen to put it in the new hall. However the existing hall has been used for tennis for 24 years and could accommodate the one tennis court.

With tennis in the existing hall the internal height requirement for the new hall would be 7.5m. Currently the proposed height of the new hall is 12m. It must be possible to reduce this significantly and deliver a good looking hall which meets all the applicant's requirements without blocking the view of the Malverns. We urge you to support that approach, which is also advocated by the CBC landscape architect.

**17 Christ Church Road***18th October 2015*

Dear Councillor,

You have been asked to adjudicate on a planning application by Cheltenham Ladies College to redevelop their sports facilities. As residents in this Conservation Area we would be grateful if you would consider the following in particular.

Our concern is not the sports halls, but the proposal to erect 15m floodlights within 25m of our living rooms and bedrooms. The enduring detrimental consequences to our well-being and privacy are incalculable. Indeed, independent lighting expertise clearly indicates that, on the evidence submitted by the applicant that it is impossible to ascertain a worst case scenario for light pollution (see below). Despite this the applicant's report claims that there will be marginal light intrusion to compromise the area's special character that is considered remarkable in the Conservation Report for Landsdown. The 15 metre lights are higher than the homes and the trees that accompany them and so will be alight during both the rush hour and at the end of the working day; a time when the residents should be permitted to find peace and privacy in their homes.

The NPPF (which is informed the Human Rights Act which is founded on the historical freedoms enshrined in English Common Law) has been adopted by Cheltenham Borough Council through a series of documents intended to encourage sustainable development . This application runs counter to these principles: it fails to utilise and improve the established development; it fails to minimise the impact on this Conservation Area; it fails to enhance this environment; it fails to consider more creative and sustainable usage options; and it curtails our right to enjoy the freedoms created by privacy and peace.

A previous CLC planning application (Well Place, 1999), materially no different to this one, was not permitted because the adverse effects on the Conservation Area and the disturbance to residents' lives were deemed to outweigh any benefit. A similar detrimental impact is acknowledged by the Inspector in this proposal, but the recommendation is swayed by the commercial needs of CLC. Although the Government has indicated that commercial considerations should be considered in a less negative light, the intention was not to produce a free-for-all, but to generate benefit for the common good through economic stimulus and much needed house building.

The established floodlit pitch is significantly further away from residential properties yet planning permission was only granted after an agreement to sink the pitch and erect a substantial screening bank of vegetation. There is no provision for such protection in this plan. Our survey of current CLC usage of both of the pitches reveals significant under use during natural and twilight hours. The suggestion to permanently compromise residents' privacy and well-being by floodlighting the old pitch totally disregards the creative and sustainability focus of the guidance given in the NPPF, which informs Gloucestershire's Joint Core Strategy Plan (2013) and the Cheltenham Plan (2006).

The international standing of the school is not based upon whether it has one or two flood-lit pitches, but on evidence of its foundational commitment to equity and academic excellence. Indeed in the school's Environmental Policy the commitment to act as a role model in contributing to the environmental and community is clearly stated as guiding principle to their business and curriculum delivery. In proposing to erect another set of floodlights, rather than considering the upgrading of underutilised facilities and by not addressing the detrimental effect on our homes, the school's commitment to such sustainable development and responsibility to the well-being of the co-existent community must be called into question.

20<sup>th</sup> October 2015

This application does not address any shared benefit, but is based on two individual benefits for CLC alone: the health and well-being of the school's pupils; and the school's commercial development. As we have stated in all our communications we wholeheartedly support these aspirations, but not by sacrificing our own and the greater community's well-being. We have suggested an alternative plan that meets all of CLCs needs whilst ameliorating the impact on our homes. This sustainable plan would allow the continuation of the established mutually beneficial relationships between school and community. With a more creative design of the sports-hall and the upgrading and extension of the already established screened floodlights, we believe this can be achieved. Although this alternative could satisfy all parties and has already been granted planning permission, it has been ignored with no explanation offered to suggest any real consideration or desire to accommodate the needs of the wider community. Yet, it is this very community , both in its residents and its physical fabric that creates the safe and secure ambience and attractive setting, which the school relies on to provide an environment that is conducive to the development of their pupils. We would, therefore, ask that you consider a deferral until this option has been properly considered.

### **15 Christ Church Road**

*19th October 2015*

To the Members of the PL63 Cleevemount Road - electrical certificateanning Committee,

### **Planning application 15/01171/FUL: The Cheltenham Ladies' College Health and Fitness Centre**

My wife and I are residents of Christ Church Road and strongly object to the above planning application for the extension of the sports hall at Cheltenham Ladies College (CLC) and the erection of floodlights on a second Astro turf pitch, which is situated next to our home.

We have written extensive comments which have been placed on the planning website and are sure you will have seen them. Nevertheless, we wished to specifically mention our concerns on the following points in respect of the implications of the proposed floodlights.

#### **Road safety**

Little comment would appear to have been made by the applicants on the junction of Douro Road and Christ Church Road. The GCC Highways Planning Liaison Officer states no reported collisions at this junction. We would not like this statistic changed, a single serious incident would be one too many.

Pulling out of Douro Road onto Christ Church Road is difficult due to the limited view and would be made more hazardous when faced with areas of bright light and deep shadow as the houses opposite are silhouetted by large floodlights. Pedestrians and cyclists would be particularly vulnerable. Proposed floodlight illumination times also coincide with rush hour accentuating the danger. We hope that during your site visit to the area you will be able to appreciate this risk.

We also have concerns that when dark, road traffic will be increased with visiting school coaches. These always park on Christ Church Road further compromising visibility and safety and their passengers increasing the number of vulnerable pedestrians.

#### **Rejection of Well Place Application**

We would like to draw attention to the documented reasons for rejection of the previous planning application for the erection of floodlights on the Well Place tennis courts by the same

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applicants. This was a smaller scheme with floodlights only 8m in height, on an enclosed site not visible from the surrounding public roads but only 300m away from the site of the current proposal. (APP/B1605/A/08/2082812)

The stated reasons include:-

“ I consider also that the appearance of a brightly lit space in close proximity to the private rear sides of the surrounding houses, where darkness would normally be expected, would in itself have a negative effect on the living conditions of local residents. I conclude that the proposal would harm the living conditions of nearby occupiers, contrary to local Plan CP4.”

“There is a need for local amenity to be protected when considering applications for floodlighting. In this case it is necessary to balance the benefits of improving facilities against both the legal duty to preserve or enhance the character or appearance of the Central Conservation Area and the need to protect the living conditions of local residents.....and I conclude the appeal should fail.”

Light spillage levels are greater in the current proposal making these reasons even more applicable and justifying rejection of this proposal.

### **Noise**

Whilst the suggested installation of backboard dampers on the hockey pitch is welcome, this reduces only one element of the noise created during hockey. The more constant high pitched shouting, screaming and whistling are intrusive and combined with bright lighting will result in a significant nuisance to adjacent residential properties. Furthermore, the justification document provided by the applicants suggests the use of the pitch will be for a number of different sporting activities for which the damper buffers will be irrelevant but other noises will still prevail.

### **Loss of amenity**

The negative impact of floodlights on the local character of Christ Church Road would be immeasurable and once lost will never be retrieved. On a personal level the loss of privacy from a 15m tall mast with floodlights on top at our rear boundary and only 20m from our bedroom and kitchen windows cannot be imagined. This combined with the bright white block of light created by the 6 masts would be so detrimental to our current amenity as to make it unjustifiable. The College's desires must be balanced with the needs and rights of the local community.

### **Justification**

The justification document produced by the CLC principal as the basis for the proposal describes aspirations. In this competitive, commercial sector one always asks for more so there is room for negotiation. It is difficult to believe there is justification for 2 floodlit pitches when their use with good natural light during the majority of the proposed floodlight operating hours has been minimal so far this term (see table below). Would it be environmentally sound to turn the lights on for 1 or 2 girls to briefly use the facilities? Surely for an environmentally friendly and sustainable proposal optimisation of existing facilities and daylight is paramount. The existing floodlit pitch should be up-graded and its use maximised. Not only are the environmental benefits evident but this pitch is also further away and afforded some screening from adjacent houses.

The CLC state this proposal stems from the previous rejection of floodlighting for 3 tennis courts used also for netball at Well Place, yet this proposal is for a hockey pitch. The obvious solution,

to accommodate these 3 tennis courts between the existing floodlit area and the new sports complex, does not appear to have been considered.

### **Conclusion**

We fully appreciate the CLC need to upgrade their facilities and are keen to support them as a successful local business, however, the enormous negative impact of this proposal on local amenity, the loss of privacy and safety issues go far beyond what should be considered an acceptable balance. This application should be rejected for all the stated reasons in this and the previously published letters.



<b>APPLICATION NO:</b> 15/01171/FUL		<b>OFFICER:</b> Mr Ed Baker
<b>DATE REGISTERED:</b> 14th July 2015		<b>DATE OF EXPIRY:</b> 13th October 2015
<b>WARD:</b> Lansdown		<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Ladies' College	
<b>AGENT:</b>	Mr David Jones	
<b>LOCATION:</b>	Ladies College Swimming Pool Malvern Road Cheltenham	
<b>PROPOSAL:</b>	Erection of new sports hall building to provide multi use sport hall, replacement squash courts and ancillary facilities. Erection of floodlighting of external hockey pitch. Demolition of existing squash court building and partial demolition of single storey structure attached to Glenlee House. Alterations to piers to side of access onto Malvern Road.	

### Update to Officer Report

The neighbour at No. 17 Christ Church Road has submitted the following report on the proposed floodlighting.

"We have been requested on behalf of Hugh Gilbert resident of 17 Christ Church Road to carry out an independent review of the flood lighting that has been proposed as part of the redevelopment of the facilities at Cheltenham Ladies College.

We at Designs for Lighting are one of the leading independent lighting design consultants within the industry with over 15 staff. All Engineering staff are registered with the Engineering Council and the Institution of Lighting Professionals. Our Managing Director, Alistair Scott, is a Chartered Engineer with over twenty years experience in the design of exterior lighting, and a Fellow of the Institution of Lighting Professionals, the foremost professional body for public and exterior lighting in the UK. He also chairs the BSI Committee on Road Lighting, and has reviewed and approved this submission.

After considering the information relating to the exterior lighting of the hockey pitch at Cheltenham Ladies College, our principle concern is the lighting class and levels that have been selected for the task.

A floodlighting design and Lighting Impact Assessment has been provided by Neil Johnson Sports Lighting Consultants Limited. The floodlighting has been designed using the guidance outlined in the literature produced by the FIH, CIBSE and British/European Standards. BS EN 12193 states the minimum maintained illuminance levels required for specific sports in Europe, while the FIH Guide states the minimum requirements worldwide. See below for details:-

***FIH – Guide to the Artificial Lighting of Hockey Pitches(Sixth Edition 2011)***

*Standard - Class II*

*Eave= 250 Lux*

*Uniformity(min/ave)=0.70*

### **BS EN 12193 Light and Lighting – Sports(2007)**

Standard – Class II

Eave= 250 Lux

Uniformity(min/ave)=0.70

### **CIBSE – LG4 Sports Lighting**

Standard - Class II

Eave= 300 Lux

Uniformity(min/ave)=0.70

When looking at the text highlighted above it can be seen that a Class II level has been selected. These classes are defined as follows in *BS EN 12193 Light and Lighting 2007*.

*Lighting Class I = Top Level Competition such as international and national competition which will generally involve large spectator capacities with long potential viewing distances. Top level training can also be included in this class*

*Lighting Class II = Mid Level Competition such as regional or local club competition which will generally involve medium size spectator capacities with long potential viewing distances. High level training can also be included in this class*

*Lighting Class III = Low Level Competition such as local or small club competition which generally do not involve spectator. general training, physical education (school Sports) and recreational activities will also come into this category.*

As such and based on the draft conditions set out in the "draft conditions report" by Evans Jones, namely condition 17 which states "During the hours when the artificial pitch within the application site is floodlit, the pitch shall be used by Cheltenham Ladies College staff, pupils and/or visiting school teams only." this would indicate that the current class selected for the lighting design of the pitch is incorrect. Condition 17 would suggest the pitch should be deemed as Class III.

In addition, there is further correspondence from Neil Johnson Sports Lighting Consultants LTD responding to some neighbouring objections where they state the design is in accordance to the minimum standards required for *BS EN 12193 Light and Lighting 2007*. However, the proposed levels are way in excess of the minimum requirements. The information in the original report suggests that a Class II pitch should have levels of 250Lux, when in fact this is not the case. The standard states they should be 200Lux, the same as a Class III pitch.

Based on information provided it would suggest that the initial illuminance levels are 430 Lux (after 100hrs of operation) and maintained lighting levels are at 331 Lux (after 4000hrs of operation). The report should be based on initial Lux level readings not taking into account depreciation as the Lighting Impact assessment has to consider the worst case scenario. Also looking at the recommended levels of 200Lux, it can be seen that the pitch is significantly over lit by 131 lux (or 60%).

To further control the depreciation of light output and to better control light spill, we would recommend the use of LED lighting, which is a better light source as it has an instant strike up (as appose to the 10-15 minute wait that can sometimes be seen with Metal Halide technology), and is also much more reliable. Also, with the technology now available we would expect to see the use of Constant Light Output, which would reduce any over lighting at the start of the installation.

Finally, other key elements that appear to be missing for the submission are actual lighting

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calculations (both task and Light Spill) that demonstrate all the parameters as part of the scheme. Without this information it is not easy quantifiable what the report is proposing. The table of results do not offer any readable locations as to where the levels were taken.

In order to protect the residents of Christ Church Road, in addition to the draft conditions that have been proposed, we would also suggest the Authority request that post construction light readings should be taken along the rear wind117 St George's Road - partnership scheme decision notice ws of the properties to ensure the levels are within the requirements set out for an E2 Class in the ILP Guidance for the Reduction of Obtrusive Light.

In summary, we do not feel the lighting proposal can be approved without further consideration for the proposed lighting levels and their suitability for the level of sport being played on the pitch. Lighting calculations should also be provided for the proposal with all the draft conditions and the ones proposed above being implemented."

Regards

Richard Jackson

Project Engineer

[www.designsforlighting.co.uk](http://www.designsforlighting.co.uk)

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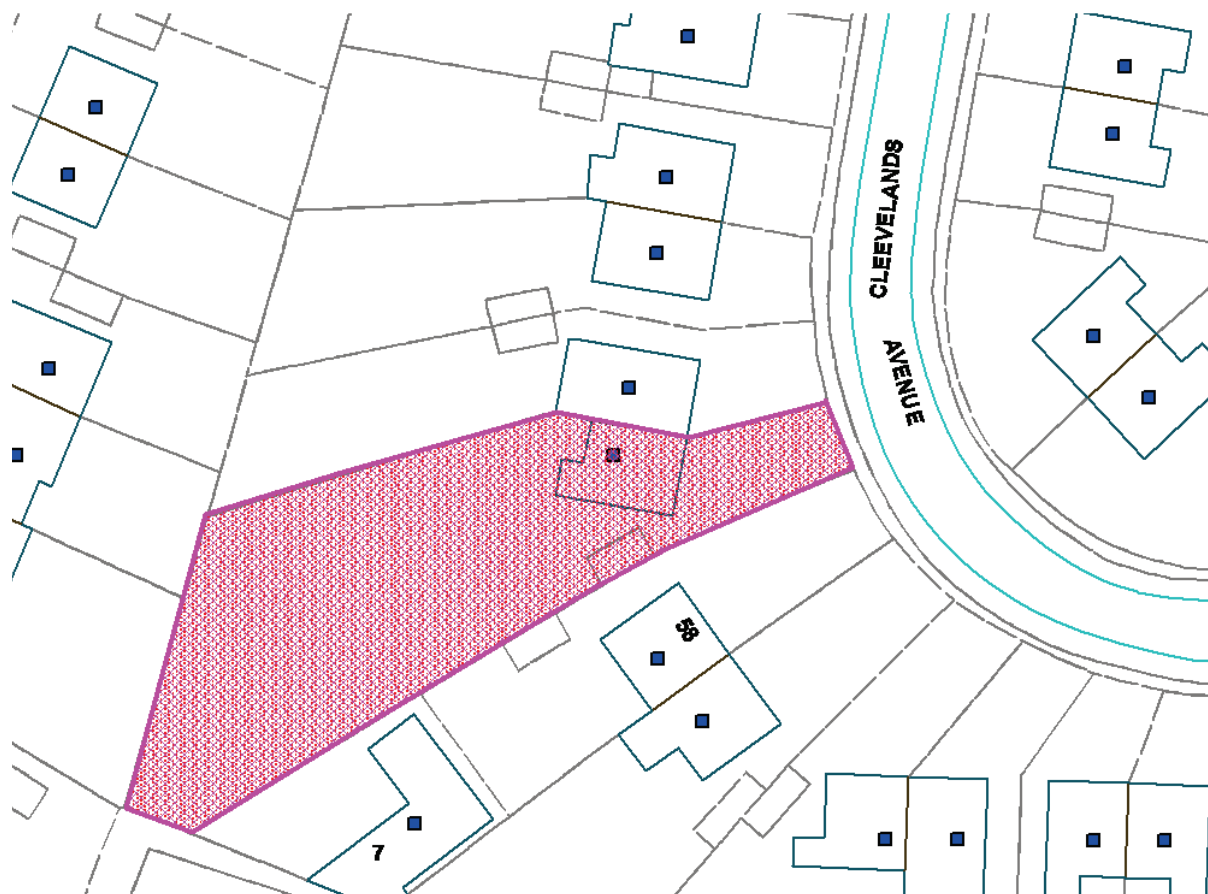
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<b>APPLICATION NO:</b> 15/00676/FUL	<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 21st April 2015	<b>DATE OF EXPIRY:</b> 16th June 2015
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b> Mr Philip Clarke	
<b>AGENT:</b> Steve Mitchell Building Design	
<b>LOCATION:</b> 60 Cleevelands Avenue, Cheltenham	
<b>PROPOSAL:</b> Construction of new detached dwelling	

**RECOMMENDATION:** Permit



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached property with a large garden to the rear. To the rear of the site are houses which front onto Albemarle Gate, with rear pedestrian and vehicular access onto the existing turning area on Tilney Road.
- 1.2 This application seeks to gain planning permission for the approval of one single storey dwelling on land to the rear of 60 Cleavelands Avenue. Access to the dwelling will be served from Tilney Road and two off road parking spaces are proposed.
- 1.3 The application is brought to Planning Committee because the Architects Panel cannot support the revised proposal.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Landfill Sites boundary  
Residents Associations

### Relevant Planning History:

**85/00925/PO 26th September 1985 PER**  
Renewal Of Outline Permission For Erection Of Detached Bungalow

**93/00690/PF 26th August 1993 PER**  
Erection Of Two Storey Extension

**82/00742/PF 28th October 1982 PER**  
Outline application to erect 1 detached bungalow with access from Tilney Road

**14/01889/FUL 26th November 2014 WDN**  
Construction of new detached dwelling

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
GE 2 Private green space  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
RC 6 Play space in residential development  
TP 1 Development and highway safety

### Supplementary Planning Guidance/Documents

Amenity space (2003)  
Development on garden land and infill sites in Cheltenham (2009)

### National Guidance

National Planning Policy Framework

#### 4. CONSULTATIONS

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

*30th April 2015*

I refer to the above planning application received on 23rd April 2015.

This application seeks consent for a single dwelling accessed from an unclassified highway. Therefore; under our Highway's Standing advice criteria we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

If you have any queries please do not hesitate to contact me.

##### Further Comments

*23rd September 2015*

I have the following comments on the application for a new dwelling:

The proposed dwelling is located within a residential area of north Cheltenham to the rear of 60 Cleavelands Avenue with vehicular access from Tilney Road, a class 4 cul-de-sac road subject to a 30mph speed limit. The application illustrates two parking spaces served by the proposed access.

The site is within walking distance of regular bus services into Cheltenham town centre as well as several local amenities providing sustainable transport options to and from the site and reducing reliance on private vehicle use.

There have been no recorded personal injury collisions on the Tilney Road in the vicinity of the site in the past 5 years according to the police collision database. There have been a number of local objections raised regarding the impact of the proposed dwelling and site access in terms of traffic, loss of on-street parking which have been considered below.

It noted there may be existing congestion on local roads and on-street parking pressure. However the traffic generation of an additional single dwelling is not considered to be significant increase on existing traffic currently in the area. The off-street parking is sufficient to cater for the proposed two-bedroom dwelling with alternative sustainable travel options available therefore will not significantly exacerbate existing on-street parking pressure.

The site access only results in the loss of on-street parking space for approximately two vehicles which is not significant given existing off-street parking available for many of the surrounding dwellings, the site location with sustainable alternative travel options available and surrounding unrestricted roads providing further on-street parking. Emerging visibility from the proposed site access is sufficient across a wide verge onto a cul-de-sac turning area where vehicle speeds will be low to the rear of many of the surrounding properties and pedestrian movements will be limited.

Therefore on this basis I recommend no Highway objection is raised subject to the following condition.

1. The building hereby permitted shall not be occupied until the vehicular parking facilities have been provided in accordance with the submitted plan 909/3.02 and those facilities shall be maintained available for those purposes thereafter.

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Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 35.

Note: The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

### **Tree Officer**

*14th May 2015*

The Tree Section has no objections with this application. If permission is granted please use the following condition:

#### Tree Protection

Tree protection (fencing and no-dig construction) shall be installed in accordance with the specifications set out within the Arboricultural Report reference RevA DMC-3 and the Tree Protection Plan Drawing Number DMC-3/2 dated March 2015. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

### **Contaminated Land Officer**

*7th May 2015*

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

#### Noise - From Construction

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.

### **Building Control**

*27th April 2015*

No comment

### **Architects Panel**

*11th May 2015*

The principle behind this proposal was acceptable (although the panel did note that the existing neighbouring property was not shown on the site plan). The layout and elevational treatment were however uninspiring and we wondered whether it would create more usable space on site if the building was pushed to the boundary and windows moved to the south-



west and north-west elevations. We were also concerned about encroachment on root protection areas. We would therefore encourage further development before supporting this application.

*9th September 2015*

The panel had reviewed this previously and revised plans had been submitted. The layout is awkward with rooms not seeming to relate to the best orientation and an unsatisfactory proximity between the front door and the glazing to living area. The front door is also not obvious from the entrance to the site. We felt that a rectangular footprint might be better and create a better garden/ dwelling relationship. We also question whether the eaves thickness as shown is buildable given the relationship to the window heads. We could not therefore support this proposal

**Cheltenham Civic Society**

*5th May 2015*

This is an appropriate site for development. We accept that the new dwelling needs to be subordinate, but we consider that there is scope for a more interesting design and layout.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>17</b>
Total comments received	<b>7</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>1</b>

**5.1** 17 letters were originally sent out to notify neighbouring properties of this application and subsequently the neighbouring properties were notified a further time following revised plans.

**5.2** In response to this publicity, 6 objection letters has been received; the objections relate to:

- Loss of vegetation and impact on existing trees,
- Out of character,
- Overdevelopment,
- Loss of privacy,
- Noise,
- Loss of parking,
- Highway safety.

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

**6.2** The key considerations in relation to this application are the principle of development, design, neighbouring amenity, highway safety and car parking and trees

**6.3 The site and its context**

- 6.4** The site comprises of an area of land to the rear of no.60 Cleevelands Avenue and adjacent to Tilney Road which serves as an access point for a number of properties. Currently no access is available from Tilney Road and the rear boundary is enclosed by vegetation fronting Tilney Road.
- 6.5** The properties surrounding the site are primarily two storeys but the adjacent site No.7 Tilney Road is a modern single storey dwelling and Hadley, opposite the site, is a pitched roof bungalow.
- 6.6** In 1982, (ref: CB16226) outline permission was granted to the rear of 60 Cleevelands Avenue for a detached bungalow with access from Tilney Road, this was renewed in 1985 CB16226. The site is very similar to the proposed site however it was slightly larger.
- 6.7 Principle of development**
- 6.8** The site is located within the Principal Urban Area, where residential development is normally acceptable in principle subject to all other relevant considerations.
- 6.9** In order to consider the principle of development, it is necessary to assess the existing character and context of the area surrounding the application site. Paragraph 53 of the National Planning Policy Framework advises local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens and in adopting our SPD in relation to infill development, this is exactly what the Council has done.
- 6.10** The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009) provides advice in understanding and responding to local character and aims to ensure only developments which respond successfully to the character and quality of the area are permitted. This document was adopted pre-NPPF but provides a means of assessing the specific characteristics of an area.
- 6.11** A number of dwellings have been built along Tilney Road, including No.7, which has, as a result, changed the character of the street. Tilney Road is characterised by a traditional urban layout, with a mix of single storey or two storey detached dwellings. The plot widths, building lines, and amount of plot frontage which is built upon, is very similar. 60 Cleevelands Avenue has a garden which is of a suitable size to be divided whilst providing a suitable amount of amenity space to each plot. The proposed plot size is slightly bigger than No.7 but respects the character of the existing street in terms of its size and layout to the buildings along Tilney Road.
- 6.12** It is for the above reasons that officers consider the principle of development is acceptable. The proposal would respect the established linear pattern of development fronting onto Tilney Road. As such, the proposal fully accords with the adopted Supplementary Planning Document and the NPPF.
- 6.13 Design**
- 6.14** Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 6.15** The proposal has been revised following the original Architects Panel, Civic Society and officers concerns. The original scheme proposed a hipped roof bungalow which was considered uninspiring and lacked a high standard of design and layout.
- 6.16** The plot has been increased in size so that the rear boundary is in line with No.7. The dwelling has been revised to a low pitch modern bungalow; it will have a zinc roof and be finished in render with coloured aluminium windows and doors.

- 6.17** The Architects Panel has reviewed the revised plans and do not support the proposal. They state that the internal layout is awkward, that a rectangular footprint might be better and question the thickness of the eaves.
- 6.18** The internal layout is disappointing in parts with the front door and glazing to the living area creating an uncomfortable relationship. However it is unlikely that you would use the front door if the by-folding doors were fully open. The orientation could be better designed to utilise natural lighting but the dwelling does benefit from ample glazing that will provide an acceptable level of lighting. The agent has submitted eaves details which show that the eaves thickness is buildable.
- 6.19** The design is a contemporary bungalow which is similar in parts to the recently built dwelling at No.7. It is still uninspiring in parts and perhaps fails to fully embrace the opportunity of this back land site. However it sits discreetly within the site and given its height and positioning, it will have little visual impact on the street scene. The dwelling does have a good size footprint that fills a large proportion of the site, but off road parking and amenity space is provided to the side and front of the dwelling.
- 6.20** The design is simple and the footprint is large but on balance the scale, height, layout and footprint respects the character of the street and area.
- 6.21** Overall, despite the concerns raised by the Architects Panel, the proposal represents a dwelling of good design, which responds successfully to the characteristics of the area and the requirements of Local Plan Policy CP7 and the guidance within the NPPF.
- 6.22 Impact on neighbouring property**
- 6.23** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.24** The proposal is not considered to have any unacceptable impact on neighbouring land users. The nearest property to the proposed dwelling is no. 7 Tilney Road. The single storey dwelling would not have any adverse impact on this property in terms of a loss of light or privacy.
- 6.25** The bungalow has been designed to present an almost blank face to the immediate boundaries to the North East and South East. The main rooms to the house are focused towards the front garden and farthest distance from neighbouring properties.
- 6.26** Overall, the dwelling is not considered to have any unacceptable adverse impact on neighbouring land users and is in accordance with the requirements of Local Plan Policy CP4.
- 6.27 Access and highway issues**
- 6.28** Local Plan Policy CP7 requires development to not endanger highway safety, directly or indirectly.
- 6.29** The application proposes a new vehicular access from the site onto the existing turning head on Tilney Road. There will be two car parking spaces for off road parking. Car parking is one of the main concerns from local residents.
- 6.30** The Highway Officer is satisfied with the location of the proposed vehicular access and the amount of off road car parking spaces which have been provided. He states "It noted there may be existing congestion on local roads and on-street parking pressure. However the traffic generation of an additional single dwelling is not considered to be significant increase on existing traffic currently in the area. The off-street parking is sufficient to cater

for the proposed two-bedroom dwelling with alternative sustainable travel options available therefore will not significantly exacerbate existing on-street parking pressure.”

**6.31** The proposal may also help highway safety with the Highway Officer stating “As the road outside the proposed site access provides a turning area at the end of the cul-de-sac it should be kept clear for vehicle manoeuvring. The proposed access reduces the risk of on-street parking hampering turning movements.”

**6.32** It should also been noted that the vehicle access could be created without the prior consent of planning permission in connection with development permitted by any Class in the General Permitted Development Order 2015.

### **6.33 Trees**

**6.34** The Council’s Tree Section has been consulted to assess the impact of the proposal on any surrounding trees. No objection has been raised to the development but conditions have been suggested to ensure the safe retention of trees of high value within the adjacent property and the site. A landscaping condition is proposed to mitigate any loss of vegetation inside the site. These conditions have been included as part of this recommendation.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** Overall, officers consider the proposal represents a sustainable form of development. The principle of the proposed dwelling is acceptable and the scale, height, layout and footprint respects the character of the street and area. The proposal fully accords with the adopted Supplementary Planning Document and the NPPF.

**7.2** The design approach is acceptable and successfully responds to the characteristics of the area, the requirements of Local Plan Policy CP7 and the guidance within the NPPF.

**7.3** Finally, there would be no unacceptable impact on neighbouring amenity and trees within and adjacent to the application site.

**7.4** In light of all of the above, the recommendation is to grant planning permission subject to the conditions below.

## **8. CONDITIONS / INFORMATIVES**

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

2 The development hereby permitted shall be carried out in accordance with drawing numbers 909/3.02 received 28/08/15.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.

3 Tree protection (fencing and no-dig construction) shall be installed in accordance with the specifications set out within the Arboricultural Report reference RevA DMC-3 and the Tree Protection Plan Drawing Number DMC-3/2 dated March 2015. The tree

protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions shall be erected without planning permission.

Reason: Any further extension requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 5 Prior to the first occupation of the development, the car parking area shall be completed and marked out in accordance with the approved plan(s). 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 Prior to the first occupation of the development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

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

- 7 No development shall be carried out unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for maintenance and management as well as a programme for implementation. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (2006). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 Prior to the first occupation of the development, adequate provision shall be made for the storage of refuse and recycling within the site (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects).

Reason: To achieve sustainable waste management and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 9 No development (other than site clearance, site preparation and the formation of foundations and trenches) shall be carried out unless a hard and soft landscaping scheme has been submitted to and approved in writing by the Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels; a planting specification to include [numbers, density, size, species and positions of all new trees and shrubs]; the location of grassed areas details

of the hard surface treatment of the open parts of the site and a programme of implementation.

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.

### INFORMATIVES

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

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

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

- 2 The applicant is reminded of the need to also obtain approval for the vehicle crossing from Amey Gloucestershire before any works commence; you can contact them on 08000 514 514 or alternatively email: [GCCHighways@Amey.co.uk](mailto:GCCHighways@Amey.co.uk).
- 3 It is recommended that a permeable driveway surface is used to reduce runoff and pollution. Concrete paver blocks and grids, pervious asphalt or concrete, plastic grid structures with grass or crushed stone, and plain crushed stone or gravel are all viable options. When installing one of these alternatives, make sure that the contractor is aware of the design and installation differences, and has experience installing alternative materials.  
Where permeable driveway surfaces are used, ensure that a proper sub-base is installed that is capable of infiltrating and cleansing stormwater.
- 4 The applicant's/developer's attention is drawn to the Council's 'Code of Good Practice - Building and Demolition Site Operators' leaflet which sets out reasonable working hours for noisy activities which would be audible beyond the site boundary. The hours are 7:30am - 6:00pm Monday to Friday, and 8:00am - 1:00pm on Saturdays.

<b>APPLICATION NO:</b> 15/00676/FUL		<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 21st April 2015		<b>DATE OF EXPIRY :</b> 16th June 2015
<b>WARD:</b> Pittville		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Philip Clarke	
<b>LOCATION:</b>	60 Cleevelands Avenue, Cheltenham	
<b>PROPOSAL:</b>	Construction of new detached dwelling	

### REPRESENTATIONS

Number of contributors	<b>7</b>
Number of objections	<b>6</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

61 Paddocks Lane  
Cheltenham  
Gloucestershire  
GL50 4NU

**Comments:** 15th May 2015  
Letter attached.

**Comments:** 18th August 2015  
Letter attached.

39 Albemarle Gate  
Cheltenham  
Gloucestershire  
GL50 4PH

**Comments:** 13th May 2015

Our opinion has not changed from the first application we feel the road layout was not designed to accommodate more housing and will cause more accidents also a pity that a concrete wall will replace the shrubs,

**Comments:** 14th August 2015

We still object on the grounds that the road layout cannot accommodate more traffic and nothing has been done to alleviate this, there is a blind corner on entering that is only single car width and there have been several collisions.

35 Albemarle Gate  
Cheltenham  
Gloucestershire  
GL50 4PH

**Comments:** 20th May 2015

We would like to say that the nine closest residents to this development all feel the same as commented as 39 and 47 Albemarle gate about the parking, also great concerns about the

## Page 136

emergency services, because it would be impossible to get near because there is a very limited amount of space and the bend is very narrow with no foot path, there has been several accidents because of this.

At the moment we are having to cut across the bottom of number 45's garden because his fence is removed to get around the bend. I would also like to mention that there has been five new properties built in Turley Road in the recent years.

This use to be a lovely scenic box hedged road it has also effected the sale of certain properties cause lack of parking. I don't feel its fair for one persons gain to be the misery of so many others.

I strongly recommend that all people concerned should view the site one evening to get a proper view of the situation

41 Albemarle Gate  
Cheltenham  
Gloucestershire  
GL50 4PH

### **Comments:** 13th May 2015

We wish to register our continued opposition to the proposed development our concerns are as outlined below;

Loss of privacy due to removal of trees ( also visually trees are an attractive feature of the area and make it a pleasant place to live )

The area has already changed dramatically with the construction of a property which is not in keeping with the other houses in Albemarle Gate / Tilney Road to have an additional building will affect house prices as the approach to the properties is no longer in keeping with the area. Instead of the previous green hedge and trees ( which encouraged wildlife particularly nesting birds ) we are now met with a concrete wall, will the same happen this time therefore making the area devoid of any personality.

Design of the building has a pitch roof different again to the other property, which has a flat roof.

Safety there are a lot of vehicles using the area loss of parking would result in people parking further down the road causing congestion and potentially preventing emergency services accessing the area.

At present there are no footpaths the total length of Tilney Road ( which has seen 5 additional properties built over the last few years) pedestrians particularly children will be vulnerable with the forced parking arrangements and additional traffic.

The cul de sac area is not big enough to allow an additional entrance , and at peak times ie evenings weekends is packed. The proposal will cause problems for residents to access their own properties due to lack of space and reduction in ability to manoeuvre vehicles.

Would the proposal remove the street lighting if so what arrangements would be made for the replacement and where would it be situated?

The present residence are not being given fair consideration or respect, the area is their home which have been worked hard for, it's not unreasonable to expect a pleasant outlook from our homes choices were made when buying our houses and to have two additional properties in the confined area was not expected.



56 Cleevelands Avenue  
Pittville  
Cheltenham  
GL50 4PS

**Comments:** 14th May 2015

I have no general objection to this application. But object strongly if the pitched roof proposed for this new build at No 60 Cleevelands Ave. were to set a precedent for an application for a new pitched roof on the recently built adjacent property at the rear of no 58 Cleevelands Ave. [06/01422/FUL] This application was originally for a pitched roof and was amended to a flat roof after objections from local residents.

47 Albemarle Gate  
Cheltenham  
Gloucestershire  
GL50 4PH

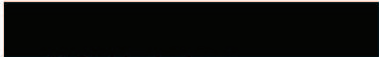
**Comments:** 14th May 2015

I have the same concerns to this development as I did to the previous one. Nothing has changed except the proposal of a flat roof as opposed to a pitched one.

I echo the comments made by the owners of number 41 Albemarle Gate.

BU  
Recd 13 MAY 2015  
ENVIRONMENT

Cheltenham Borough Council  
P.O.Box 12  
Municiple Offices  
Promenade  
Cheltenham  
Glos  
GL50 1PP



61 Paddocks Lane  
Cheltenham  
Glos  
GL50 4NU

13 May 2015

**Objection to 15/00676/FUL**

Construction of a new dwelling at 60 Cleavelands Avenue Cheltenham Gloucestershire

Dear Sir/Madam/CBC Case Officer

We are the owners of 61Paddocks Lane and we will be greatly affected by the proposed development as it is to be located at the bottom of our garden. We are writing to ask that CBC refuse this planning application from Mr Philip Clarke.

Herein are our comments and objections relating to the planning application:

We have lived here since 1985 and over recent years the peace and tranquillity of the house that we bought then has been completely spoiled by the successive 'garden grabbing' developments around us.

Four luxury houses were built in the garden of our adjoining neighbour living at 'Hadley', Tilney Road and a futuristic single story development in the garden of 58 Cleavelands Avenue which is of course next door to number 60, the proposed site for the new dwelling. Below are a few self explanatory before and after photos to illustrate garden developments in gardens adjoining our own.



Houses built adjacent to us.



New build in the garden next to No 60 viewed from Master Bedroom.



These new properties have certainly impacted on our privacy and noise levels have increased as a result. Whilst we preferred the situation before these developments and we suffered tremendous noise and disruption for about a year whilst the last 2 houses adjacent to us were being built, we acknowledge that the resultant properties are proportionate to the plots and in keeping with the area. Fit for purpose so to speak.

In comparison this new development seems to be inappropriate and uninspiring both in design and layout.. The site itself is quite tiny and the property will completely dominate the plot and add to the over development of the area. Shoe horning yet another property into a totally inappropriate place will result in the most awful eyesore right at the end of our own garden yet almost invisible from the applicants own property.

I echo the concerns of the Architects Panel regarding the property being built within the root protection area of two of our European Ash trees which we take great pride in. Certainly tree ET03 is encroached upon to quite an extent by the proposal, ET01 less so. As the formula for the root protection area is a circle 12 times the diameter of the tree trunk 1.5 meters from the ground then presumably as the trees continue to grow then every *inch* that the trunk diameter increases means that the root protection area will increase by a *foot*, so the situation will worsen year on year. From the Tree Survey Data there is a recommendation to remove a smaller ash ET02 which is also in our garden, in time it's root protection area will be encroached upon by the building. We have no plans to remove this tree having watched it grow from a seedling over many years.

The 2 large European Ashes predate any of the buildings in this area. They are magnificent semi mature trees at the end of our garden which we have always maintained at considerable expense to ourselves to ensure their well being and the safety of surrounding outbuildings in our own and our neighbours gardens.

I strongly object to the protected root systems of these trees being tampered with as I feel that is a recipe for disaster in the future. Surely the planned property should be built far enough away from the trees to ensure that they do not need to be tampered with now or in the future to allow for natural growth. I echo the comments from the Architects Panel that the property be pushed to the boundary and out of the root protection areas

Parking in Tilney road, which is chaotic anyway, will become much worse as 3 or 4 parking spaces will be lost. **Attachment A** highlights concerns from the residents of Tilney Road and Albermarle Gate to the previous planning application 14/01889/FUL submitted in October 2014 (reproduced from the CBC planning website). I felt that the residents of the area are better qualified to describe the impact in increased disruption and dangers than myself.

The extremely limited access to the site will be afforded by a drop curb according to the plans, something I wish to expand on as the plans are a very clinical representation of the situation. We have a garden gate at the end of our garden providing access into the cul-de-sac behind and thence to Pittville Park. The gate opens into a passageway between mature laurel bushes and our neighbours garden. I have laid paving slabs to form a path. The laurel bushes offer seclusion and privacy not only to the entrance but they also provide important screening to our lounge, conservatory and bedrooms preventing them from being overlooked by houses backing onto Tilney Road. From the upstairs rooms in our own property these bushes and the tree screen us from the cul-de-sac which is the parking area for various commercial vehicles and private cars.

I took over maintenance of this pathway a pruning of the Laurel bushes in 1985 when we took ownership of the property, removing accumulated rubbish and keeping it safe and tidy. To create access to the proposed new property it is apparent that all of the magnificent shrubbery that has been in place for at least the past 30 years, providing a private paved entranceway to our property, providing screening from neighbours both outwardly and inwardly and a lovely living backdrop for the cul-de-sac and no doubt home to birds and wildlife will be lost forever. This in an era of green ideology where we are told to embrace nature and conservation. If the shrubbery is removed then parking will be possible right up to our entrance hindering entry and exit.

Over the page are some photographs to illustrate the pathway and the laurel bushes and trees.

Rear entrance, and shrubbery providing privacy. These trees and bushes will be removed to provide access to the new property.

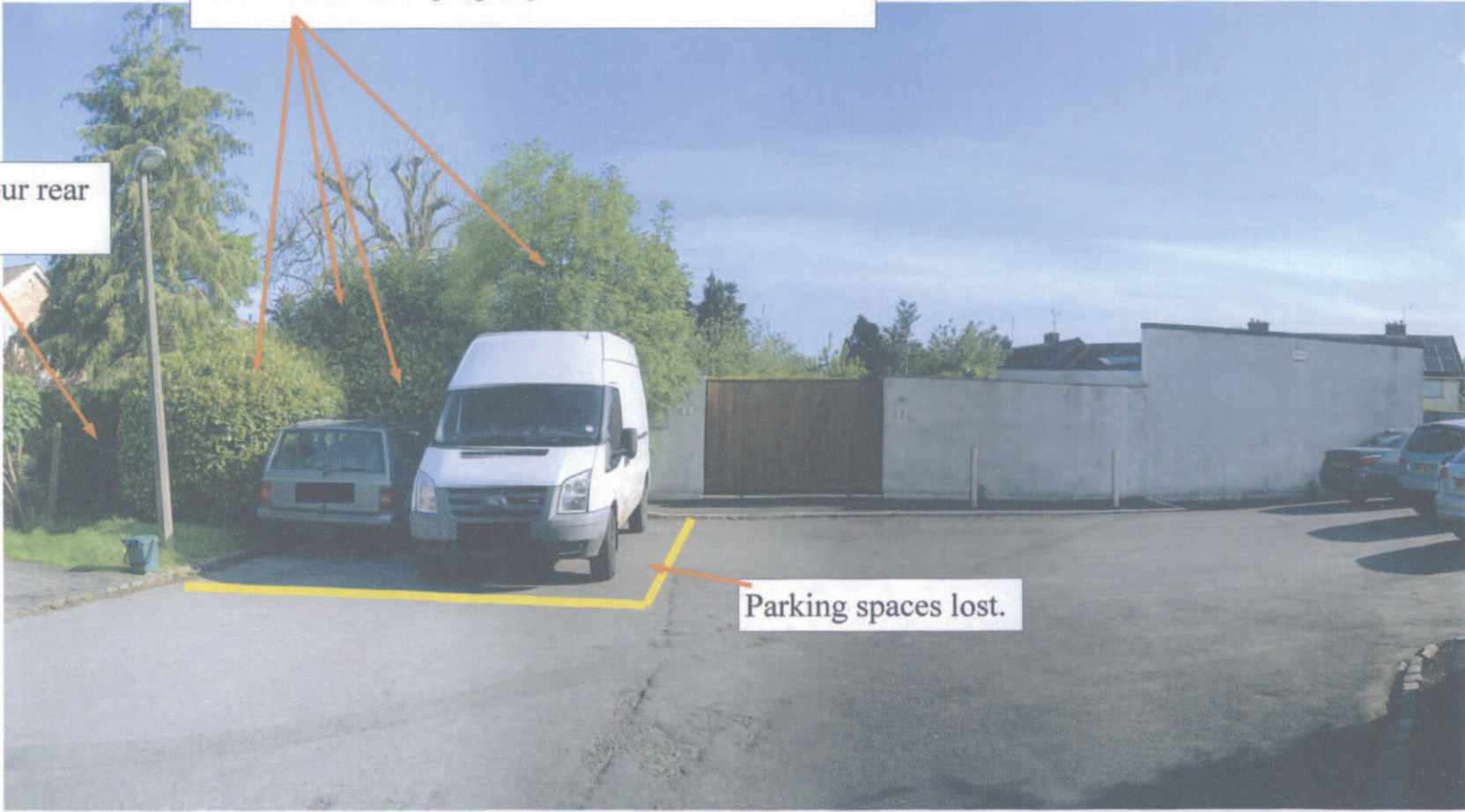


Our private and secluded pathway to Tilney Road.



Mature established bushes and trees providing privacy to our property and an evergreen backdrop to the cul-de-sac which will be removed to provide access to the new property.

Passage to our rear gate.



Parking spaces lost.

Extremely limited access to proposed property entails removal of trees, bushes and grassed verges

Frontage/access to existing development



The site of the proposed development photographed from the bedroom above our conservatory illustrates the very close proximity to our own house.



Visual Impact

As the proposed property is so very close to our own then this is obviously a major concern for us. From the lounge and 2nd bedroom of the property there will be uninterrupted views into our 2nd floor bedrooms (and from us to them of course). The roof line will be a very unwelcome intrusion above the line of the fence when we look out of lounge or conservatory. We note that the single story building built in the garden next to this proposal has a flat roof to lessen the visual impact to surrounding properties.

Noise/Disturbance from use

Since we moved into our property in 1985 we have had nothing more than a garden shed and a vegetable patch on the land that the proposed new property will occupy. An occupied property and parking for 2 cars located the end of our garden will generate vastly more noise. Our lounge, conservatory, 2 main bedrooms and our deck are all at the back of the house and at the closest point to the proposed new property, so the rooms we occupy the most will be completely susceptible to the increased noise.

Traffic

Traffic/Parking at the end of Tilney Road is already at capacity with broken vehicle glass scattered on the roadside testimony to a recent collision. Another property will mean the loss of at least 2 parking spaces and the addition of even more vehicles to an already highly congested area. Negotiating the area in the dark as a pedestrian with a dog and a relative in the advanced stages of alzheimers is tricky enough at the moment, if parking becomes possible right up to our entrance and even more cars are in the area it will become very tricky indeed.

The Architects Panel said in their comments 'the panel did note that the existing neighbouring property was not shown on the site plan'. We hope that our objections have illustrated that, in fact, there are very closely adjoining properties which will be adversely effected by the proposed construction. We invite you to visit our home to verify that these objections are valid.

Therefore, we ask that Cheltenham Borough Council refuse this planning application.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home do not hesitate to contact us on 01242-514663.

Yours Sincerely.



13/5/15.



Attachment 1

Previous objections to the construction of new detached dwelling at 60 Cleavelands Avenue Cheltenham Gloucestershire (14/01889/FUL) .

These are freely available over the Internet from :-

<http://publicaccess.cheltenham.gov.uk/idoxp17/simpleSearchResults.do;jsessionid=A1AEDB4A8AB82439F424F845F5AA087C?action=firstPage>

## **41 Albemarle Gate Cheltenham Gloucestershire GL50 4PH (Objects)**

**Comment submitted date: Tue 11 Nov 2014**

It is regretful that the council considered it necessary only to send three properties information on the proposed planning application, even though this will have a direct impact on the residents backing on to Tilney Road.

It is disappointing that the elected council felt it was not necessary to approach the other residents of Tilney Road, and so it would appear that our opinions would be of no consequence despite the effect this property would have.

The parking is already extremely limited so having possible safety issues. The additional car/s that the new residence would bring will add to the congestion in what is only a small turning area (not reflected fairly in the planning photographs as these were clearly taken on a working day when people are out).

The loss of trees reflects on the ambience of the area which has now become similar to a concrete area. What has happened to Cheltenham's history as a wonderful green town? Has our elected council forgotten the beauty of our wonderful town in the acceptance of the greed in selling off yet another garden space?

The previous garden sold off that backs onto Tilney Road now has a bungalow which is already in need of painting and not in keeping with the brick built houses of Albemarle Gate. Will the same lack of respect for our living area be shown again? Dennis Parsons has contacted us, but none of our elected councillors have offered us the courtesy of a letter offering any guidance, guess who will get our vote next election?

We are very disappointed with the whole situation, and sad that the proposal will probably go on regardless. A sad day for Cheltenham.

**Comment submitted date: Mon 10 Nov 2014**

Correction to previous email...

It is regretful that only 3 properties were included in the mailings for the planning proposal, the remaining properties were omitted from the mailing even though the proposal will have a direct impact as they back onto Tilney Road, it would have been courteous to have been provided with the information.

## **47 Albemarle Gate Cheltenham Gloucestershire GL50 4PH (Objects)**

**Comment submitted date: Wed 05 Nov 2014**

I strongly object to this application due to the proposed vehicular access from Tilney Road. When planning was granted for no 58, parking was acknowledged to have been a big issue then, so surely the possibility of losing a further 5 parking spaces will cause huge difficulties for residents/homeowners of Albemarle Gate. There is already severe congestion in Tilney Road and the photo is misleading as it was obviously taken whilst people were out at work and does not reflect the true parking difficulties that already exist.

## **56 Cleavelands Avenue Cheltenham Gloucestershire GL50 4PS (Objects)**

**Comment submitted date: Thu 13 Nov 2014**

Letter available to view in documents tab

## **35 Albemarle Gate Cheltenham Gloucestershire GL50 4PH (Objects)**

**Comment submitted date: Mon 10 Nov 2014**

We would like to say that the nine closest residents to this development all feel the same as commented as 39 and 47 Albemarle gate about the parking, also great concerns about the emergency services, because it would be impossible to get near because there is a very limited amount of space and the bend is very narrow with no foot path, there has been several accidents because of this.

At the moment we are having to cut across the bottom of number 45's garden because his fence is removed to get around the bend. I would also like to mention that there has been five new properties built in Turley Road in the recent years.

This use to be a lovely scenic box hedged road it has also effected the sale of certain properties cause lack of parking. I don't feel its fair for one persons gain to be the misery of so many others.

I strongly recommend that all people concerned should view the site one evening to get a proper view of the situation.

## **61 Paddocks Lane Cheltenham Gloucestershire GL50 4NU (Objects)**

**Comment submitted date: Mon 10 Nov 2014**

Letter available to view in documents tab

**39 Albemarle Gate Cheltenham Gloucestershire GL50 4PH  
(Objects)**

**Comment submitted date: Sat 01 Nov 2014**

We object to the plans due to losing a possible 5 parking spaces if this is granted permission, when no 58 was given planning consent parking was lost to lose more would put more pressure on Albemarle gate it was noted on the planning consent for 58 that parking was an issue, we also have to say that the picture taken of Tilney road was taken on a Wednesday morning when most of us are at work so is not a true picture of how congested it gets, when these houses were built in 1960 most only had 1 car which is not the case now and should be taken into consideration which I don't think happens.

Reference: 14/01889/FUL

Dear Mrs Harris,


The planing application shows that the proposed bungalow will have a pitched roof. I would refer you to the planning application reference 06/01422/FUL which was made on the adjacent property, 58 Cleavelands Avenue. The original application was for a 2 story house with a pitched roof. This application was amended to allow a bungalow with a flat roof. My objection to the current application would be that it would set a precedent and allow the flat roof currently in place on the property built in the garden of 58 Cleavelands Avenue to be changed to a pitched roof. Flat roofs are notorious for leaking, and this bungalow has water staining on the walls after only 7 years.

The house at no 58 is rented out by its owner who occupies the the new bungalow in what was the garden of no 58 so if an application was made to change the roof no objection would be forthcoming from the residents of no 58. Changing this roof to one with a pitch would seriously reduce the light, amenity and sale ability of our house at no 56.

I feel that you should also be aware that access to the proposed new build is narrow and leads to and from a congested col-de-sac with significant off road parking. The construction of the existing bungalow at the rear of no58 caused numerous parking disputes among neighbours and is a continuing source of tension. The waste collection wagons need to back into the area as there is no turning space. At present access by emergency vehicles is restricted. There is no footpath. Will this new proposal cause the need to change the road layout to improve safety?

Thank you for reading these comments and concerns and giving them due consideration.

Yours Faithfully

  
56 Cleavelands Ave  
Pittville  
Cheltenham  
GL50 4PS  
11/11/2014.

Cheltenham Borough Council  
P.O.Box 12  
Municiple Offices  
Promenade  
Cheltenham  
Glos  
GL50 1PP

BUILT  
Recd 17 AUG 2015  
ENVIRONMENT

61 Paddocks Lane  
Cheltenham  
Glos  
GL50 4NU

17 August 2015

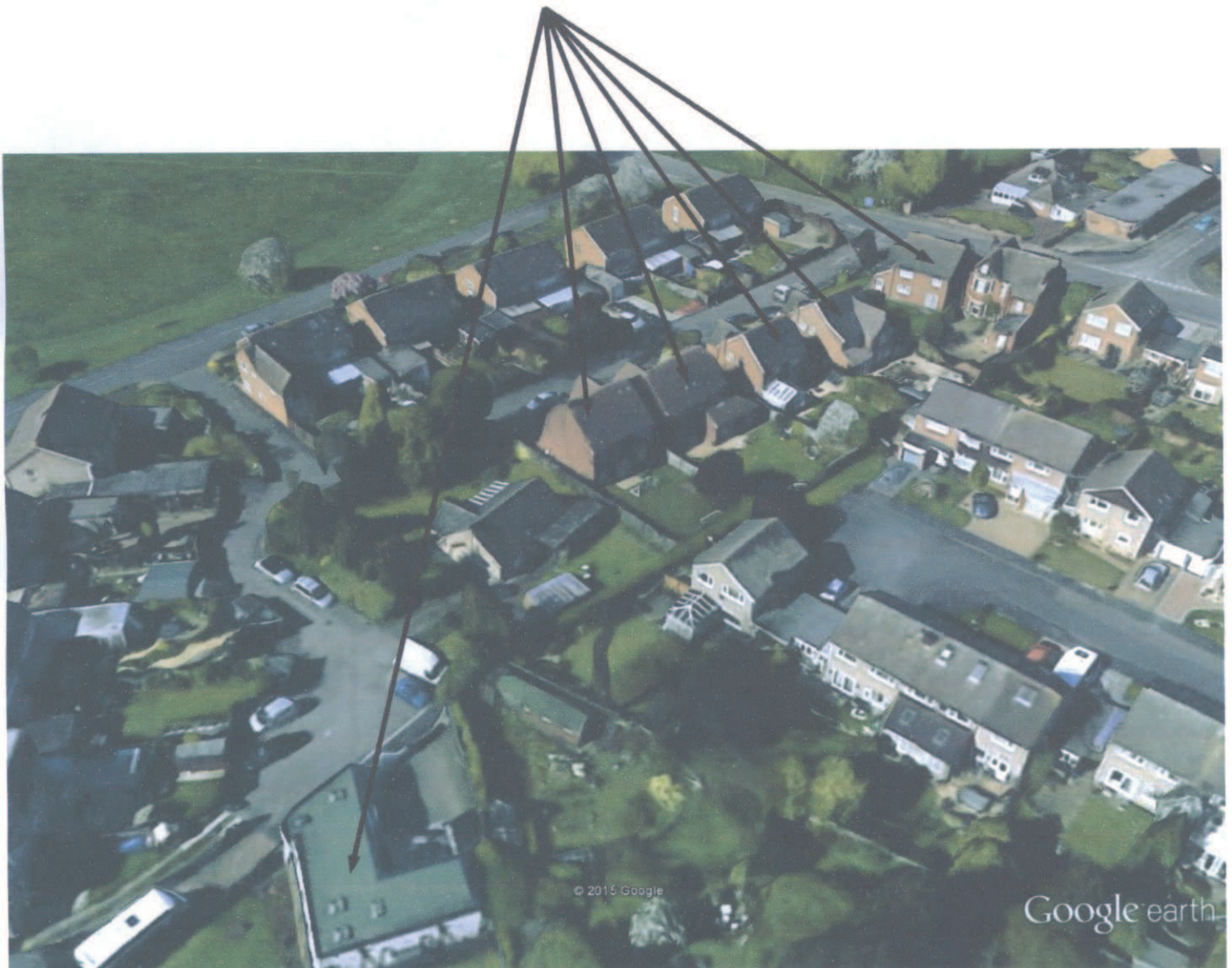
**Objection to 15/00676/FUL**

Construction of a new dwelling at 60 Cleavelands Avenue Cheltenham Gloucestershire

Dear Sir/Madam/CBC Case Officer

Thank you for your letter of the 28th July 2015 informing me of a third revision to a planning application for construction of a new dwelling at 60 Cleavelands Avenue Cheltenham detailing a completely new design to the building. Although I have commented on the previous 2 revisions I would like to take the opportunity to object once again in a format which quickly illustrates the points I am making.

1. **Over development of the area** by garden grabbing. 6 properties already built in back gardens since we have lived here have hugely increased the density of housing in the immediate area around our own property resulting in extra noise and disturbance, increased traffic, overlooking and loss of privacy . The open aspect of the neighbourhood is greatly effected by these garden developments and garden land has been lost as a result.



2 **The proposed development is out of scale with existing developments in the area.** The site is very small and the proposed property, although of quite modest proportions, dominates the available area and precludes having a garage or any meaningful garden area . **The property is completely out of character** in terms of its appearance – the building resembles a holiday chalet - compared to existing developments in the area which are substantial brick built family houses with garages and gardens.



**3 The site does not naturally lend itself to development.** The site is dominated by the 2 european ash trees in my own garden and the proposed construction will be within the root protection area of both of the trees pictured below. This puts the welfare of the 2 trees at risk and may well result in problems in the future.

Access from Tilney road is quite limited and will be afforded by removal of trees and laurel bushes which have provided us with privacy from houses in Tilney road since the 1980's. Parking spaces will be lost in an already congested area.



I hope that these images from Google Earth illustrated to the panel the vast amount of over development of the area already by so called 'garden grabbing' – 6 new properties visible to the front, side and rear of our property.

As you will appreciate yet another development in this area is most unwelcome as it involves the loss of more garden land and further loss of the open aspect of the area appreciated by so many of the residents.

The constraints of the site mean that the resultant property is small and out of character with surrounding properties which are large brick built family homes with garages and gardens. The proposed property is rendered with a zinc roof and lacks a garage or any meaningful garden area.

Excavation works will encroach into the root protection area of 2 established Mountain Ashes in my garden putting them at risk. To afford access to the site a number of tress and laurel bushes which provide a green backdrop to Tilney Road and provide privacy for myself and my family will be destroyed. Parking in an already congested area will be put under additional strain and extra noise and disturbance will be brought to a formerly peaceful area of Cheltenham.

We invite you to visit our home to verify that these objections are valid.

Therefore, we ask that Cheltenham Borough Council refuse this planning application.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home do not hesitate to contact us on 

Yours Sincerely,





<b>APPLICATION NO:</b> 15/00681/FUL		<b>OFFICER:</b> Mr Ed Baker
<b>DATE REGISTERED:</b> 2nd May 2015		<b>DATE OF EXPIRY:</b> 1st August 2015
<b>WARD:</b> Leckhampton		<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Boo Homes (Leckhampton) Ltd	
<b>AGENT:</b>	Mr Richard Manning	
<b>LOCATION:</b>	Land south of 205 Leckhampton Road, Leckhampton Road, Cheltenham	
<b>PROPOSAL:</b>	Erection of 11 houses and associated works (revised scheme)	

## Update to Officer Report

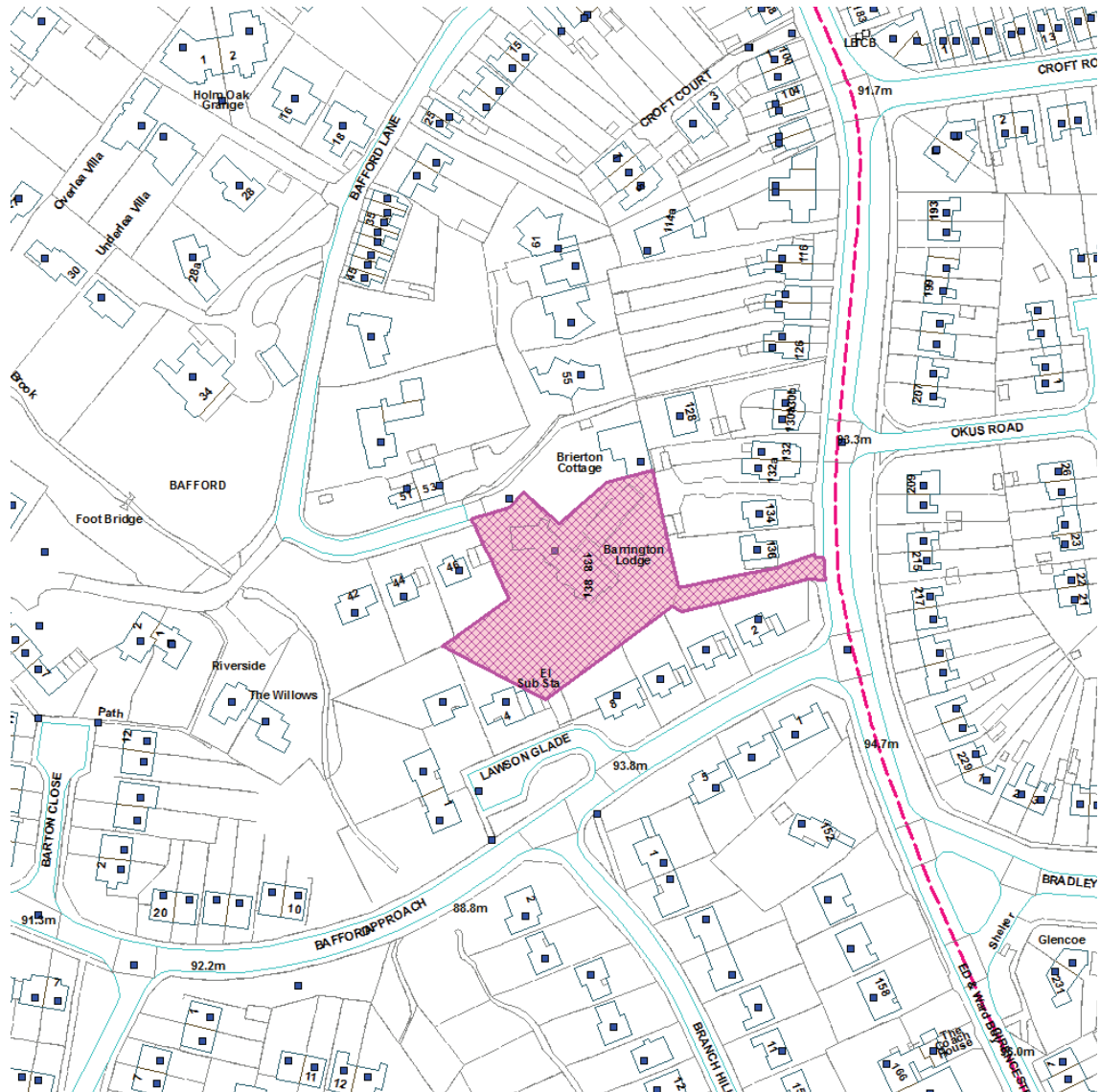
The application has been **deferred** at the request of the applicant in order that further discussions can take place on revising the scheme to address the grounds for refusal put forward by officers in the committee report.

The applicant has agreed to an extension of the time period for determination of the application until 30 November under the provisions of Part 6 of Section 34(2)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is intended that the application will be considered by the planning committee at its meeting on 19 November 2015.

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<b>APPLICATION NO:</b> 15/00958/FUL	<b>OFFICER:</b> Mr Ed Baker
<b>DATE REGISTERED:</b> 2nd June 2015	<b>DATE OF EXPIRY:</b> 28th July 2015
<b>WARD:</b> Charlton Park	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Robert Deacon Builders Ltd
<b>AGENT:</b>	MWA
<b>LOCATION:</b>	Former Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings
<b>PROPOSAL:</b>	Erection of four detached dwellings with garages (revised scheme)

**RECOMMENDATION:**



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 relates to the site of the former Barrington Lodge Nursing Home. The site is located to the west side of Cirencester Road from which it is accessed.
- 1.2 The site is set back from Cirencester Road and is accessed via a narrow drive between neighbouring houses at No. 136 Cirencester Road to the north and No. 2 Bafford Approach to the south. The site then opens up and is uneven in shape.
- 1.3 The site comprises approximately 0.3 hectares. The land broadly falls in a south westerly direction. It is surrounded by residential neighbours on all sides including Cirencester Road to the east; Bafford Approach to the south; Lawson Glade and Bafford Lane to the west; and Bafford Lane to the north.
- 1.4 There is an important Cedar tree in the south west corner of the site. The tree is protected by a Tree Protection Order.
- 1.5 The Bafford Conservation Area is located outside the site to the north and west.
- 1.6 The site originally comprised a nursing home. Planning permission was granted in January 2015 for the redevelopment of the site with four detached dwellings, including demolition of the nursing home (14/02133/FUL). A revision to the design and layout was approved in May 2015 (15/00326/CONDIT).
- 1.7 The nursing home has been demolished and Plots 2, 3 and 4 are at an advanced stage of construction. The application seeks planning permission for a further revised scheme involving an enlargement of Plot 1.
- 1.8 The proposed design changes are summarised below:
  - Plot 1 – two storey enlargement on north side to provide utility/boot room at ground floor and enlarged bedrooms at first floor. Enlargement of the front of the house by around 1 metre. Single storey enlargement at rear on south side to create family room. Removal of basement.
  - Plot 2 – no change.
  - Plot 3 – no change.
  - Plot 4 – no change.
- 1.9 There is no change to the remaining layout, access or highway arrangements.
- 1.10 As before, the proposed dwellings have a modern design. The dwellings are relatively low with flat rooves. Many of the windows at first floor are box style. The predominant external materials would be painted render, composite boarding and aluminium windows and detailing. All the dwellings would be detached and would have two storeys. Plots 2, 3 and 4 would have basements (revised Plot 1 would not have a basement).
- 1.11 It should be noted that the current planning application, as originally proposed, sought permission for five dwellings. The plans have since been revised with the scheme reduced from five to four dwellings as described above.
- 1.12 Councillor Sudbury has requested that the application is considered by the Planning Committee if the officer recommendation is to grant planning permission.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Smoke Control Order

### Relevant Planning History:

**15/00326/CONDIT 29th May 2015 PER**

Variation of condition 2 on planning permission 14/02133/FUL alteration to design

**15/00191/DISCON 15th June 2015 DISCHA**

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

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

5No. New Dwellings on former Barrington Lodge

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

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

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

Prior notification for demolition of former care home

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

Erection four dwellings on site of former nursing home

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

Erection of 5 detached dwellings on site of former nursing home

## 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

HS 1 Housing development

HS 2 Housing Density

RC 6 Play space in residential development

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

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

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

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

*18th June 2015*

Proposed: Erection of five detached dwellings, integral garages, provision of landscaping and internal access road I refer to the above application for proposed erection of five detached dwellings on site of a former nursing home.

#### Planning History

The site has been subject to previous planning permission on 26th January 2015 (14/02133/FUL) to allow the erection of four dwellings. There are no proposed changes to the access for this application as set out under previous planning permission.

This new application omits much of the information which is required to be able to provide a favourable recommendation to this scheme. Specific issues are listed below; whilst the information for GCC to be able to consider the proposal is included in more detail:

- Lack of technical detail submitted - also dimensions in full to be shown on all submitted drawings
- Vehicle Tracking
- Street lighting
- Number of refuse bins required to service development
- Utility service corridor
- Details/proposal for private road agreement
- Road safety audit

#### Road Safety Audit

A Stage F and 1 Road Safety Audit (RSA), designer's response and exception report (if required) will be required for both junctions onto the existing highway and covering the internal layout. Any safety issues identified will require resolving at the planning stage and the design should be altered and re-submitted to the Local Planning Authority.

This will remove historical problems experienced where fundamental safety issues have been identified at the technical submission for a highway works or adoption agreement stage due to a lack of Safety Auditing at the application stage. Once planning permission has been granted, if amendments are required as a result of an RSA post planning, a new planning permission would be required which adds an additional unnecessary cost to the applicant and delay to delivering development.

#### Internal junction/private access visibility

Details of junction visibility throughout the layout are required and should be annotated on the submitted plan, commensurate with the design speed as detailed in Gloucestershire Manual for Streets. Emerging and forward visibility should also be checked from each dwelling access onto the highway.

#### Forward Visibility

Details of forward visibility around bends throughout the layout are required and should be annotated on the submitted plan, commensurate with the design speed as detailed in Gloucestershire Manual for Streets. Forward visibility around bends should be included within highway land.

#### Parking

Details of parking space widths, internal garage dimensions and parking aisle widths together with a parking schedule and details of visitor parking provision including justification for proposed level of parking based on Paragraph 39 of NPPF in the absence of

any locally adopted parking policy. (consider conditioning garages to be kept available for parking, if the garages are required to meet the parking needs).

### Street geometry

Details of all carriageway, footways/cycle ways and shared surface widths annotated on plan, together with annotations to denote any changes in width.

Are the widths appropriate to accommodate the expected vehicle movements and pedestrian/cycle flows ensure that footpaths/cycle ways are of appropriate width, overlooked and lit if appropriate to ensure a secure and safe design. Details of junction radii's to be annotated on plan. Turning heads should be provided at the end of all streets (including private drives) that exceed 20m in length capable of accommodating the expected vehicles to access.

### Vehicle Tracking

Details of vehicle tracking for two estate cars passing along all streets including, junctions with the existing highway and within turning heads with 500mm clearance to boundaries and between vehicles.

To avoid large bend radii's, adequate forward visibility needs to be provided to allow drivers to be able see another vehicle prior to committing to the manoeuvre. Two estate cars should however be able to pass on bends and junctions, whilst a box van should be able to pass on a straight.

### Shared Surface Streets

Shared surface streets encourage low vehicle speeds, create a pedestrian friendly environment, promote social interaction and make it easier for people to move around. Disabled people's needs should be considered and a traffic free route for these users should be provided so that this group is not disadvantaged. Shared surface streets work well where they form short lengths, cul-de-sacs and the volume of traffic <100 vehicles a hour.

Shared surface streets require greater planning for services, lighting, gateway features, on street parking as the layouts are often quite restrictive. Consideration should also be given to access from dwellings and the possibility of windows and porches over sailing the highway and visibility along street edge at access points.

### Refuse Collection

Residents can carry waste up to 30m to a storage point and waste vehicles should be able to get within 25m of the storage point MfS 6.8.9. Bin collection points should be provided where large groups of bins will cause an obstruction to the highway i.e. at the end of shared drives or flats.

*1st September 2015*

### Planning History

The site has been subject to previous planning applications:

14/01451/FUL - Previous planning application for 5 x dwellings to which No Highway objection was raised subject to conditions.

14/02133/FUL - Previous planning permission for 4 x dwellings to which No Highway objection was raised subject to conditions.

Current Application

The proposal is for erection of five detached dwellings on the site; it is not proposed to make changes to the access where planning permission was granted on 14/02133/FUL for four dwellings.

Access & Visibility Splays

The proposed development will continue to use the existing point of access directly from Cirencester Road which is a Class A (A435) Road subject to a speed limit of 30mph. The access is able to satisfy the required visibility standards being at least 54m in both directions.

Waste Collection Bin Storage

The refuse collection will be road side collection, the bin storage is acceptable in terms of enabling road side collection however the location of the Bin Storage area is in excess of the recommended distance that house-holders should be expected to move private waste collection bins.

Layout & Parking

Drawing no 2015/15/102F demonstrates 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 within the curtilage of each dwelling; 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.

Construction Compound

The applicant has stated that the construction compound would be sited on the area proposed for the turning head while the fifth plot is completed. I consider that site area inclusive of the area proposed by the applicant is sufficient in area so as to provide for the parking of vehicles of site operatives and visitors, provide for the loading and unloading of plant and materials, provide for the storage of plant and materials used in constructing the development and provide for wheel washing facilities.

I refer to the above application **to which no highway objection is raised subject to the following conditions being attached to any permission granted:-**

- 1. None of the dwellings hereby permitted shall be occupied until, the vehicular access is laid out and constructed in accordance with the submitted Drawing No 2015/15/102F with any gates situated at least 5.0 m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5.0 m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.*

*Reason: To reduce potential highway impact by ensuring that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraph 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 2015/15/102F and shall be maintained available for that purpose thereafter.*

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



## **Tree Officer**

*24th June 2015*

The Tree Section does not object in principle to this application provided the following can be submitted and agreed prior to determination of this application:

1. Tree Protection Plan-this needs to be as per root protection areas/radii recommended in BS5837 (2012) para 4.6
2. Shade analysis of the large Cedar tree on the proposed plot 5 demonstrating that shade cast by this tree will not overwhelm the living room of the proposed dwelling. This too is recommended in BS5837 (2012) para .5.3.4
3. A full detailed landscaping plan showing details of tree 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 Tree Protection Plan and shade analysis need to be on plans that can be scaled to. Plans that cannot be scaled to will not be accepted.

*15th July 2015*

The tree survey has stated that the Cedar is 40m tall however this is incorrect, as a result the shade analysis has casted a far larger shadow.

From the information that has been submitted the Tree Section would most likely not support this application as it is anticipated that the living room windows for Plot 5 would be in constant shade from the protected Cedar. If this application was to be granted there would be post development pressure on the Cedar to be heavily reduced or felled. If the primary living rooms were to be reconfigured this could reduce the negative effect of the shade.

It is anticipated that the foundations of Plot 5 would be appropriate for tree root growth. As the submitted information is not correct the Tree Section would like another shade analysis submitted and agreed prior to the determination of this application. This would also have to be updated in the Tree Survey Schedule. The Tree Section would appreciate all tree information to be submitted in one report rather than spread through several reports.

## **Contaminated Land Officer**

*25th June 2015*

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.

**Gloucestershire Centre for Environmental Records**

*23rd June 2015*

Pipistrelle bats have been identified within 190 metres of the centre of the site.

**Wales and West Utilities**

*23rd June 2015*

No objection. We advise the developer to contact us because our apparatus might be at risk during construction.

**Parish Council**

*2015*

"We reiterate our objection to this application for 5 houses on this site, as forwarded in October 2014. We are concerned with the density of housing in a plot of this size. We are also aware of concern regarding impact on neighbouring properties in terms of massing and potential overlooking issues and we support this concern."

**Cheltenham Civic Society**

*9th July 2015*

Comments: We consider that the scale and density of the development is appropriate, and we applaud the modern approach, which seems appropriate here and a refreshing change.

**Architects Panel**

*1st July 2015*

The panel had reviewed this scheme previously and the current application shows the replacement of a garage with an additional dwelling. The panel was generally happy with the massing but felt that there was potential to ease it away from the nearest property to the south-west. Elevationally, the additional unit seemed slightly odd with first floor windows being too close to the parapet line and perhaps too far apart. We were also concerned about the proximity of the unit to the RPA of an adjacent tree.

With some additional refinement the panel would support this application.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>22</b>
Total comments received	<b>8</b>
Number of objections	<b>5</b>
Number of supporting	<b>0</b>
General comment	<b>3</b>

**5.1 Comments Received**

These are attached to this report.

## 6. OFFICER COMMENTS

- 6.1** 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.
- 6.2** The Development Plan for the area is the Cheltenham Borough Local Plan (adopted 2006).
- 6.3** The National Planning Policy Framework ("NPPF") is the Government's national planning policy. The NPPF sets the weight to be attached to existing Local Plan policies. Paragraphs 214 and 215 state that where a Local Plan has not been adopted in accordance with the Planning and Compulsory Act 2004 – as is the case for the Cheltenham Borough Local Plan – weight should be afforded to Local Plan policies in proportion to their degree of consistency with the NPPF.
- 6.4** The Cheltenham Local Plan was adopted in accordance with pre-2004 legislation and therefore only policies which accord with the NPPF carry significant weight. Where the Local Plan is not in accordance, or is silent, then the NPPF prevails.
- 6.5** The main issues relevant to the consideration of the planning application are:
- (i) Planning history
  - (ii) Nature of consultation responses
  - (iii) Housing supply
  - (iv) The effect of the proposal upon the character and appearance of the area, including the adjacent Conservation Area
  - (v) Impact on neighbouring property
  - (vi) Other matters
  - (vii) Conditions
- 6.6 Planning history**
- 6.7** The site's planning history is especially relevant to this application.
- 6.8** In August 2014, an application seeking planning permission for the erection of five dwellings was withdrawn (14/01395/FUL).
- 6.9** In November 2014, planning permission was refused for the erection of five dwellings (14/01451/FUL).
- 6.10** In January 2015, planning permission was granted for the erection of four dwellings (14/02133/FUL).
- 6.11** A further application seeking permission for the erection of five dwellings was withdrawn in January 2015 (14/02150/FUL).
- 6.12** In May of this year, planning permission was granted to vary condition 2 of planning permission 14/02133/FUL so as to change the design of the approved scheme (15/00326/CONDIT). This planning permission is currently being implemented with Plots 2, 3 and 4 near completion.
- 6.13** In June of this year, conditions 3, 4, 5, 6 and 7 of planning permission 14/02133/FUL were discharged (15/00191/DISCON).

### **6.14 Nature of consultation responses**

**6.15** The majority of the consultation responses and comments from neighbours were received in connection with the original scheme for five dwellings. The scheme has since been amended to four dwellings as described. A further representation has been received in relation to the revised scheme on behalf of No. 46 Bafford Lane. All consultation responses are reported.

**6.16 Housing supply**

**6.17** The Council cannot currently demonstrate a five year housing supply (plus 20% buffer). The five year housing supply position at 31 March 2015 is that taking account of shortfall and the application of a 5% buffer, the Council has a 3.6 year housing supply. This means that the housing supply policies in the Local Plan are not considered up to date, and the policies in the NPPF should prevail (par. 49).

**6.18** Paragraph 14 of the NPPF says that where Local Plan policies are out-of-date, planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.'*

**6.19** The site already benefits from planning permission for the erection of four dwellings. The principle of development has therefore been firmly established. The proposal would make effective use of previously developed land. It has good access to shops, services, jobs and public transport. The proposal is acceptable in principle.

**6.20 The effect of the proposal upon the character and appearance of the area, including the adjacent Conservation Area**

**6.21** The proposed amendments to the previously approved scheme are limited to the enlargement of Plot 1.

**6.22** Plot 1 is located in south west corner of the site and not easily visible from the public realm. There may be very limited glimpses of Plot 1 from the end of Bafford Lane to the north between Plot 2 and No. 46 Bafford Lane. However, Plot 1 is likely to be barely noticeable from this position if at all. The impact of the proposed amendments on the Conservation Area to the north would be negligible. The character and appearance of the Conservation Area would be preserved.

**6.23** Views of Plot 1 are generally limited to within the development itself and the adjacent properties surrounding the site, including No. 46 Bafford Lane (north west); Nos. 6 and 8 Bafford Approach (south); and No. 4 Lawson Glade (south west).

**6.24** The two storey extension on the north side is relatively modest in scale. The south west rear extension is single storey and low impact. The replacement of a high level window at the front with a more regular square window to match the other front windows is a design improvement. In terms of impact on the character and appearance of the area, the proposed amendments are relatively inconsequential.

**6.25** The character and appearance of the area would be preserved.

**6.26 Impact on neighbouring property**

**6.27** The neighbours closest to Plot 1 and likely to be most affected by any changes to its design are: No. 8 Bafford Approach to the south; No. 4 Lawson Glade to the south west; and No. 46 Bafford Lane to the north west. The planning officer has visited each of these neighbours during the assessment of the application.

**6.28** *No. 8 Bafford Approach*

**6.29** The position of Plot 1 in relation to this neighbour is unchanged. The nearside two storey element is now 1 metre further forward and the single storey nearside wing has been extended at the rear by around six metres. The nature of these changes is that the impact on No. 8 over and above the approved scheme is likely to be minimal. The impact of the changes on this neighbour is therefore considered acceptable.

**6.30** *No. 4 Lawson Glade*

**6.31** There is a moderate increase in first floor fenestration at the rear of Plot 1 facing towards the rear garden of No. 4. However, the distance from elevation to boundary is over 15 metres and more than adequate to ensure no adverse overlooking. The increased bulk of Plot 1 – through the single storey rear enlargement and two storey north side enlargement – would not significantly impact on No. 4 over and above the approved situation. The impact of the changes on this neighbour is therefore considered acceptable.

**6.32** *No. 46 Bafford Lane*

**6.33** No. 46 is located to the north west of Plot 1. The amendment to Plot 1 closest to No. 46 is the enlargement of the north side gable with a modest two storey extension. This would bring Plot 1 closer to No. 46 than the approved scheme. However, the distance from the main part of No. 46 to the closest point of Plot 1 would still be generous at around 22 metres rather than 26 metres. Even then there would be the proposed single storey garage to Plot 1 between the two houses (the garage proposals are unchanged in the current revised scheme). There are two additional bedroom windows at the back of Plot 1 facing rearwards. However, there would not look directly towards the rear garden of No. 46. Views from these windows over the neighbour's garden would be acute at a distance of around 14 metres which more than meets the usual standards to ensure no unacceptable loss of privacy to No. 46. The impact of the changes on this neighbour is therefore considered acceptable.

**6.34** *Conclusion*

**6.35** Having regard to the above assessment, it is considered that the proposal would not have a harmful impact on the living conditions of neighbours adjacent the site.

**6.36** **Other matters**

**6.37** *Impact on trees*

**6.38** The Tree Officer offers no objection provided that tree protection measures are secured by means of a condition.

**6.39** *Access and highway issues*

**6.40** The Highway Authority advised no objection to the original revised scheme for five dwellings. The proposal has since been reduced to four dwellings and the access and layout arrangements are the same as previously approved. There would be no net severe impact on the highway resulting from the enlargement of Plot 1 or the changes proposed by the current planning application.

**6.41** *Ecology*

**6.42** The proposal is unlikely to impact on ecological interest over and above the existing approved scheme currently under construction.

**6.43** **Conditions**

**6.44** The conditions attached to the existing planning permission, 14/02133/FUL, are recommended save for the following changes:

Condition 2 – the drawing list is updated to reflect the revised proposals.

Condition 3 – reflects the fact that materials and finishes have been previously approved under application 15/00191/DISCON.

Condition 4 – revise the trigger points for a soft landscaping scheme to prior to occupation of Plot 1.

Condition 5 – as above.

Condition 6 – reflects the fact that contamination measures have been previously approved under application 15/00191/DISCON.

Condition 7 – the condition is made more precise.

Condition 8 – new condition.

Condition 9 – new condition.

**6.45** The Environmental Health Officer has recommended controls on hours for construction. This would be inappropriate because such controls were not imposed on the existing planning permission (currently being implemented) and because any concerns about disturbance under regulated under the Environmental Protection Act.

## 7. CONCLUSION AND RECOMMENDATION

**7.1** The proposal is essentially to amend the existing planning permission for the erection of four dwellings at the site. The only change is the enlargement and design changes to Plot 1. These changes are not significant and would not result in harm to the character and appearance of the area or living conditions of adjacent residents.

**7.2** Paragraph 14 of the NPPF says that planning permission should be granted unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.*'

**7.3** No significant adverse impacts are identified. The proposal is considered sustainable development and any impacts that the proposal will have would not significantly and demonstrably outweigh the sustainable benefits of the proposal, which will increase the housing supply. Accordingly, planning permission should be 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 2015/15/100, 2015/15/105C, 2015/15/106B received on 01 June 2015;

drawing numbers 2015/15/107D received on 18 June 2015; and drawing numbers 2015/28 102 (ground floor block plan), 2015/28 104 (Plot 1) received on 23 September 2015.

- 3 All external materials and finishes (including all windows and external doors) shall be implemented in accordance with the details provided with application 15/00191/DISCON approved on 15 June 2015, unless otherwise agreed in writing by the Local Planning Authority prior to their installation and implementation.

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 Plot 1 shall not be occupied until a soft landscaping scheme for the whole site has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all trees, hedgerows and other planting which are to be retained; a planting specification to include positions, density, size, species and positions of all new trees and shrubs; the location of grassed areas and a programme of implementation. All soft landscaping 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, diseased or dying 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 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 No development in relations to Plot 1 shall be carried out unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for maintenance and management as well as a programme for implementation. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (2006). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 6 The site shall be remediated in accordance with the details provided with application 15/00191/DISCON approved on 15 June 2015, unless otherwise agreed in writing by the Local Planning Authority. If during the course of development any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority within one month of the additional contamination being found. The development shall not be carried out unless in accordance with the details so approved.

Reason: To minimise the risk of land contamination, having regard to Policy NE4 of the Cheltenham Borough Local Plan (adopted 2006).

- 7 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 additional windows, doors and openings shall be formed

above ground floor in the east elevation of Plots 3 or 4; without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 8 Plot 1 shall not be occupied until details of the 2 metre high wall along the boundary of Plot 1 with No. 46 Bafford Lane have been submitted to and approved in writing by the Local Planning Authority. Plot 1 shall not be occupied unless the boundary wall has been constructed in accordance with the approved details and shall be retained as such at all times.

Reason: To ensure privacy for No. 46 Bafford Lane, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 9 No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

### **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.



<b>APPLICATION NO: 15/00958/FUL</b>		<b>OFFICER: Mr Ed Baker</b>	
<b>DATE REGISTERED:</b> 2nd June 2015		<b>DATE OF EXPIRY :</b> 28th July 2015	
<b>WARD:</b> Charlton Park		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Robert Deacon Builders Ltd		
<b>LOCATION:</b>	Former Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings		
<b>PROPOSAL:</b>	Erection of four detached dwellings with garages (revised scheme)		

### REPRESENTATIONS

Number of contributors	<b>8</b>
Number of objections	<b>5</b>
Number of representations	<b>3</b>
Number of supporting	<b>0</b>

134A Cirencester Road  
 Charlton Kings  
 Cheltenham  
 Gloucestershire  
 GL53 8DS

**Comments:** 14th June 2015

I have examined the modified proposal (15/00958/FUL) on line. I wish to object to the modification on the following grounds:

1. The original planning application for 5 properties on this site was turned down, inter alia, because the committee considered that the site would be overcrowded with 5 houses - why should this be different now? To have two further properties beyond the three that are in various stages of construction would inevitably give smaller plots, and therefore by definition more geographical crowding of the actual site
2. To increase the number of houses to five would have concomitant increases in people using the whole site, more cars, more deliveries, more rubbish collection, more threats to privacy, more noise and more traffic movements in and out of Cirencester Road - an already busy road. My house is particularly affected by traffic movements in and out as we own 136 (134a) Cirencester Road and therefore border on to the access road for the new site.

The new proposal seems to one adopted by many developers, having had a proposal curtailed (in this case from 5 to 4 properties) then a subsequent proposal to get the original number reinstated. Whilst I recognise the developers' right to submit additional plans, nevertheless this seems to be sharp practice - and this from a developer who claimed verbally to me not to be greedy and wishing to fit in with Charlton Kings.

I have tried throughout this development to be as cooperative as possible, but this latest proposal is just beyond reason and I would strongly urge the planning authority to turn it down.

8 Bafford Approach  
Cheltenham  
Gloucestershire  
GL53 9HJ

**Comments:** 8th September 2015

With ref. to the above building site and the proposed application for 5 houses.

I am led to believe that this application for 5 houses will not go ahead due to protracted delay in Planning and objections from neighbours.

On your last visit to us, Mr. Baker, you showed us your concern of the impact the proposed property and proximity of the building to us.

As you showed us the revised drawings showing Mr. Deacon had moved the first floor flat roof extension further away from us, to lessen the impact, was acceptable and no further action was necessary.

I now understand that Mr Deacon is proceeding on the planning permission given in original plans which will impact on us much more.

Could you contact us, please, so we may discuss what can be done as footings are being dug as we speak!

Brierton Cottage  
Bafford Lane  
Cheltenham  
Gloucestershire  
GL53 8DR

**Comments:** 26th June 2015

Letter attached.

**Comments:** 2nd October 2015

Letter attached.

4 Lawson Glade  
Cheltenham  
Gloucestershire  
GL53 9HL

**Comments:** 14th August 2015

With reference to the alterations to the proposed building of four houses to five on the Barrington Lodge site I would like to offer the following comments.

Four houses were just about acceptable on this size site.

Five houses would in my opinion be too cramped in.

The access road to the Cirencester Rd is very narrow and more cars and vehicles entering and leaving would be very dangerous on the Cirencester Road, given its proximity to Bafford Approach.

## Page 171

Due to the proximity of the additional house to our boundary fence and being on higher ground we feel we would lose a lot of our privacy, especially as the properties being built are very tall.

I trust you will note my comments

42 Bafford Lane  
Cheltenham  
Gloucestershire  
GL53 8DP

**Comments:** 11th June 2015

Comparison of the proposed block diagram with the Tree Survey Report shows that the new Plot 5 building seriously compromises the Root Protection Zone of the large cedar tree at the southern side of the site. This tree is an important visual amenity and is classed as Category A in the Tree Survey.

10 Bafford Approach  
Cheltenham  
Gloucestershire  
GL53 9HP

**Comments:** 30th September 2015

Cheltenham Tree Group objects to this proposal. It is concerned at the proximity of one of the proposed dwellings to the Cedar tree. There is bound to be encroachment and consequential disturbance to the roots through the construction of the foundations. This iconic tree is well known in the area, holding as it does an impressive position against the skyline. It will be put at risk, and although the effect may not be immediate its demise will undoubtedly be hastened.

20 Brizen Lane  
Cheltenham  
Gloucestershire  
GL53 0NG

**Comments:** 19th June 2015

Please could I request that this application goes before planning committee for a decision should the officer recommendation be to permit. This is so that the committee can consider whether or not the proposed development would be an over development of the site, as well as considering the impact of the scheme on highways, amenity and tree issues.

Rose Farm  
Stockwell Lane  
Woodmancote  
Cheltenham  
Gloucestershire  
GL52 9QE

**Comments:** 22nd June 2015

We are very disappointed to note that a further Planning Application has been made for the erection of five dwellings on this site, five dwellings originally being refused.

There are no substantial improvements between what is proposed in this application and that which was refused in Application 14 / 01451 / FUL. The refusal Notice at that time, clearly indicates that: "The proposed dwellings by reason of their size, design and layout, result in a

cramped form of development, which is harmful to the visual amenities of the area, the setting of the adjacent conservation area, and the amenities of neighbouring properties." Therefore, we would urge the Borough Council to refuse this application, despite the contents of the Design & Access Statement which you will note makes no reference to the overbearing nature of this proposal on 46 Bafford Lane.

We supported and would continue to support the proposed approved four house scheme for this site, which seemed a sensible solution, given the constraints, the principal one of which must be the significant difference in ground levels between the application site and the location of 46, Bafford Lane.

With regard to the application itself, the finished floor level of the living room of Plot 5, is now proposed to be one metre higher than the finished floor of the living room of the approved scheme, which is 1.675 metres above the finished floor level of No 46 Bafford Lane (based on the level information contained in our letter of 30 April regarding Plot 2) thereby substantially increasing the detriment to No 46 being close to the boundary. There is oblique overlooking into the rear garden, the Living Room windows, and two bedroom windows of 46 Bafford Lane, and direct overlooking from the unnecessary proposed wrap-around Veranda which only appears on the elevations with a reference to Plot 2

We have previously expressed our concerns with regard to the levels indicated for the site, against those indicated for 46 Bafford Lane and our letter to the Borough Council of 30 April 2015, in relation to Application No. 15 / 00326 / Condit, clearly indicates what this discrepancy is. The correct statement of levels is paramount in considering the effect of the development on our Client's property since our major objection is the massing of the development, its close proximity to the boundary, its height and these are obviously affected by finished floor levels of the development site, having regard to the finished floor level of 46 Bafford Lane.

Whilst Sections A & B are shown, these are of no relevance in relation to Plot 5 and 46 Bafford Lane, and we would suggest a Section C should be drawn through 46 Bafford Lane, and Plot 5, to understand and portray accurately the difference in levels, the height of roofs, etc.

In order to ensure the accuracy of these levels, our Client will grant access to 46 Bafford Lane for this purpose, as currently the levels indicated are clearly in error, and misrepresenting the proposed outcome.

Notwithstanding our detailed comments with regard to Plot 5, we urge the Council to maintain its position of objecting to this proposed development for this site which is entirely consistent with the original refusal.

Please note that our client continues to incur considerable costs in bringing these matters to the attention of the Borough Council.

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

**Comments:** 26th August 2015  
Our Ref: RB/cmf

We would like to thank Mr Baker for meeting with Richard Basnett and our client at 46 Bafford Lane on 15 July and note that since that date further drawings have been deposited in respect of this amended scheme.

### Errors in Levels and Measurements:

Before we comment on this amendment itself, we want to make some comments with regard to levels and how this scheme has been represented in relation to 46 Bafford Lane, and other properties. Our concerns with regard to levels between this development site and our Client's

property, 46 Bafford Lane, were first set out in our letter of 5 September 2014. We gave the Council level data in support of our claims on 27 October 2014, and some additional data in respect of the partially constructed Plot 2, in a letter dated 30 April 2015.

Only now have adjustments been made and more sections drawn showing the juxtaposition of 46 Bafford Lane and the development site. These confirm discrepancies in the consent granted at the outset, all to the detriment of 46 Bafford Lane. Ground levels, finished floor levels and roof levels of 46 Bafford Lane have all been changed. A scheme has, therefore, been approved on incorrect information, all of which was brought to the local authority's attention at the outset, but no investigations were made.

Plot 2 was then adjusted by the developer, in raising part of the building to accommodate a basement on incorrect information, for which consent was granted retrospectively. Again all to the detriment of 46 Bafford Lane.

Furthermore, the current drawings still contain erroneous information, for instance: on Section 2-2 the garage roof of Plot 5 is shown with a level of 100.42, whilst the higher single-storey part to Plot 2, already completed has been shown with a level of 100.325.

Clearly errors and misrepresentations persist. In view of this we believe that all levels, including those to completed units (roofs and finished floors), proposed units and ground and finished floor levels to 46 Bafford Lane are verified by an independent survey. Thereafter checks should be carried during construction and at completion.

In our view, this would protect the Council and give reassurance to adjoining owners and even the developer that what has and is being built is correctly represented; since from the outset the overriding concern with this development has been the bulk and massing of the houses exacerbated by what is a significant difference in level between the development site and properties in Bafford Lane.

### Objections To 15/00958/FUL:

Turning to the proposal for Plot 5. This adds another large house to this site. Five houses were originally refused. Four houses were considered acceptable by both the local planning authority and neighbouring owners and we supported this approach.

Whilst the refused Plot 2 scheme had two storeys to the rear, a living room and bedrooms above, the ground floor of the living room proposed was set .8 metres lower than the current proposal. Thus the removal of the first storey does not produce the benefit implied.

The effect on 46 Bafford Lane, is illustrated by the sections through the site, giving a strong indication of the dominance that this additional unit will have on 46 Bafford Lane. The slab-sided Plot 5 has been indicated with a roof level .6 metres above the ridge of 46 Bafford Lane, which equates to approximately 3 metres above the first-floor window cill height. This element is within 18 metres of the nearest first-floor bedroom window and within 13 metres of the single-storey extension to the rear. To put this in context someone standing either outside or just inside the rear extension would be faced when looking South East by a wall 7m high only 13m away. This will also cause shading of the rear garden for as significant portion of the year.

A veranda / terrace has been indicated to the rear of the living room. This does not feature on the plans or the site layout plan; only the sections and elevations, which in our view is misleading. It is unnecessary and gives views into parts of 46 Bafford Lane, including the rear garden, terrace, and single-storey rear extension, which is only 12 metres distant. The refused scheme indicated a significantly lower floor to the Living Room element. If this approach were again adopted the terrace/ veranda could be at ground level, there would be no overlooking, and the bulk of the building would be reduced.

The separation dimensions indicated on Drawing 2015 / 15 / 102C are misleading, insofar as they are taken from the house and not the single-storey extension to the rear, which is a habitable room, has a considerable amount of glazing, low cill heights and is only 12 metres from the terrace / living room.

A 2 metre high brick wall separating 46 Bafford Lane from Plot 5 is now indicated. This does not feature on the plans and we would be pleased if its inclusion could be confirmed or denied.

When comparing this scheme with the refused scheme it must be coupled with the creeping changes which have already occurred to the approved scheme, together with the erroneous information on which consent was granted. All of this has been to the detriment of 46 Bafford Lane.

Taking all of this into account the differences between the refused 5 house scheme Reference: 14 / 01451 / FUL and this scheme are not sufficient to warrant approval this time around.

Yours faithfully  
Chartered Surveyors

### **Comments:** 7th October 2015

We take it that the developer of this site has now abandoned the proposed scheme for five houses, Reference: 15/00958/FUL. We are concerned that what started as a five house scheme on which we have already commented in our letter of 26 August, has now changed into a four house scheme, with the same planning reference, when, in our opinion, the five house scheme should have been withdrawn and a new application made for the four house scheme. This, together with the number of drawings issued for this site, the dates on drawings, and the lack of reference to any revision numbers, is tantamount to deliberate obfuscation. It would be very difficult for anyone, who has not followed the proposals for this site from the outset, to appreciate what has happened with the site and the applications that have been made.

To add some clarity, therefore, we summarise below the history of applications and development on this site. No doubt this will be in the report to the Planning Committee.

1. A five house scheme similar in design to those houses which have been approved, Reference No. 14 / 01451 / FUL, was refused on 19 November 2014. Works commenced on site and subsequently, a four house scheme, which our Clients at No. 46 Bafford Lane supported, was approved on 26 January 2015.
2. As works progressed it became clear to us that what was then defined as Plot 2 was not being constructed in accordance with the approved plans, in that a basement was being constructed under a substantial part of the building. As consequence of that basement, roof heights and the size of the first floor were to be increased. Subsequently an application for an enlarged scheme to Plot 2 was made and, after some adjustments, approved. This to the detriment of No. 46 Bafford Lane, the adjoining property.
3. At this point we also brought to the Borough Council's attention, following our concerns expressed earlier that the levels on which consent was granted were incorrect again to the detriment of 46 Bafford Lane.
4. Subsequently, an application for a five house scheme was made, Reference No. 15 / 00958 / FUL. We made comments with regard to this scheme and, in particular, errors with regard to levels as these directly affect our Client's property at No. 46 Bafford Lane, and misrepresented what was proposed. This application has still to be determined. Nevertheless, construction began on site, without consent, to what transpires to be an enlarged Plot 1. It would appear that proposals for the five house scheme have now been abandoned, although this has not been confirmed. Subsequent to commencement on site of Plot 1, an application has now been made for four detached dwellings on the site, with a substantially enlarged Plot 1. Construction

progresses without approval. No doubt, no action will be taken since the development is considered "at risk", in view of the revised scheme having been submitted and currently not determined.

In considering this revised scheme, we must look to the approved four house scheme, which our Client supported. We note that there is no change to the proposed garage position, which is to be welcomed. However, the proposed Plot 1, comes to within 1 metre of the garage at ground-floor level, almost touching the garage at first-floor level. This is clearly shown on the plan but is not correctly represented on Section AA, Drawing No. 201528 / 115. By contrast, on the approved scheme, the separation between the garage and the house amounted to 5.5 metres. To put this in context, the enlarged house, is in excess of 5 metres closer to our Client's property at first-floor level (noting that the first floor oversails the ground floor). This effectively closes a space between the house and the garage and represents a substantial massing, being the principal objection to the refused 5 house scheme. Whereas in the approved scheme the lower density and reduced massing presented a reasonable aspect from No. 46 Bafford Lane and, indeed, other surrounding properties.

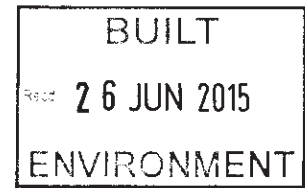
When viewed from the South West the rear elevation including the garage will have a total length of 26m (85feet) reach in parts a height above ground level of some 6.8m (22feet) which will equate to 8.1m (26.5 feet) when taken from the ground floor of 46 Bafford Lane.

With regard to the size of the proposed Plot 1, the approved Plot 1 amounted to 236m<sup>2</sup> GEA, excluding the garage. The revised Plot 1 amounts to 392m<sup>2</sup> GEA, excluding the garage, a 66% increase. This is clearly at odds with what was approved and originally considered acceptable for the site, but this must also be read in context with what has already happened at Plot 2, which has significantly increased in size since the original approval. This has been further compounded by the incorrect levels on which the original approval was granted. All of this "creeping" uncontrolled development is to the greater detriment to No. 46 Bafford Lane, and also some of the other surrounding properties. Despite construction already being well advanced, this proposal should be refused.

We are very concerned as to how the development on this site has progressed. Works are carried out without approval, all detrimental to neighbouring properties, and subsequently amended schemes are submitted. To date these have all received approval. As a result our client has incurred considerable expense in making representations, including in relation to errors and misrepresentations on submitted drawings. Clearly the manner in which these matters have been handled is completely unacceptable.

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

The Estate of Mrs M S Gallagher  
Brierton Cottage  
Bafford Lane  
Charlton Kings  
Cheltenham  
Glos  
GL53 8DR



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

Dear Sirs

**Re: Planning Application 15/00958/FUL. Erection of 5 Dwellings at former Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings, Cheltenham, Glos.**

This pending planning application 15/00958/FUL, for 5 detached dwellings on this site, is almost identical to the refused planning application 14/01451/FUL, on the same site, for 5 detached dwellings in November 2014,

Following on from this, we note that there has been a new planning officer appointed to this pending planning application 15/00958/FUL, who will make a decision on a delegated basis rather than having to go to the Planning Committee, regarding this planning application, which was the same planning procedure applied to refused planning application of 14/01451/FUL, on the same site for 5 detached dwellings in November 2014, although a different Planning Officer made the delegated decision for refusal at that time.

Therefore, the new planning officer considering this planning application should take into account the reasons why the previous planning officer, refused an almost identical planning application for 5 detached dwellings on the same site in November 2014 and unless there has been a new planning policy introduced by the Planning Department since November 2014, then the new planning officer should come to the same conclusion, to that of the previous planning in November 2014, otherwise this planning application 15/00958/FUL should be decided properly by the Planning Committee, who can then decide given the relevant facts of this pending planning application, for 5 detached dwellings, in reference to the history of the previous almost identical planning application 14/01451/FUL, for 5 detached dwellings, which was refused planning in November 2014.

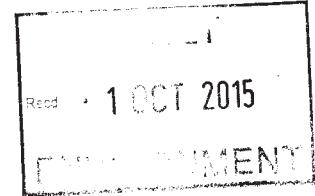
Yours sincerely

Mr P R Gallagher   
For and on behalf of the Estate of Mrs M S Gallagher



Brierton Cottage  
Bafford Lane  
Charlton Kings  
Cheltenham  
Glos  
GL53 8DR

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



Dear Sirs

**Re: Your Department's Letter dated the 24<sup>th</sup> September 2015, in reference to pending Planning Application for the Erection of 4 Dwellings at the former Barrington Lodge Nursing Home, 138 Cirencester Road Charlton Kings under pending Planning Application Number 15/00958/FUL, which is also shares at present the same pending Planning Application Reference Number of 15/00958/FUL for 5 Dwellings.**

Having viewed the new submitted drawings for 4 Dwellings published by the Planning Department, on the 23<sup>rd</sup> September 2015, concerning pending planning application 15/00958/FUL, we would be grateful if the Planning Department would take into consideration the following points.

1. There is at present Three Block Plans showing the overall ground floor footprint to the application for 5 dwellings under planning application 15/00958/FUL and they are shown within the following drawings numbers:-

Date Published	Drawing Number	Plan Description
31/5/2015	2015/15/102	Proposed Block Plan
31/7/2015	2015/15/102B	Proposed Block Plan
5/8/2015	2015/15/102C	Proposed Block Plan

We now have One Plan showing the overall ground floor footprint to this application for 4 dwellings under the same planning application 15/00959/FUL and that is shown within the following drawing number.

Date Published	Drawing Number	Plan Description
23/9/2015	2015/28/102	Proposed Block Plan Ground Floor

Therefore, we now have one drawing 2015/28/102 showing the overall ground floor footprint for 4 dwellings as opposed to three drawings previously published from May to August 2015, showing the overall footprint for 5 dwellings concerning the same pending application of 15/00958/FUL, which is misleading and if planning is to be given for either the 4 dwellings or the 5 dwellings that since the 24<sup>th</sup> September 2015 share the same Planning Reference number of 15/00958/FUL the planning department, then they must make sure that they only give approval to the specific ground floor block plan drawing number relevant to either the pending 4 Dwelling or 5 Dwelling proposal under the shared Planning Reference Number 15/00958/FUL and not to all the ground floor block plans. published by the Planning Department under this Planning Application Reference Number 15/00958/FUL.

Continued Page 2

Page 2

Date: 30<sup>th</sup> September 2015

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

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

2. We would like to draw the Planning Department's attention to Drawing 2015/28/102 for 4 dwellings published on the 23<sup>rd</sup> September 2015, by the Planning Department, which shows a schedule in the top right hand corner of the drawing, the trees to be planted within the development, but this schedule is not shown in top right hand corner of drawings 2015/15/102, 2015/15/102B and 2015/15/102C for the 5 dwellings part of this application, published by the Planning Department, from the 31<sup>st</sup> May 2015 to the 3<sup>rd</sup> September 2015 and it must be noted that these three drawings show new trees to be planted close to the structural garage wall of Brierton Cottage, where in fact at present there are no existing trees planted..

We have also noted that Drawing Number DMC-2/3 rev 2 Published 6/7/2015, relating to the now 5 dwellings part of this application, under planning application 15/00958/FUL shows two distinct trees to be planted close to the structural wall of Brierton Cottage and there is also a Tree schedule in the top right hand corner of this drawing, indicating two new trees are to be planted close to the structural boundary wall of Brierton Cottage as a (5) Sorbus Aria (6) Silver Birch Betula Pendula, which are medium to large trees when fully grown, with a medium to large root base.

Therefore, due to there being four drawings mentioned above showing different tree planting to be carried out under the now shared planning application of 4 or 5 dwellings under pending Planning Application 15/00958/FUL, we have concern's about the possible future damage to the foundations and garage wall by any medium or large trees that will be planted close to the structural garage boundary wall of Brierton Cottage, where there are no trees planted at present, in the rear garden of the property being built at present by the applicant in the north east corner of the development and we ask the planning department to ask the applicant to submit a new drawing showing a detailed schedule of all the new trees to be planted throughout the whole development, which will in turn then clearly show what trees are to be planted close to the structural garage boundary wall of Brierton Cottage and throughout the rest of the development and we also we ask the Planning Department to include a condition within the decision notice of any planning approval given to the now shared 4 or 5 dwellings of pending Planning Application 15/00958/FUL to say that any new trees planted, must be smaller trees and planted away from the structural garage wall of Brierton Cottage and to allow for the root base when these trees reach maturity, so as to prevent any future damage to the foundations and wall of the structural garage boundary wall of Brierton Cottage.

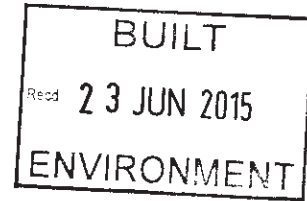
Thank you for you for your attention in this matter.

Yours sincerely [REDACTED]  
[REDACTED]

Our Ref: RB/cmf

22 June 2015

For the attention of: Mr E Baker  
The Built Environment  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 1PP



Dear Sirs

**15 / 00958 / FUL – Erection of five detached dwellings at former Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings, Cheltenham, Gloucestershire, GL53 8DS**

We are very disappointed to note that a further Planning Application has been made for the erection of five dwellings on this site, five dwellings originally being refused.

There are no substantial improvements between what is proposed in this application and that which was refused in Application 14 / 01451 / FUL. The refusal Notice at that time, clearly indicates that: "The proposed dwellings by reason of their size, design and layout, result in a cramped form of development, which is harmful to the visual amenities of the area, the setting of the adjacent conservation area, and the amenities of neighbouring properties." Therefore, we would urge the Borough Council to refuse this application, despite the contents of the Design & Access Statement which you will note makes no reference to the overbearing nature of this proposal on 46 Bafford Lane.

We supported and would continue to support the proposed approved four house scheme for this site, which seemed a sensible solution, given the constraints, the principal one of which must be the significant difference in ground levels between the application site and the location of 46, Bafford Lane.

With regard to the application itself, the finished floor level of the living room of Plot 5, is now proposed to be one metre higher than the finished floor of the living room of the approved scheme, which is 1.675 metres above the finished floor level of No 46 Bafford Lane (based on the level information contained in our letter of 30 April regarding Plot 2) thereby substantially increasing the detriment to No 46 being close to the boundary. There is oblique overlooking into the rear garden, the Living Room windows, and two bedroom windows of 46 Bafford Lane, and direct overlooking from the unnecessary proposed wrap-around Verandah which only appears on the elevations with a reference to Plot 2

We have previously expressed our concerns with regard to the levels indicated for the site, against those indicated for 46 Bafford Lane and our letter to the Borough Council of 30 April 2015, in relation to Application No. 15 / 00326 / Condit, clearly indicates what this discrepancy is. The correct statement of levels is paramount in considering the effect of the development on our Client's property



**Richard Basnett BSc(Hons) FRICS • Basnett Associates Limited**

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Tel/Fax: (01242) 673888 E-mail: info@basnettassociates.com

Regulated by RICS

Reg. in England & Wales No. 04797407 Reg. Office: Carrick House, Lypiatt Road, Cheltenham GL50 2QJ

since our major objection is the massing of the development, its close proximity to the boundary, its height and these are obviously affected by finished floor levels of the development site, having regard to the finished floor level of 46 Bafford Lane.

Whilst Sections A & B are shown, these are of no relevance in relation to Plot 5 and 46 Bafford Lane, and we would suggest a Section C should be drawn through 46 Bafford Lane, and Plot 5, to understand and portray accurately the difference in levels, the height of roofs, etc.

In order to ensure the accuracy of these levels, our Client will grant access to 46 Bafford Lane for this purpose, as currently the levels indicated are clearly in error, and misrepresenting the proposed outcome.

Notwithstanding our detailed comments with regard to Plot 5, we urge the Council to maintain its position of objecting to this proposed development for this site which is entirely consistent with the original refusal.

Please note that our client continues to incur considerable costs in bringing these matters to the attention of the Borough Council.

Yours faithfully

A large black rectangular redaction box covers the signature area. A small white mark is visible at the bottom left corner of the redaction.

**R Basnett BSc (Hons) FRICS**  
**Chartered Building Surveyor**

cc Councillor P Baker  
Ms L Barter  
Mr & Mrs T Barter

<b>APPLICATION NO:</b> 15/00958/FUL		<b>OFFICER:</b> Mr Ed Baker	
<b>DATE REGISTERED:</b> 2nd June 2015		<b>DATE OF EXPIRY:</b> 28th July 2015	
<b>WARD:</b> Charlton Park		<b>PARISH:</b> Charlton Kings	
<b>APPLICANT:</b>	Robert Deacon Builders Ltd		
<b>AGENT:</b>	Mark Wood		
<b>LOCATION:</b>	Former Barrington Lodge Nursing Home, 138 Cirencester Road, Charlton Kings		
<b>PROPOSAL:</b>	Erection of four detached dwellings with garages (revised scheme)		

## Additional representation and further comments from applicant

The Council has received the following further representation.

### Additional representation from agent on behalf of 46 Bafford Lane

15th October 2015

*We note the comments made by the Agent on behalf of the Developer for this scheme and to add balance we respond on behalf of the Owner of No. 46 Bafford Lane as follows.*

*We refer to the points raised in the e-mail of 13 October utilising the same paragraph numberings:*

*1. Our Client welcomed and supported a four house scheme for this site, which was approved. Since that approval, Plot 2, against our Client's property, has increased in size, an additional house has been proposed, since removed, and substituted with a much larger house on Plot 1, than was originally approved. It also transpires that the level information on which the four house scheme was approved was incorrect to the detriment of our client. This despite us indicating from the outset the importance of correct levels when making comparisons between the site and neighbouring properties. It is not surprising, therefore, that the occupier of No. 46 Bafford Lane has concerns with regard to this site, the way it has been proposed and the way it is being dealt with.*

*2. We stand by the point made in our previous letter that it would have been far simpler if the Developer had simply withdrawn the five house application and re-submitted the four houses with one substantially larger, as this simply adds to the complexity and confusion concerning what is proposed.*

*3. In relation to Plot 2, approval was granted for a very large house, incorrectly stating the levels of No. 46 Bafford Lane in relation to the site, to the detriment of No. 46 Bafford Lane. This was further compounded by an increase in size of Plot 2 for which approval was subsequently sought and obtained.*

*4. We have made no observations with regard to overlooking with this revised four house scheme. Overlooking has largely been dealt with satisfactorily, but we would contend the development of this site is far more overbearing than the former nursing home. The conservatory referred to was single storey and obliquely over 26 metres away from the rear wall of 46 Bafford Lane. The closest wing of Barrington Lodge which was set back behind the rear elevation of 46 Bafford Lane was 15 metres away. This compares with the 2 storey part of the proposed house within 21m of the main rear elevation of 46 Bafford Lane and Plot 2 within 10m of same point and projecting beyond the rear wall. They are clearly not comparable.*

20<sup>th</sup> October 2015

*We further note that the distances quoted have been taken from the south east corner of the main house and not the nearest habitable accommodation the sun room which is some 3m closer. Compared with the approved scheme, the change is significant and harmful.*

*Our Client has always acknowledged that some development would be carried out on the Barrington Lodge site. Our only concern is to ensure that it is reasonable in relation to surrounding properties, hence supporting the approved four house scheme. Unfortunately all of the properties to the west of the site are located substantially lower and therefore the location, style, shape and size of the proposals if not dealt with very sensitively will be very overbearing.*

*5. We welcome the no change to the garage position and acknowledge that a consent has been granted for a garage in this position, which is accepted. Our concern is that what is now proposed is more detrimental to No. 46 Bafford Lane than the approved scheme, due to the increased proximity of a very large house close to the rear of the much lower lying No. 46 Bafford Lane.*

*6. We note that our calculation of floor area omitted to include the basement to the originally approved Plot 1. However the comparison made by the developer's agent in terms of bulk and massing is misleading in that a significant proportion of the original Plot 1 was proposed as a basement and, therefore, not appearing above ground level or contributing to the scale and massing of the unit. To clarify, we have taken, utilising the Idox Tool, the ground and first-floor area of the proposed house, excluding garage, which equates to a gross external area of 427m<sup>2</sup>. Taking the house only of the approved four house scheme at ground and first-floor level, gives a gross external area of 273m<sup>2</sup>. This indicates that the visible size, .i.e above ground level, of the building proposed, compared to that approved, is some 56% larger than the approved Unit 1. The plot is large by virtue of a very large tree and, therefore, to make comparisons with regard to plot occupancy are somewhat meaningless in this case.*

*Compared with the approved four house scheme, this proposal is massive, overbearing and, as a consequence, harmful to No. 46 Bafford Lane and some of the adjoining properties and, therefore, should be refused.*

### **Applicant's further comments**

The applicant provides the following additional points.

1. The applicant says that the parish council (in its latest response) is incorrect in that the height of Plot 2 has not increased. It is actually 0.25 metres lower than the original approved, 14/02133/FUL.
2. The applicant states that they have taken the following measurements from the first floor of Plot 1 to the neighbouring properties; No. 4 Lawson Glade, No. 8 Bafford Approach and No. 46 Bafford Lane:

Distance to No. 4 – 13.7 metres.

Distance to No. 8 – 17.8 metres

Distance to No. 46 – 21.3 metres

<b>APPLICATION NO:</b> 15/01165/FUL	<b>OFFICER:</b> Mr Ed Baker
<b>DATE REGISTERED:</b> 11th July 2015	<b>DATE OF EXPIRY:</b> 5th September 2015
<b>WARD:</b> Battledown	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b> SPM Homes Ltd	
<b>AGENT:</b> Hunter Page Planning	
<b>LOCATION:</b> Land adjacent to Gray House, Harp Hill, Charlton Kings	
<b>PROPOSAL:</b> Erection of two dwellings and associated works	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a parcel of land situated to the south side of Harp Hill. The site is located to the east edge of the town in an area of transition between housing and countryside. It is understood that the site is within the Battledown Estate.
- 1.2 The site is situated within and at the edge of the Cotswolds Area of Outstanding Natural Beauty. It is surrounded by housing on its west and east sides. To the other side of the road to the north is open countryside. At the rear of the site to the south there is a small wooded area beyond which is Hewlett's Camp, an Ancient Monument.
- 1.3 The site is 0.44 hectares in size. The land rises in a southerly direction. The site is currently grassed and open save for an internal hedge to the centre. There are a small number of small fruit trees at the rear of the site to the south.
- 1.4 The site is broadly rectangular in the shape. It has a frontage with Harp Hill Road on its north side. The frontage is approximately 40 metres and includes an access track on its east side. The track provides vehicular access to the site as well as the neighbouring properties, The Bredons and Kings Welcome.
- 1.5 The site stretches far back from the road and has a depth of around 125 metres. The site narrows in its centre then juts out at the rear on its west side.
- 1.6 As described, the site is bounded by housing on its west and east sides. To the west is a row of detached houses with a frontage to Harp Hill Road. These houses have very long rear gardens which extend the same depth as the application site. Like the site, these gardens rise from north to south. The nearest neighbour on the west side is the dwelling known as The Gray House. The site includes the bottom half of The Gray House's rear garden. Beyond The Gray House and next to the southern part of the site is Cleevesyde. To the east, the site is bounded by The Bredons. To the south east is Kings Welcome.
- 1.7 The application seeks full planning permission for the erection of two detached dwellings. Both dwellings would be split level to take account of the rise of the site. The architecture is quite modern with flat roofs and cladding. Each dwelling would have four bedrooms. Plot 1 would be located at the north part of the site and would have a frontage with Harp Hill Road. Plot 2 would be situated further into the site behind Plot 1 within the southern part. Plot 1 would be positioned perpendicular to the road. Plot 2 behind it would have a slight north east axis, similar to The Bredons in front of it. The application follows pre-application advice with officers.
- 1.8 Amended plans have been received which make small design adjustments to both plots, introduce an obscure glazed balustrade on the front terrace of Plot 2, propose additional planting and propose a 2.4 metres high dry stone wall on the west boundary of Plot 2 next to Cleevesyde.
- 1.9 The application is referred to the planning committee at the request of Councillor Babbage.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Area of Outstanding Natural Beauty  
Residents Associations



**Relevant Planning History:**

**08/00485/FUL 29rd May 2008 PER**  
Erection of a 4 bedroom bungalow and garage

**02/01439/FUL 29th April 2003 PER**  
Proposed new dwelling on land adjacent to the grey house

**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  
GE 7 Accommodation and protection of natural features  
CO 1 Landscape character  
CO 2 Development within or affecting the AONB  
NE 1 Habitats of legally protected species  
NE 3 Biodiversity and geodiversity of local importance  
HS 1 Housing development  
HS 2 Housing Density  
RC 6 Play space in residential development  
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

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

National Guidance

National Planning Policy Framework

**4. CONSULTATIONS**

**Parish Council**

*28th July 2015*

No objection, but comment. We note that this is in the AONB, but the boundary has been overtaken by properties developed to the east, making it infill, not fringe development. The committee was disappointed with the unimaginative design which is out of keeping with nearby houses.

**GCC Highways Planning Liaison Officer**

*1st September 2015*

The application seeks to erect two dwellings on the site; the proposed access is to be shared with an existing dwelling described as Kings Welcome. The access fronts Harp Hill which is subject to a 30mph speed limit.

### History

The site benefits from an extant planning permission (08/00485/FUL) for the construction of a new dwelling. The access proposed for this application was for a separate access fronting Harp Hill.

### Site Layout & Parking

The site layout provides for a shared access from Harp Hill, the proposed development would be intensification in the use of the existing access, however the road width is sufficient to allow for two vehicles to pass in opposite direction, each dwelling has an area which allows for at least two parking spaces and sufficient area so as to allow vehicles to manoeuvre so they can enter and exit the site in forward gear.

### Access

The proposed access is to be gated, the gates being set back by 10m from the edge of the carriageway (Harp Hill), the road width is sufficient so as to allow a vehicle to be parked off the highway whilst waiting for the gates to open and for another vehicle waiting to exit the site onto Harp Hill.

### Refuse Storage & Collection

The proposed dwellings both have sufficient area in which to store refuse and recycling bins. Drawing no PL003E shows an area set clear of the access road so as to provide for refuse bin storage and allow for a kerb side collection.

### Visibility

The applicant has stated that their consultant has confirmed they can achieve the necessary visibility splays and access into the site. The applicant has submitted a transport statement which in part states that at the junction of the private drive and Harp Hill, vehicular visibility is good at 90 metres. They go on to say that it is more than adequate on a road with a speed limit of 30 mph. Given that the road is residential in nature, the Manual for Streets standard applies; requiring visibility splays of only 43 metres, that Harp Hill is lit which also assists with visibility.

Manual for Gloucestershire Streets and Manual for Streets (Mfs) are the most relevant highway standards to apply to the road fronting the development site and provide guidance on how accesses to the highway should be laid out in order to operate in a safe manner. Local evidence from Gloucestershire County Council (Annual Speed Monitoring Report 1998 to 2006) indicates that the 85%ile speeds for 30mph highway is 34mph.

Harp Hill is subject to a 30mph speed limit, the deemed to satisfy visibility standards as set out in Manual for Gloucestershire Streets for a road subject to a 34mph speed limit not on a bus route is 2.4m (X-distance) x 49m (Y-distance). If visibility splays cannot be provided in accordance with the deemed to satisfy requirements then as set out in Manual for Gloucestershire Streets the appropriate level of visibility can be derived from a speed survey.

Drawing No PL003 E shows a visibility eastbound splay 2.5m (X-distance) x 43m (Y-distance) to back of kerb, however westbound there is no detail submitted which demonstrates that 43m (Y-distance) is achieved to back of kerb. However the applicant has stated that vehicular visibility is good at 90 metres, however no speed survey results have been submitted and as the deemed to satisfy visibility standards are 49m, I question why the applicant has not shown the 90m visibility for both directions on the submitted drawing No PL003 E, having said this I am able deal with the visibility by condition.

I recommend that no highway objection be raised subject to the following conditions:

- (1) No beneficial occupation of the approved building(s) shall occur until the vehicular access from Harp Hill has been laid out and completed with any gates situated back

from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 10.0 m of the carriageway edge of the public road surfaced in bound material, and maintained as such thereafter and 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 49 m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05 m and 2.0 m at the X point and between 0.26 m and 2.0 m at the Y point above the adjacent carriageway level.

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) None of the dwellings hereby permitted shall be occupied until the vehicular parking facilities have been provided in accordance with the submitted drawing no PL003 E and shall be maintained available for that purpose thereafter.

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

### **Landscape Architect**

*19th August 2015*

#### Character and Appearance of the Area

The application site lies within the boundary of the Cotswolds Area of Outstanding Natural Beauty (AONB). It is, therefore, a sensitive site and necessary to have regard to the purposes of AONB designation when assessing the proposals.

Along Harp Hill, in the vicinity of the application site, the streetscape is composed of frontage development, set back from the road by grass verges. The existing properties have large rear gardens sloping up to a belt of trees at the top of the hill, with the Scheduled Ancient Monument of Battledown Camp to the south-west. The set-back from the road and the large rear gardens give this area a spacious character, appropriate for the boundary between the AONB and the town. The gardens, with their trees and hedges contribute to the rural feel of this edge of town locality. In my opinion the proposals represent an over-development of the site. In this location built form should be subservient to landscape in order to conserve the boundary of the AONB.

The distance between the built form of Plot 2 and its southern boundary is approximately 6m. This is not acceptable. Existing properties have gardens of about 54m separating dwellings from the boundary at the top of the hill. A substantial buffer space is required between the proposed dwellings and the southern boundary. This could only be achieved by reducing the number and/or size of the proposed dwellings. Smaller dwellings would fit better with the existing character of the area. A more traditional design of building, (consider pitched roofs), would conform better with the background landscape and be in keeping with the established streetscape.

As currently submitted the proposals would be contrary to Cheltenham Borough Local Plan (Second Review Adopted July 2006) Policy CP7 because the built form is too extensive and therefore the proposed development would not complement and respect neighbouring development and the character of the locality and landscape.

#### Conditions Required

Should planning permission be granted, please could the following conditions be applied:

- LAN02B Landscaping scheme (short version)

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- LAN03B Landscaping - first planting season
- A long-term maintenance plan for shared landscaped areas should be supplied.

### **Tree Officer**

*29th July 2015*

In principle, the Tree Section has no objections with this application. The Tree Section requires a Tree Protection plan to be submitted and agreed prior to determination of this application.

A native hedge has been proposed for parts of the site however the percentage of *Ilex aquifolium* should be increase to 30% to give sufficient evergreen screening throughout the year. It is the Trees Officers opinion that the hedging that fronts onto Harp Hill should be a mixed native hedge.

*1st October 2015*

The Tree Section has no objections with this application. If permission is granted please use the following condition:

#### TRE03B Protective Fencing

Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

### **Archaeologist, Gloucestershire County Council**

*13th October 2015*

My attention has been drawn to the above planning application by CgMs Consulting, who have asked me to send you some comments on the archaeological implications. I note that CgMs have compiled a Heritage Desk-Based Assessment which has been submitted in support of this planning application.

In my view the application site has low potential to contain any significant archaeological remains – a similar area on the periphery of the nearby Scheduled Monument was investigated in 2003, with negative result. For that reason I recommend that no further archaeological investigation or recording need be undertaken in connection with this scheme.

In addition, given the presence of existing buildings close to and indeed within the Scheduled Monument then in my view the proposed development will have no significant additional impact on the setting of the Scheduled Monument. However, should you have any further concerns on that issue then I recommend that Historic England should be consulted.

**Architects Panel**

*29th July 2015*

The panel felt that this was a well-designed and interesting scheme which sat well within the landscape and its context. The level of information submitted was welcomed and helped understand the proposal. We were slightly unsure of the logic behind the angle of unit two on its plot as it seemed slightly contrived but would nevertheless support this application as a good example of contemporary design.

**Battledown Trustees**

*16th July 2015*

The Trustees have no objections to this proposal. We note, however, that the Transportation Statement does not take into account the forthcoming development at the top of Harp Hill on the old GCHQ site. The Trustees have been told that even with current traffic levels Harp Hill can be unsafe for children to walk to school.

**Cheltenham Civic Society**

*14th August 2015*

This is an appropriate site for development. We like the modern design here and the good use of the topography

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>10</b>
Total comments received	<b>7</b>
Number of objections	<b>4</b>
Number of supporting	<b>2</b>
General comment	<b>1</b>

**5.1 Comments Received**

These are attached to the report.

**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 main issues relevant to the consideration of the planning application are:

- (i) Planning history
- (ii) Housing supply
- (iii) Impact on the Area of Outstanding Natural Beauty and character and appearance of the area
- (iv) Trees
- (v) Impact on neighbouring property

- (vi) Access and highway issues
- (vii) Archaeology
- (viii) Ecology
- (ix) Play space

## 6.5 Planning history

6.6 Planning permission has previously been granted for the erection of a dwelling at the front of the site in the location of Plot 1 (02/01439/FUL and 08/00485/FUL).

6.7 The applicant claims that work commenced on 08/00485/FUL and that this permission is therefore extant. However, there was no obvious visual evidence of commencement when the site was visited. However, the Building Control site inspection report for 08/0337/DOMBN confirms the following:

'SITE INSPECTION REPORT

Application Number: 08/00337/DOMBN Address: Kings Welcome Harp Hill Charlton Kings

Description: 1 No Four bed detached bungalow Officer: BC\_DH

22.04.0822.04.08 BC\_DH COMM excavs commenced

12.01.09 BC\_DH DRN1 drain run continuing from neighbours land  
100mm plastic bed and surround in pea gravel

14.01.09 BC\_DH DRN1 further drainage from neighbours land to site  
100mm plastic bed and surround in pea gravel

05.02.13 BC\_DH ADHOC work still in progress.'

6.8 The nature of the works described above would suggest that development has commenced and that the planning permission is still extant. This is a very important material consideration because it establishes the principal of development of Plot 1 at the front of the site.

6.9 It should be noted that there is no Lawful Development Certificate that confirms that works have legally commenced.

## 6.10 Housing supply

6.11 The Council cannot currently demonstrate a five year housing supply (plus 20% buffer). The five year housing supply position at 31 March 2015 is that taking account of shortfall and the application of a 5% buffer, the Council has a 3.6 year housing supply. This means that the housing supply policies in the Local Plan are not considered up to date, and the policies in the NPPF should prevail (par. 49).

6.12 Paragraph 14 of the NPPF says that where Local Plan policies are out-of-date, planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.'*

6.13 The site is located within the Principal Urban Area as identified by the Local Plan.

6.14 The site is a reasonably sustainable location for two new dwellings with access to shops, services, jobs and public transport.

- 6.15** The proposal would make use of undeveloped land in a residential part of the town.
- 6.16** The site appears to benefit from an extant planning permission for a single dwelling at the front of the site. The development of this part of the site is therefore established.
- 6.17** The proposal does not raise any strategic concerns and the site is considered to be an acceptable location, in principle, for two new dwellings.
- 6.18** The acceptability of the proposal should rest on the consideration of the following other land-use planning issues.
- 6.19 Impact on the Area of Outstanding Natural Beauty and character and appearance of the area**
- 6.20** The site is located at the very edge of the Area of Outstanding Natural Beauty ("AONB"). The edge of the AONB is the west boundary of the site itself, next to The Gray House.
- 6.21** The site is a reasonable sized gap of undeveloped land situated between houses on either side. The fact that the site is undeveloped makes it somewhat conspicuous. An immediate question is why has the site not been developed yet? The front part of the site next to Harp Hill benefits from extant planning permission for the erection of a large detached house, although there is no obvious visible sign of development on the ground. The provision of a dwelling in this location will continue the frontage of dwellings with this part of Harp Hill and would be consistent with the pattern of development in the locality.
- 6.22** The site currently has an open character providing views of the woodland at the top (rear) of the site beyond which is Hewlett's Camp. The Council's Landscape Architect describes the site as having a rural feel. The site forms the very edge of the AONB, although it is not rural countryside, but within an area of loose-knit housing as the built-up part of the town gradually peters out into countryside.
- 6.23** The Landscape Architect has concerns about the visual impact of Plot 2, which would be located at the back of the site behind Plot 1. They state that the character of this part of Harp Hill is houses set within much more spacious plots, interspersed by groups of trees. Plot 2 is at its closest about 6 metres from the boundary with the neighbouring property, Cleevesyde. The Landscape Architect feels that the proposal would be over-development of the site. They suggest that the proposed dwellings are made smaller or that one of the dwellings is removed from the proposal. They further suggest that pitched roofs rather than flat roofs would be more appropriate for the dwellings.
- 6.24** These concerns are not shared. Although Plot 2 is very close to the boundary with the rear garden of Cleevesyde, this relationship would not be noticeable from public views. Plot 2 would be situated behind Plot 1, albeit on higher ground. There is a precedent for dwellings positioned one behind the other to the east. Kings Welcome to the south east is itself, for example, set behind The Bredons. In this regard, the location of Plot 2 would not be unusual. The axis of Plot 2 has been angled on a different geometry from Plot 1 so that the development does not have the character of regimented tandem development, but instead more organic. Tree planting will soften the impact of the dwellings and together with the proposed entrance gate and Plot 1 will limit the visual impact of Plot 2.
- 6.25** As mentioned, the provision of a dwelling at the front of the site next to Harp Hill Road, where Plot 1 is to be located, would appear to be visually logical in terms of continuing the row of houses on the frontage to the road to the west. To the east of this existing line of houses, the houses become looser-knit and are seen as more as a group of dwellings, some set further back from the road, and some houses one behind the other. Moreover, there is an extant planning permission for a new dwelling in this location. Plot 1 is therefore acceptable.

- 6.26** The proposed layout of the development, their scale and massing it considered appropriate. The application is supported by a figure plan (an updated OS site location plan with the footprint of the proposed dwellings added). This demonstrates that whilst the proposed dwellings are sizeable, their arrangement would not be out of keeping with the loose-knit and more organic pattern of dwellings to the east side of The Gray House.
- 6.27** In terms of architecture, the design of the dwellings is modern with the use of flat rooves and cladding systems. Planning should not stifle new and innovative design, and the focus should be on design quality. It is considered that the design, massing and scale of the dwellings are appropriate for the site and its context. The choice of materials is appropriate, blending local traditional materials such as Cotswold stone with more modern materials and cladding. The scheme has the support of the Architects Panel and the design of the dwellings is considered acceptable.
- 6.28** In conclusion, it is considered that the proposal would not harm the natural beauty of the Area of Outstanding Natural Beauty, consistent with the conclusions of the applicant's Landscape Visual Impact Assessment. It is considered that the character and appearance of the area would be preserved.
- 6.29 Trees**
- 6.30** The Tree Officer is happy with the amended plans and offers no objection subject to tree protection measures being provided during construction. A condition is recommended.
- 6.31 Impact on neighbouring property**
- 6.32** As previously described, there are existing houses on both sides of the site, to the west and east. The neighbours likely to be most affected by the proposal are: The Gray House and Cleevesyde to the west; and The Bredons and Kings Welcome to the east. The impact of the proposal on these properties is dealt with in turn.

*The Gray House*

- 6.33** The Gray House is situated to the immediate west of the site. It has a frontage to Harp Hill Road and Plot 1 would sit beside it. The Gray House's rear garden is next to the northern part of the site. The bottom part of their rear garden forms part of the site itself where Plot 2 is to be located.
- 6.34** The massing of the front part of Plot 1 is similar overall to the extant dwelling. Both plots would have flat rooves and the height of Plot 1 would actually be lower than the approved dwelling. The roof height would be substantially lower than the ridge line of The Gray House and would sit around 1 metre above The Gray House's eaves, but well below its ridge line.
- 6.35** The footprint of Plot 1 is quite large and extends significantly further back than the extant dwelling. However, the design of Plot 1 is kept low and is primarily single storey at the rear. At its highest point, the rear part of Plot 1 would be a height of 4.8 metres. It is proposed to retain the existing boundary hedge which would screen much of the side of Plot 1 from The Gray House's rear garden.
- 6.36** The first floor front balcony off the cinema room/snug has been redesigned and is now proposed as being ornamental only – this can be controlled by condition and will ensure no harmful overlooking of The Gray House.
- 6.37** Plot 2 is positioned close to the end of The Gray House's rear garden. The distance from the terrace at its closest point is about 7 metres. However, the revised plans include a 2 metre high obscure balustrade on two sides of the terrace, which would prevent overlooking. The screen should be required by means of a condition.



- 6.38** There has been no objection from The Gray House.
- 6.39** In summary, it is considered that the proposals would not harm the living conditions of The Gray House.

*Cleevesyde*

- 6.40** Cleevesyde is located next to The Gray House, further to the west. It would be relatively unaffected by Plot 1. However, Plot 2 would be situated alongside the bottom half of Cleevesyde's rear garden, furthest from the house.
- 6.41** It is understood that the occupier of Cleevesyde has been negotiating directly with the applicant with regard to concerns about overlooking and impact on their property. This has contributed in part to revised plans which see additional planting on the boundary with Cleevesyde, the introduction of an obscured glazed balustrade on the nearside of the front terrace to Plot 2; and proposals for a 2.4 metre high dry stone wall on the boundary.
- 6.42** The occupier of Cleevesyde has withdrawn their objection on the understanding that the amendments that they are seeking are incorporated. The neighbours most affected by the proposals, including Cleevesyde, have been re-consulted on the amended plans and no further comments from Cleevesyde have been received.
- 6.43** In general terms, the most sensitive area of a garden is that closest to the house. The further down the garden away from the house, the less sensitive overlooking issues might be. In this case, Cleevesyde has a very long rear garden of about 100 metres. The bottom section of the garden is much less formal with fruit trees and has the appearance of a small orchard. Nevertheless, the occupier of Cleevesyde says that they often use this space for outside eating and recreation.
- 6.44** Plot 2 is close to the boundary with this space. The front first floor terrace of Plot 2 would be a distance of 10 metres from the boundary. The elevated first floor, full height dining room window on the west elevation would also be 10 metres to the boundary. Plot 2 is angled towards Cleevesyde at its rear, with the rearmost part of the house only 2 metres from the boundary with Cleevesyde.
- 6.45** The provision of the 2.4 dry stone boundary wall and additional planting should afford the adjacent garden of Cleevesyde some screening. Given the informal character of this part of Cleevesyde's garden and which is located a substantial distance from the main house (around 60 metres), it is considered that the relationship is acceptable. The overall living conditions of Cleevesyde would not be unacceptably harmed by the proposals.
- 6.46** It is important that the planting and hard landscaping scheme, including the dry stone wall, are implemented and this should be secured by means of a condition.

*The Bredons*

- 6.47** Plot 1 would be located on the west side of The Bredons, alongside the house and its front garden.
- 6.48** The first floor terrace of Plot 1 would be around 12 metres from the boundary of the front garden of The Bredons. The distance to the house would be 26 metres. This relationship is considered acceptable.
- 6.49** The distance from the side window of bedroom 2 to the boundary of The Bredons would be around 8 metres. This is quite close and it considered appropriate for the window to be fitted with obscure glazing (this would be appropriate as it is a secondary window). A condition is recommended accordingly.

**6.50** The front of Plot 2, including its first floor terrace, would look towards the rear of The Bredons. However, the distance to the boundary is 18 metres, and distance to the house is 40 metres. Plot 2 is therefore sufficiently far away from The Bredons not to result in unacceptable overlooking or other adverse impacts.

**6.51** No objections have been received from The Bredons.

**6.52** In summary, it is considered that the proposal would not have any harmful impacts.

### *Kings Welcome*

**6.53** Kings Welcome is located to the south east of Plot 2. At its closest point, Plot 2 would be around 21 metres from the boundary with Kings Welcome, which itself has a very substantial garden.

**6.54** No objections have been received from Kings Welcome.

**6.55** It is considered that the proposals would not have an adverse impact.

### *Other neighbours*

**6.56** Other objectors are further away from the development than those neighbours described above. The impacts on other neighbours would be less than the impacts identified previously and the relationship with those properties is considered acceptable.

### **6.57 Access and highway issues**

**6.58** The Highway Authority offers no objection to the proposal. In view of the Highway Authority's advice, it is considered that the proposed development is acceptable with regard to highway safety.

**6.59** The proposals provide sufficient space for at least two cars to park with the curtilage of each of the dwellings. This level of parking is considered acceptable.

**6.60** No severe impacts on the highway are identified.

### **6.61 Archaeology**

**6.62** Hewlett's Camp, an Ancient Monument, is located just to the south of the site. The County Archaeologist is satisfied with the archaeological information provided with the application and confirms that no further survey or recording work is required.

### **6.63 Ecology**

**6.64** No unacceptable impacts are identified.

### **6.65 Play space**

**6.66** In accordance with Policy RC6, a financial contribution towards local play provision should be secured by means of a condition.

### **6.67 Other considerations**

**6.68** In response to concerns that planning permission would set a precedent, each application should be considered on its own individual merits.

**6.69** An objector refers to an appeal decision where planning permission was refused for dwellings behind No. 65 Harp Hill further to the west (03/01494/OUT). That application

was in outline and the current proposal is considered to have a different physical and policy context. As mentioned, each application must be judged on its own merits.

## 7. CONCLUSION AND RECOMMENDATION

7.1 It is recommended that the application is approved with conditions.

## 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 number PL001 received on 03 July 2015; and drawing numbers PL003 F, PL009, PL10 D, PL011B, PL012 A, PL020 D, PL021 C, PL22 C and DLA.1651.L001 C received on 10 September 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The dwellings shall not be occupied until a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling has been 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 ensure appropriate levels of local play provision for the development, having regard to Policy RC6 of the Cheltenham Borough Local Plan (adopted 2006).
- 4 The works hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan. The measures set out in the Tree Protection Plan shall be implemented for the duration of the construction of the dwellings.  
Reason: To safeguard existing tree(s) in the interests of visual amenity and the ecosystem, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).
- 5 All hard and/or soft landscaping works shall be carried out in accordance with drawing number DLA.1651.L001 Revision C. 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 Local Planning Authority prior to commencement of development. 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, diseased or dying 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. All hard landscape works shall be permanently retained in accordance with the approved details.  
Reason: In the interests of the character and appearance of the area, and the amenities of Cleevesyde and The Gray House, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).
- 6 Notwithstanding the submitted details, no works relating to the erection of Plot 2 shall be carried out until details of the 2.4 dry stone wall on the boundary with Cleevesyde has been submitted to and approved in writing by the Local Planning Authority. Plot 2

shall not be occupied until the wall has been erected in accordance with the approved details. The wall shall be retained at all times.

Reason: In the interests of the privacy of Cleevesyde, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 7 Neither of the dwellings shall be occupied until the visibility splays onto Harp Hill 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 49 m (Y-distance) in both easterly and westerly 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. 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).
- 8 The dwellings 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).
- 9 Any entrance gates shall be set back at minimum distance of 10 metres from the carriageway edge as shown on drawing number PL003 F received on 10 September 2015.  
Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).
- 10 Plot 2 shall not be occupied until the 2 metre high obscure glazed balustrade has been provided in accordance with the approved plans. The balustrade shall be retained at all times in accordance with the approved plans and shall not be removed. The balustrade shall be retained at all times and shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent)  
Reason: To prevent overlooking of Cleevesyde and The Gray House, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).
- 11 The first floor front balcony off the cinema room/snug to Plot 1 shall not be used as an amenity space and there shall be no front enclosure of this part of the balcony at any time as shown on drawing number PL011 B received on 10 September. The balcony shall be retained in accordance with drawing number PL011 B received on 10 September at all times:  
Reason: To prevent overlooking of The Gray House, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).
- 12 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 window shown as serving an en-suite bathroom at first floor of the west elevation of Plot 1; and window shown as serving bedroom 2 on the east elevation of Plot 1 shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves.  
Reason: To safeguard the privacy of adjacent properties having regard to Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).

**INFORMATIVES**

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

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

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

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<b>APPLICATION NO:</b> 15/01165/FUL		<b>OFFICER:</b> Mr Ed Baker	
<b>DATE REGISTERED:</b> 11th July 2015		<b>DATE OF EXPIRY :</b> 5th September 2015	
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	SPM Homes Ltd		
<b>LOCATION:</b>	Land adjacent to Gray House, Harp Hill, Charlton Kings		
<b>PROPOSAL:</b>	Erection of two dwellings and associated works		

### REPRESENTATIONS

Number of contributors	<b>7</b>
Number of objections	<b>4</b>
Number of representations	<b>1</b>
Number of supporting	<b>2</b>

65 Harp Hill  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 13th August 2015

We would like to place on record our strong objections to the erection of two dwellings on land adjacent to Gray House, Harp Hill as detailed in the developer's planning application and supporting documents. We strongly agree with all of the points stated in the Public Comments made by Half Acre, Elba House and Cleevesyde. In addition, we would like to make the following observations.

The design of the proposed buildings includes glazed side elevations which overlook numerous neighbouring properties and gardens. This goes against the existing pattern of limited glazing in side elevations of neighbouring houses: the only glazing we can see from the front of our house is that of an obscured bathroom window belonging to Elba House, and nothing of Hill Covert. If the proposals were of a more traditional build, the side windows could be restricted to obscured glass for bathrooms/utilities only.

The dominance of the plots by the proposed dwellings would completely disrupt the current proportion of buildings to greenery on the Battledown Estate and within this AONB. We are very concerned that the permission of the development would set a precedent for similar future developments to be carried out, with or without acquisitions of land in support of such objectives.

Walking on the road along this stretch of Harp Hill with no footpath is extremely dangerous, with many speeding cars due to the lack of traffic calming measures in place. Pedestrians therefore rely on using the verges to walk on, so it would be imperative that any development would ensure that the width of the verges is not compromised, nor their ability to be used as a footpath.

Photos of the proposed access to the property appear as if they may be dangerous in that they may not allow sufficient visibility for and of approaching traffic and pedestrians.

It can be expected that for the two dwellings, a number of extra pre-school childcare, primary and/or secondary school places will be needed, in local schools that are already oversubscribed. Is there a requirement for the developers to contribute towards such school places, and other public services, under the terms of Gloucestershire County Council's "LOCAL DEVELOPER

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GUIDE - INFRASTRUCTURE & SERVICES WITH NEW DEVELOPMENT" (available at <http://www.gloucestershire.gov.uk/extra/CHttpHandler.ashx?id=59555&p=0>)?

We trust you will recognise the relevance and importance of all the comments raised by residents in reaching your decision.

Elba House  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 10th August 2015

We object strongly to the proposed building of 2 dwellings on land adjacent to Gray House. The proposed buildings are entirely out of keeping with the surrounding dwellings and will completely stand out in the otherwise natural looking area. These dwellings will overlook the neighbouring properties, not just those that border them but also those further away because of the proposed raised terraces, which is completely unacceptable in the Battledown area. All the existing properties are set in their own rural boundaries and these two new dwellings will completely change the character of the area. The recent building on the old Oakley site has made the Harp Hill road extremely busy with heavy vehicles and to add to this traffic with the addition of two more dwellings would be most dangerous.

As this area is on the edge of an AONB we object most strongly to the building of any more dwellings which are completely unnecessary.

Kings Welcome  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 24th July 2015

Letter attached.

Half Acre  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 4th August 2015

Further to our recent conversation, we wish, as a nearby neighbour, to object to the above application on the following grounds:

1. The location of the proposed development at the top of Harp Hill is isolated from public services and amenities, making residents dependent on the car for work, school, shopping and social activities, contrary to Government Policy PPG13 (Transport);



2. The proposal will impose additional traffic pressures on an already dangerous stretch of Harp Hill, an increasingly busy rat run, devoid of traffic calming measures, where traffic speeds have been recorded at 70% above the clearly signed 30 mph limit (Police Survey 2012).

Furthermore, with vehicles from the forthcoming completion of 63 dwellings at the top of the Oakley development exiting on to Harp Hill in 2016, there is great need for a simple, cost-effective calming measure (e.g. as in Albemarle Gate, Pittville) if fatal accidents and personal injury are to be avoided.

On a Saturday afternoon last month, our car, despite being legitimately parked on the grass verge outside our home for an hour, was severely damaged (over £2,000 of repairs) by an unknown speeding motorist who failed to report the incident;

3. The proposal is an undesirable form of back land development which would create a precedent where a significant environmental alteration is neither desirable nor achievable, contrary to Policy HS73;

4. The application is very similar in character and purpose to that proposed in 2003 at No. 65 Harp Hill, where planning permission was refused by both Cheltenham Borough Council a

*'the proposal conflicts with both local and national policies by causing demonstrable harm to the character and appearance of the site, Harp Hill, and the green backcloth of Cheltenham'* (Ref 03/01494/OUT)

The Inspector stated in his report that:

*'A Structure Plan Policy S3 requires that development should not be detrimental to the urban environment. PPG3 states that developments should not be viewed in isolation. In my view the proposed developments could appear as incongruous intrusions into the extensive and uninterrupted area of private green space established by the gardens in this section of Harp Hill, and would detract from the character and appearance of the area.'*

Mr. Grace, the Inspector, goes on:

*'The sloping nature of the site and consequent elevated position of the rear dwellings would accentuate this impact, as would the bulky combined massing that would result from the clear proximity of the dwellings'*

He concluded:

*' I consider the unacceptable harm to the character and appearance of the area to be the determining issue' 'and conclude that the appeal should not succeed'*

5. The detrimental effect of the current proposed development (especially Plot 2) is materially more catastrophic than the 2003 proposals:

5.1 The dwelling is two storeys as against one in 2003;

5.2 It has a massive footprint, c.3 times that of neighbouring properties;

5.3 It features a first floor, full-length, north-facing balcony, making the loss of privacy and amenity of neighbouring homes (Cleevesyde and Half Acre) unacceptably high;

5.4 The Plot 2 building lies on even higher ground than the 2003 proposal;

5.5 The proximity of the massive build is at 2 metres nearer the boundary to Cleevesyde's garden than the 2003 structure was to Half Acre;

6. The proposed development, towering above the neighbourhood as a result of its siting on steeply rising ground, sheer mass, height, orientation and window placement, would lead to conditions prejudicial to the urban landscape of Cheltenham in general; causing devastating

## Page 202

harm to the neighbourhood in terms of its soft, green, leafy feel and openness, not least in its inappropriate architectural design, which is totally out of keeping with the surrounding vernacular and harmonious style of domestic dwellings along Harp Hill.

The proposed structures will have a detrimental and overbearing effect on the area, being clearly visible from afar, and might well, if allowed to be built, come to be known as the 'blot on the landscape', much to the chagrin of neighbours and other local residents alike;

7. The proposed development will result in an increase in the impermeable surface area of the site which could result, in the absence of appropriate and extensive land drainage, in significant surface run-off. The gravel track serving existing properties adjacent to the site is already consistently subject to debris overflowing on to Harp Hill during inclement weather;

We trust that you will give due weight to the relevance and implications of our submission, and all other appropriate planning matters in preparing your recommendations for consideration by the Planning Committee, and we would urge you to make your recommendation that the Application be refused and, as a result, do not create a precedent.

### **Comments:** 30th September 2015

Further to our telephone conversation this morning, we wish to reiterate most strongly our objections to the development presented to you on 4th August.

We believe that the amendments made by the developer do not address the fundamental objections made by the authorities in 2002:

Cheltenham Borough Council's conclusion stated that:

*"the proposal conflicts with both local and national policies by causing demonstrable harm to the character and appearance of the site, Harp Hill, and the green backcloth of Cheltenham"*  
Ref 03/01494/OUT)

The Inspector stated in his report that:

*".....in my view the proposed developments could appear as incongruous intrusions into the extensive and uninterrupted area of private green space established by the gardens in this section of Harp Hill, and would detract from the character and appearance of the area".*

The Regional Inspector (Mr. Grace) concluded:

*"..... I consider the unacceptable harm to the character and appearance of the area to be the determining issue .....and conclude that the appeal should not succeed"*

Thank you for your attention, and we look forward to our objections being taken into consideration by the Planning Committee when making its decision.

Cleevesyde  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

### **Comments:** 5th August 2015

Letter attached.

## Page 203

**Comments:** 10th September 2015

As you are aware, I have been in negotiations with SPM Homes who have submitted the planning application for plot 2.

They have agreed to carry out some design alterations and the addition of high level planting and the construction of a dry stone privacy wall to ensure my property is not overlooked by the proposed new house on plot 2.

I have agreed that if these measures are in place, then my objection to the application will be withdrawn and my stance be that of a neutral opinion.

Provided that the measures of a 2.4m high drystone wall running the entire length of the boundary between Clevesyde and plot 2, the amended planting scheme to provide high level tree screening and the 2m high glass screening to the end of the plots roof terrace, as detailed in the resubmitted/amended application is permissible to you and CBC planning, I am happy with the planning applications decision to be given by delegated powers.

However, should you or CBC planning department feel that the wall is inappropriate, then my objection to the application must remain in place, as this wall as a screen is the only appropriate and acceptable way of blanking out the overlooking and physical overbearing of plot 2 for the privacy of Clevesyde and its grounds.

I therefore formally withdraw my objection on the basis of the screening measures proposed. I hope you agree them.

If they are not permitted, my objection must stand.

Gray House  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 20th July 2015

Thank you for your letter of the 15th of July, reference the development of land adjacent to our property.

The layout for both houses will sit well in the sloping landscape, and the designs and detail are attractive.

As far as plot two is concerned, we are happy with this, particularly in respect to the amount landscaping that is planned.

Our existing trees and shrubs together with the planned hedging separating the new development from our garden will afford plenty of privacy, and the nearest point of build from us will be approximately 62 metres; our back garden would then be 54 metres.

We are especially pleased to see the planned orchard area, as the rear of these gardens have traditionally always been orchards.

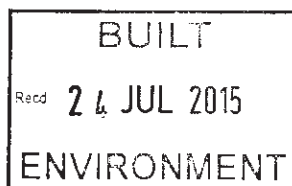
We therefore have no objection to these plans and support the development.

The Bredons  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 25th July 2015

We write in support of the above proposed development.

The indicated properties look well planned and attractively designed, with a sympathetic eye to the nature of their surroundings. They seem to sit well in the generous plots, and the low profile together with the intended planting should minimise any intrusive effect on the surrounding properties.



Kings Welcome  
Harp Hill  
Charlton Kings  
Cheltenham  
Glos. GL52 6PR

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

21<sup>st</sup> July 2015

Attention: Tracey Crews – Head of Planning

Your Ref: 15/01165/FUL

Dear Ms Crews

**Proposal: Erection of two dwellings and associated works at Land adjacent to Gray House, Harp Hill, Charlton Kings**

I write with reference to the above planning application and can confirm that I have no objections to the erection of two dwellings on the land adjacent to Gray House, Harp Hill.

Yours sincerely



### **Proposed Development at Harp Hill by SPM Homes**

The documents submitted with the application are extensive and thorough. It is noted that both the Heritage/ Archaeological Statement and Tree Survey & Constraints plan refer only to the site considered at pre-app stage prior to the acquisition of land to the rear of The Gray House Harp Hill for inclusion in the application site area.

The Landscape Visual Impact Assessment (LVIA) is again thorough and whilst the emphasis is understandably on the wider area it does identify the presence of garden furniture within the rear garden of Cleevesyde and the need to enhance the very sketchy boundary planting along the boundary of the site. This is however NOT included in the Landscape proposals drawn up.

The Design Statement refers to the potential for overlooking to the existing neighbours as a constraint arising from the natural topography of the site. The architects refer to a spine wall to each dwelling as a starting point limiting overlooking to the west. However, openings within the NW elevation of plot 2 are extensive including floor to ceiling glazing within a projecting box bay feature to the proposed Dining Hall elevated some 2m above existing ground level around 10m from the boundary at its closest point. In addition to the window openings the scheme includes an extensive terrace off the main living space which wraps around the upper storey and provides an external area over 6m x 8m (48m<sup>2</sup>) at the NW corner of the building elevated above ground level some 3.2m within 11.5m of the boundary with Cleevesyde. Proposals for an 'Orchard' within an area some 10.5m by 7.5m are somewhat woeful.

The building on plot 2 has a depth in excess of 30m. The upper storey alone (excluding overhangs) is over 27m deep. This combined with the upper floor terrace represents a huge mass of building along the garden boundary of Cleevesyde which, at its closest point is some 3.5m from the boundary of the site at the SW corner of the building. On the NW elevation, the building is around 6m tall above external ground at its highest point and just under 4 at its lowest. At the Dining Hall the building is a minimum of 5m above external ground level. The depth of the building on Plot 1 is equally huge at approximately 3x the depth of The Gray House west of that plot.

The outlook from the rear garden of Cleevesyde will be dominated by the significant bulk of the proposed dwelling on plot 2 and it will be significantly overlooked from both windows and terrace area elevated above existing ground level. The future occupants of plot 2 would be afforded elevated and clear views across the garden of Cleevesyde significantly reducing the enjoyment of this part of the garden. It would be harmful to the amenities currently enjoyed at Cleevesyde contrary to Policy.

A boundary treatment necessary to screen the garden of Cleevesyde from intrusive views from the house on plot 2 would have to extend some 40m+ at significant height. I remain unconvinced that this could be appropriately achieved.

The built development is significant on both plots. This does have a significant impact when viewed from the street. The pre-application response raises concerns about tandem development. It states that 'From the road there are only fleeting glimpses of the properties and buildings at the back of the existing group. It makes sense that you apply this characteristic to ensure limited views of Plot 2 at the rear. The originally submitted scheme shows Plot 2 being too prominent with a substantial two storey face being relatively easily seen from the road. The massing of Plot 2 – as viewed from the road – should be minimised. It should not dominate the belt of trees behind the site to the south.'

The photomontage from SPM Homes website which is already promoting the units in their current form before planning permission has been granted, illustrates that the combination of the depth of the building on plot 1 and the proposal to build at the back in tandem form dominates the street scene. There will be an inevitable loss of openness with only glimpses of the surrounding natural landscape backdrop as opposed to glimpses of buildings to the rear of the site as currently experienced. As show by the photomontage below the buildings dominate the 130m deep site.



The gardens to the rear of properties to the west of the application site are long and provide a gradual transition between the built-up frontage and the rural area. The area of land to the rear of the site on which it is proposed to construct plot 2 arguably forms part of the wider, almost semi-rural character of the area and in conjunction with the neighbouring gardens makes a significant contribution to the character and setting of this part Harp Hill on the edge of the AONB.

The need to protect the environmental quality of the area is broadly consistent with the Government's objectives for the planning system. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. The economic, social and environmental dimensions of sustainable development should be addressed. Paragraph 9 also makes it clear that pursuing sustainable development includes seeking positive improvements in the quality of the built and natural environment. The proposal is inconsistent with the latter objective in particular by reason of seeking development on plot 2 in the manner proposed.

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<b>APPLICATION NO: 15/01165/FUL</b>		<b>OFFICER: Mr Ed Baker</b>
<b>DATE REGISTERED: 11th July 2015</b>		<b>DATE OF EXPIRY: 5th September 2015</b>
<b>WARD: Battledown</b>		<b>PARISH: Charlton Kings</b>
<b>APPLICANT:</b>	SPM Homes Ltd	
<b>AGENT:</b>	Mr James Griffin	
<b>LOCATION:</b>	Land adjacent to Gray House, Harp Hill, Charlton Kings	
<b>PROPOSAL:</b>	Erection of two dwellings and associated works	

## Update to Officer Report and letter from agent

### Representations from Clevesyde, Harp Hill

Members will note from the committee report that the occupier of Clevesyde submitted two representations: the first on 5<sup>th</sup> August 2015 in which comments and concerns were raised; and the second on 10<sup>th</sup> September in which they made a number of comments and confirmed the following:

*'I therefore formally withdraw my objection on the basis of the screening measures proposed. I hope you agree them.'*

Although this is explicit in the report, the applicant wishes to emphasise the neighbour's revised position on the application.

### The applicant's agent has circulated the following letter to members:

*'I am sorry to burden you with additional papers in advance of this week's planning committee. However, I thought you would find the following information of help in your consideration of the planning application for the redevelopment of the above site.*

*The site is situated within the Principle Urban Area (PUA) which 'offer the greatest potential for accommodating change and growth in a sustainable way', as identified within the Adopted Local Plan. Furthermore, as set out within the committee report, there is already permission for a new dwelling at Plot 1. Both are important material planning considerations which support residential development on this site.*

*At an early stage in the design process, we identified that the site sits on the very edge of the AONB and harm to it should be avoided. As a result, we undertook a thorough Landscape Visual Impact Assessment (LVIA) which assessed the sensitivities of the site. As a result, the design and layout has been landscape led to ensure the character and appearance of the area would be preserved. Two aspects which will help to achieve this are the use of local and traditional materials (such as Cotswold stone) and the introduction of a high quality landscaping scheme including the planting of semi-mature species.*

*We note that the scheme's design has received support from the Architects Panel and Officers alike. Similarly, we also note that the Parish Council, Battledown Trustees and Local Highway Authority do not objection to the application.*

*The planning application before you is a result of many hours of discussion with your Officers at both pre-application and submission stage. It is well designed and has been*

20<sup>th</sup> October 2015

*very much refined and adjusted following neighbouring concerns and guidance from Officers to ensure it meets the high standards required by your Local Plan Policies.*

*This proposal will present a high quality form of residential development within Cheltenham's PUA. We hope that, for the reasons set out in your Officer's report, you will be able to support the development proposed.'*

<b>APPLICATION NOS:</b> 15/01319/FUL & 15/01319/LBC		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 28th July 2015		<b>DATE OF EXPIRY:</b> 22nd September 2015
<b>WARD:</b> Park		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mr J Hawtin	
<b>AGENT:</b>	Stanley Partnership Architects	
<b>LOCATION:</b>	Compass House Lypiatt Road Cheltenham	
<b>PROPOSAL:</b>	Extension to Compass House creating two storeys of additional office space at ground and first floor with car parking at lower ground floor, and replacement windows to existing modern rear extension (excluding penthouse) - revised scheme following withdrawal of application refs.15/00518/FUL & 15/00158/LBC	

**RECOMMENDATION:** Permit / Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application is seeking planning permission and listed building consent for the erection of an extension to Compass House to provide approximately 430m<sup>2</sup> of additional office space at ground and first floor with car parking at lower ground floor level. The application also proposes replacement windows to the existing modern rear extension (excluding the penthouse). The application has been submitted following the withdrawal of previous application refs.15/00518/FUL and 15/00518/LBC for an alternative scheme.
- 1.2 Compass House is a large prominent Grade II listed villa, c1826-35, which forms a group with Burlington House and Carrick House on either side. The building is prominently located on the eastern side of Lypiatt Road and the site is wholly located within the Lansdown Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. Lypiatt Terrace on the opposite side of Lypiatt Road is Grade II\* listed.
- 1.3 The building is currently occupied by Charles Russell Speechlys and has been significantly extended to the rear in the past by way of a large 1960's four storey range with later penthouse addition. The buildings on either side of Compass House have also been extended to the rear. Land within the site slopes down gently from Lypiatt Road to Southwood Lane, an historic service lane, to the rear.
- 1.4 Southwood Lane has been developed over the years and is now largely residential. The character of the lane on its eastern side differs from that on the western side in that the buildings on the eastern side are mostly mews style dwellings, two storeys in height. The western side of the lane is more built-up with larger scale buildings situated at the edge of the highway.
- 1.5 The proposed extension would be located within the eastern corner of the site and would connect through to the existing modern extension by way of a glazed link. The extension is contemporary in appearance with planted living walls proposed to the external elevations and a planted sedum roof. To the rear of the site, at lower ground floor, a red brick boundary wall enclosure would be maintained albeit in increased in height. The existing vehicular access from Southwood Lane would also be retained in an altered form.
- 1.6 The current proposal has been the subject of pre-application consultations and discussion prior to submission.
- 1.7 The application is before Planning Committee at the request of Cllr Harman on behalf of the local residents. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Listed Building  
Smoke Control Order

### Relevant Planning History:

<b>90/01091/GF</b> Rebuilding of rear boundary wall	<b>PERMIT</b>	<b>5th November 1990</b>
<b>99/50174/FUL</b> Refurbishment of existing offices	<b>PERMIT</b>	<b>14th October 1999</b>

<b>99/50175/LBC</b> Refurbishment of existing offices	<b>GRANT</b>	<b>30th October 2003</b>
<b>99/50176/FUL</b> Penthouse offices and glazed cladding to staircase	<b>PERMIT</b>	<b>30th October 2003</b>
<b>99/50177/LBC</b> Penthouse offices and glazed cladding to staircase	<b>GRANT</b>	<b>30th October 2003</b>
<b>00/00217/LBC</b> Change in staircase enclosure from glass to masonry as revision to Listed Building Consent ref: 99/50177/LBC	<b>GRANT</b>	<b>4th April 2000</b>
<b>00/00218/FUL</b> Change in staircase enclosure from glass to masonry as revision to planning permission 99/50176/FUL	<b>PERMIT</b>	<b>14th April 2000</b>
<b>01/00728/LBC</b> Internal alterations to facilitate the change of use of the penthouse from offices to 1 no. residential unit	<b>GRANT</b>	<b>26th July 2001</b>
<b>01/00730/LBC</b> Construction of penthouse offices and masonry cladding to existing staircase - amendment previous proposal approved under Listed Building consent 99/50177/LBC as amended by Listed Building Consent 00/00217/LBC	<b>GRANT</b>	<b>30th July 2001</b>
<b>01/00731/FUL</b> Construction of penthouse offices and masonry enclosure to staircase - amendment to previously approved scheme ref 99/50176/FUL as amended by planning permission 00/00218/FUL	<b>PERMIT</b>	<b>30th July 2001</b>
<b>01/01296/LBC</b> Internal alterations in connection with internal refurbishment of existing offices to provide modular offices instead of open plan	<b>GRANT</b>	<b>16th November 2001</b>
<b>15/00518/FUL</b> Extension to Compass House creating two storeys of additional office space at ground and first floor with car parking at lower ground floor, and replacement windows to existing modern rear extension (excluding penthouse)	<b>WITHDRAWN</b>	<b>3rd July 2015</b>
<b>15/00518/LBC</b> Extension to Compass House creating two storeys of additional office space at ground and first floor with car parking at lower ground floor, and replacement windows to existing modern rear extension (excluding penthouse)	<b>WITHDRAWN</b>	<b>3rd July 2015</b>

### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

- CP 1 Sustainable development
- CP 3 Sustainable environment
- CP 4 Safe and sustainable living
- CP 7 Design
- BE 5 Boundary enclosures in conservation areas
- BE 6 Back lanes in conservation areas
- BE 9 Alteration of listed buildings
- BE 10 Boundary enclosures to listed buildings

EM 1 Employment uses  
UI 2 Development and flooding  
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Lansdown Character Area Appraisal and Management Plan (2008)

National Guidance

National Planning Policy Framework

#### 4. CONSULTATION RESPONSES

**Building Control**

**14th August 2015**

No comment.

**Cheltenham Civic Society**

**14th August 2015**

We think this is too large an infill, with adverse effects on the character and streetscape of Southwood Lane by removing the gaps between the buildings which contribute to its character. We think a preferable approach might be to add to the 1970s extension at the rear of the listed building.

**GCC Highways Planning Liaison Officer**

**1st September 2015**

The site fronts Lypiatt Road which is subject to a 30mph speed limit. The application seeks to provide an extension to form additional office space which will reduce the car parking spaces on site by three spaces.

Accessibility

The proposed site is centrally located and within walking distance to the town centre bus hub(s) where connections across the town are available as well as links to Gloucester and the railway and being less than 1km from the Cheltenham town centre with easy access to many local amenities and employment sites. There is a good standard of pedestrian footways to the Cheltenham town centre and adequate cycling accessibility. Having considered the central town centre locality of the site, I consider that the opportunities for sustainable transport modes have been taken up given the nature and location of the site in accordance with Paragraph 32 of the NPPF.

Parking

The design & access statement and covering letter sets out that there is a need to provide additional office space to support current demand and future growth. Further the application sets out that the numbers of existing parking spaces will be reduced by only three spaces. I have considered that as the business expands there is likely to be further demand for parking; having said this, the site is centrally located with on-street parking available in the surrounding area that can accommodate demand for short term and visitor parking. I therefore consider that the residual cumulative impacts of development with the loss of 3 parking spaces would not be severe on parking in the vicinity of the site

Cycle Parking

No detail has been submitted for provision of cycle parking. The site will benefit from the provision of cycle parking as a means to off-set the loss of the parking spaces and offer an alternative means of sustainable travel options for staff and visitors to the site.

In conclusion; there are three dimensions to sustainable development: economic, social and environmental. Therefore having considered the application, the development plan, the NPPF and the needs of the applicant, balanced against that the residual cumulative impacts of development would not be severe.

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

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of two bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 35.

### **Heritage and Conservation**

**7th September 2015**

1. The principle of extending Compass House is acceptable but any extension should be of an appropriate scale and design so as not to dominate the site or detract from the special architectural interest of Compass House or curtilage listed buildings on Southwood Lane (Nos.19 & 21) and the character of the conservation area.
2. Although the 1960s extension lacks architectural merit any addition to the building needs to at least acknowledge its presence.
3. One of the most interesting and significant architectural features of Compass House are the bow windows on the side of the building: any new development in the proposed location will form the backdrop to this feature and it should not detract from its simple elegant form.
4. The NE and the SE elevations of this proposal need to be equally successful as they are both prominent within their own streetscapes, which are very different in character: Lypiatt Road is characterised by Edward Jenkins' large villas on spacious plots and a wide tree lined road whilst Southwood Lane is a narrow back lane built to service the large villas on either side of the lane.
5. There is an absence of a strong architectural style in the lane and contemporary designs feature alongside more traditional coach house and mews type developments. Brick boundary walls are common and much of the development historic and recent along the west side of Southwood Lane is set back some distance behind boundary walls which is an effective arrangement for creating more width to this rather narrow service lane.
6. Southwood Lane has evolved into a predominantly residential lane with small scale dwellings but the Lypiatt Road villas still provide the context in which they are set.
7. The proposed contemporary design is considered to be sympathetic to the Compass House and the 1960s office extension: the clean lines and vertical emphasis of the proposal are compatible with both.
8. The applicant has presented two schemes for consideration with one clad with a 'living wall': it is important to see whether the scheme could be successful without the camouflaging greenery as they frequently fail over the long term.
9. In my opinion the Southwood Lane elevation is a more successful composition with more vertical divisions and shadow play adding interest, rhythm and elegance. This elevation works with or without the vegetation whilst the Lypiatt Road elevation looks especially bland without the vegetation.
10. A main concern with this proposal is its impact on Southwood Lane: due to its height, mass and positioning immediately adjacent to the lane the building will be an

overbearing and intimidating presence combined with the existing extension to Compass House.

11. The perceived height and bulk of the building when viewed and experienced from Southwood Lane could be improved significantly by setting back the upper floors echoing the relationship between the coach houses and their boundary walls on the E of the lane. This would reduce the impression of over development of the site but give continuity in the streetscape with the use of a brick boundary wall.
12. The recent development on the old sub-station site, on the other side of the 1960s Compass House extension uses this 'device' to lessen the impact of its bulk on the lane continuing the illusion of a wider street on Southwood Lane.
13. The loss of glimpses of Southwood Lane through the site from Lypiatt Road that will result from this development is unfortunate but not significant enough to resist development. Views through the site have only occurred as a result of the replacement of the garden with a car park. The reduction in the amount of car parking at the front and side of the building could be seen to be of benefit to the building and the wider conservation area.
14. The reinstatement of soft landscaping to the Lypiatt Road elevation would be a significant improvement that would introduce more greenery to the site without it being attached to the building.

### Conservation and Heritage summary

Aspects of this scheme are supported but the overbearing presence of the NE elevation on Southwood Lane is not acceptable and cannot be supported. A revised scheme that addresses the relationship between the proposed building and Southwood Lane and reconsiders the Lypiatt Road elevation to include additional landscaping may be supported subject to appropriately detailed designs.

### **Architects Panel**

**9th September 2015**

The proposed scheme represents an amendment to a previously reviewed scheme with many of the comments raised having been addressed. The panel felt this was a great improvement but had some minor concerns over the practicality of the detailing and look of the smaller areas of 'green wall' - they may even not be necessary on the SE elevation. The relationship of green cladding to 'green wall' also needs to be carefully considered as the similarity in colour may not be easy to achieve and may dilute the effect of the planting. However, the panel thought this was an interesting scheme and would therefore support it.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to nine neighbouring properties. In addition, two site notices were posted adjacent to the site, one on Lypiatt Road and one in Southwood Lane; and an advert was published in the Gloucestershire Echo. In response to the publicity, objections have been received from the owner/occupiers of five neighbouring properties. The comments have been circulated in full to Members.
- 5.2 In brief, the main concerns relate to:
  - Access and highway safety
  - Impact on neighbouring amenity
  - Impact on conservation area / listed building
  - Overdevelopment
  - Design



**6. OFFICER COMMENTS**

Officer comments to follow in an update

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<b>APPLICATION NO:</b> 15/01319/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 28th July 2015		<b>DATE OF EXPIRY :</b> 22nd September 2015	
<b>WARD:</b> Park		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr J Hawtin		
<b>LOCATION:</b>	Compass House, Lypiatt Road, Cheltenham		
<b>PROPOSAL:</b>	Extension to Compass House creating two storeys of additional office space at ground and first floor with car parking at lower ground floor, and replacement windows to existing modern rear extension (excluding penthouse) - revised scheme following withdrawal of application ref.15/00518/FUL		

### REPRESENTATIONS

Number of contributors	<b>6</b>
Number of objections	<b>5</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

Current House  
20 Southwood Lane  
Cheltenham  
Gloucestershire  
GL50 2QH

**Comments:** 16th August 2015

The suggested new building's prison like appearance with its high back wall (Southwood Lane) and barred gates would make Southwood Lane into a dark tunnel. Even the afternoon and evening sun would be shielded from the Lane ..

I think this is too large an infill, with adverse effects on the character and streetscape of Southwood Lane by removing the gaps between the buildings which contribute to its character. I think a preferable approach might be to follow the suggestion of the owner architect from no 17 ...which would keep the appearance of Southwood Lane as is, but allow Charles Russell to expand.

Also Southwood Lane is only 5.5 meters wide, far too narrow for excess traffic, and certainly not capacious to allow building trucks access.

The lane is used by many pedestrians, cyclists and children, more traffic from the new proposals would be detrimental.

Finally, the proposal states there are no trees or hedges but there is beautiful buddleia and ivy growth -all natural and full of butterflies and bees when flowering. The birds nest in the ivy too, the point of biodiversity this should preserved .

Bicknor Cottage  
19 Southwood Lane  
Cheltenham  
Gloucestershire  
GL50 2QH

**Comments:** 26th August 2015

I object to the proposed planning application on the following grounds:

1) The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which they possess. The entry concerning Compass house as a Grade 2 listed building notes that "*Burlington House, Carrick House, Compass House, Imperial House and Stanmer House form a distinguished group of Villas along the east side of Lypiatt Road (marked on Merrett's map of 1834)*". Amongst the features of historic interest concerning Compass House is its historic association with the adjacent buildings and its setting within the prominent architecture of Lypiatt Road. The proposed development would obscure that relationship by over-extending the building and by building a modern extension visible between the historic villas from Lypiatt Road.

2) The proposed carpark would result in a switch in commuter car access from the current two lane carriageway of Lypiatt Road with pedestrian paving and via a double in/out entrance TO a single track lane without any dedicated pedestrian pavement and via a single entrance. The entrance to the car park itself would shift to lie directly opposite a row of cottages which exit directly onto the road and several of which are occupied by families with very young children. The use of the predominantly residential Southwood Lane as the main commuter entrance for a large office is wholly unsuitable, with a very narrow turning circle in and out of the car park already having resulted in collision incidents. I believe it to be a particularly unsafe arrangement as the arrival of commuters on a daily basis would coincide with the daily passage of children down the lane and exit of children from the houses on their way to school, not to mention the danger posed to children that currently play on this quiet residential lane.

3) The infilling of the only interruption in the multi-storey buildings that currently lie opposite the residential dwellings of Southwood Lane would fundamentally alter the character of the lane. The completion of an uninterrupted line of higher buildings facing the residential dwellings would result in a far more intimidating facade and produce a tunnel effect, particularly as there is no significant offset of buildings in the submitted proposal. This would fundamentally alter the character of the lane; which is historically a line of coach houses and cottages serving the larger historic houses on adjacent roads. The further commercial bias in development of Southwood Lane would obscure this historic relationship.

4) The excavation of a lower level carpark would risk subsequent shifting of the loose sandy soil supporting adjacent buildings with concomitant risk of subsidence. This is especially important when considering that several of these nearby structures are historic listed buildings themselves which lack modern foundations and are particularly vulnerable to shifting soil.

5) The provision of a dedicated car park for commuters to the office runs contrary to the current council aim to reduce traffic flow into and through Cheltenham. Lypiatt Road itself is well served by buses including a dedicated park-and-ride service which runs past its end.

6) The justification in the application for the extension as the only way of allowing the firm to meet its spatial requirements and yet remain in Cheltenham is not supported by the availability of other suitable sites in the town.

17 Southwood Lane  
Cheltenham  
Gloucestershire  
GL50 2QH

**Comments:** 25th August 2015  
Letter attached.

15 Southwood Lane  
Cheltenham  
Gloucestershire  
GL50 2QH

**Comments:** 24th August 2015  
Letter attached.

Current House  
20 Southwood Lane  
Cheltenham  
Gloucestershire  
GL50 2QH

**Comments:** 16th August 2015

Errors on Full Application Form :

Paragraph Number:

6] Building Manager told me in January 2015 that gates to Southwood Lane were "never locked" . If that is so the statement that no rights of way is affected is clearly erroneous. Being a new resident I do not know how long the gates have been open for but clearly a right of way MAY have been created which this application would extinguish.

9] Boxes ticked as to demolition of part of a listed building but boxes i]-iii] are not completed. If there is no change to the VOLUME of the building then surely these should stat "zero" or "0" or at the very least N/A.

13] States that parking spaces are reduced by 3 from "approximately 39 to "approximately 36. Design Statement says that 2 parking spaces are lost. Which is correct? Also, Form states that there are NO disability spaces. This is incorrect. One is clearly marked by the rear entrance

14] Is not completed. Although reference is made to something at the end. Since the yes/no boxes are unchecked I have no idea whether I am meant to refer to these mysterious documents.

17/19] State a] that there is no hedging or tree-growth in the affected area which would impact bio-diversity. Clearly incorrect. Photo's on P4 of the design statement and plate 2 of the "Heritage" Statement clearly show planted hedge on left of rear entrance and [self-seeded?] buddleia to the right. Buddleia, of course is otherwise known as a "butterfly tree" because of the way it supports Lepidoptera . Thus removing those buddleia would adversely affect bio-diversity.

22] Gross internal floor space PROPOSED is set at 430 sq m. Perhaps that mean ADDITIONAL floor space proposed but the TOTAL is clearly wrong. I do not wish to make any false assumptions about the applicants intentions . What are the correct figures for Gross Internal Floor space proposed? And does that lead to a change in any of the other figures in this section?

23] Existing number of employees is "unknown" and future number is "TBC" [to be concealed?]. Design statement says that expansion is needed "immediately" . If so what are the figures to justify that immediacy?

30] Document is unsigned.

All in all a fairly sloppy document.

### Errors of fact in "Design Statement":

Point No:

2] States that "There was generally a good response to the scheme" This is either completely erroneous or mendacious. In the 90 minutes I was there I heard no opinion expressed and my opinion was not solicited. Neither was the opinion sought of anyone within my earshot.

Further , the statement says that "daylight to adjacent properties would be unaffected" Clearly , not the case since the proposed building will block light from the setting sun

4] Current occupiers need for expansion space is "immediate" . This implies that they cannot wait for a new build. Patently not true. Since they cannot even fill in the application with the current or proposed number of employees.

### Heritage statement:

- Varies between calling the lane "Southwood" and "Southwold". It would be good for them to be consistent [and correct].

- Concludes that the view from Lypiatt Road would not be significantly different because it would have the "view of one modern building replaced with another modern building" .This is perhaps true. However, the view from Lypiatt road is at approximately 120 metres to the new build [15 metres further to 15/17 Southwood Lane which represent the "old" view].

If it is relevant from a heritage viewpoint to consider the view it should be pointed out that the views from 15/17 will be SIGNIFICANTLY altered, and for the worse, by this proposed build, since the nearest buildings will be some 15 metres away rather than nearly 10 times that distance.

Further to these errors of fact and presentation which make understanding of the whole application subject to guesswork and worse I oppose the development for the following reasons:

A] Density:

Southwood Lane , with the exception of one small alley opposite will become built-up throughout its length. Changing its nature from a backwater to a canyon-thoroughfare.

B] Daylight/ Sunlight:

The development would clearly block afternoon and early-evening sunlight to the cottages opposite.

C] Access:

Currently the gateway on Southwood Lane is used only for egress . The new arrangement would mean the area will be used for access and egress . This will increase the traffic load by a significant amount and will likely cause a danger to the children who frequently play in the street [as residents or passers-by].

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Further, it should be noted that the road is approximately 5.5 metres wide [property boundaries are consistently beyond the boundary walls] making the area unsuitable for greater volumes of traffic, LET ALONE for construction traffic given the width of the vehicles.

D] Design/Appearance:

The one open vista in the street will be closed, shutting off the view of Lypiatt Road opposite.

E] Cumulative Impact:

If successful this will create a canyon. Not an ordinary terrace of houses and mixed shops/offices [Like Upper Norwood Street for example] but a high-walled, unwelcoming, potentially dangerous, dingy canyon.

Please ensure that future documentation is properly completed and signed before being submitted.

8 Lypiatt Terrace  
Cheltenham  
Gloucestershire  
GL50 2SX

**Comments:** 21st September 2015

I attended a display of this application at Compass House on 21 July. My impression at that meeting was that it was going to be looked at by the architect yet again - clearly not. I would not want you to think I was, by my silence, agreeing to this proposal. Far from it.

The expert consultee comments already lodged point out the degree to which this application goes against planning guidelines. It is an extraordinary proposal in a conservation area - almost as flagrant as the original allowing of the "penthouse" on top of the 1960s extension.

The proposed "green wall", as the expert consultee reminds us, is likely to fail - and the underlying design which will thus be laid bare, is mundane and dreary. An eyesore without aesthetic merit of any kind.

The oddest thing of all is that this proposal flies in the face of the instructions given some years ago by the Planners, to the owners of the next door offices, Carrick House: that its new build facing on to Southwood Lane had to be in red brick with a pitched roof, as that is what back lanes in Cheltenham traditionally employed (i.e. as hay and coach sheds)! It seems that when Compass House at first presented a brick and pitched roof proposal to match their neighbours', they were told by the Planners this was unacceptable. It is hard to see what principles are being employed when the Planners instruct applicants to go entirely against what was laid down only a few years before in an identical situation!

The proposed building is going to form an ugly - and unnecessary - punctuation to the elevations as seen from Lypiatt Road. While a car park replaces a garden, and makes little visual difference therefore - the height of the intrusions being the same low profile as the consultee suggests - a three-storey building blocking the sightline between Lypiatt Road and Southwood Lane, and aggressively at right angles to the existing building, is an entirely different matter!

What's more, this building will be - as the 'penthouse' has proved - a short-term desideratum only. Once in place, if Speechlys move - as they surely will, in their expansionist mindset - who will desire this ugly agglomeration of second rate insults to a Grade II\* villa?! Lypiatt Road will be further degraded. It is almost as if Cheltenham has a visual death wish! Regency Cheltenham it says on the brown signs. Hm. I wonder where it's gone?

Recd 25 AUG 2015

ENVIRONMENT

  
Zed House  
Malvern Road  
Cheltenham  
GL50 2JH

24 August 2015

Miss M Payne  
Planning Services  
Cheltenham borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

Dear Miss Payne

**RE: COMPASS HOUSE, LYPIATT ROAD, CHELTENHAM - APP NOS. 15/01319/FUL & 15/01319/LBC**

I am the owner of 17 Southwood Lane, Cheltenham.

At the invitation of the applicant, I attended an informal meeting at Compass House on 21 July 2015 to see the revised plans as now submitted. Apart from changes to the external materials and roofline, the revised plans are substantially the same as previously submitted. None of my concerns, as expressed to the architect at the meeting, have been addressed.

The new application drawings do not include a street elevation as existing. This is a serious omission, since a comparison between the existing and proposed street elevations will show the significant intrusion of the proposed development.

If allowed to proceed in its revised form, it is clear that this proposal will have a detrimental impact on my property and on the visual character of Southwood Lane. The following points are of particular concern:-

1. Southwood Lane is an attractive mix of mainly residential properties of differing architectural styles, some of which front the road and others that are set back. There are many gaps of open space between buildings.

The proposed extension is too large and will completely infill the open space between Compass House and the red brick offices to the north. Taken together, these buildings will form a continuous solid block of development along the road edge that will overwhelm and significantly detract from the attractive character of Southwood Lane.

2. The proposed extension is too close to the road edge, creating a much reduced distance to nos. 17 & 19 Southwood Lane. Although the elevation of the proposed extension to Southwood Lane has few windows directly overlooking my property, this necessary concession to privacy has the effect of increasing the monolithic and faceless appearance of the proposed building.

3. The acceptability of this proposal would be improved if the new building is set back further back from the road and its frontage reduced to allow gaps between Compass House and the red brick offices.

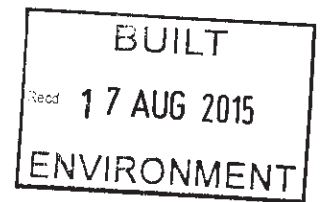
The recently completed Current House to the south (by the same architects) shows how the bulk of new infill can be successfully designed to reduce its visual impact.

The construction of any approved development will present particular logistical difficulties. Each resident owns 1.2m of land in front of their boundary walls. The road is not wide enough for the heavy construction plant necessary to carry out the planned work, and it cannot be closed, as vehicular and pedestrian access has to be given to residents.

Will you please ensure that effective conditions are imposed in any planning consent to restrict and control the access and use of Southwood Lane during construction, the hours of work, and also to control noise and dust.

Yours sincerely  



**Compass House extension 15/00518/FUL**

Planning objections:

I live at 15 Southwood Lane directly opposite the exit from Compass House onto Southwood Lane

I would like to raise the following concerns re this application:

**National Planning Policy Framework**

Chapter 12 paragraph 134

Need for extra office space - does this need outweigh the spoiling of a conservation area ?

I quote the Court of Appeal 20<sup>th</sup> February 2014 Barnwell Manor  
This office is in the heart of a conservation area and the development will harm not only Lypiatt Road but also Southwood Lane (Policy on back lanes CBC). I believe the impact of this new build on the area outweighs the importance of providing more office space on site when the Nat West building on Andover Road is empty and could serve as an office extension. I would like to object to the proposed extension to Compass House. I am concerned that since I have been advised by the architect to have a full structural survey carried out on my house (15 Southwood Lane, directly opposite the proposed extension), before work commences on Compass House then surely Compass House itself, the grade II listed front part is in even more danger than my home of suffering permanent damage with the construction of the lower car park.

This lovely listed building along with its neighbours, in a conservation area are in danger of all being damaged.

**National Planning Policy Framework**

Chapter 12 paragraph 132

Substantial harm to Grade 11 listed building

I am concerned that since I have been advised by the architect to have a full structural survey carried out on my house (15 Southwood Lane, directly opposite the proposed extension), before work commences on Compass House then surely Compass House itself, the grade II listed front part is in even more danger than my home of suffering permanent damage with the construction of the lower car park.

This lovely listed building along with its neighbours, in a conservation area are in danger of all being damaged.



**Sunlight/daylight issue:**

*VALIDATION CHECKLIST – GLOSSARY OF TERMS – CHELTENHAM BOROUGH COUNCIL'S LOCAL REQUIREMENTS*

"In circumstances where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space then applications may also need to be accompanied by a daylight/sunlight assessment."

**This development would block daylight from my sitting room, front patio and balcony rendering these areas dark from 4.00 p.m. onwards. The offices in the brick extension to Douglas House would have their daylight severely restricted throughout the day.**

**Sunlight and landscape issue:**

*Objective 02 and 011 Back Lanes in conservation areas (Cheltenham Borough Council Local Plan Second review*

Southwood Lane has a variety of residential properties and is a lane intersperse with large gaps, which allow light into the lane and prevent it having the appearance of a tunnel.

**The proposed development would reduce sunlight on the lane making it a gloomy place to walk down or to live on. There would be a monolithic block of buildings covering a large part of the lane. The lane would be in permanent darkness. This would have a cumulative impact on the environment.**

**Layout:**

*Boundary enclosures 5.31 Cheltenham Borough Local Plan*

**The proposed plan brings the building line for the lane forward. It would be in front of the building line of the existing extension to Compass House and the brick development at the back of Douglas House.**

**I ask that the extension be moved back in line with the existing buildings**

**Access, noise and traffic concerns.**

*"Proposals that result in a noisy or unclean operation may be required to provide details of how the impacts will be mitigated. Proposals next to existing noisy or unclean uses may also be required to provide details of how the impact will be mitigated. "*

**Southwood Lane is a narrow road in a residential area. The proposals to remove hundreds of tons of earth to dig out the lower car park are not addressed in the application. When I asked Mr Hawtin how long he estimated the works would take he quoted the best part of a year. Residents require access to their properties**



**and fire engines, dustcarts and waste lorries need to be able to travel straight down the street.**

**All the houses on Southwood Lane have their front doors onto the lane. We have no other entries to our homes so all residents need access to their homes at all times.**

**Small children live on the street too and their safety is paramount.**

**Air Quality Control:**

I am retired and at home during the day. Beside the site there are office businesses operating on Lypiatt Road. No mention is made of how the unclean operations will be carried out or how the disruption will be kept to a minimum. I could not live in a house with heavy plant machinery going from 9 a.m.– 5 p.m. every day for even a week never mind 5 months. As a registered asthmatic the dust would be a great nuisance and would damage my health; potentially shortening my life. How can I prevent this?

**Risk of Subsidence:**

When the architect visited my home he suggested I had a full structural survey carried out before work started so that if any damage occurred during the works, if they went ahead, I would be able to make a claim. I would like assurances that the developer will meet the cost of this survey and any work that has to be carried out as a result of his extension and that he meets any cost in loss of value of my property should it subside. Also that should I make a claim it will be dealt with quickly and fully by the developer.

**7. Landscape and traffic**

I would ask that if the extension goes ahead that since this work is being carried out on a property on Lypiatt Road that all vehicles use Lypiatt Road entrance to the property and that site offices and portaloos are kept within Compass House grounds. It would be intolerable to have site offices and portaloos parked in Southwood Lane restricting the traffic and reducing the width of the lane making it dangerous for residents.

This application is made by the owner of Compass House, Mr Hawtin, who is the landlord to Charles Russell and not on behalf of the firm itself. Charles Russell want to expand its workforce and in the council's own words quoted in the Echo 'there are lots of empty office spaces in Cheltenham' they could move to. (Examples include:

Cheltenham Office Park, Hatherley Lane, Cheltenham, GL51 6PN,  
Offices 5000.09 - 50000.39 Sq Ft

or Honeybourne Place, Cheltenham, GL50 3SH Offices 18901 - 50612 Sq Ft)



It seems unnecessary to build an extension when there are plenty of other places in the town that the office could re-locate to. The developer himself has told me he thinks that the firm will need even further space in the future and will move again in less than eight years. This application is offered to keep the developer in income and not for the good of the town.


Cheltenham Council is rightly proud of its good planning officers. In the application Southwood Lane is described as being a vibrant residential area with a mixture of styles of houses. This is true. The applicant then goes on to describe my house as a little cottage. While this might reflect the snobbery and wealth of the proposer, the current market value of this 'cottage' is I believe over £500,000. Whatever the value of the property I would hope that the Council would uphold the rights of the poorer citizens equally with those of this wealthy man.

I know of no council in the country that would allow the work of the lower car park to go ahead in light of the environmental policy that discourages the use of cars in town, particularly when there is a perfectly good park and ride bus stop close to Compass House.

Finally the conservation policy states that buildings should not be over extended and in fact my neighbour had planning permission for an extra bedroom in his 'little cottage' refused, I quote Mr Hawtin's own words in the application here, for this very reason. It would be unfair to allow the Compass House extension on these grounds alone.

I notice that none of the points I have raised are included in the report and I fear that if the proposal is accepted that my valid points will not be addressed properly.

I would like assurances from Cheltenham Borough Council that if these plans are passed that I will be able to live in my house and have access for my car and to my garage at all times throughout the building process. That my health will not suffer as a result of their decision and that my concerns about the use of Southwood Lane as an extension to the building site in Compass House will be groundless.

  
15 Southwood Lane  
Cheltenham  
GL50 2QH

H d H



<b>APPLICATION NOS: 15/01319/FUL &amp; 15/01319/LBC</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED: 28th July 2015</b>		<b>DATE OF EXPIRY: 22nd September 2015</b>
<b>WARD: Park</b>		<b>PARISH: n/a</b>
<b>APPLICANT:</b>	Mr J Hawtin	
<b>AGENT:</b>	Mr B Stanley	
<b>LOCATION:</b>	Compass House, Lypiatt Road, Cheltenham	
<b>PROPOSAL:</b>	Extension to Compass House creating two storeys of additional office space at ground and first floor with car parking at lower ground floor, and replacement windows to existing modern rear extension (excluding penthouse) - revised scheme following withdrawal of application refs.15/00518/FUL & 15/00519/LBC	

## Update to Officer Report

### 1. OFFICER COMMENTS

#### 1.1. Determining Issues

1.1.1 The main considerations when determining this application relate to the principle of development; design; impact upon the listed building, its setting and the wider conservation area; impact on neighbouring amenity; and highway safety.

#### 1.2. Principle of development

1.2.1 Compass House is solely occupied by Charles Russell Speechlys, a law firm with headquarters in London, and offices in the UK, Europe and Middle East. The company is a large employer in Cheltenham and has outgrown the existing accommodation provided within the building and has been unable to find suitable alternative premises. Moreover, the company has been at Compass House for 15 years and has a desire to stay in their current established location. The amount of additional floor space proposed is critical to allow for the future growth of the company.

1.2.2 The thrust behind the National Planning Policy Framework (NPPF) is a “presumption in favour of sustainable development”. The framework sets out the need to balance the economic, social and environmental aspects of new development when determining applications so as enable the development of land and buildings to support economic growth, whilst improving and conserving the built environment.

1.2.3 Importantly, paragraph 19 of the NPPF states that “significant weight should be placed on the need to support economic growth through the planning system”.

#### 1.3. Design and impact upon the listed building and conservation area

1.3.1 Compass House is a Grade II listed building located within the Central conservation area. A number of the surrounding buildings are also Grade II or Grade II\* listed.

1.3.2 The Conservation Officer raises no objection to the principle of further extending the building provided the extension is of an appropriate scale and design so as not to dominate the site or detract from the special architectural interest of Compass House and the character of the conservation area. The full-height curved bow window to the side elevation of the building is considered to be one of the most interesting and significant

architectural features on the building and, as such, any new development should not detract from its simple elegant form. In addition, due to the nature of the site, both the front and rear elevations need to be equally successful as they are both prominent within their own streetscapes.

1.3.3 The closure of the existing gap between Compass House and Carrick House, and loss of glimpses of Southwood Lane through the site from Lypiatt Road that would result from the development is unfortunate but not significant enough to resist development.

1.3.4 The proposed extension is contemporary in design and such an approach is considered to be appropriate. The extension would clearly read as a modern addition and would sit comfortably alongside the 1960's extension and the listed building.

1.3.5 Concerns over the use of planted living walls were raised at pre-application stage in respect of the future maintenance; elevations showing the building both with and without the 'green wall' were therefore requested to ensure that the scheme could be successful over the long term if the planting failed. Should Members be minded to grant consent, it is suggested that a condition be imposed requiring a long term maintenance strategy to be submitted and agreed prior to the installation of the living wall. A condition is also suggested which requires the full palette of external facing materials to be submitted for due consideration.

1.3.6 The Architect's Panel when commenting on the scheme, raise "some minor concerns over the practicality of the detailing and look of the smaller areas of 'green wall'" and suggest that they may not be necessary on the SE elevation, yet the Conservation Officer feels that the Lypiatt Road elevation looks especially bland without the vegetation. Officers however, on balance, consider all elements of the scheme to be successful, with or without the 'green walls'. Furthermore, the Architect's Panel generally "thought this was an interesting scheme and would therefore support it".

1.3.7 The main concern raised by the Conservation Officer relates to the building's impact on Southwood Lane by virtue of its height, mass and positioning immediately adjacent to the lane, suggesting that the building would result in an overbearing and intimidating presence when combined with the existing extension to Compass House. The Conservation Officer therefore proposes that the upper floors be set back from the boundary wall fronting Southwood Lane. However, such a revision would inevitably bring the extension closer to the listed building and the historic bow window, as the full extent of floor space proposed is required to meet the needs of the company; such a revision is therefore not supported by officers. Furthermore, a building at the edge of the lane would be commensurate with the other buildings on this side of Southwood Lane.

1.3.8 The proposal is therefore generally considered to be acceptable in respect of design, and impact on the listed building and conservation area.

1.3.9 Officers acknowledge that there may be some shortcomings in the scheme, however paragraph 134 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". With this in mind, although the proposal is not fully supported by the Conservation Team, officers consider that on balance the justification for the works to enable the economic growth of a well-established local business outweighs the identified harm to the character of Southwood Lane.

#### 1.4. Impact on neighbouring amenity

1.4.1 The properties that would be most affected by the proposed extension are nos. 15 & 17 Southwood Lane, a pair of three storey dwellings erected on the site of a former garage block in 2000, which sit directly opposite the application site, and to a lesser degree, no. 19. It is acknowledged that these properties, unlike their neighbours, currently benefit from views across the application site through to Lypiatt Road. However Members will be aware that the loss of a view is not a material planning consideration and cannot form the basis of a refusal of planning permission. Therefore, whilst outlook from these properties would undoubtedly be altered, it would not be to an unacceptable degree, and the proposed extension would not result in any significantly overbearing impact given its position across the lane.

1.4.2 In addition, the proposed extension has been thoughtfully designed so as to prevent any overlooking of nearby residential properties. There are no clear glazed upper floor windows in the elevation fronting Southwood Lane and therefore no overlooking or loss of privacy to the residential properties opposite would occur. Shallow projecting bays with narrow side lights are proposed at both ground and first floor to achieve natural light together with areas of obscured glazed glass blocks at upper ground floor level.

1.4.3 Furthermore, the proposed extension would not have any unacceptable impact on daylight to habitable rooms in the properties opposite the site. It is acknowledged that the extension will undoubtedly have some limited impact on levels of daylight currently afforded to nos. 15 & 17 Southwood Lane however the main living room and terrace serving these dwellings is located at first floor level, with the principal outlook at ground floor being to the rear. An additional drawing has been submitted by the applicant's agent illustrating that the development would pass the 25° light test in respect of the first floor living accommodation.

1.4.4 The commercial property to the rear of Carrick House to the north has windows in its side elevation which would undoubtedly be affected by the proposed extension however these are secondary windows.

1.4.5 The proposal is therefore considered to be acceptable on amenity grounds.

#### 1.5. Access and highway safety

1.5.1 It is acknowledged that the proposals would result in the loss of three existing car parking spaces within the site. However, although the increase in office floor space would be likely to increase demand for parking, the site is centrally located with on-street car parking available in the surrounding area. The GCC Highways Officer has reviewed the proposals and considers that the residual cumulative impacts of the development would not be severe and therefore raises no Highway objection.

#### 1.6. Other considerations

1.6.1 Concerns have been raised by local residents in relation to noise, dust and vibration during construction works. Should Members be minded to grant consent, it is suggested that a condition is imposed requiring a detailed Construction Method Statement to be submitted and agreed, prior to the commencement of works.

## 2. RECOMMENDATION

2.1. With all of the above in mind, the recommendation is to grant both planning permission and listed building consent subject to the following conditions:

### 3. CONDITIONS

#### 15/01319/FUL

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. 1205(SK)043, 1205(SK)044, 1205(SK)045, 1205(SK)046, 1205(SK)047 and 1205(SK)048 received by the Local Planning Authority on 27th July 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.  
Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.
- 4 Prior to the commencement of development, drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details prior to first occupation of the development.  
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 in accordance with Local Plan Policy UI2 relating to development and flooding.
- 5 Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall:
  - a) specify the type and number of vehicles;
  - b) provide for the parking of vehicles of site operatives and visitors;
  - c) provide for the loading and unloading of plant and materials;
  - d) provide for the storage of plant and materials used in constructing the development;
  - e) provide wheel washing facilities;
  - f) specify the intended hours of construction operatives; and
  - g) provide details of intended measures to control dust, noise and vibration during construction.

Reason: To reduce the potential impact on the public highway in the interests of highway safety and to protect the amenity of neighbouring residential properties in accordance with Local Plan Policies TP1 and CP4 relating to development and highway safety, and safe and sustainable living.

- 6 Prior to any construction works above slab level, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) together with samples of the proposed facing materials shall be submitted to and



approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.

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

- 7 Prior to the installation of the planted living walls, a comprehensive management strategy shall be submitted to and approved in writing by the Local Planning Authority. The management strategy shall provide:
  - a) full details of the planting trough/planter (including colour)
  - b) full details of species and growing medium;
  - c) full details of maintenance, including frequency and methods use;
  - d) full details of the irrigation system; and
  - e) full details of how failure of individual plants or troughs will be dealt with.

The planted living wall shall thereafter be implemented strictly in accordance with the agreed management strategy and maintained as such for a period of no less than 5 years. Following the installation of the planted living wall, any plants removed, dying, being severely damaged or becoming seriously diseased shall be replaced to match those originally planted in accordance with the management strategy so approved. At the end of the 5 year maintenance period, a further maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The ongoing maintenance of the planted living wall is essential to the success of the development given its proximity to adjacent listed buildings and its prominence within the wider conservation area in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design.

- 8 Prior to first use of the development, details of secure and covered cycle parking facilities for a minimum of two bicycles shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the cycle parking shall be completed in all respects and thereafter kept free of obstruction and available for the parking of cycles only.

Reason: To ensure adequate cycle parking is provided in order to promote opportunities for sustainable transport modes in accordance with paragraph 35 of the National Planning Policy Framework.

#### 15/01319/LBC

- 1 The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby granted consent shall be carried out in accordance with Drawing Nos. 1205(SK)043, 1205(SK)044, 1205(SK)045, 1205(SK)046, 1205(SK)047 and 1205(SK)048 received by the Local Planning Authority on 27th July 2015.

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

**INFORMATIVE**15/01319/FUL

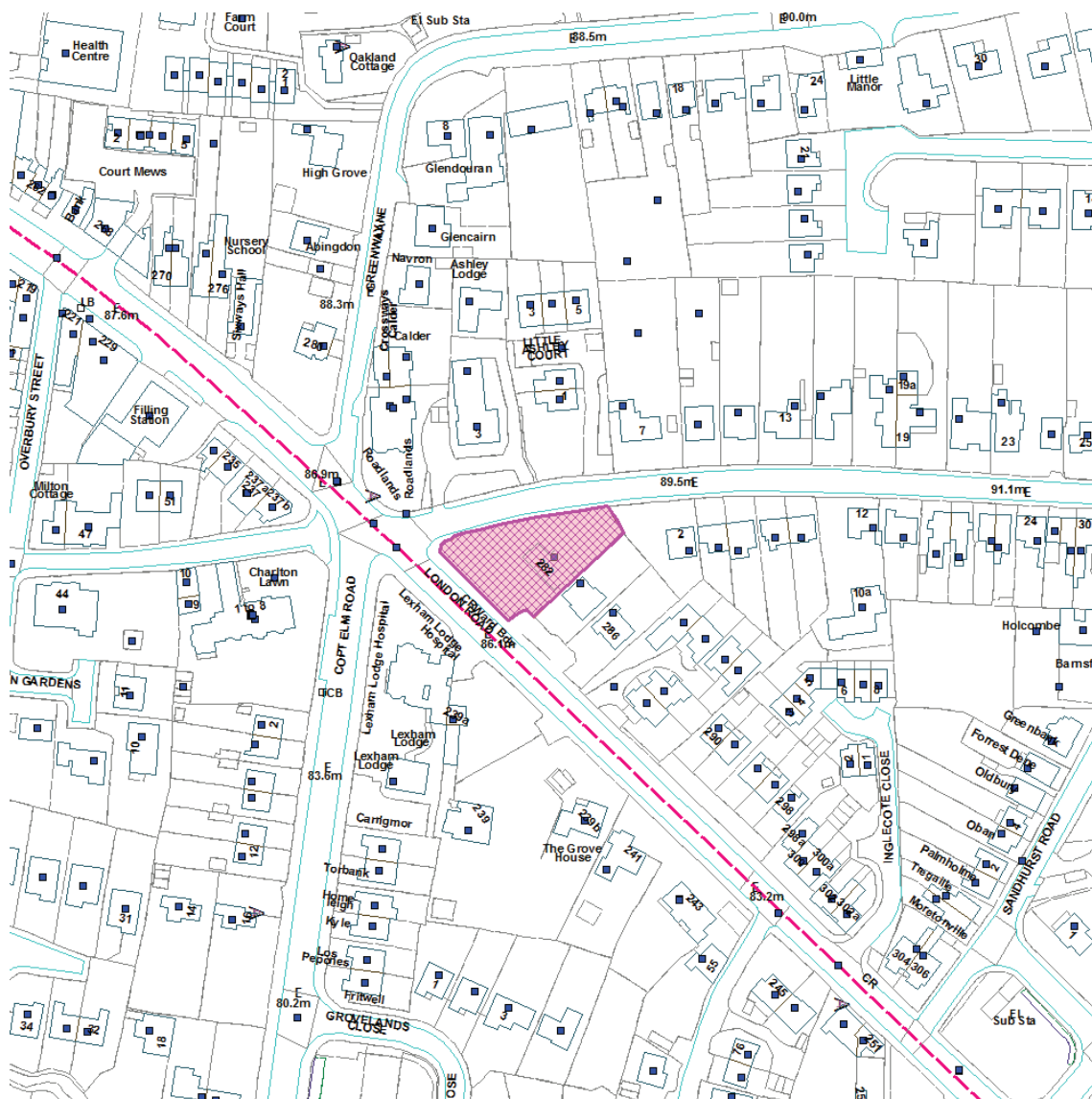
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible,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

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

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

<b>APPLICATION NO:</b> 15/01450/FUL	<b>OFFICER:</b> Mr Ed Baker
<b>DATE REGISTERED:</b> 18th August 2015	<b>DATE OF EXPIRY:</b> 13th October 2015
<b>WARD:</b> Battledown	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Miss Alexia Buckwell
<b>AGENT:</b>	Daniel Hurd Associates
<b>LOCATION:</b>	282 London Road, Charlton Kings, Cheltenham
<b>PROPOSAL:</b>	Demolition of existing vacant dwelling house. Landscaping works to remove existing trees/hedges, plant new trees and erect new retaining wall. Erection of 2 no. 5 bedroom detached dwelling houses and separate garage block with parking courtyard and private rear gardens.

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to land at No. 282 London Road. The site is located in a prominent position in the Conservation Area, next to the 'Six Ways' traffic interchange. The site is situated on the corner of the junction of London Road with Ryeworth Road.
- 1.2 The site is currently occupied by a two storey detached dwelling of circa mid-20<sup>th</sup> Century period. The dwelling is one of a row three similar dwellings alongside Nos. 284 and 286 London Road to the immediate south east. There are further residential neighbours to the other side of Ryeworth Road to the north.
- 1.3 The existing dwelling is set back from the road behind a hedge and trees. Vehicular access is from London Road. There are further trees on the north boundary of the site next to Ryeworth Road.
- 1.4 There are three Listed Buildings close to the site. Lexham Lodge Hospital is situated to the opposite side of London Road to the south. Roadlands is located to the opposite side of Ryeworth Road to the north west. Charlton Lawn is situated to the west side of Copt Elm Road to the west. All three buildings are Grade II Listed.
- 1.5 The site is located within the Cudnall Conservation Area.
- 1.6 The application seeks planning permission to demolish the existing dwelling and erect a pair of detached dwellings. The dwellings would have an identical design but would be handed. They would have five bedrooms across three floors including rooms in the roof. The proposal also includes the erection of a detached double garage building with study accommodation above, in front of the new houses next to London Road.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area

### Relevant Planning History:

**15/00502/DISCON 23rd June 2015 NOT**

Discharge of conditions (11) (design for windows, doors, rainwater goods and eaves), (12) (external materials) on planning permission 14/00530/FUL

**15/00341/DISCON 18th March 2015 DISCHA**

Discharge of conditions (4) (controls for noise and dust), (5) (tree protection strategy), and (9) (paths, parking area and hard landscaping) on planning permission 14/00530/FUL

**14/00530/FUL 26th June 2014 APROVED AT APPEAL**

Demolition of existing dwelling and erection of two new dwellings

**13/02143/FUL 21st March 2014 APROVED AT APPEAL**

Demolition of existing dwelling and erection of two new dwellings

**14/01398/FUL 24th October 2014 PER**

Demolition of existing dwelling and erection of 2 no. new dwellings

**13/01367/FUL 3rd October 2013 WDN**

Demolition of existing dwelling and erection of two new dwellings

### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 4 Safe and sustainable living  
CP 7 Design  
BE 3 Demolition in conservation areas  
BE 4 Timing of demolition in conservation areas  
BE 5 Boundary enclosures in conservation areas  
BE 7 Parking on forecourts or front gardens in conservation areas  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
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

#### Supplementary Planning Guidance/Documents

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

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATIONS

#### **Heritage and Conservation**

*18th September 2015*

Further to: Application and site visit

#### Analysis of Site

Corner site largely concealed from the public realm at present due to overgrown hedges and trees. The current building is a two storey mid-20th C brick built detached dwelling, over extended and of no particular architectural merit. However, it does form a group with the other two similar adjacent dwellings with a single access from the main road forming a small enclave. No.282 is a larger plot.

#### Comments:

1. There is a protracted planning history for this site but a recent application for two detached two storey dwellings was given consent in 2014 (14/01398/FUL). The proposal was for a pair of detached dwellings of a similar scale and mass to existing with traditional features but contemporary detailing.
2. The current proposal is for a two and a half storey pair of semi-detached dwellings of pastiche design with an additional separate garage block.
3. A true representation of the height of the two houses has not been shown alongside the existing two storey buildings on the neighbouring site: there are concerns that the new development will over-shadow and dominate this residential enclave to an unacceptable degree. The very large pitched roof accommodating the half storey appears over-scaled with roof lights close to the ridge suggesting a further storey.

4. Whilst there are large residential buildings, referred to in the Design & Access Statement, mostly historic, in the immediate vicinity of the proposed development these are set in a different built context and are sited on generous, self-contained plots and are not grouped with two houses of similar appearance, materials and proportions, as is the case here.
5. The increased height, mass and scale of this proposal combined with the enlarged footprint and a large detached garage block with an unnecessarily high pitched roof and roof lights is too much for the physical constraints of the site.
6. This proposal represents cramped and dense over-development and will harm the conservation area by creating an oppressive presence that dominates to an unacceptable degree existing development.
7. Sixways Hall which, according to the Design & Access Statement, inspired some of the features on this proposal is an unusual choice for emulation on a domestic building. The former Charlton Kings Council Office is Edwardian Baroque used historically almost exclusively on public buildings usually on a much bigger scale than used here. Sixways has been converted to residential use but its civic character remains true.
8. The proposed dwellings are a contrived and uncomfortable composition of 'historic' residential features like the single storey canted bay: an anomaly within this grouping; incongruous block-like rustication and material palette: characteristics of Edwardian civic buildings; and a large 'timber-effect' clad single storey kitchen across the entire width of the rear of the building.
9. The material specification for this development is very poor with 'Wood effect composite [garage] doors' and 'wood-effect GRP fascias' and 'aluminium' doors. There are related concerns regarding the visual impact of integral blinds on all openings. If these fail do the windows have to be replaced? This development is not of a high standard of architectural design or materials and neither complements or respects neighbouring development.
10. Taken as a whole this proposal will adversely impact the Cudnall Street Conservation Area and cannot be supported. Despite the pressing need to improve the site this proposal will neither preserve nor enhance the conservation area and will need significant revisions before it is acceptable.

Suggested refusal reasons relating to Conservation and Heritage matters:

The proposed development by virtue of the height, materials, mass, scale and proportions fails to respect existing development and would harm the character and appearance of the conservation area. Accordingly, the proposals are contrary to section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and Historic Environment Good Practice Advice In Planning and policy CP7 of the Adopted Cheltenham Borough Local plan.

**Tree Officer**

*14th September 2015*

The Tree Section has no objections with this application. It is disappointing to see the removal of T15 Scots Pine however there was no previous Tree Section objection to its removal in previous applications, it is not reasonable to object now. If permission is granted please use the following conditions and informative:

Tree Protection

Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference 34.84A and the Tree Protection Plan Drawing Number 34.84.02 Dated August 2015. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

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.

- TRE01B Existing trees to be retained
- TRE04B No fires within RPA
- TRE05B No Service Runs within RPA

Suggested Gutter Cover Informative

INFTR no XXX-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

**Environmental Health**

*9th September 2015*

I have been consulted on the above application and my comment would a standard paragraph on the legal requirements with regard to Asbestos, Duty to Manage Requirements, as the building is being demolished. I hope this can be used as an 'informative'.

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 at:  
<http://www.hse.gov.uk/PUBNS/books/hsg264.htm>

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

*14th September 2015*

The application seeks to demolish an existing dwelling and erect two new dwellings on the site. The site fronts the London Road which at this locality is subject to a 30mph speed limit.

#### Access

It is proposed to retain the existing access and widen, the access point, however, will be widened to 4.1m, which is an improvement and will allow two vehicles to pass, thus removing the need for cars to be waiting on the shared access from London Road.

#### Visibility

The deemed to satisfy visibility requirements for a road subject to a 30mph speed limit is 2.4m x 54m in both directions; I consider that the existing access which is proposed as a shared access is able to satisfy the necessary visibility requirement.

#### Turning Facilities & Parking

Drawing no 10 Rev B is able to demonstrate that there is sufficient area in which to provide parking and turning facilities so as to allow at least two vehicles to be parked on the site of the proposed dwelling(s) and that vehicles are able to enter and exit the site in forward gear. In addition there is sufficient area on both sites to allow for safe and secure cycle parking.

#### Refuse Storage & Collection

The proposed site has sufficient area to allow for refuse storage bins and the footway fronting the site is of sufficient width so to allow refuse bins to be placed to allow for kerb side refuse collection without obstruction to pedestrians.

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

- (1) The dwelling(s) hereby permitted shall not be occupied until the car parking facilities associated with each dwelling (including garages and car ports where proposed) has been provided in accordance with the submitted drawing no 10 Rev B, and shall be maintained available for that purpose thereafter.

Reason: To ensure an acceptable level of car parking provision has been supplied in accordance with paragraph 39 of the NPPF and to ensure appropriate parking and manoeuvring facilities are provided so that vehicles do not have to park on the highway in accordance with Paragraph 35 of the NPPF and TP5 & TP6 of the CBC Local Plan.

- (2) 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;



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- 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 CBC LP Policy TP1.

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

*7th September 2015*

Available to view online

### **Wales and West Utilities**

*10th September 2015*

Wales & West Utilities acknowledge receipt of your notice received on 28.08.2015, advising us of the planning application and proposals at:

282, London Road, Charlton Kings, Cheltenham, Gloucestershire, GL52 6YF

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 GTs 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.

### **Building Control**

*26th August 2015*

No comment

### **Parish Council**

*15th September 2015*

No objection

**Architects Panel**

*23rd September 2015*

The panel had previously reviewed two contemporary schemes for this site; however the current proposal takes a more traditional approach. The panel was not averse to the traditional approach (although did not necessarily see this as an improvement) but felt that the proportion and detail of the treatment was not successful. The gap between properties would result in an unpleasant and wasted space and should either be widened or removed. If the former approach is taken, the roof design may need to change as the properties will read more like individual units rather than a pair.

The porch element is weak and seems to be at odds with the overall aesthetic; and the fact that the front gable doesn't project, despite being expressed with quoins, is very odd. The front bay and the windows above are proportionally awkward and we wondered whether the bay should be taller, perhaps two or even three storeys. The stone surround detail on the garage gives the elevation a cluttered feel, and its relationship with the brick plinth would be very strange. Given the above we would not support the proposal in its current form and would suggest that more detailed analysis and application of historic precedent would help address the design issues.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>14</b>
Total comments received	<b>4</b>
Number of objections	<b>0</b>
Number of supporting	<b>4</b>
General comment	<b>0</b>

**5.1 Comments Received**

Representations are attached to this report.

**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 the Government's national planning policy. The NPPF sets the weight to be attached to existing Local Plan policies. Paragraphs 214 and 215 state that where a Local Plan has not been adopted in accordance with the Planning and Compulsory Act 2004 – as is the case for the Cheltenham Borough Local Plan – weight should be afforded to Local Plan policies in proportion to their degree of consistency with the NPPF.

**6.5** The Cheltenham Local Plan was adopted in accordance with pre-2004 legislation and therefore only policies which accord with the NPPF carry weight. Where the Local Plan is not in accordance or is silent then the NPPF prevails.

**6.6** 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 Conservation Area
- (iv) Trees
- (v) Impact on neighbour amenity
- (vi) Access and highway issues

## **6.7 Planning history**

**6.8** The site's planning history is an important material consideration.

**6.9** There are three extant planning permissions for the demolition of the existing house and erection of two dwellings.

**6.10** Planning permission was granted by the Local Planning Authority in October 2014 (14/01398/FUL). Planning permission was then granted at appeal in December 2014 for two alternative schemes of two dwellings (14/00530/FUL and 13/02143/FUL).

**6.11** In March 2015, the Local Planning Authority approved details submitted pursuant to conditions 4, 5 and 9 of planning permission 14/00530/FUL.

## **6.12 Sustainability**

**6.13** The Council cannot currently demonstrate a five year housing supply (plus 20% buffer). The five year housing supply position at 31 March 2015 is that taking account of shortfall and the application of a 5% buffer, the Council has a 3.6 year housing supply. This means that the housing supply policies in the Local Plan are not considered up to date, and the policies in the NPPF should prevail (par. 49).

**6.14** Paragraph 14 of the NPPF says that where Local Plan policies are out-of-date, planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.'*

**6.15** The site is located within the Principal Urban Area as identified by the Local Plan.

**6.16** The site is a sustainable location for two new dwellings with good access to shops, services, jobs and public transport.

**6.17** The proposal would make effective use of previously developed land in a predominantly residential part of the town.

**6.18** The site already benefits from extant planning permissions for the erection of two dwellings.

**6.19** This is a sustainable location for two new dwellings and the principle of development has already been established.

## **6.20 Impact on the character and appearance of the Conservation Area**

**6.21** The site is located at the eastern edge of the Cudnall Conservation Area. The south east boundary of the site defines the boundary of the Conservation Area (No. 286 London Road next door is therefore outside the Conservation Area).

**6.22** When the appeal was heard against the Council's decision to refuse two previous applications for two dwellings on the site, the principal issue was the effect of the proposal on the character and appearance of the Conservation Area.

- 6.23** The site is somewhat screened at present by trees and vegetation at the front of the site next to London Road. There is a tall hedge on Ryeworth Road at the rear/side. The Inspector discussed the contribution that the site currently makes to the wider Conservation Area. The Cudnall Street Conservation Area Character Appraisal and Management Plan (2009) states that: *'No. 282 London Road forms part of the mid 20<sup>th</sup> century planned residential development along this section of London Road. It is constructed from brick and has a tiled roof. The house is set away from historic buildings and public space but its inclusion within the Conservation Area is questionable.'* The Inspector went on to conclude that *'It is my opinion it is the vegetation to the front of No. 282, rather than the dwelling itself, that makes a positive contribution to the Conservation Area by providing visual relief to the surrounding built environment.'*
- 6.24** The proposal would see the replacement of the existing two storey detached house with a pair of three storey detached dwellings with rooms in the roof. The dwellings would have a traditional appearance with a front projecting ground floor bay window, stone lintels above windows, stone quoins and hipped roof. The exterior would be faced in brick with artificial slate for the roof.
- 6.25** The dwellings are in isolation of a reasonable design. However, there is real concern about how they would fit into their immediate context. Nos. 282, 284 and 286 are of similar scale and appearance. However, the proposed dwellings would be a much larger scale. The height of the proposed dwelling is over 9 metres which is substantial. In comparison, the adjacent dwellings are about 7.6 metres tall. Taking account the slight change in levels between the properties, the new dwellings would have an eaves level 0.4 metres above No. 286, and ridge height over two metres higher.
- 6.26** The street scene drawing helpfully provided with the application shows the comparative relationship of the proposed dwellings with Nos. 284 and 286 next door. The rooves of the new dwellings would be substantially higher and would have a much greater mass and bulk. There would be a big step-up in scale between No. 284 and the new dwellings in immediate proximity to one another (there would be less than 2 metres between No. 284 and Plot 1). This relationship would appear jarring and the new dwellings would over dominate the existing neighbouring dwellings.
- 6.27** In contrast the three existing permissions are for new dwellings of similar scale to the existing house, Nos. 284 and 286. On the issue of height, the Inspector commented that: *'The height of the dwellings would be similar to that of the neighbouring properties and the mass would be abbreviated by either the dual roof or flat roof designs. As a result the dwellings' bulk would be reduced to an appropriate level, with a mix of render, cladding and brick work providing additional visual relief.'*
- 6.28** It is clear that the height and bulk of the dwellings was an important issue when the appeals were determined. It is considered that the height and bulk of the proposed dwellings and their rooves far exceeds an "appropriate level", ultimately to the detriment of the street scene and the character and appearance of the Conservation Area.
- 6.29** A further concern is the proposed choice of materials. The applicant intends to use blue/black artificial slate. Given the large scale of the rooves and the position of the site in the Conservation Area, the use of artificial materials is considered very inappropriate and not of a quality commensurate with the location of the site.
- 6.30** The application also proposes a large double detached garage building with accommodation above at the front of the site. This would be gable end onto the road and would present an unattractive blank elevation to the road. The garage building would also be intrusive in the street scene, again to the detriment of the character and appearance of the Conservation Area.

**6.31** The applicant argues that the site should not be considered as part of the Conservation Area, referencing the Conservation Area Character Appraisal which questions the site's inclusion. However, the site remains part of the Conservation Area and the impact of the proposal upon the character and appearance of the Conservation Area would be clear, definite and harmful. Even if the site were outside the Conservation Area, there would still be fundamental design concerns about the height and massing of the rooves and the application would still be recommended for refusal.

**6.32** The proposal would fail to preserve the character and appearance of the Conservation Area. The design of the dwellings would be of insufficient quality and for these reasons the proposal is unacceptable.

### **6.33 Trees**

**6.34** The Tree Officer offers no objection to the proposal. The trees at the front of the site next to London Road that provide screening of the plot and contribute to the Conservation Area would be retained. Elsewhere, a number of trees are proposed to be felled next to Ryeworth as per the existing permissions. No adverse impact on trees is identified.

### **6.35 Impact on neighbouring property**

**6.36** The neighbour most affected by the proposal would be No. 284 London Road immediately next to the site to the south east. The proposed dwellings would follow the existing building line. The new dwellings would be positioned slightly further forward of No. 284 but only by 1 metre and this would have a limited impact on the amenity of No. 284.

**6.37** At the rear the differential is more pronounced but at ground floor level only with the rear of the proposed dwellings extending about 4 metres further rearwards than No. 284. However, this is not considered significant given the projection is single storey.

**6.38** There are no habitable rooms on the end gable facing No. 284.

**6.39** The proposal would not result in any harmful overlooking, loss of outlook, loss of light or overbearing of No. 284. The living conditions of neighbouring residents would not be unduly harmed.

### **6.40 Access and highway issues**

**6.41** The Highway Authority offers no objection to the application. The proposed means of access would be acceptable. Sufficient room would be provided within the site for at least two vehicles to park and turn. No severe highway impacts are identified.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** It is recommended that planning permission is refused because the proposed dwellings and garage building would be detrimental to the character and appearance of the Conservation Area. Their design would not be of sufficient quality.

## **8. REFUSAL REASONS**

- 1** The proposed development, by reason of the height of the dwellings and the massing and bulk of their rooves, would over dominate the immediate adjacent houses, Nos. 284 and 286 London Road, and would appear over strident and jarring in the street scene. Moreover, the proposed use of artificial slate, especially given the large size and

prominence of the rooves, would be incommensurate with the quality of the Conservation Area. The proposed garage block would of a significant size, positioned gable end onto London Road and would be visually intrusive and discordant in the street scene. For these reasons, the proposals would fail to preserve or enhance the character or appearance of the Conservation Area. The proposed development fails to take the opportunities for improving the character and quality of the area. It fails to accord with Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006), paragraphs 56, 57, 64, 131, 132 and 133 of the National Planning Policy Framework, and is unacceptable.

### **INFORMATIVES**

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

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

In this instance, having had regard to all material considerations, the authority cannot agree a solution with the applicant that will overcome the design concerns.

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

<b>APPLICATION NO:</b> 15/01450/FUL		<b>OFFICER:</b> Mr Ed Baker	
<b>DATE REGISTERED:</b> 18th August 2015		<b>DATE OF EXPIRY :</b> 13th October 2015	
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Miss Alexia Buckwell		
<b>LOCATION:</b>	282 London Road, Charlton Kings, Cheltenham		
<b>PROPOSAL:</b>	Demolition of existing vacant dwelling house. Landscaping works to remove existing trees/hedges, plant new trees and erect new retaining wall. Erection of 2 no. 5 bedroom detached dwelling houses and separate garage block with parking courtyard and private rear gardens.		

### REPRESENTATIONS

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

20 Ryeworth Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LH

**Comments:** 9th September 2015

I would like to fully support the proposed development as it has been given great thought with the design in keeping with Sixways transforming a run-down site into well planned new house development kept to the right proportions

Sixways Hall  
278 London Road  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6HS

**Comments:** 9th September 2015

I live at Sixways Hall London Rd - next door but one to proposed development. I would like to offer my support for the application and urge officers / planning committee to approve the application. The empty property needs to be sorted before it attracts anti-social activity in the area. I like the design and understand the design cues have been taken from Sixways Hall.

284 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YF

**Comments:** 29th August 2015

I live immediately next door to the application site and wholeheartedly support this application. Unlike recent applications for redevelopment of this site the proposal sits well in its surroundings in terms of its layout and architecture and makes good use of the land available.

I would however suggest that more of the trees along the London Road frontage should be removed as at least two are in danger of falling down.

This land has lain derelict for too long and needs to be brought back into beneficial use without further delay. I would therefore urge officers to support it and recommend it for approval.

**Comments:** 6th October 2015

I live at 284 London Road, next door to the application site.

I am dismayed to note that your conservation officer has recommended refusal of this application and am further disappointed to learn that you apparently support the officer's views, despite the fact that he or she has obviously misread the plans.

I will leave the technical arguments to yourself and the applicant's agents but would comment as follows:

You are aware that this derelict site has been the subject of several applications for development of a contemporary style over the last 18 months or so. Your conservation officer's comments in respect of these previous applications displayed absolutely no consistency of thought, therefore you should not attach a great deal of weight to the officer's observations on the current application.

Continued reference to the Cudnall Street Conservation Area is also somewhat irrelevant. This area contains buildings of no particular design quality or architectural theme, being instead a mixed bag of buildings with little evidence of planning control. The current application would not in my view cause any harm to the area, one of the key considerations of the National Planning Policy Framework.

The current application is far and away the best proposal to come forward for this site and has local support, including the Parish Council.

Should you remain minded to recommend refusal I would at least urge you to present it to the next planning committee to enable Members to decide. I am confident the Members would vote against officers' recommendations, as they have done on two of the previous applications on this site.

I understand that the applicant would appeal against a refusal, surely something the Council would want to avoid? Would not officers' time be better spent considering applications of greater significance?



286 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YF

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

286 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YF

9 September 2015

Tracey Crews  
Head of Planning  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1JP



Dear Ms Crews

Planning Application 15/01450/FUL

Please find attached my comments concerning the above Planning Application, which I support.

Yours sincerely



**PLANNING APPLICATION - REFERENCE 15/01450/FUL**

**MY COMMENTS.....**

**C1 DESIGN AND ACCESS STATEMENT - PAGES 2 & 3  
SITE LOCATION PLAN**

The site should include the land of 282 London Road which is subject to the Deed of Grant referred to in C2 below. Therefore the boundary line between 282 and 284 London Road (shown in red) should extend in a straight line to the pavement of London Road.

**C2 DESIGN AND ACCESS STATEMENT - 2.1 Site Location**

2.1.2 Access to the site is **NOT** by an in/out communal access road, but by its own driveway and across **individually owned parcels of land** of 284 and 286 London Road respectively, which was subject to a deed of grant dated 19th July 1969.

**C3 DESIGN AND ACCESS STATEMENT - 3.5 Access and Parking**

3.5.1 The widening of access to London Road, allowing two vehicles to pass is welcomed. With this, and with improved visibility for vehicular traffic, the danger to pedestrians, especially young children who continually walk, run and cycle over the shared land, should be mitigated.

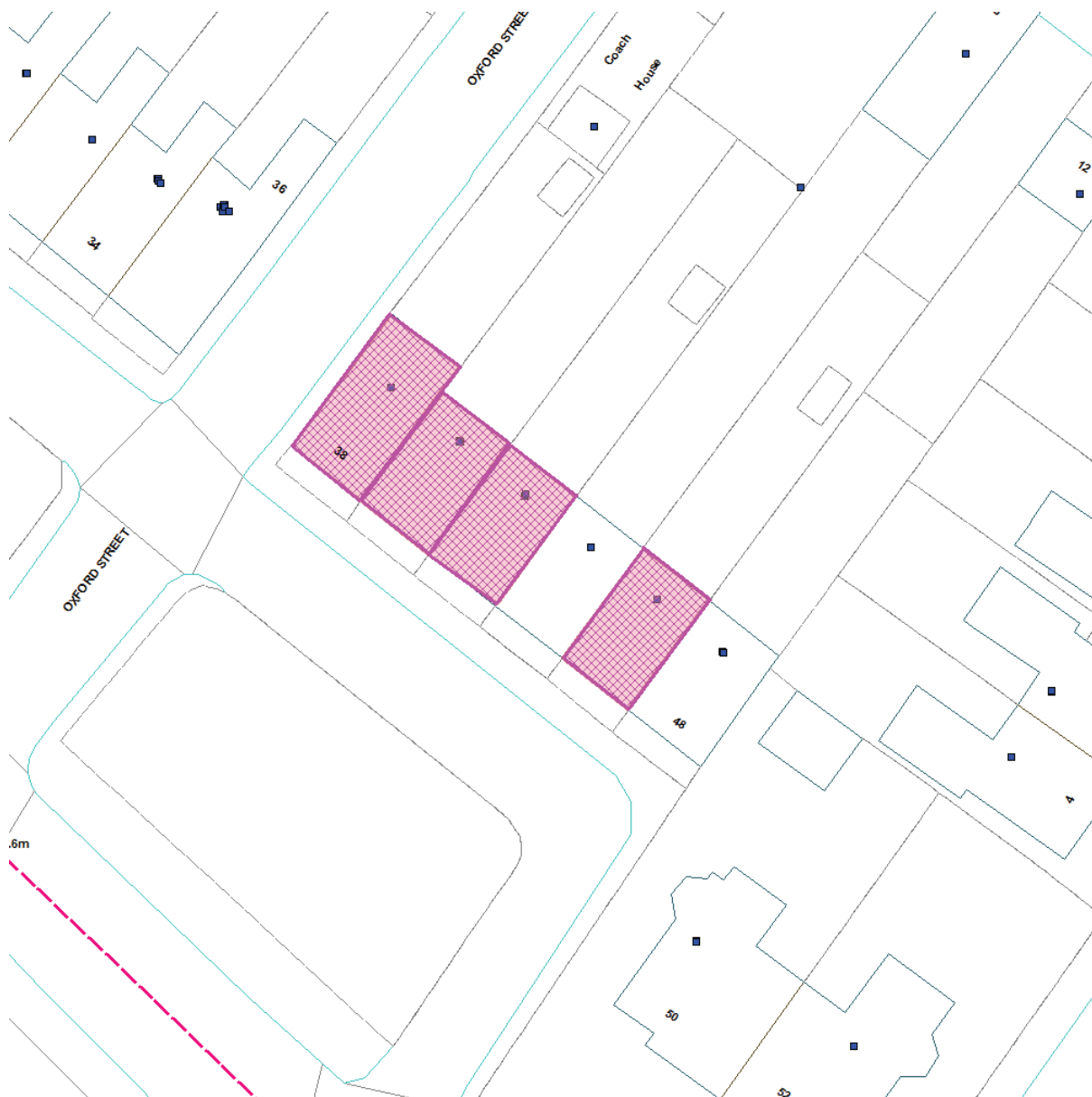
  
286 London Road  
Charlton Kings  
Cheltenham  
GL52 6YF

9 September 2015

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<b>APPLICATION NO:</b> 15/01377/LBC	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 5th August 2015	<b>DATE OF EXPIRY:</b> 30th September 2015
<b>WARD:</b> All Saints	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Homes Ltd
<b>LOCATION:</b>	Flat 1, 38 London Road, Cheltenham
<b>PROPOSAL:</b>	Replacement of existing internal flat entrance doors (38,40,42, & 46 London Road - Flats 1-3)

**RECOMMENDATION:** Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a grade II\* listed terrace of 6 buildings, the site is located on London Road and is within the conservation area.
- 1.2 The applicant is seeking listed building consent for the replacement of the existing internal entrance doors to flats 1-3 of numbers 38, 40, 42 and 46 London Road.
- 1.3 The application is to be considered at planning committee as Cheltenham Borough Council own the building.
- 1.4 This application is one of four applications for the same proposed works to other properties owned by Cheltenham Borough Council; the details of which are the same for each application.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Listed Buildings Grade 2star

### Relevant Planning History:

**00/01412/LBC 4th September 2001 GRANT**

Replacement roof with natural slate, replacement internal entrance doors and other refurbishment works

**01/00290/LBC 28th September 2001 WDN**

Replacement of Ashlar stonework to front facade and demolition and reconstruction of boundary wall

**00/01410/LBC 4th September 2001 GRANT**

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

**14/00288/LBC 26th March 2014 GRANT**

Internal alterations involving the repositioning of a section of stud partition wall and installation of a new central heating system and external flue (RETROSPECTIVE APPLICATION)

**00/01410/LBC 4th September 2001 GRANT**

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

**00/01410/LBC 4th September 2001 GRANT**

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

**00/01408/LBC 4th September 2001 GRANT**

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

**00/01412/LBC 4th September 2001 GRANT**

Replacement roof with natural slate, replacement internal entrance doors and other refurbishment works

**01/00290/LBC 28th September 2001 WDN**

Replacement of Ashlar stonework to front facade and demolition and reconstruction of boundary wall

**00/01412/LBC 4th September 2001 GRANT**

Replacement roof with natural slate, replacement internal entrance doors and other refurbishment works

**01/00290/LBC 28th September 2001 WDN**

Replacement of Ashlar stonework to front facade and demolition and reconstruction of boundary wall

**00/01411/LBC 4th September 2001 GRANT**

Replacement internal entrance doors and other refurbishment works

**85/00937/LD 24th October 1985 PER**

40 Of 40 London Road Cheltenham Gloucestershire - Demolition

**15/00031/LBC 6th March 2015 GRANT**

Refurbishment to existing timber sash windows

### **3. POLICIES AND GUIDANCE**

Adopted Local Plan Policies

BE 9 Alteration of listed buildings

National Guidance

National Planning Policy Framework

### **4. CONSULTATIONS**

**Heritage And Conservation**

*12th October 2015*

Further to: Application and site visit and pre-application discussions.

Analysis of Site

Terrace of six houses now flats (Nos.44 and 48 not part of this application). There are few internal features that have been retained following its sub-division into three flats (basement flats have not been included in the application as they are accessed from external doors that are not being replaced and there is no internal access) but historic door surrounds where they exist are unaltered by this proposal.

Comments:

1. The existing internal doors of these buildings that now serve as front doors to the separate flats are not historic and their design is not compatible with the architectural style or age and status of the building.
2. Through consultation with the applicant an appropriate specification and detailed design has been negotiated which will restore the historic look of the doors whilst complying with current building regulations with regard to fire safety.
3. The proposal is for six panel solid timber doors with raised and fielded panels.
4. External door paraphernalia (letterbox, locks and security spyholes) will be attached as before and although these are not necessarily compatible with the historic internal character of the listed building it would be unreasonable to prevent their use in this situation with separate occupancy on each floor of the building.

Conservation and Heritage summary

Supported as this proposal offers the opportunity to replace a mixture of poorly detailed and insubstantial existing doors with solid timber doors built to match historic internal doors. There is no loss of historic fabric and it is anticipated that the proposed works will return some of the historic character to the internal spaces within the building which are in communal use and this is welcomed.

Suggested conditions relating to Conservation and Heritage matters

1. All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.  
Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.
  
2. The development hereby permitted shall be carried out in accordance with the revised drawings No. Q9686A received on 12th October 2015; unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that this permission incorporates the revisions, where they differ from plans originally submitted.

**Historic England**

*1st September 2015*

Thank you for your letter of 10 August 2015 notifying Historic England of the scheme relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

If you would like further advice on this application, please contact us to explain your request. Please re-consult us if there are material changes to the proposals. We will then consider whether such changes might lead us to object. If they do, and if your authority is minded to grant consent, you should notify the Secretary of State of this application in accordance with the above Direction.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>17</b>
Total comments received	<b>1</b>
Number of objections	<b>1</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** 17 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. One letter of objection has been received from a resident within one of these buildings, relating to the need for the replacement of their particular flat door. This has been addressed in the report below.



## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The consideration that needs to be given to this application is the impact of the works on the historic fabric and character of the listed building.

6.3 The conservation team have been consulted and their full comments can be viewed in the consultation section above. The conservation officer raises no objection to the proposed works and considers that the proposed replacement of the doors would in fact return some of the historic character to the building.

6.4 Historic England have been consulted on this application as the application site is a grade II\* listed terrace; Historic England raise no objection to the proposed works.

### 6.5 Other considerations

6.6 An objection has been received from a resident within one of the flats; the objection relates to the need for the doors to be replaced. This is not a material consideration and cannot form part of the consideration for this application.

## 7. CONCLUSION AND RECOMMENDATION

7.1 The recommendation is to grant listed building consent, subject to the conditions set out below.

## 8. CONDITIONS / INFORMATIVES

- 1 The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.  
Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 01377:1, 01377:2 and Q9686A received 4th August 2015 and 12th October 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.  
Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.

### 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

## Page 258

dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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

<b>APPLICATION NO:</b> 15/01377/LBC		<b>OFFICER:</b> Mr Ben Hawkes	
<b>DATE REGISTERED:</b> 5th August 2015		<b>DATE OF EXPIRY :</b> 30th September 2015	
<b>WARD:</b> All Saints		<b>PARISH:</b>	
<b>APPLICANT:</b>	Cheltenham Borough Council		
<b>LOCATION:</b>	Flat 1, 38 London Road, Cheltenham		
<b>PROPOSAL:</b>	Replacement of existing internal flat entrance doors (38,40,42, & 46 London Road - Flats 1-3)		

### REPRESENTATIONS

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

Flat 3  
46 London Road  
Cheltenham  
Gloucestershire  
GL52 6DY

**Comments:** 13th August 2015

Sirs - the only question I ask is why replace a perfectly good door. I am not sure of the technical specification of the external door to my flat but I can assure you that it is absolutely sound and solid. I do not know what fire safety standard this door is but I would think that it is perfectly acceptable. I am a leaseholder of this flat and do not want the expense of replacing the door if it is not necessary.

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<b>APPLICATION NO:</b> 15/01659/LBC	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 18th September 2015	<b>DATE OF EXPIRY:</b> 13th November 2015
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Homes Ltd
<b>LOCATION:</b>	2 Montpellier Spa Road, Cheltenham
<b>PROPOSAL:</b>	Replacement of existing internal flat entrance doors (2 Montpellier Spa Road Flats 1,2,3 and 4 Montpellier Spa Road Flats 1,2,3)

**RECOMMENDATION:** Grant



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a grade II listed terrace, located on Montpellier Spa Road and is within the conservation area.
- 1.2 The applicant is seeking listed building consent for the replacement of the existing internal entrance doors to flats 1, 2 & 3 of number 2 & 4 Montpellier Spa Road.
- 1.3 The application is to be considered at planning committee as Cheltenham Borough Council own the building.
- 1.4 This application is one of four applications for the same proposed works to other properties owned by Cheltenham Borough Council; the details of which are the same for each application.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Listed Buildings Grade 2  
Residents Associations  
Smoke Control Order

### Relevant Planning History:

**12/00065/LBC 12th November 2012 GRANT**

External alterations to the building including repair of defective render and moulded cornice to front elevation, replacement of defective lead work, damaged slates and dormer to main roof, repairs to timber sash windows and re-decoration of property

**11/01357/LBC 12th July 2012 GRANT**

Works to be carried out in basement under the Fire Safety Order 2005

**08/01692/FUL 23rd January 2009 PER**

Partial demolition and re-build of boundary wall between nos. 2 and 4 Montpellier Spa Road

**08/01232/LBC 25th March 2009 GRANT**

Partial demolition and re-build of boundary wall between nos. 2 and 4 Montpellier Spa Road and like-for-like replacement window and door to rear of Flat 4, 4A Montpellier Spa Road

**71/00433/PC 9th February 1972 WDN**

Change Of Use Of Premises From Residential To Offices.

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

BE 9 Alteration of listed buildings

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Heritage And Conservation**

*12th October 2015*

Further to: Application and site visit

#### Analysis of Site

Terrace of four houses now flats (Nos.1 and 3 are not part of this application). There are few internal features that have been retained following its sub-division into three flats (basement flats have not been included in the application as they are accessed from external doors that are not being replaced and there is no internal access) but historic door surrounds where they exist are unaltered by this proposal.

#### Comments

1. The existing internal doors of these buildings that now serve as front doors to the separate flats are not historic and their design is not compatible with the architectural style or age and status of the building.
2. Through consultation with the applicant an appropriate specification and detailed design has been negotiated which will restore the historic look of the doors whilst complying with current building regulations with regard to fire safety.
3. The proposal is for six panel solid timber doors with raised and fielded panels.
4. External door paraphernalia (letterbox, locks and security spyholes) will be attached as before and although these are not necessarily compatible with the historic internal character of the listed building it would be unreasonable to prevent their use in this situation with separate occupancy on each floor of the building.

#### Conservation and Heritage summary

Supported as this proposal offers the opportunity to replace a mixture of poorly detailed and insubstantial existing doors with solid timber doors built to match historic internal doors. There is no loss of historic fabric and it is anticipated that the proposed works will return some of the historic character to the internal spaces within the building which are in communal use and this is welcomed.

#### Suggested conditions relating to Conservation and Heritage matters

1. All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.  
Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.
2. The development hereby permitted shall be carried out in accordance with the revised drawings No. Q9686A received on 12th October 2015; unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that this permission incorporates the revisions, where they differ from plans originally submitted.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>10</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1 9 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. No letters of objection have been received.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The consideration that needs to be given to this application is the impact of the works on the historic fabric and character of the listed building.

- 6.3 The conservation team have been consulted and their full comments can be viewed in the consultation section above. The conservation officer raises no objection to the proposed works and considers that the proposed replacement of the doors would in fact return some of the historic character to the building.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 The overall expiry date for consultation is 20<sup>th</sup> October 2015 therefore the recommendation is to grant listed building consent, subject to any representations being received. Officers will provide an update to the committee should any representations be made.

- 7.2 The recommendation is also subject to the conditions set out below.

## 8. CONDITIONS / INFORMATIVES

- 1 The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.  
Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 01659:01, 01659:02 and Q9686A received 17th September 2015 and 12th October 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.  
Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and



Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.

### **INFORMATIVES**

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

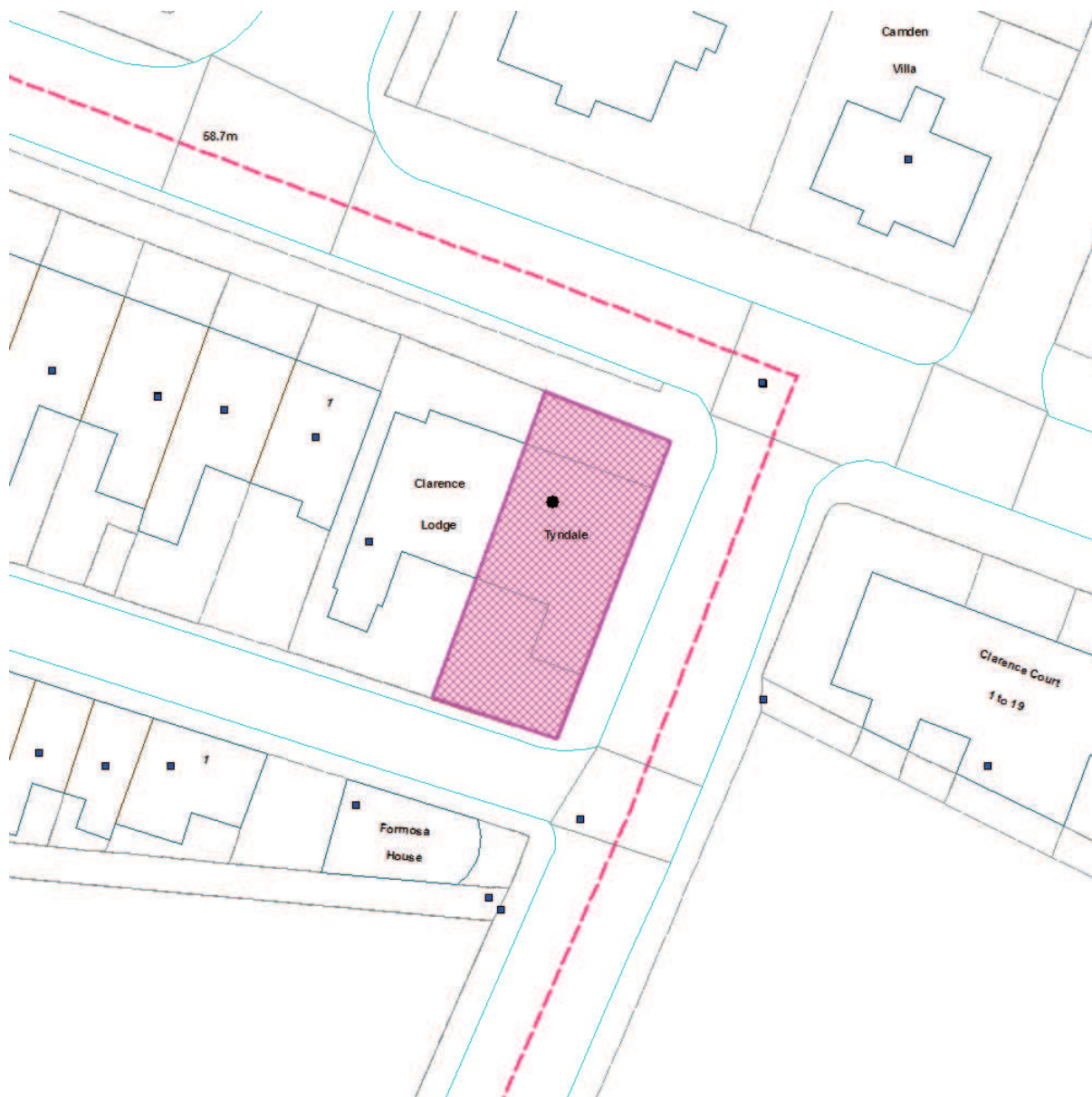
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

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

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<b>APPLICATION NO:</b> 15/01660/LBC	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 18th September 2015	<b>DATE OF EXPIRY:</b> 13th November 2015
<b>WARD:</b> St Pauls	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Homes Ltd
<b>LOCATION:</b>	Tyndale, Clarence Square, Cheltenham
<b>PROPOSAL:</b>	Replacement of existing internal flat entrance doors (Flats 2,3,4)

**RECOMMENDATION:** Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a grade II listed building, located on the corner of Clarence Square and North Place and is within the conservation area.
- 1.2 The applicant is seeking listed building consent for the replacement of the existing internal entrance doors to flat numbers 2, 3 & 4 within this building.
- 1.3 The application is to be considered at planning committee as Cheltenham Borough Council own the building.
- 1.4 This is application is one of four applications for the same proposed works to other properties owned by Cheltenham Borough Council; the details of which are the same for each application.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Listed Buildings Grade 2  
Residents Associations  
Smoke Control Order

### Relevant Planning History:

**01/00664/LBC 4th May 2004 UNDET**

Roof replacement - pitched and flat. Window refurbishment and replacement. External decoration

**12/00981/FUL 10th July 2012 NOTREQ**

Replace render to front elevation and undertake repairs to existing chimney stack, lead valleys and parapet walls and porch roof

**12/00981/LBC 27th November 2012 GRANT**

External alterations to the building including repair of defective renderwork and stonework to all elevations, repairs to the chimney stack and replacement of defective leadwork and damaged slates, and repairs to timber sash windows and re-decoration of property.

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

BE 9 Alteration of listed buildings

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Heritage And Conservation**

*12th October 2015*

Further to: Application and site visit

Analysis of Site

A pair of semi-detached villas now flats. There are few internal features that have been retained following its sub-division into three flats (basement flats have not been included in the application as they are accessed from external doors that are not being replaced and there is no internal access) but historic door surrounds where they exist are unaltered by this proposal.

Comments:

1. The existing internal doors of these buildings that now serve as front doors to the separate flats are not historic and their design is not compatible with the architectural style or age and status of the building.
2. Through consultation with the applicant an appropriate specification and detailed design has been negotiated which will restore the historic look of the doors whilst complying with current building regulations with regard to fire safety.
3. The proposal is for six panel solid timber doors with raised and fielded panels.
4. External door paraphernalia (letterbox, locks and security spyholes) will be attached as before and although these are not necessarily compatible with the historic internal character of the listed building it would be unreasonable to prevent their use in this situation with separate occupancy on each floor of the building.

Conservation and Heritage summary

Supported as this proposal offers the opportunity to replace a mixture of poorly detailed and insubstantial existing doors with solid timber doors built to match historic internal doors. There is no loss of historic fabric and it is anticipated that the proposed works will return some of the historic character to the internal spaces within the building which are in communal use and this is welcomed.

Suggested conditions relating to Conservation and Heritage matters

1. All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.  
Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.
2. The development hereby permitted shall be carried out in accordance with the revised drawings No. Q9686A received on 12th October 2015; unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that this permission incorporates the revisions, where they differ from plans originally submitted.

**5. PUBLICITY AND REPRESENTATIONS**

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

- 5.1** Four letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. No letters of objection have been received.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The consideration that needs to be given to this application is the impact of the works on the historic fabric and character of the listed building.

**6.3** The conservation team have been consulted and their full comments can be viewed in the consultation section above. The conservation officer raises no objection to the proposed works and considers that the proposed replacement of the doors would in fact return some of the historic character to the building.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** The overall expiry date for consultation is 20<sup>th</sup> October 2015 therefore the recommendation is to grant listed building consent, subject to any representations being received. Officers will provide an update to the committee should any representations be made.

**7.2** The recommendation is also subject to the conditions set out below.

## **8. CONDITIONS / INFORMATIVES**

- 1 The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.  
Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 01660:01, 01660:02 and Q9686A received 17th September 2015 and 12th October 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.  
Reason: To ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.

### **INFORMATIVES**

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

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

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

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<b>APPLICATION NO:</b> 15/01662/LBC	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 18th September 2015	<b>DATE OF EXPIRY:</b> 13th November 2015
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Homes Ltd
<b>LOCATION:</b>	105 Winchcombe Street, Cheltenham
<b>PROPOSAL:</b>	Replacement of existing internal flat entrance doors (105 Winchcombe Street Flats B,C,D and 107 Winchcombe Street Flats B,C,D)

**RECOMMENDATION:** Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a grade II listed pair of houses, located on Winchcombe Street and is within the conservation area.
- 1.2 The applicant is seeking listed building consent for the replacement of the existing internal entrance doors to flats B, C & D of numbers 105 & 107 Winchcombe Street.
- 1.3 The application is to be considered at planning committee as Cheltenham Borough Council own the building.
- 1.4 This application is one of four applications for the same proposed works to other properties owned by Cheltenham Borough Council; the details of which are the same for each application.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Listed Buildings Grade 2  
Residents Associations  
Smoke Control Order

### **Relevant Planning History:**

No relevant planning history.

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

BE 9 Alteration of listed buildings

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

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

*2nd October 2015*

Report available to view on line.

### **Heritage And Conservation**

*12th October 2015*

Further to: Application and site visit

### Analysis of Site

Pair of terraced houses now flats. There are few internal features that have been retained following its sub-division into three flats (basement flats have not been included in the application as they are accessed from external doors that are not being replaced and there is no internal access) but historic door surrounds where they exist are unaltered by this proposal.

Comments

1. The existing internal doors of these buildings that now serve as front doors to the separate flats are not historic and their design is not compatible with the architectural style or age and status of the building.
2. Through consultation with the applicant an appropriate specification and detailed design has been negotiated which will restore the historic look of the doors whilst complying with current building regulations with regard to fire safety.
3. The proposal is for six panel solid timber doors with raised and fielded panels.
4. External door paraphernalia (letterbox, locks and security spyholes) will be attached as before and although these are not necessarily compatible with the historic internal character of the listed building it would be unreasonable to prevent their use in this situation with separate occupancy on each floor of the building.

Conservation and Heritage summary

Supported as this proposal offers the opportunity to replace a mixture of poorly detailed and insubstantial existing doors with solid timber doors built to match historic internal doors. There is no loss of historic fabric and it is anticipated that the proposed works will return some of the historic character to the internal spaces within the building which are in communal use and this is welcomed.

Suggested conditions relating to Conservation and Heritage matters

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Reason: To ensure that this permission incorporates the revisions, where they differ from plans originally submitted.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	9
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1** 9 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. No letters of objection have been received.

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

- 6.2** The consideration that needs to be given to this application is the impact of the works on the historic fabric and character of the listed building.

- 6.3** The conservation team have been consulted and their full comments can be viewed in the consultation section above. The conservation officer raises no objection to the proposed

works and considers that the proposed replacement of the doors would in fact return some of the historic character to the building.

#### **6.4 Environmental Impact**

**6.5** Whilst records show that important species or habitats have been sighted on or near the application site in the past, the proposed works will not have any impact on these species.

### **7. CONCLUSION AND RECOMMENDATION**

**7.1** The overall expiry date for consultation is 20<sup>th</sup> October 2015 therefore the recommendation is to grant listed building consent, subject to any representations being received. Officers will provide an update to the committee should any representations be made.

**7.2** The recommendation is also subject to the conditions set out below.

### **8. CONDITIONS / INFORMATIVES**

- 1 The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.  
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