



CHELTENHAM BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 26 May 2016
6.00 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Garth Barnes (Chair), Bernard Fisher (Vice-Chair), Paul Baker, Mike Collins, Colin Hay, Karl Hobley, Adam Lillywhite, Helena McCloskey, Chris Nelson, Tony Oliver, Louis Savage, Diggory Seacome, Klara Sudbury, Pat Thornton 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 - 14)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **16/00166/FUL Ryeworth Inn, 60 Ryeworth Road** (Pages 15 - 44)
 - b) **16/00317/FUL 33 Kingsmead Avenue** (Pages 45 - 48)
 - c) **16/00389/FUL 66 Bouncers Lane** (Pages 49 - 72)
 - d) **16/00499/FUL Lypiatt Lodge, Lypiatt Road** (Pages 73 - 82)
 - e) **16/00537/FUL Avenoke, Kidnappers Lane** (Pages 83 - 94)
 - f) **16/00549/FUL 21 Sedgewick Gardens** (Pages 95 - 104)

g) **16/00728/LBC Cenotaph, Promenade** (Pages 105 - 110)

h) **16/00854/CONF Thorncliffe Flats, Lansdown Road** (Pages 111 - 122)

**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

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Planning Committee

21st April 2016

Present:

Members (15)

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

Present as an observer: Councillor Babbage.

Officers

Tracey Crews, Head of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Michelle Payne, Planning Officer (MP)
Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillor Baker.

2. Declarations of interest

- i. Councillor Sudbury: has campaigned in support of the former Axiom Centre and pre-determined this application. Will address the meeting in objection to the application and then withdraw from the Chamber for the duration of the debate.

3. Declarations of independent site visits

- i. Councillor Stennett: has made several tours of the site since it became vacant and knows it well.
- ii. Councillor Thornton: has visited the site on numerous occasions.
- iii. Councillor Savage: has visited and familiarised himself with the site.
- iv. Councillor Hay: walks past the site almost every day, and was involved with carpentry work in its redevelopment many years ago.
- v. Councillor Chard: has been inside the building on a couple of occasions.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 24th March 2016 be approved and signed as a correct record *without* corrections.

6. Planning application

Application Number:	15/02268/FUL		
Location:	57-59 Winchcombe Street, Cheltenham		
Proposal:	Partial demolition and mixed-use conversion to 11no. apartments and commercial/retail unit (Use classes A1, A2 or B1a) with associated external alterations, fourth floor extension, car parking, cycle and refuse storage		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	2	Update Report:	None

MP introduced the application as above, for alteration and extension to the former Axiom Centre. This building is locally indexed for its architectural value, historic interest and unusual brickwork, and the proposal will involve the addition of a fourth floor and undercroft car parking. It is at Committee at the request of Councillors Sudbury and Babbage. Officers welcome the scheme which will bring the building back into sustainable and active use, and the recommendation is to grant planning permission.

Public Speaking:

Mr Colin Pemble, agent, in support

The former Axiom Centre has been empty for many years and is in poor condition; it is a locally indexed building, of historic and architectural interest, but people walking past may not be aware of the historic warehouse/grain store behind the frontage building. The current application follows a pre-application process, in which much discussion with officers resulted in the original proposal being greatly altered and the number of units reduced, through the input of the previous Heritage and Conservation Officer. The Civic Society has been supportive of the scheme and recognised the difficulties in bringing forward the proposals for the building. The applicants intend to convert the building into 11 good-sized apartments with car parking and cycle storage. To facilitate this, a lot of remedial work and some alteration to the external appearance of the building need to be made, but these have been designed to retain its essential characteristics. In consultation with the current Heritage and Conservation Officer, the finer detailing of the scheme has been further amended and will be conditioned, to allow the Council further control over the final appearance of the scheme. A commercial unit is proposed for the ground floor, to ensure an active frontage and with the potential for a variety of uses. During the application process, issues raised by the Heritage and Conservation Officer and Highways Engineer have been addressed, and both the Civic Society and Architects' Panel are now fully supportive. The scheme represents good re-use of the building, with units which will provide sizable accommodation and a viable opportunity to ensure the long-term future of the building, ensuring its character is retained and a good standard of residential accommodation in the town centre is created.

Councillor Sudbury, in objection

To start on a positive note, welcomes the proposal to re-use this building, and recognises that the amount of work needed to bring it back to sole commercial/community use makes it unviable, but has a number of objections about the detail of the proposal which is why she has requested a Committee decision. The main concern is the undercroft parking and addition of an extra floor. There was a previous plan for a restaurant and 14 apartments, demonstrating that it could be workable to create that number with no parking space and no additional penthouse floor. Objects to the application because the character and history of the building are socially important to Cheltenham. The council is good at protecting posh houses but bad at protecting ordinary working buildings such as the Odeon and Christ Church Annex – this isn't just about the Axiom, although it was historically used as a horse repository, the largest grain merchant in the town, and was right at the epicentre of the Cheltenham hubbub. Since the decline of the grain market in the 1970s, the owners of the building have not invested in it which on one hand is depressing but on the other means that it is not much changed from when it was first built – the paint is peeling and the floor falling through, but it is still possible to read the building as it originally looked. The undercroft parking and additional level will change and spoil that, which is disappointing.

Another concern is the recycling and refuse arrangements, situated in the old kitchen area from the former café use. The flat and commercial unit proposed for above this area will suffer from the smells, and would also question whether the space provided will be big enough for this many apartments. In her ward, this is a frequent problem, and it is important that enough provision is made. Is disappointed that there is no proposal for a coffee shop on the ground floor – it is important for Winchcombe Street to have some sort of use which will breathe life into the area. If the space is used for financial services or something similar, it will not create any buzz.

Member debate:

MS: was disappointed when the Axiom closed and was sold off, but the building has now been vacant for many years and has fallen into total disrepair. This proposal is an innovative way to use the building, keeping its character without flattening the whole thing to build modern flats. Considers the proposed undercroft parking both logical and sensible, and the elevations from Winchcombe Street will look much the same as they do now. Has no problem with the addition of an extra level, and will support the proposal.

SW: knows that Members aren't really supposed to speak in support of the officer recommendation unless they have good reason, but would like to say that he is very pleased with this application: there is something lovely about the proposal for the courtyard, which he feared was going to be lost, and with the additional unbricked window, the building will look as it originally did from the outside. Regarding the undercroft parking, members are often told by officers that there is no need for parking provision in town centre residential developments, but this is very welcome here. Notes that the exterior character of the building will remain much as it is, and there is very little of the interior left to protect. Is pleased that the proposed units are of a good size and suitable for living, not like some of the matchboxes proposed by developers. Is very much in favour of the application, which will preserve the building as one we can be proud of for a long time.

AM: reiterates what the previous two speakers have said. Remembers the earlier application for 14 flats as poorly designed and cramped. This does a much better job at retaining the integrity of the existing building. The proposed flats are of a good size and fit for living, and one car parking space per flat is very much to be welcomed as many flats don't have any parking at all. The building has been empty and derelict for a long time, with no prospect of rescue. This proposal will be beneficial to the area, and provide high-quality accommodation in the town centre. The council has permitted poor-quality proposals in the past because it had no choice and needed the accommodation, but this high-quality scheme should be welcomed.

HM: has noted the Civic Society's comments about the small size of some of the units, and assumes that these comments were made before the plans were revised. Can officers confirm that these are acceptable now? KS commented that she would not wish to see an office on the ground floor; if members agree, can a condition be included to ensure that the space is used for retail, for example?

BF: also welcomes the application, and feels that a difficult set of circumstances has been dealt with well by the developer and officers to ensure a good outcome. Remembers the building as a grain and seed merchant, and also as a farrier and seller of grain and skins. The Odeon site has been developed as an excellent accommodation site with retail units at ground level, to regenerate this part of town, and the student accommodation on the corner will also lift the area. The Odeon also stood empty for years, and now the site next to it is also being renovated. This proposal follows the same line, and will look good; it is sympathetically done, particularly welcome as the developer could have applied to simply demolish the whole building. Has fond memories of the arts centre, but this proposal is the best use of a nice building, preventing its demolition. Praise is due all round for this scheme; has no problem in supporting it.

MS: is a lift included as part of the proposal? If not, there should be one, as the market will be limited for apartments on the fourth floor. Suggests that Stairwell 2 could be used for a lift.

JF: KS mentioned concerns about refuse storage – the small space provided and the possibility of this affecting the flats above. Can officers comment on this please, and also on HM's question re use of the ground floor – would also prefer a café or retail use to financial services or something similar. Like BF, also remembers this building as a grain store.

PT: the ground floor should be returned to café use – it is ideal and would be a fun place to go. There is the only one thing she would want to ask of the developer: realises the building is only locally listed, so we can not influence on what goes on inside, but has noticed some very ornate white pillars inside the building, and would like to see some or all of these retained – they are an integral part of the building, and a design from years gone by. Can officers encourage the developer to build round them?

CH: agrees with much of what has been said so far. With regard to the possible use of the ground floor, would also like to see a retail or café use, but we should be careful not to be too prescriptive, not yet knowing what businesses are likely to take up the retail units on the ground floor of the Odeon flats. Some types of shops could be very valuable but with a lot of people living in the area, they are likely to generate their own business. If we attach a condition requiring something in particular, it could be a real shame and a missed opportunity for the new residents. On the matter of recycling and bin storage, this is likely to be an ongoing issue around the town with HMOs and blocks of flats etc. Residents of flats are particularly poor at recycling, because it is not easy for them to do it. Would therefore like to see any bin store future-proofed; at the moment, there is a set method of recycling, but this will be reviewed in the future. A third issue is the locked gates; is very disappointed to have missed the installation of these when discussing the Odeon application was being discussed. Would not want to lose the gates in their current position, but has an issue with locked gates and 'gated communities'. It is a problem, and alienates the residents and the development from the rest of the community. The Odeon flats are now being marketed as locked-up flats. Doesn't want to lose the gates or to see the courtyard closed off, and is sure that accommodation of this quality can find some other types of security and protection to install.

Apart from the above, considers this to be a good development; if the building was left much longer, it would collapse. Also remembers the building as a grain store.

MP, in response:

- to HM regarding the size of the flats, this was a concern of the Civic Society, not shared by officers. The dimensions are quite generous, and members have approved a lot smaller ones recently;
- regarding use, and members' desire for the ground floor to be used for retail or as a café, they need to identify why they don't consider office use to be acceptable in the town centre. This cannot be dealt with by condition;
- to MS, there is no lift proposed in the building. If one were to be included, it would be subject to building regulations;
- to PT, the pillars aren't shown as being retained, as the alterations to floor levels make this impossible. If Members wish, an informative can be included to encourage the re-use of the pillars somewhere on the site;
- regarding bin storage, officers consider the provision to be sufficient for the number of flats as it stands, meeting current standards. Environmental Health officers are happy with the location, and do not feel that there will be any impact on residents from unpleasant smells etc;
- to CH, there are currently gates on the site, although these aren't to be retained in their current location. Officers consider it sensible to have gates at the site, but the question remains whether these are kept open or closed.

MS: it is not a reason to refuse, but can officers ask the developer to give sympathetic consideration to installing a lift? At four storeys high, older people may find it difficult to access the

top flats via so many stairs, and this could be a missed opportunity in future marketing, as well as failing to provide disabled access to the upper flats.

PT: why can't the existing gates remain? What sort of gates will replace them? Like the pillars, these are an integral part of the building and should be retained if possible.

CH: regarding the gates, if these can't be the subject of a condition, then can we at least include an informative about them. Is concerned about the social impact; gated communities are problematic because of the way in which they are perceived by people around them. The agent is present at the meeting, and hopefully he will hear members' concerns; feels this is very important. The committee clearly considers that offices at ground level are inappropriate, and this too should be reported back to the developer, though it may be difficult to condition – if the unit stood empty for ten years as a result of the Members' desire for a café, we would look rather stupid. Is not pleased to hear the officer say that Members have approved smaller-sized dwellings in recent years – they did not have any choice.

BF: the gates are not original or contemporary to the building; they were added in the 1950s or '60s, and are now in a poor state. Tebbit Mews, further along Winchcombe Street, is gated; it's currently an office suite, but there is an application in to convert the upper floors to residential. We have gated communities for security reasons and to control parking. If he was going to buy a flat here, he would want there to be a gate.

JF: agrees that in this town centre situation, the flats should be gated, for security reasons. People who live there will want the added security.

DS: regularly parks his car at a friend's flat, in another town, and can be confident that the car will be safe overnight. Would welcome gates here, which can be opened by remote control. On the same tack, however, where are the letter boxes to be situated? If they are outside the gates, this will be fine, but if they are inside the gates, it will make it more difficult for anyone making any sort of delivery.

JF: returning to the matter of use of the ground floor, is it possible to include an informative to reflect the Committee's request - is not at all sure about a solicitor or financial services company occupying this space, and would like the developer to go back to the drawing board regarding this.

SW: is split on the matter of the gates. From a security angle, can see that they would be a good thing, but this is a wonderful-looking building, with the courtyard and the back of the building being the best view. If this is to be gated and unseen, the developer might as well knock the building down and build a new block of flats. Maybe the gates could be locked at 10.00pm and reopened in the morning, allowing people to see the building during the day? If the building was on the outskirts of town and surrounded by a large garden, the scenario would be similar. This is a nice building, of historic value, and regrets not having been able to get in and take photographs of it early in the morning. There must be a way round this, some sort of compromise. And the letterboxes need to be on the outside.

GB: reminds Members that we are assessing the application before us, not re-designing the proposal. We have the choice to refuse it, but not the power to re-design it.

AC: has two comments to make. Firstly, the gates: is in favour of these, for security and the peace of mind of future residents. Secondly, shares other members' concerns about the lack of a lift, which will severely restrict access to the upper floors for the elderly, disabled, people with small children and so on.

LS: is not overly concerned about the aesthetics of the gates, but agrees with CH in principle that gated communities can be socially divisive. Is mindful of security, but we are talking about Winchcombe Street here, not downtown Johannesburg. Lives in a noisy, busy street nearby, and frequently displays large Conservative Party posters in his garden, but has never suffered any anti-

social behaviour. Gated communities in this part of town give out the wrong message; this is something we need to bear in mind in the future.

HM: is in favour of the gates being retained, pointing out that there would have been gates when the building was in use as a corn merchant. Members will remember the application at 8 Little Herberts Road in Charlton Kings, on the edge of the AONB, and developed as a gated community. The gates installed are solid and quite inappropriate, making it impossible for anyone to see in or out and thus cutting off the community from the rest of the area. If wrought iron gates, similar to those currently in use, can be installed, this would be ideal. It would be wonderful to keep the façade of the building and the cobbled courtyard available to view, giving the general public the right to see what it is we are trying to conserve.

CH: gates and gated communities are a very important issue in his view, and should be logged as something for discussion in the Local Plan. It is a social issue and should only be used where absolutely appropriate. Will not vote on this, but is glad to have raised the issue, which should be followed up.

BF: this site has been gated for 70 years if not longer. The gates will have to change, but the new ones may be better than what is there now. This will be a private property, and people have the right to put up gates.

MP, in response:

- regarding a lift, this cannot be required by condition, and would require an additional planning application as it would significantly change the proposal; it could be included as an informative, should Members wish;
- to PT, the gates currently in place cannot be re-used as they are in a poor state. In their current location, they have an impact on highway safety, and need to be set further back in the site to allow car access;
- BF is quite right – there have always been gates at this site. We could ask for a detailed design of the gates to be used, but are very much looking for the replacement gates to be of wrought iron design, not unlike what is currently there;
- the request for the gates to be open during the day and locked at night could be included as an informative, should Members wish;
- regarding the commercial unit, an informative could be attached, though any alternative use would need to be subject to a new planning permission; the application currently seeks A1/A2 & B1 office use.

MJC, in response:

- what is currently being proposed gives flexibility. All economic uses generate employment, and is not sure that sending out a message about potential uses of the ground floor is the right one to give. What is currently proposed is a town centre use in a town centre, and members would need to identify what is wrong with this if they want to change it. We need to assess what is before us.

MP, in response:

- to DS, there is no information about letter boxes at the moment.

GB: sympathises with DS's comment about the siting of letter boxes – some are appalling. Architects leave them to the last degree of design, and don't spare a thought for the poor postmen!

Votes on informatives:

- on requesting consideration of inclusion of a lift – **CARRIED**
- on requesting that gates are similar and remain open during the day – **CARRIED**
- on requesting café/retail use of ground floor – **NOT CARRIED**
- on requesting re-use of pillars - **CARRIED**

Vote on officer recommendation to permit
13 in support – unanimous
PERMIT

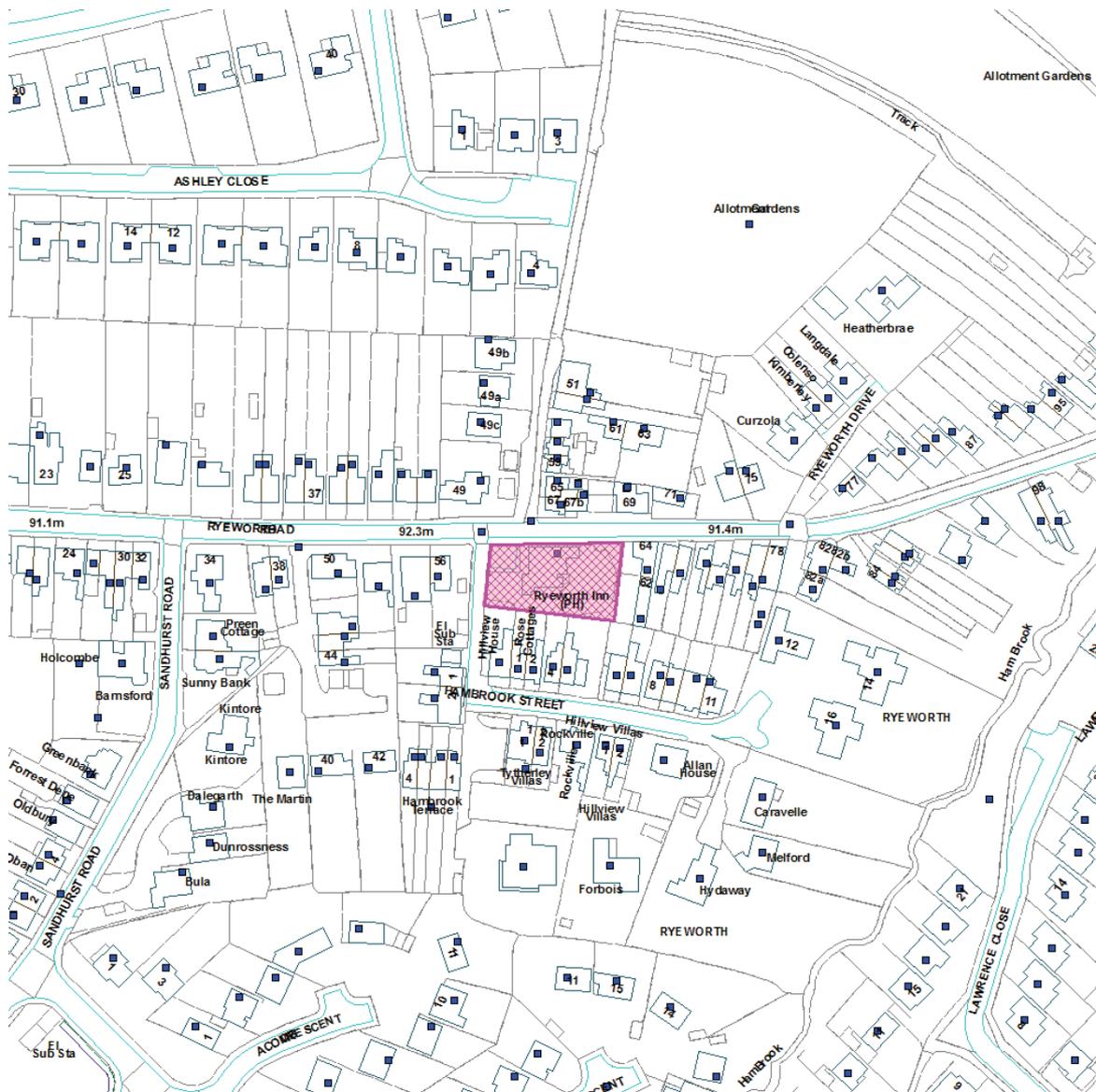
The meeting ended at 7.00pm.

DRAFT

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APPLICATION NO: 16/00166/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 5th February 2016	DATE OF EXPIRY: 1st April 2016
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	DavMay 30 Ltd
AGENT:	Evans Jones Ltd
LOCATION:	Ryeworth Inn, 60 Ryeworth Road, Charlton Kings
PROPOSAL:	Alterations and conversion of existing public house (part) to form a single dwelling and erection of two new dwellings

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a public house, known as the Ryeworth Inn, which has ceased to trade and is currently unoccupied. The main two storey pub building fronts both Ryeworth Road and Hambrook Street with a customer car park and a number of off-road parking spaces accessed from Ryeworth Road. A large Oak Tree (subject to a Tree Preservation Order) occupies the western part of the site and there are pub gardens to the rear and side. The Ryeworth Inn was listed as an Asset of Community Value (ACV) in April 2015.
- 1.2 The property has a long history as a public house and has been extended over the years in the form of mainly single storey flat roofed additions to the side and rear. The ground floor accommodates the bar and seating areas with staff accommodation on the first floor. The main building is vernacular in style and painted render under a tiled, hipped, slate roof and, despite the unsympathetic later additions, is considered to enhance the overall character and appearance of the street scene.
- 1.3 The property is located within an established residential area of Charlton Kings; Ryeworth Road characterised by a mixture of housing types which range considerably in age and architectural style with more traditional terraced and semi-detached housing in the central part of the road. Land levels also differ noticeably along Ryeworth Road, falling steeply in the middle section and then rising steeply towards the junction with Ham Road. The height and configuration of properties (and pavement height) in the road respond largely to the change in land levels resulting in a very varied street scene in terms of building height and set back from the road.
- 1.4 The applicant proposes alterations and conversion of the existing public house (part) to form a single dwelling and the erection of two new dwellings on land currently used as the pub car park. The later extensions to the main pub building would be demolished with a single storey wrap around extension to the side and rear of the original building also proposed.
- 1.5 The plans have been amended since the original submission. The amendments comprise the removal of the dormer windows and second floor accommodation, the raising of the two new proposed dwellings from ground level and resultant reduction in their overall height, the reduction in depth of the two storey rear wings to the new dwellings, alterations to fenestration and minor alterations to the width of the single storey extension to the retained building. In response to the views of the Architects Panel clarity was also sought on the height of the proposed new dwellings in relation to existing properties both adjacent and opposite the site.
- 1.6 The application is before committee at the request of Cllr Matthew Babbage.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

15/00716/PREAPP 6th May 2015 CLO

Demolition of existing public house and associated structures. Erection of 5 no. semi detached 3 bed townhouses with parking

99/50067/FUL 14th September 1999 PER

Block up doorway adjacent to door D01 and construct new bottle store and bin enclosure

14/01215/TPO 4th August 2014 PER

Oak tree adjacent to car park - reduce primary scaffold branch by no more than 3m back into crown, crown lift to include the removal of all secondary branches to a height of 4m, and branches overhanging Hambrook Street to 5m, remove all deadwood and 10% epicormic growth as way of a crown thin

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
HS 1 Housing development
RC 1 Existing community facilities
RC 6 Play space in residential development
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Play space in residential development (2003)
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Highways

17th May 2016

I refer to the above planning application received on the 17th April 2016 with submitted plans no. SK_01, P004 D, Transport Statement, Design and Access Statement.

Location:

Ryeworth Road is located towards the South east of Cheltenham within the Charlton King's area of the town, approximately 2.3km from the town centre. Ryeworth Road is a class 4 residential highway with a carriageway width of approximately 4.2m in the location of the proposed site. There is street lighting and footways present although the footways are less than the standard 2.0m in width. The local context is characterised by a mix of frontage accesses and on-street parking.

Personal Injury Collisions:

There have been no recorded personal injury collisions within the proximity of the development site within the last 5 years.

Access and Visibility:

The development has proposed 3 accesses to serve the development. The existing public house which is to be converted to a residential dwelling will make use of an existing off-street parking area parallel to Ryeworth Road to the west of the site. The central dwelling will make use of a new vehicle dropped kerb frontage access which according to drawing SK_01 can achieve the required emerging visibility of 2.4m x 54m in either direction. It can

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achieve the visibility with a 500mm off set from the kerb-line; this is acceptable in accordance with MfS2 guidance.

The eastern dwelling will also make use of a vehicle dropped kerb frontage access. Emerging visibility is achievable to the left; however visibility is restricted to the right due to the proximity of the adjacent property and associated land. Although the access is restricted, and would be regarded as unacceptable had this site been a Greenfield development, I have considered the previous site usage as a public house. The previous use would have generated significantly more vehicle movements per day through a restricted access than what would occur from a residential dwelling. The previous public house according to a TRICS survey based on the land use could have generated up to 100 daily vehicle movements, in comparison a single residential dwelling would generate 5 daily vehicle movements with 2 occurring per peak hour. A significant reduction in vehicle movements, with the risk of conflict as a result of the restricted access reduced. Therefore the proposed vehicle access is less intensive than the previous access to the pub car park and in this instance would be deemed acceptable.

Statement of Due Regard:

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development. It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

I recommend that no highway objection be raised.

Architects Panel

2nd March 2016

Design Concept

The panel had no objections to the development in principle.

Design Detail

The overall design is inoffensive and appropriate in its context. However, the panel questioned the desirability of cutting the two new dwellings into the site resulting in inappropriate street railings and steps down to the front doors. Street level access is preferred but it is appreciated that raising the buildings may result in having to omit the attic accommodation to keep the overall height of the development to a sensible scale.

The impact of the development on houses opposite needs to be assessed, information that was not provided with the submission.

Recommendation: Submit revised drawings.

11th May 2016

The panel had already commented on plans submitted with this application. Revised plans were reviewed for plots 2 and 3 which raised the buildings, avoiding the sunken entrance path, and omitted the second floor accommodation.

The panel felt the revised scheme was a much more successful design and were convinced the buildings would sit comfortably adjacent to existing properties.

Recommendation: Support.

Cheltenham Civic Society

18th February 2016

These fit in well with their surroundings

Gloucestershire Centre for Environmental Records

22nd February 2016

Report available to view online.

Building Control

12th February 2016

No comment

Parish Council

23rd February 2016

No objection.

Tree Officer

1st March 2016

In principle the Tree Section has no objection with this application. It is disappointing to see that there is no tree information submitted with this application even though there is a mature Oak tree on the site that is protected by a Tree Preservation Order.

The Tree Section would like to have a Tree Protection Plan submitted and agreed prior to the determination of this application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	12
Number of objections	8
Number of supporting	2
General comment	2

- 5.1** A total of 13 local residents in neighbouring streets have been notified of the proposals, including the revised details received in March 2016. As a result of the public notification exercises and at the time of writing, a total of 12 comments have been received (8 in objection and 4 in support/general comment) which relate primarily to the following matters:-

In Objection

- Existing and anticipated problems with on street parking/congestion/road and access safety at junction with Hambrook Street/visibility
- Increase in traffic generation during construction phase
- Loss of public house and community facility
- Number, height and appearance of new dwellings in street scene
- Neighbour amenity – overlooking and loss of privacy
- Impact on TPO Oak tree
- Site should be viable as a public house and should remain as a local asset/community facility

In Support

- Proposed residential development would result in a reduction in noise and disturbance to local residents associated with a pub in a residential area.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be the loss of the public house and principle of residential development on this site, design, layout and appearance, impact on the amenities of occupiers of neighbouring properties, parking and highway safety issues.

6.3 Loss of Public House and Principle of Development

6.4 The proposed development includes the change of use and conversion of the existing public house to a single dwelling with the later single storey additions removed. An additional two, detached dwellings with off road parking are proposed on the land adjoining the public house which was used as the customer car park.

6.5 Concern has been raised locally about the closure and potential loss of the public house facility. Many locals consider that the pub has been a valued community asset and in this respect Officers do not doubt that the Ryeworth Inn has, in the past, been a popular and valued local facility.

6.6 In terms of policy considerations, there is no specific Local Plan policy which refers to the retention or otherwise of public houses. Policy RC1 of the Local Plan reads as follows:-

Development that leads to a loss of land or premises which meet the needs of the community will not be permitted unless:

(i) The use is replaced within the new development; or

(ii) Alternative provision is made in an appropriate location; or

(iii) There is no longer a need for this site to remain in community use.

- 6.7** This policy is only relevant to the considerations of the proposed development if a public house falls within the definition of a community facility. This matter has been tested recently at appeal; an appeal made against the Council's decision to refuse planning permission for the conversion of The Greyhound Inn at 198 Hewlett Road (ref APP/B1605/A/08/2088458) and to a lesser extent in relation to the loss of the Sherborne Arms in Sherborne Street in 2011 (APP/B1605/A/12/2171001) given that the shortfall in parking provision was the main reason for refusal here. The Inspector for the Sherborne Arms appeal, having assessed the proposed development and its uses as a whole, did not however, make any comment with regards the loss of the public house.
- 6.8** The reason for refusal in relation to the loss of the Greyhound Inn as a community facility read:
- "The conversion of this public house is considered to be unacceptable due to the lack of alternative facilities elsewhere within the locality which adequately meet the needs of the community. Alternative facilities that would meet the needs of the community which would arise from the loss of this public house are not located within an acceptable walking distance of the application site and therefore the proposal fails to comply with the aims and objectives of policy RC1 of the Cheltenham Borough Local Plan (Adopted 2006)."*
- 6.9** The appeal was allowed on 2nd February 2009 and, for reference, the decision notice is attached as an appendix. Importantly, the Inspector comments, *"Having read the policy and its supporting text carefully it seems to me that the relevance of the policy to a public house is open to doubt. I say that as there are no references to the retention of public houses (or other commercial establishments) in either the policy or its supporting text. The Local Plan rather highlights the importance of retaining community venues for evening classes and club meetings. While these activities can and do take place in public houses, I am doubtful if this brings such places within the terms of the policy."*
- 6.10** The Inspector went on to accept that the loss of the public house was a material consideration, however, it did not compare to a situation where the loss of the pub would leave a community bereft of facilities as there were other pubs within walking distance. The Inspector considered that there were plenty of other places nearby where people can socialise and spend their leisure time and concluded that *"I consider that even if Policy RC1 properly applies to public houses, contrary to my understanding, it does not follow that the appeal proposal is contrary to the policy given the availability of "adequate" alternative facilities"*.
- 6.11** This appeal decision is a material consideration to which great weight must be attached.
- 6.12** There have been other pubs lost recently in the Borough and their sites redeveloped for residential purposes; Best Mate Inn in Swindon Road and the Cat and Fiddle in Whaddon Road. The more recent supported/affordable housing scheme for the Cat and Fiddle in 2010 considered tentatively the relevance of Policy RC1 in relation to the loss of the pub. In this case, the applicant argued that there was no longer a need for the site to remain in community use in accordance with criterion (c) of Policy RC1 and demonstrated that there were adequate facilities available which were easily accessible and met the needs of the community. The applicant did point out that the facilities which need to be considered in the context of this policy are those suitable for accommodating evening classes and club meetings since these are the only community facilities identified in the preamble to Policy RC1.
- 6.13** In light of the above, Officers do not consider Policy RC1 relevant in this case and at best questionable. Further, in similarity with the Greyhound Inn and Sherborne Arms, it has been demonstrated that there are other options available locally with a number of alternative licensed premises available within a 1km radius of the site. The application site is located within walking distance of the public houses and other facilities in London

Road and Lyefield Road. Whilst these may not all be identical to the Ryeworth Inn in terms of size and provision, they do provide adequate and alternative venues.

- 6.14** Since the 2009 appeal decision the NPPF has been in force and its objectives must be considered in light of both the appeal decision and proposed development. At paragraph 70 it states that planning policies and decisions should:

“plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments”

“guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community’s ability to meet its day-to-day needs”.

- 6.15** Whilst this policy seeks to both provide for and retain community facilities, as discussed in paragraph 6.12 above, there are opportunities for similar activities within walking distance of the site and therefore, in this respect, it is not considered that the proposed development would be contrary to the aims and objectives of the NPPF or Local Plan.

- 6.16** The Ryeworth Inn ceased trading in the summer of 2013, reopened in September that year following refurbishment works. However, this tenant plus two further vacated the premises due to the pub’s poor trade and viability issues. The property has nonetheless been advertised for sale since the last tenant vacated.

- 6.17** Whilst Officers consider the loss of the pub regrettable, it is not considered that there are sufficient grounds to resist the proposed change of use. Members should also be aware that under permitted development rights there is a permitted change from public house (A4) to retail (A1), restaurant (A3) or financial or professional services (A2) without the need for planning permission. There is also scope within the regulations for a temporary flexible use falling within use classes A1, A2, A3 or B1. Whilst these permitted changes of use do not apply in the case of a building which is listed as a community asset, Officers are mindful that in other situations (i.e. where a building is not identified as a community asset) any of these uses could be implemented and without any requirement to include community facilities. Whilst not wholly a material consideration in the determination of this planning application, Members should be aware of the extent and range of alternative uses for public houses as ‘permitted development’.

- 6.18** Members will be aware of the recent planning application for the change of use and extension to the Maple Leaf public house in Hewlett Road (ref 15/02269/FUL). This application was refused by the Planning Committee in February 2016; the second reason for refusal relating to the loss of a community facility, as follows:-

The proposal results in the loss of a public house and associated function room which is a valued local community facility. Its loss would therefore be detrimental to the quality of life of local residents and to the sustainability of the Fairview Community. As such the proposal is contrary to Policy RC1 of the Cheltenham Borough Local Plan adopted 2006 and paragraph 70 of the National Planning Policy Framework

- 6.19** Although there are similarities between the two proposals in terms of the loss of a public house, the Ryeworth Inn does not provide a function room or any other ancillary recreational facilities; it is simply a pub with a bar and indoor and outdoor seating. Whilst it is acknowledged that this in itself could be considered a valued community asset, as a venue it does not offer the range of facilities of the Maple Leaf and is located in a more suburban and residential area. As such, the relevance to this application of paragraph 70 of the NPPF is far more limited.

- 6.20** Housing Development

- 6.21** The site is located within the built up area of Cheltenham and benefits from ease of access (by foot, cycle and public transport) to all local amenities and services and those provided in Cheltenham town centre. The application site must therefore be considered as a sustainable location for new residential development.
- 6.22** When determining applications for housing, paragraph 49 of the NPPF advises that they should be considered in the context of a presumption in favour of sustainable development.
- 6.23** The NPPF requires local planning authorities to demonstrate a five year supply of housing; the Council is currently unable to demonstrate such a requirement. The NPPF advises that relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.24** Where policies are not considered to be up-to-date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework, taken as a whole.
- 6.25** Although the application site is not garden land it does form part of the residential frontage of Ryeworth Road, and therefore the principles of the Council's SPD 'Development of Garden Land and Infill Sites in Cheltenham' can equally be applied to this proposed residential infill development on brownfield land. It is against this document, relevant Local Plan Policy and the provisions of the NPPF that this application should be determined.
- 6.26** Asset of Community Value
- 6.27** The Ryeworth Inn was listed as an Asset of Community Value (ACV) on 23rd April 2015. On 18th November 2015, the owner notified Cheltenham Borough Council of its intention to dispose of the property.
- 6.28** In accordance with procedures CBC gave notice of the owner's intention to dispose of the Asset and invited CAMRA or any eligible community interest group to express an interest as a potential bidder for the Asset. That initial 6 week period of formal notification/consultation ended on 8th January 2016 during which there was no interest in the Asset lodged by any party and no party registered for classification as a 'Registered Bidder'. As such, the six month moratorium on the sale of the property was not required. In summary, the owner/applicant (and CBC) has followed the correct procedure with regards the ACV listing.
- 6.29** **Design and Layout**
- 6.30** Policy CP7 of the Local Plan requires new development to be of a high standard of architectural design. Similarly, the Garden Land SPD emphasises the fact that proposals for development on garden land and other infill sites should be based on a thorough understanding of the character of the neighbourhood and in particular the street and block within which the site is located. Character is made up of a number of elements, the principal ones being the age of the buildings, their height, the way in which they are laid out and the function of the area.
- 6.31** The proposed development (as revised) is considered acceptable in layout, scale, design and appearance and the site is considered of suitable size and configuration to accommodate two new dwellings plus the conversion of the public house into a single dwelling. Off road parking for two cars is provided for each dwelling and there is adequate private amenity space for each property to the side and rear; not dissimilar to garden sizes and plot widths of neighbouring properties. Distances to the boundaries of properties in Ryeworth Road and Hambrook Street are acceptable (8.5-10 metres approx. to rear and 4

metres to side) and distances between first floor rear facing windows of the proposed dwellings and those in Hambrook Street (Nos 4 and 5) fall within the guidelines noted under Policy CP4 of the Local Plan.

- 6.32** The revised drawings have addressed earlier concerns in relation to the height and depth of the proposed two new dwellings and the width and impact of the single storey wrap around extension upon the architectural integrity of the existing building. The two storey wings have been reduced in depth and the amount of first floor fenestration on the side elevations also reduced to minimise the potential for overlooking into neighbouring properties. Additional information was also requested in respect of proposed parking arrangements and driver visibility. The applicant subsequently submitted a Transport Statement and accompanying drawings which provide clarity on visibility splays and turning within Ryeworth Road. These matters are discussed in more detail in paragraphs 6.44-49.
- 6.33** The proposed new dwellings are traditional in their design and appearance with two storey gable end wings, sash windows, chimneys, parapet roof detail and porch canopies. Their cottage style would sit comfortably in the street scene responding to the height, scale, proportions, widths and architectural style of the majority of surrounding development. The new dwellings would be constructed of painted render facing walls under a pitched slate roof reflecting the predominance of rendered properties nearby.
- 6.34** The retention of the existing building (with later flat roof additions demolished) is welcomed. The building is domestic in scale and appearance and its vernacular design is considered to enhance the character and appearance of Ryeworth Road. The proposed refurbishment works, new hipped roof over existing rear wing and single storey wrap around extension to the side and rear (as revised) are considered acceptable additions with the form of the original building retained.
- 6.35** The Architects Panel had concerns with the scheme as first submitted; the cutting into the land with inappropriate railings and steps down to the front doors. The Panel are supportive of the revised scheme which it considers more successful in its design and *“were convinced that the buildings would sit comfortably adjacent to existing properties”*.
- 6.36 Impact on neighbouring property**
- 6.37** A number of local residents have raised concerns about the potential for overlooking from the proposed two new dwellings into neighbouring gardens and rear windows. There are properties facing the site at the rear in Hambrook Street and to the side, Nos 62 and 64 Ryeworth Road.
- 6.38** In response and to minimise the potential, for overlooking and loss of privacy, the depth of the proposed two storey rear wings has been reduced, windows removed from the side elevations and a blank window introduced to the rear elevation of Plot 2. The property closest to the proposed dwelling is No 62 Ryeworth Road which has an unusual relationship to the application site; its two storey principal elevation facing onto the rear of site. To protect neighbour amenity, there are no first floor side windows proposed in Plot 3.
- 6.39** The distances between first floor rear facing windows of the proposed dwellings and properties in Hambrook Street fall within the guidelines noted under Policy CP4 of the Local Plan. Further, the proposed dwellings’ positions on the site take advantage, to some extent, of the gap between Nos 5 and 6 Hambrook Street.
- 6.40** It is acknowledged that the distances from the proposed rear elevations to the boundaries with properties in Hambrook Street fall a little short of the 10-10.5 metres which should

normally be provided in order to minimise the potential for overlooking. However, Officers have looked at the garden lengths and character of surrounding development, particularly those in Hambrook Street and Ryeworth Close and consider that the proposed dwellings would not have a dissimilar relationship to neighbouring properties and that an adequate degree of separation is achieved.

- 6.41** Members may also be aware of a recent appeal decision relating to the erection of 3 new dwellings at 28 St Luke's Close (ref 15/01305/FUL). In this case, the site was surrounded on three sides by residential properties. The Inspector commented that *"At 8.8m and 9m respectively, the degree of separation between the proposed dwellings and Nos 18-24 St Luke's Place and 11 & 15 College Road would not be materially different to the general pattern of surrounding development, where many properties look into the rear gardens of those nearby. This is to be expected in a high density, urban area in close proximity to the town centre"*. Whilst the current application site is not a town centre location, Ryeworth Road, Hambrook Street and the cul-de-sacs off these streets share many of the characteristics and urban grain of higher density residential development.
- 6.42** In light of the above, the proposed development is considered to adhere to the objectives of Policy CP4 of the Local Plan.
- 6.43 Access and highway issues**
- 6.44** Local residents have also raised a number of issues in relation to highway safety and parking congestion. There are concerns about the loss of on-street parking, the increased parking demand resulting from the proposed development and visibility at the junction with Hambrook Street.
- 6.45** There are two off-road parking spaces provided for each of the two new dwellings and three for the converted building. The potential increase in demand for on-street parking should therefore be negligible. Officers also question whether any on-street parking opportunities would be lost as a result of the proposed development, given the width of the existing car park access and the existing parking bays adjacent to Hambrook Street.
- 6.46** Given the position of adjacent buildings in relation to the proposed access points, Officers requested further information on visibility and turning. The applicant duly submitted drawings demonstrating visibility splays and swept path analysis for egress and exit of vehicles.
- 6.47** Given the potential for restricted visibility, Gloucestershire Highways was consulted. The Highways Officer comments that plot 2 can achieve the required emerging visibility of 2.4m x 54m in either direction and can achieve the visibility with a 500mm off set from the kerb-line; this is acceptable in accordance with MfS2 guidance. Plot 1 would use an existing drop kerb and vehicular access. Emerging visibility from Plot 3 is achievable to the left; however visibility is restricted to the right due to the proximity of the adjacent property and associated land. Although the access is restricted, and would be regarded as unacceptable had this site been a greenfield development, the Highways Officer has considered the previous use of the site as a public house which would have generated significantly more vehicle movements per day through a restricted access than that generated from a residential dwelling. The previous public house could have generated up to 100 daily vehicle movements; in comparison a single residential dwelling would generate 5 daily vehicle movements.
- 6.48** The proposed development would therefore result in a significant reduction in vehicle movements and with the risk of conflict also reduced. As such, the proposed vehicle access to Plot 3 is less intensive than the previous and in this instance deemed acceptable.

- 6.49** In light of all the above comments, there are no significant highway safety issues that would warrant refusal of this application.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Whilst the loss of the Ryeworth Inn is regrettable there are limited grounds on which to resist the proposed redevelopment of the site for residential purposes. There is no Local Plan policy which relates specifically to the loss of a public house and whilst the NPPF includes public houses within the context of community facilities, there are adequate alternative facilities available within reasonable walking distance of the application site to meet the everyday needs of the community in accordance with paragraph 70 of the NPPF.
- 7.2** Given that the Ryeworth Inn is listed as an Asset of Community Value, the required period of notice was given to enable any interested eligible party to come forward as a potential bidder for the site. Subsequently, there was no interest in the Asset lodged and therefore no party registered for classification as a 'Registered Bidder'. As such, the six month moratorium on the sale of the property was not required.
- 7.3** There are no concerns in relation to highway safety and parking congestion; the proposed development should not worsen the current difficulties in parking experienced by local residents. There would also be no significant harm to the amenities of occupiers of neighbouring properties in terms of overlooking and loss of privacy.
- 7.4** The design, scale and appearance of the proposed development are in keeping with the character of surrounding development and the retention of the original pub building (in its proposed altered form) is welcomed.
- 7.5** Furthermore, there are advantages to a residential use in this location, not least that it would contribute to the 5 year supply of housing land. The Officer view is therefore that the advantages of the proposal outweigh any of the concerns raised and the recommendation is to permit subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three 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 the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No gates shall be erected at any time for use across the proposed access unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that use of the drive does not result in an obstruction to the carriageway in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 4 Prior to the first occupation of the approved development, the access driveway shall be surfaced for at least the first 4.5m from the carriageway with permeable hard surfacing

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(unless provision is made to direct run-off from the hard surface to a permeable area) and shall be retained as such thereafter.

Reason: To prevent loose material being carried onto the highway in accordance with Local Plan Policy TP1 relating to development and highway safety.

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

Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.
- 7 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.
- 8 Unless otherwise agreed in writing by the Local Planning Authority, the exterior of the approved development shall be rendered and painted in either a white or cream colour and maintained as such thereafter.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 9 No bargeboards or eaves fascias shall be used in the approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.

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

Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.
- 12 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be

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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.

- 13 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be 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 positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.

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

INFORMATIVES

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

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

In this instance, the authority sought revisions to the scale and appearance of the proposed development in order to minimise impact on the amenities of the locality.

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



Appeal Decision

Site visit made on 27 January 2009

by **RN Parry BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

The Planning Inspectorate
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**Decision date:
2 February 2009**

Appeal Ref: APP/B1605/A/08/2088458

The Greyhound Inn, 198 Hewlett Road, Cheltenham, GL52 6UP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Brian Williams against the decision of Cheltenham Borough Council.
 - The application Ref. 08/00612/FUL, dated 23 April 2008, was refused by notice dated 21 August 2008.
 - The development proposed is conversion of existing public house into 5No. apartments (4No 1 bed and 1No 2 bed).
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Decision

1. I allow this appeal and grant planning permission for the conversion of an existing public house into 5No.apartments (4No.1 bed and 1No.2 bed) at The Greyhound Inn, 198 Hewlett Road, Cheltenham, GL52 6UP, in accordance with the terms of the application, Ref 08/00612/FUL, dated 23 April 2008, and the plans submitted with it, as altered by revised plan 07.044 Greyhound conversion Rev B, subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
 2. Prior to the commencement of development, a detailed specification of all external materials and finishes, including all windows and external doors, shall be submitted to and approved in writing by the Local Planning Authority.
 3. A detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved.
 4. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all of the existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, the treatment of paved areas and areas to be grassed. All planting, seeding or turfing comprised in the approved details shall be carried out in accordance with the attached specification and be completed to the satisfaction of the Local Planning Authority within 12 months of the completion of the scheme. Any trees that die, or are removed or seriously
-

damaged within a period of 5 years from the completion of the development shall be replaced in the same places by others of a similar size and species in the next planning season unless the Local Planning Authority gives written consent to any variation.

5. Notwithstanding the submitted details, a scheme in respect of access and areas for the parking and turning of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved scheme has been implemented. The parking areas shall thereafter be kept available for parking and not used for any other purpose.
6. Prior to the occupation of the development the approved cycle storage facilities shall be constructed and retained for that use thereafter.
7. Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is occupied.
8. Notwithstanding the approved details, there shall be no access to the roof area above the ground floor on the north-western corner of the building.

Procedural matter

2. In response to the Council's refusal to grant planning permission, the appellant submitted a revised plan as part of the appeal process (07.044 Greyhound conversion Rev. B). In dealing with this appeal I have taken the revised plan into account. This is important inasmuch as a letter from the Council dated 28 November 2008 confirms that the revised plan addresses one of the reasons for refusing to grant planning permission, more precisely reason No.2 which refers to the loss of amenity for the occupiers of No 196 Hewlett Road due to the provision of a roof terrace for one of the apartments.
3. It also seems to me that the revised plan seeks to address reason No.3 of the decision notice. This refers to the adverse impact on the street scene of a 1.8m tall fence and an overprovision of car parking/hardstandings. As the revised plan does not include the 1.8m tall fence it must follow that the Council's concern on this point is met. Confirmation is provided by the letter from the Council dated 12 November 2008. While the deletion of 4 of the dedicated car spaces must also alleviate the Council's concern regarding an overprovision of car parking/hardstandings, the same letter does not indicate if the Council's concerns on this point are fully met. Notwithstanding my uncertainty on this matter, I am satisfied that the concern can be addressed via a condition attached to a grant of planning permission. This would leave the issue of car parking/hardstandings for later approval.

Main issue(s)

4. Bearing the above in mind I consider that the main issues in this case are as follows. Firstly, whether the conversion is acceptable given the loss of a public

house and, secondly, whether the proposal would have an undue impact on the street scene due to the loss of the curved bay window on the front elevation.

Reasons

5. As part of its case for resisting the loss of the existing public house the Council draws attention to Policy RC1 of the adopted Cheltenham Local Plan. This states that the loss of premises which meet the needs of the community will not be permitted unless certain criteria are satisfied. One criterion, the need for the site to remain in community use, is said to be of especial relevance. To help clarify this point a note is attached to the policy referring, amongst other things, to the availability or otherwise of adequate facilities to meet the needs of the community.
6. While the Council is satisfied that the policy is relevant whenever the loss of a public house is in prospect, the appellant argues that the policy is not intended to apply to public houses and other commercial establishments. Having read the policy and its supporting text carefully it seems to me that the relevance of the policy to a public house is open to doubt. I say that as there are no references to the retention of public houses (or other commercial establishments) in either the policy or its supporting text. The Local Plan, rather, highlights the importance of retaining community venues for evening classes and club meetings. While these activities can and do take place in public houses, I am doubtful if this brings such places within the terms of the policy. I note also that the Inspector appointed to hold the inquiry into objections to the Local Plan expressed the view that Policy RC1 did not relate to commercial establishments.
7. Irrespective of whether Policy RC1 is relevant, I am in no doubt that The Greyhound Inn is a valued and popular destination for a miscellany of leisure activities. Many letters and a petition have been submitted in support of its retention, not least because of the use of its skittle alley by many individuals and local groups. Furthermore, I accept that the loss of a public house serving the local community is a material consideration in this case. That said, this is not an instance where the loss of the public house would leave a village or some other isolated community bereft of a public house with all of the leisure and community benefits that it can provide. Significantly, the local community in the vicinity of the Greyhound has easy access to at least 2 other public houses. The Hewlett Arms is situated within 300m walking distance of the appeal site and the Cat and Fiddle is less than 500m away. And within 1000m of the Greyhound, the distance often used to judge accessibility on foot, there are at least 2 further licensed premises. Nearby public transport facilities would also allow local residents easy access to the many public houses located elsewhere in Cheltenham.
8. While the service provided by the current landlord of The Greyhound Inn is clearly much appreciated by the local community, it seems to me that easily accessible alternative facilities are available nearby where people can socialise and spend their leisure time. The loss of the Greyhound may mean that some customers would need to travel further to play skittles but in that regard I note that there are over 30 places to play skittles in Cheltenham, and that a number of these are within 1000m of the appeal site.

9. In addition I note that within the same 1000m distance of the appeal site there are Community Centres and other venues available for public use. Bearing all of the above in mind, I consider that even if Policy RC1 properly applies to public houses, contrary to my understanding, it does not follow that the appeal proposal is contrary to the policy given the availability of "adequate" alternative facilities.
10. I now turn to the second main issue. The Greyhound Inn is not a listed building but the papers on file suggest that it may recently have been added to the list of locally important buildings. Converting the public house into 5 apartments significantly alters the internal building arrangements but the external appearance of the building would be little altered. Even so the Council is concerned that the removal of the curved bay window at the front of the building would diminish its overall appearance and in turn damage the wider street scene. Relevant to this I note that the revised plan submitted by the appellants actually retains the bay window, albeit in a modified form.
11. In my view the Council's objection to the wholesale removal of the bay window is well founded. The loss of this feature is undesirable since it does help to enhance what, to my eyes at least, is otherwise a somewhat ordinary 1930's building. While the modified bay window in the revised plan is a somewhat contrived response to the Council's concern, in my view this feature does not itself warrant a refusal of planning permission. I am satisfied that the proposal is not contrary to Policy CP7 of the adopted Local Plan.
12. I have taken account of all of the other matters drawn to my attention but they do not outweigh my conclusions on the main issues.
13. Finally the Council has put forward a list of conditions that it considers should be attached to any grant of planning permission. In addition to the standard time condition, the conditions relate to materials, boundary enclosures, cycle provision and landscaping. In my view these all need to be imposed to ensure an acceptable standard of development. I have also attached conditions to help protect the amenities enjoyed at No.196 Hewlett Road and in respect of access and the provision of car parking/hardstandings.

R n Parry

Inspector

APPLICATION NO: 16/00166/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 5th February 2016		DATE OF EXPIRY : 1st April 2016	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	DavMay 30 Ltd		
LOCATION:	Ryeworth Inn 60 Ryeworth Road Charlton Kings		
PROPOSAL:	Alterations and conversion of existing public house (part) to form a single dwelling and erection of two new dwellings		

REPRESENTATIONS

Number of contributors	12
Number of objections	8
Number of representations	2
Number of supporting	2

49C Ryeworth Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL52 6LS

Comments: 1st March 2016

It's sad that the Ryeworth Inn will no longer exist.

I object to the application for the following reasons.

1. Parking.

As others residents have stated the current parking in Ryeworth road is in my mind very dangerous. Any further development especially given the density of the application will impact the current parking situation and safety even further. Residents opposite the development already find it difficult to turn into the road and I believe this development will make this situation even worse. If the application does get approved then vehicles that currently use the site as a car park will have to park elsewhere so I would support the introduction of a residents parking scheme. Unfortunately, this would then have a negative impact for other parts of Ryeworth road as they would have inherit the current parking issues. There is no easy answer.

2. Density.

I object to the density of the application. Surely a maximum of 2 dwellings both with off road turning spaces would be far more sensible.

3. Height of the proposed dwellings.

Whilst I understand that the developers will want to maximise their investment, I would like existing building lines and heights to be taken into consideration. The current application does not seem to have taken this into account.

The Villa
Hambrook Street
Charlton Kings Cheltenham
Gloucestershire
GL52 6LP

Comments: 26th February 2016

My objection to this development is based on a couple of specific issues rather than objecting to this site being developed in general. Although it is regrettable that a community pub is being lost, I accept that it is unlikely that a successful business could operate from this site.

However, I have serious concerns about the development's impact on local traffic and parking. There is an increasing risk of there being a serious accident on Ryeworth Road. There is already a serious shortage of parking on Ryeworth Road and every available (and some unavailable!) space is taken. Pulling out, or stepping out, is a risky affair as traffic often drives too quickly in either an attempt to avoid a lengthy wait at the Sixways traffic lights, or to get past the cars parked on-road before they meet a vehicle coming the other way. The on-road parking has not only effectively reduced Ryeworth Road to a single track road but cars parking alternatively on both sides of the road have created a 'slalom'. It is incredibly difficult to see cars pulling out from between parked cars as you drive along Ryeworth Road, and it is even harder to see cars driving quickly along Ryeworth Road as you pull out.

The fact that the proposed development would result in the loss of 8 parking places will significantly worsen these problems. I accept that not all of these places related to residents as some were intended for the inn's clientele, but given the significant shorten of parking on Ryeworth Road, every available parking opportunity is utilised. The security fencing currently in place around the inn's car park has vehicles parked outside it every night, and often they even abuts partly across Hambrook St making it difficult to exit Hambrook Street without driving onto the pavement. The fact that 3 properties are proposed rather than 2 will obviously make things worse. I note that they all have off-road parking but this will remove the on-road parking in front of these houses (otherwise this new parking will be blocked in) and obviously these 3 properties will at times generate additional traffic and the need for additional parking spaces as inevitably they will have visitors etc. And the fact that between them they have 3 exits onto Ryeworth Road will create 3 more potential hazards; why can't there be shared driveways?

I know that when the house that I currently own (The Villa, Hambrook St) was built, planning permission was granted on the basis that the developer had to provide additional off-road parking for local residents. He did this by also purchasing the property previously known as Rowan, demolishing it and replacing it with 6 additional off-road parking spaces. Why couldn't some similar arrangement be considered for Ryeworth Inn? There is certainly space enough on the Ryeworth Inn site to include additional parking, particularly if they built 2 properties rather than 3.

My second objection relates to the size and mass of the proposed buildings. I accept that the developers have tried to design the properties in keeping with other local buildings, but plot 2 & 3 are higher than both the existing inn to the west (plot 1) and the existing properties to the east. Also, because the proposal has a second floor incorporated within the roof space, the mass of the roof (and the building in general) is significantly increased and out of proportion with nearby buildings. The fact that they are also proposing 3 rather than 2 homes only exacerbates this.

Comments: 18th April 2016

I appreciate the production of a traffic report and have read it with interest. However, what I believe it fails to consider, when comparing the impact of traffic from the status quo (i.e. a pub) to the proposed change (i.e. 3 residences) are the relative times when traffic and parking occurs under each scenario. And how much of the parking is likely to be on-street. I note that there are 7 new off-street parking spaces allocated but given that 2 of these are blocked in by 2 of the other spaces directly behind, I remain sceptical as to how often they will be used. It will be far easier to park on-street (should on-street parking be available at the time) than to be required to shuffle the

cars around every time that the front car wants to get out. And by doing so, effectively reducing the number of on-street spaces currently available to existing residents. The fact that the marked spaces are so narrow will also deter their use as getting in and out of the car (children damaging doors etc.) will mean that the residents of the new properties will utilise on street parking whenever available (and use their parking spaces for other purposes - bicycles etc).

Also, the need for these spaces will be at times when the road is most congested - evenings and weekends. There may well have been more traffic associated with the pub but at least all the parking was off road and by the time the pub generated much traffic / parking, at least most residents were already home and parked. Also, I would point out that most of the pub's clientele were local and walked there - there was very little traffic actually generated - which is probably why the pub was unable to survive commercially.

11 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 1st March 2016

GCC Highways must be actively involved in assessing this application, with a site visit being essential. I would suggest that local residents are invited to inform any site visit as an officer visiting during normal working hours would not get a true impression of the seriousness of the parking and access situation.

Hambrook St appears small on the plans provided but is a residential street with 32 properties. The junction with Ryeworth Road was previously manageable as the open pub car park provided visibility and turning room for refuse and emergency vehicles etc and for cars to pass. The temporary barriers now in place have created a dangerous situation where it is often impossible to see when exiting the junction. The proposed plan has a low perimeter wall that will similarly restrict movement and cars will still park and restrict visibility (I would suggest planning conditions to restrict the height and spread of any vegetation near the junction). In sum a redesign of the junction is required (potentially remaining risk could be mitigated by creation of a 20mph zone).

Others have rightly commented on the seriousness of displacing the vehicles parking on the pub frontage. I would add that the pub and adjoining junctions previously provided rare passing places on Ryeworth Road which should be maintained. You will be aware that Ryeworth Road is also a bus route. Permission for any development on the site should include conditions ensuring that building material and vehicles associated with the building work should be on the site only. Deliveries should not block the roads.

I do want the site put to viable use but do not accept that it isn't viable as a pub. A coat of exterior paint and a new sign do not constitute a "refurbishment". High rents and two inexperienced landlords with no funds isn't recipe for success either! I understand (but can't verify) that there were others interested in buying the property and running it as a pub but I suspect their sealed bid wasn't high enough.

Comments: 25th April 2016

I have now changed to objecting to this application. The original application received a number of balanced comments based on local knowledge and experience. The failure to address these comments undermines confidence in the plans.

Rather than address the concerns over parking and access, the submittal of a transport statement appears to try and distract from these very real issues. Previous comments did not suggest that the change of land use from a pub to residential use would increase traffic volumes, so why does the report focus on traffic volume (without addressing a real issue of how the increase in construction traffic volume, if this development were to go ahead, would be handled)?

The observation that there "is some on street parking on Ryeworth Road" does not reflect the reality at evenings and weekends. There is parking at every available space along the street; it is effectively single carriageway. The area by the westerly pub car park used to provide a useful passing place.

Houses of the size proposed and in that price bracket are likely to have 2 cars. Presumably they will have visitors although no mention is made of where they will park. The cars and vans that currently park alongside the Pub frontage will not evaporate but will continue to park on the remaining available frontage or on the other side of the road.

The swept path analysis and visibility splays shown on the diagram are unrealistic. There will be cars parked on the pavement restricting vision and the ability to manoeuvre. Of greatest concern is that there are no visibility splays or swept path analysis shown for Hambrook St on the western boundary to the site. There are 32 properties with c100 residents in Hambrook St. They need access with their vehicles, as do refuse and emergency vehicles, delivery lorries etc. The proposed development makes the visibility and turning area significantly worse than the former land use and encourages on street parking. The junction area should be redesigned. This formerly open tarmac parking area is shown as adopted highway on the Cheltenham BC supplied plans returned to my Solicitor when we purchased our house, and so I would suggest that the status is checked.

The dismissal of safety concerns raised in a several previous comments through the production of a crash map based on statistics 2012-14 is patronising. During this period the pub and car parks were operating. Keeping access to these car parks open meant that there wasn't parking on the street and therefore the viewing angles were much wider. The safety concerns have arisen since the erection of barriers in 2015(the position of which closely aligns to the proposed site plan) which has resulted in cars parking on the pavement and restricting access and visibility.

The photographs provided in the covering letter are as relevant as the historic photos, that are probably still on the pub wall, from a period when much of it was designed and built, showing no cars on Ryeworth Road. What is relevant is that the current design of the proposed development would make parking and access for the site and neighbouring Hambrook St worse than the former Pub land use. Photographs of parking now around the pub site at evenings and weekends would have been more relevant!

Please amend the plans to address these issues and the concerns raised by others. I genuinely believe comments are not from a "NIMBY" perspective but one where we want to ensure that professionals and elected Councillors are well informed and make the correct decisions.

Despite several attempts to view the revised drawings on the portal I get a message saying "This document is unavailable for viewing at this time" and therefore I am unable to comment further on the plan revisions.

The Asset of Community Value process may have been followed but I would suggest that the system is flawed as Enterprise Inns should have sold to someone who would run the Ryeworth as a pub in the first place. Ryeworth is a distinct area and whilst we have some great allotments, there aren't other venues for the community to come together! I would therefore encourage Councillors to reject the application for change of land use.

82B Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 26th February 2016

I object to the change of use of the public house to residential housing, and also to the building of 2 additional properties on the site.

The pub is a community facility that benefits the community and provides a social hub. I have been disappointed that the pub has been shut for much of the past year - though was looking forward to it reopening when I saw the renovation taking place. The planning report suggests lack of income as a reason for change of use, but there will obviously be a lack of income when a property is being renovated, and this is therefore a misleading statement by the applicant. I do not agree that other local facilities are within easy walking distance - they are 10 minutes away and involve the crossing of a very busy road. Further, money was spent on renovating the pub, and thus it clearly seems there was an expectation on the part of the current owners that it would be a viable business. The application also suggests a lack of passing trade, yet this is a very busy street. Further, no efforts have been made to signpost the Ryeworth from the main road, which seems self-defeating.

As for the proposed dwellings, they are taller than existing properties and therefore would be harmful to the village feel of this part of Ryeworth Road. I believe this is an example of 'garden-grabbing', and the density of the proposed dwellings is excessive, and will impact the lighting/view on the street and for nearby houses.

I am particularly concerned about the affects on parking in the street. I frequently struggle to park, and 3 access points to parking for the proposed properties would limit parking on the street further. Further, the vehicles for the dwellings would have to reverse onto an already busy street, with a restricted view of the road due to the on-street parking. It would also result in the loss of two turning/passing points, which are sorely needed on this road due to the narrowing of the street caused by the necessary on-street parking. Only today my car was hit and damaged by someone trying to pull aside to let a bus pass, and this loss of passing/turning points will increase the risk of this happening again.

Hillview House
Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 15th April 2016

We have no objection to the proposed plans for the changes to the Ryeworth Inn into residential dwellings. In the past 6 years we have had problems with loud music and all night lock ins at the pub and more recently a rat infestation, all of which we have notified the council of. Having a pub in such a quiet residential area is not a good idea.

I only have two concerns, the first is that the oak tree is not affected in any way and secondly that the junction of Hambrook Street and Ryeworth Road is carefully looked at as it could be very dangerous if visibility is blocked in any way.

1 Rose Cottages
Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 29th February 2016

We fully support the new build. We think this is much better than having a pub right behind our house.

The only 2 things we're concerned about are parking & new roof in one of the houses.

Parking | There should be more allocated parking spaces for the new people moving into this development and perhaps a bit more parking for neighbours from the surrounding area. On average people around the area have 2 cars and this can be a total nightmare, as everyone wants to park 'somewhere'.

We only own 1 car and it's a total nightmare when people with 2 or more cars are trying to find another space to park their car and they don't care about others.

Roof in one of the new builds| We have noticed that there might be a new pitched roof in one of the new builds, we don't have much light at the back of the house, so if you could keep this flat or slightly lower that'll be great, as we want natural light to come through to the back of the house and a high roof might take this away from us.

Please take this into consideration.

4 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 2nd March 2016

Letter attached.

6 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 23rd February 2016

I live at 6 Hambrook Street south of the proposed development. I have no objections to the redevelopment of the site. Any over looking windows I would like obscure glass to maintain privacy of my garden and living room. I feel having three separate car park exits is a mistake and will inevitably cause an accident at this bottleneck on Ryeworth road.

More time is needed creating a safe and sustainable design before I support this development.

Comments: 25th April 2016

I am objecting because the first floor rear windows of plots 2 and 3 will overlook my garden and kitchen/living room, spoiling the enjoyment of both. I see one of the rear windows of plot 2 has been recessed and left blank. Why one and not the other? I suggest either using obscured glass

or removing the windows and having roof lights instead and would like the planners to consider these options.

Joining Ryeworth Road from Hambrook Street is currently a nightmare and I ask that great consideration be given when creating a safer solution.

62 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 22nd February 2016

Parking is already an issue in Ryeworth Road and the loss of 8 parking spaces to this development will exacerbate the situation. A system of parking permits, one per household, should be introduced.

The proximity of one of the houses to our property suggests that we will be deprived of some of our light, particularly in the evenings.

84 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 1st March 2016

I am writing to Strongly object to the Ryeworth inn being partially demolished and being turned into a residential home and the building of two more houses in the now rear/side car park.

I have lived in Ryeworth road all my life for forty two years and also i have been a very successful landlord of the Ryeworth inn from 2001-2008 which i then sold the built up thriving business and lease for a substantial amount, then moving onto to buying a nightclub in the town centre that was close to closing down i have built that up and have been there for seven years, The point i am making is this pub should stay as a pub it is a huge asset to the local community since it was built in "1834", Its recent failure is down to the brewery demanding high rent, tying down tenants with no experience, and making them buy there stock from them for extortionate prices.

I am very positive that this should be made to be left as a public house so it can remain serving the local community again! it has worked and can work, Save this pub!!! please don't let another developer take away our local Heritage from "1834" and stand by us your local community.

Looking at the plans it will take road side parking away for 5/6 cars which on a road like this it a seriously important issue which has completely got worse over the years.

Comments: 18th April 2016

I have wrote objecting for this planning not to go ahead before but i wanted to add - I cant see why you cant compromise with the developer and the other seven objections and some of the others that are half and half about the plans, you can allow two lovely cottages be built in the rear car park slightly narrower than revised plans with a parking space for one car on the front of each of the two dwellings and make the rear gardens smaller leaving the original built in 1836 Ryeworth inn pub the hub of our community to be sold on or rented on as a pub and be Saved ! This way everyone wins , the front car park can be turned around and more spaces made by taking up the garden space which is sheltered anyway from the listed tree , it can be run as a busy pub again and all it needs is to have is the right people and the right ideas and be revamped

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i would certainly be interested in taking it on again and saving it , it will take some work but i can see and i know it is a big asset to the local community and has and can work again, i now i could get a petition and show you this if required i am passionate about this pub and really hope i get heard and a plus side to also is this way the side road parking of five to six cars will be saved also which this road can not do with out !

Anything you would like to discuss please email or call me and anything i can do to help this as what i suggested i love to know.

Thanks you so much for your time is reading this and i hope this may help.

The Corner House
2 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LN

Comments: 2nd March 2016
Letter attached.

The Haven
Hambrook Street
Charlton Kings Cheltenham
Gloucestershire
GL52 6LP

Comments: 21st March 2016

I am a resident of Hambrook Street, and as other comments have pointed out, traffic and congestion on Ryeworth road are dangerous and in some cases illegal. Exciting Hambrook Street with parked cars on both sides makes this dangerous (especially since the pub owner has put up steel barricades. The planned development will only increase parking requirements and lead to further problems.

I also object to the removal of a civic amenity (the pub!), and would support any application for the reinstatement of the pub. Ironically, the pub had plenty of space in the car park, but not enough custom because of the issues with running a company owned pub. Any application that turned the Ryeworth Inn back into a going concern would have my support.

I therefore wish to object to the proposed housing development.

From: [REDACTED]
Sent: 02 March 2016 08:57
To: Internet - Planning Comments
Subject: FW: Ryeworth Inn - Plan To Build 3 Houses - Reference Number: 16/00166/FUL

*Audrey Ridley
Customer Liaison Officer
Environmental & Regulatory Services
Mon, Tues & Wed
01242 264328
audrey.ridley@cheltenham.gov.uk*



From: [REDACTED]
Sent: 01 March 2016 19:02
To: Internet - Built Environment
Subject: Ryeworth Inn - Plan To Build 3 Houses - Reference Number: 16/00166/FUL

To Whom It May Concern,

I recently received a flyer from the Conservatives outlining the proposed building of three houses on the site of the Ryeworth Inn in Charlton Kings. I live directly behind the Ryeworth Inn at 4 Hambrook Street, so will obviously be impacted by any new development.

On inspection of the plans of the proposed new buildings (as shown on the reverse of the flyer) it was evident to me that the structure of the back of 4 Hambrook Street was inaccurately portrayed. A significant ground floor extension was added to the property in 1998 - but the plans appear to show the structure at the rear of the building as it was prior to then.

As a consequence, it is not apparent that the rear of the building extends to within about a metre or so of the perimeter. Furthermore, unlike the structure near the perimeter at the back of 5 Hambrook Street which is an uninhabited outbuilding, the room at the very back of 4 Hambrook Street is living quarters with rear facing windows.

I reported this inaccuracy to one of your colleagues at Cheltenham Borough Council, who advised me to submit a revised version of the plans to show the rear of 4 Hambrook Street as it actually is - and to that end I have attached a photo of the plans where you will be able to see that the rear of 4 Hambrook Street differs from the original submission from Coombes:Everitt, the architects responsible for the plans.

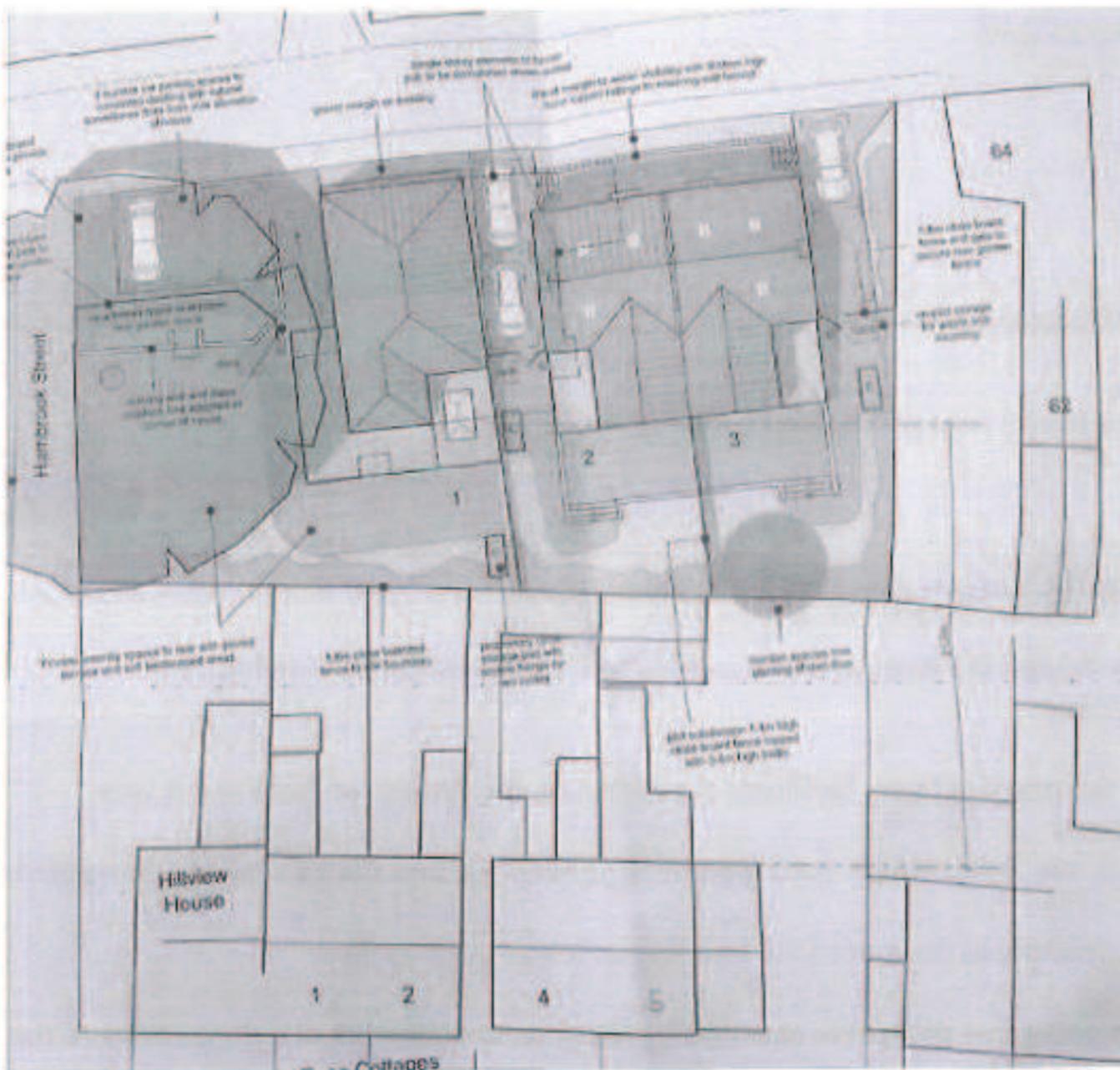
As a courtesy, I have also informed Coombes:Everitt who verified my observations by looking at Google Earth. They are apparently intending to address this inaccuracy by submitting an amended plan to you.

My purpose in bringing this to the attention of yourself and Coombes:Everitt is simply to ensure that all parties are making decisions on the basis of accurate information, and to avoid any unfortunate oversights that may arise from inadvertently not doing so.

Yours sincerely,



4 Hambrook Street,
Cheltenham
GL52 6LW



From: [REDACTED]
Sent: 02 March 2016 08:57
To: Internet - Planning Comments
Subject: FW: Ryeworth Inn - Plan To Build 3 Houses - Reference Number: 16/00166/FUL

*Audrey Ridley
Customer Liaison Officer
Environmental & Regulatory Services
Mon, Tues & Wed
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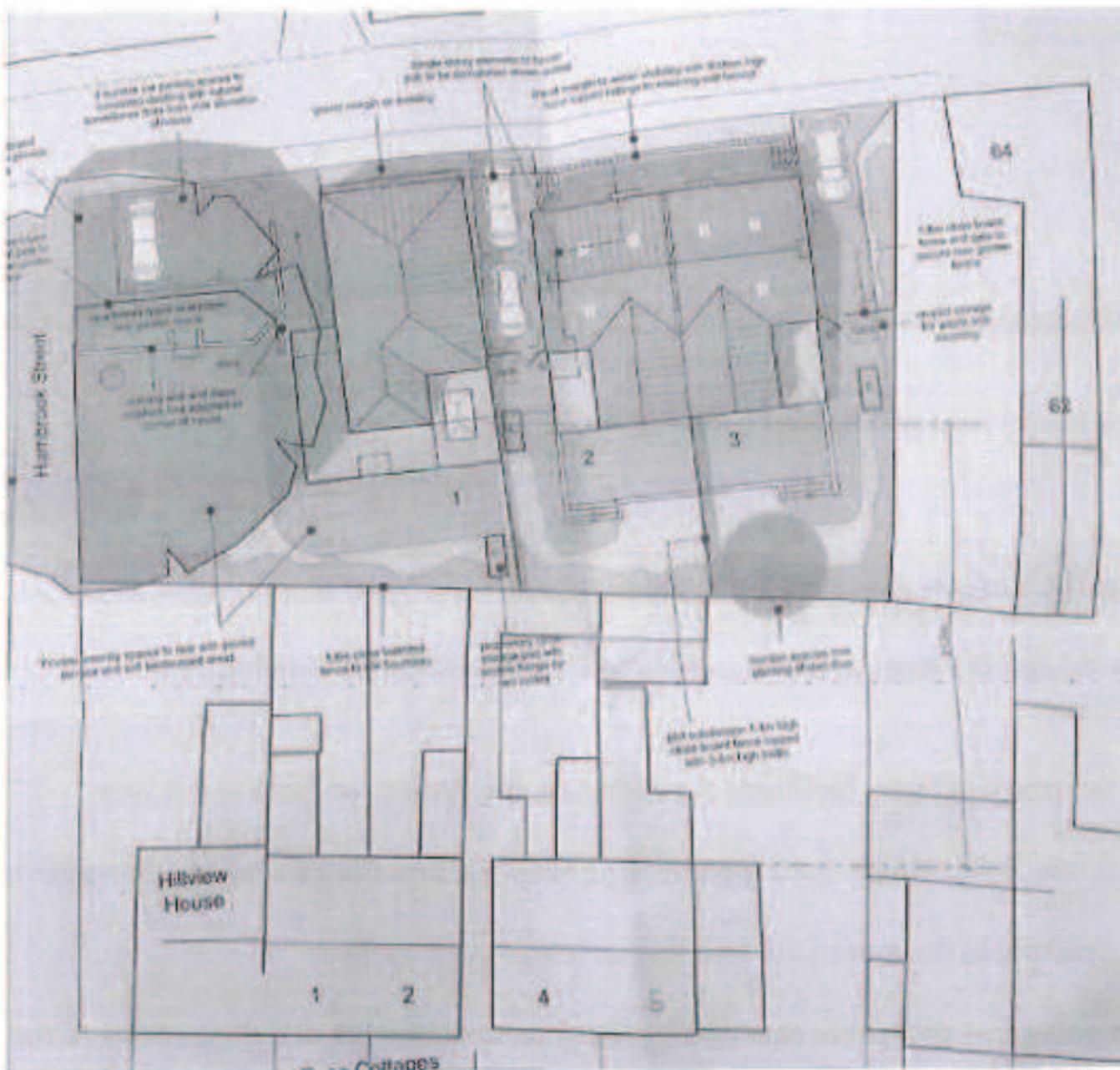
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Yours sincerely,



4 Hambrook Street,
Cheltenham
GL52 6LW



APPLICATION NO: 16/00317/FUL		OFFICER: Mr Gary Dickens
DATE REGISTERED: 25th February 2016		DATE OF EXPIRY: 21st April 2016
WARD: Springbank		PARISH:
APPLICANT:	Mr F Shoniwa	
AGENT:		
LOCATION:	33 Kingsmead Avenue, Cheltenham, Gloucestershire	
PROPOSAL:	Construction of a driveway (retrospective)	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 33 Kingsmead Avenue. The site is a semi-detached dwelling located in the ward of Springbank.
- 1.2 This is a retrospective application for the construction of a driveway with dropped kerb. The access involves crossing a grass verge owned and maintained by Cheltenham Borough Council.
- 1.3 The application is before committee as the property is owned by Cheltenham Borough Homes.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

None

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

TP1 Development and highway safety

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

None.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	5
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

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

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main issues in considering this application are any visual impact of the works on the surroundings and any highway safety implications.

6.3 The hardstanding to the front of the property consists of permeable block paving. The driveway from the roadside to the hardstanding is tarmac with a slight gradient enabling rainwater to be directed to permeable paving.

6.4 The construction of the driveway has resulted in the removal of part of a grass verge. Although the loss of this soft landscape is unfortunate, as this is an end property in a row of six which are located behind the grass verge, it is not considered that any significantly harmful impact will be felt. Should future requests for similar work be proposed, these will be considered on their merits.

6.5 Overall, it is not considered that the construction of a driveway would result in any significantly harmful impact on the visual amenity of the surrounding area and is therefore compliant with policy CP7 of the Local Plan.

6.6 Access and highway issues

6.7 Local Plan Policy TP1 requires development to not endanger highway safety, directly or indirectly, through the creation of a new access.

6.8 The applicant has previously sought permission from Gloucestershire Highways (Amey) regarding the creation of a new vehicle access which was permitted in September 2015 and inspected in November 2015 on completion of the works.

6.9 It is not considered that the proposal will have any highway safety issues.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons outlined above the proposal is considered to be in accordance with policies CP7 and TP1 and is therefore recommended for approval.

8. CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.

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.

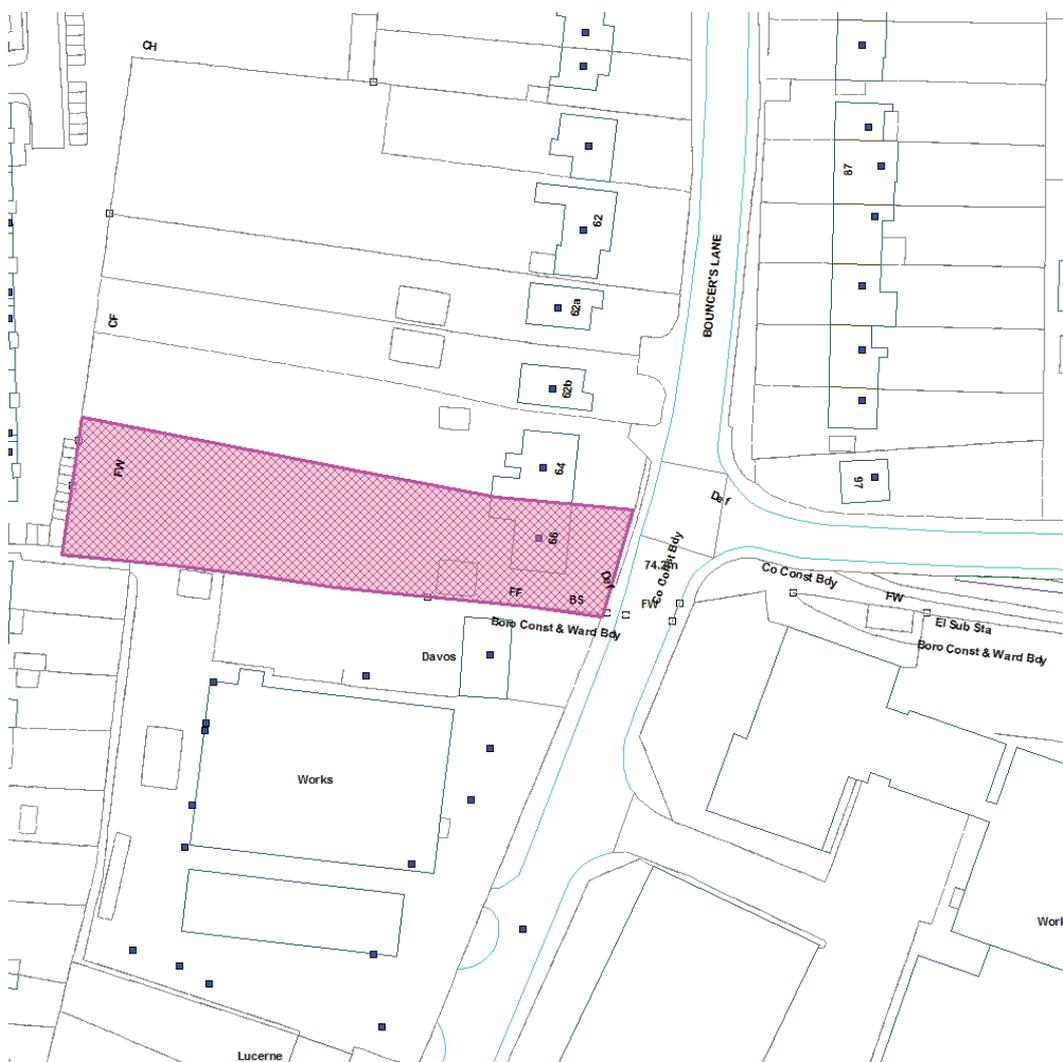
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At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications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

APPLICATION NO: 16/00389/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 9th March 2016		DATE OF EXPIRY: 4th May 2016
WARD: Prestbury		PARISH: Prestbury
APPLICANT:	Mr Philip Cottam	
AGENT:	Evans Jones Ltd	
LOCATION:	66 Bouncers Lane, Cheltenham, Gloucestershire	
PROPOSAL:	Erection of two detached dwellings.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached dwelling positioned in a large garden on the west side of Bouncers Lane. The site is flanked to the south by the relatively recently constructed detached properties of Newland Court which was formerly occupied by factory buildings. Opposite the site is the Premier Products site and to the rear is a block of flats forming part of Bush Court.
- 1.2 Planning permission is sought for the erection of two detached dwellings within the rear garden of 66 Bouncers Lane. These would be 2 storeys and comprise brick elevations under a slate roof. The existing garage and outbuildings associated with 66 Bouncers Lane would be demolished and an access drive would be formed along the southern boundary of the site. A new parking area would be formed within the front garden for 66 Bouncers Lane and parking for the new dwellings would be provided within their frontages and within new garages which are proposed.
- 1.3 The application is to be determined by planning committee due to the objection of the Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

HS 1 Housing development

RC 2 Youth and adult outdoor playing facilities

RC 6 Play space in residential development

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

Cheltenham Civic Society

21st March 2016

This is an uninspired design.

Parish Council

22nd March 2016

The Parish Council would like this application to be considered by Full Planning Committee.

7th April 2016

Prestbury Parish Council object to this proposal as it is over development in a rear garden, also the access for the three houses is off one driveway.

GCC Highways Planning Liaison Officer

16th March 2016

I refer to the above planning application received on 10th March 2016.

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

If you have any queries please do not hesitate to contact me.

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development. It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted on by the proposed development.

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

Tree Officer

12th April 2016

In principle the Tree Section has no objections to the erection of two detached dwellings at the rear of 66 Bouncers Lane however additional information is required to make an informed comment. Unit 02 is potentially too close to the neighbouring trees, to make an informed comment the Tree Section would like a Tree Survey to BS 5837:2012 to be submitted and agreed prior to the determination of this application. The tree survey needs to include an Arboricultural impact assessment and a tree protection plan.

12th May 2016

The Tree Section has no objections with this application, if permission is granted please use the following conditions:

Tree Protection

Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference 66 Bouncers Lane and the Tree Protection Plan Drawing Number 66BLTRP-MAY16 dated May 2016. 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.

TRE04B No fires within RPA

No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

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

TRE05B No Services run within RPA

All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).

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

Architects Panel

7th April 2016

Design Concept: The panel had no objection to the development in principle.

Design Detail: The scheme in detail was considered acceptable in this location.

Recommendation: Support

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	12
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 12 neighbouring properties. 1 objection was received which relates to the following issues:

- Would set a precedent for similar developments in other rear gardens
- Impact on trees and wildlife
- Newland Court was not built on garden land but on site of disused factory
- Overdevelopment
- Poor design
- Overlooking and loss of privacy
- Noise

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) principle, (ii) design and layout, (iii) impact on neighbour amenity, (iv) access and highways issues, (v) trees and wildlife.

6.2 The site and its context

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The site is within a largely residential context, being surrounded by other dwellings. There is a commercial use on the opposite side of Bouncers Lane, however this site is quite separate. The use would therefore be compatible with the prevailing character of the area and is acceptable in principle.

The site is the back garden of an existing residential property and as such it is appropriate to consider the proposal under the Development on garden land and infill sites in Cheltenham (2009) Supplementary Planning Guidance.

The document acknowledges that a balance must be struck between competing demands when considering such applications. Development on garden land can make an important contribution to housing supply in the borough however when poorly considered, it can be to the detriment of the character of existing neighbourhoods and detract from the amenities enjoyed by residents. To this end the guidance provides assistance in assessing such schemes in order to come to a view on their acceptability. Subject to all the remaining considerations being adequately dealt with the proposal is considered to be acceptable in principle.

6.3 Design and layout

The existing character of the area is of good sized family dwellings in spacious plots. The site is adjacent to Newland Court which comprises modern detached properties which have smaller gardens than are prevalent to the north of the site. The layout of the proposed site follows the line of the buildings of Newland Court and they would have slightly larger gardens. Therefore the proposal is considered to respond to the character of the area.

The site is clearly a back garden and would not be prominent, although it would be visible from Newland Court and from Bouncers Lane, up the driveway. This would not be visually jarring in this instance due to the presence of Newland Court.

The spacious nature of the plot means that it is possible to provide a layout which is in keeping with its surroundings and have sufficient space about it to provide amenity space and parking.

The layout has been well thought through and as such is considered to fit well in the locality.

The design of the individual houses has been described as uninspiring by the Civic Society although the Architects Panel considered it to be acceptable. Discussions have taken place with the architect with a view to elevating the design and revised plans are awaited. It is anticipated that any amendments will involve a reorientation of the roof to a forward facing gable, a rethink of the fenestration and a redesign of the rear wing.

6.4 Impact on neighbouring property

The site is spacious and the proposed layout is generally considered to be acceptable in terms of neighbour amenity. Each neighbour will be considered below:

64 Bouncers Lane

The proposed dwellings would be in excess of 30m from this dwelling and as such would have no impact on residential amenity. There is a concern that the side facing gable of unit 2 could feel oppressive from within the garden and as such the architect is looking at changing the orientation of the roof such that it would slope away from the boundary. This would create a relationship similar to that between the current garden of 66 Bouncers Lane and 8 Newland Court.

66 Bouncers Lane

The proposal involves a new driveway to the side of this property. There is the potential for disturbance through its use however there do not appear to be main windows to habitable rooms on this side elevation and sufficient space has been retained to provide landscaping and or boundary treatment to create a feeling of separation. The houses themselves would be over 37m from the rear of this dwelling and a garden of 14m length would be retained. As such it is considered that the impact on this host dwelling is acceptable.

8 Newland Court

The proposal is positioned alongside this dwelling on a similar building line. The proposal complies with the light test and there are no overlooking issues. Almost 4m would be retained between the two buildings which is considered to be acceptable.

9 Newland Court

The proposed driveway would be along the bottom of this property's garden, however it would be over 10m from the rear of this property. It would be relatively lightly used, serving two dwellings and it is not considered that this would result in undue disturbance. There is a distance of approximately 20m between the two properties and they are at an oblique angle to one another and as such unacceptable loss of privacy would be avoided. It is also not considered that the impact on the garden would be unacceptable given the distance involved, the fact that 8 Newland Road is close and the presence of a garage between the two.

Davos

This dwelling is sufficiently far away from the proposed dwellings not to be impacted upon by the buildings themselves, however the driveway would run up the side of this property. It would be 4m from the dwelling itself which is considered to be an adequate buffer given that the driveway would be relatively lightly used.

Bush Court

The flats at the rear are approximately 27m away from the proposed dwellings and as such would not have an unacceptable impact.

For the reasons outlined above the proposal is considered to have an acceptable impact upon all neighbours.

6.5 Access and highway issues

The Highways Authority has advised that the proposal should be determined in accordance with standing advice. The plans indicate that at least two parking spaces per dwelling would be provided. The width of the access is acceptable. The width of the drive leading to the rear of the site is such that it can only accommodate one way traffic, however there is sufficient space at both ends of this section to facilitate any manoeuvring required to make this work. The drive is straight and therefore clear views would be available of cars coming down the drive. The visibility splays have not been indicated on the plan and whilst they appear to be achievable, an additional drawing has been requested to demonstrate this.

6.6 Trees and Wildlife

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Additional tree information has been submitted in response to the Tree Officer's request. This indicates that a number of trees would be removed from the centre of the site and a dead plum from the rear of the site.

None of the trees which are indicated for removal are considered to be significant and conditions are suggested to protect the retained trees. Subject to these the tree officer has no objection.

Mentioned has been made of wildlife in the locality. Whilst trees would be removed, plenty would be retained. There is no suggestion of protected species on the site and in any event protection is afforded in terms of nesting birds etc, through separate legislation.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The principle of the proposal and the layout is considered to be acceptable, as is the impact on neighbours and trees. Revised plans are awaited demonstrating revisions to the design and the visibility splay. Subject to the receipt of satisfactory revised plans the proposal is recommended for approval.

8. CONDITIONS / INFORMATIVES

To follow as an update.

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APPLICATION NO: 16/00389/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 9th March 2016	DATE OF EXPIRY : 4th May 2016
WARD: Prestbury	PARISH: PREST
APPLICANT:	Mr Philip Cottam
LOCATION:	66 Bouncers Lane, Cheltenham
PROPOSAL:	Erection of two detached dwellings.

REPRESENTATIONS

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

9 Newland Court
Cheltenham
Gloucestershire
GL52 5PL

Comments: 5th April 2016
Letter attached.

Ref Planning Application 16/00389/FUL 66, Bouncers Lane, Cheltenham



We are home owners residing at 9, Newland Court and we wish to make you aware of a number of strong objections that we have with the erection of two dwellings in the rear garden of the adjacent property. We are of the view that this development will have a serious impact on the area. Our specific objections are as follows:

- If planning permission is granted it will set a precedent to rear garden development to other similar properties in Bouncers Lane which should be unwelcome and risk town cramming. It is notable that there have been no similar approved applications for rear garden development of dwellings in the vicinity. There are numerous properties on Bouncer's lane which benefit from similarly large rear gardens containing trees/wildlife which could potentially be developed upon and quickly follow suit should this development be approved. The trees which can be seen in the attached photo are at risk of being felled by this development and subsequent ones if the floodgates are opened, and this will affect the views and privacy of multiple residents in the area, and also the wildlife.

The reference at paragraph 2.5 of the Access Statement to "a clear precedent for development of rear garden plots" being set by the development of Newland Court (planning ref 12/00238/FUL) is misleading and incorrect. The 14 houses on this development replaced a disused industrial factory site, not rear garden development of a residential property. It is our understanding that housing plans are imminent for the large (closed) Premier Products site on Bouncers Lane which, if approved, will provide further housing in the area but also increased traffic volume on a low density road. Such a development is far preferable to setting a precedent for rear garden development in an area where there are numerous properties with similarly extensive rear

gardens, containing very tall trees which afford privacy to local properties.

- With the proposed construction of two 3 bedroom houses it appears to be over intensification and development of the site. The houses appear to be squeezed in on a fairly narrow plot. The development is a highly unattractive design which is out of character in terms of aesthetics and do not respect the local context and street pattern. In my view the sole intention is maximise profit without giving due consideration to the adjacent properties and the residents that live in the area.
- There will be a loss of privacy to homes in the area particularly from first floor front, rear and side windows. Our previously private rear garden will be more overlooked and also look out onto two garages and several parking spaces. The trees abutting our fence which provide privacy and were previously inhabited by birdlife and squirrels, will be felled.
- Trees have already been subject to considerable tree surgery (the stump on the plan was previously a very large oak tree which has been felled since the recent purchase of 66 Bouncers Lane). This undoubtedly disturbed the resident wildlife including birds, squirrels and foxes, and we have noticed a substantial reduction in this since the felling, which will only worsen if this development is approved.
- We are also concerned about the increased noise associated with two further houses, when we already suffer from noise arising from neighbouring Bush Court, which has resulted in noise complaints to the council by residents of Newland Court. Further, the noise of several cars and the visitors passing along a road on the other side of our fence. We have a right to quiet enjoyment of garden amenities and urge the Council to consider Protocol 1 Article 1 of the Human Rights Act – the right to peaceful enjoyment of all their possessions, including their home and land. We believe that the development would have a dominating impact on us and our right to quiet enjoyment of the property and family life.

We would be grateful if the Council could take our objections into consideration when deciding this Application. We would welcome the opportunity to make representations at a Committee meeting, as we note the same has been requested by the Parish Council.

Yours sincerely,









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APPLICATION NO: 16/00389/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 9th March 2016		DATE OF EXPIRY: 4th May 2016
WARD: Prestbury		PARISH: Prestbury
APPLICANT:	Mr Philip Cottam	
AGENT:	Mr David Jones	
LOCATION:	66 Bouncers Lane, Cheltenham	
PROPOSAL:	Erection of two detached dwellings.	

Update to Officer Report

1. OFFICER COMMENTS

1.1 Design and Layout

Further to the previous report, revised plans have now been received. As anticipated the amendments involve the reorientation of the roofs so that the roof pitches away from the boundary. The size of the rear addition has been reduced and no longer overwhelms the rears of the proposed dwellings. The brick detailing on the front elevation has been amended to utilise projecting bricks to add interest. The revised plans are considered to overcome previous reservations in relation to the design.

1.2 Access and Highways

The visibility splay drawing has yet to be received.

2. CONCLUSION AND RECOMMENDATION

Subject to the receipt of the visibility splay drawing the proposal is considered to be acceptable and is therefore recommended for approval subject to the following conditions.

3. CONDITIONS/REFUSAL REASONS

- 1 The development hereby permitted shall be begun before the expiration of three 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 the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No external facing or roofing materials shall be applied unless in accordance with

- a) a written specification of the materials; and
- b) physical sample/s of the materials,

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The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 4 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 side facing windows shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties having regard to Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 The development hereby approved shall not be occupied unless the proposed means of vehicular access has been constructed in accordance with the approved plans and shall be retained as such at all times.

Reason: To ensure satisfactory access to the development, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference 66 Bouncers Lane and the Tree Protection Plan Drawing Number 66BLTRP-MAY16 dated May 2016. 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.

- 7 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.

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

- 8 All service runs shall fall outside the Root Protection Area(s) shown on the approved drawings, unless otherwise first agreed in writing by the Local Planning Authority. Any such works shall be carried out in accordance with the National Joint Utilities Group; Volume 4 (2007) (or any standard that reproduces or replaces this standard).

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.

- 9 The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles 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).

INFORMATIVES :-

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

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

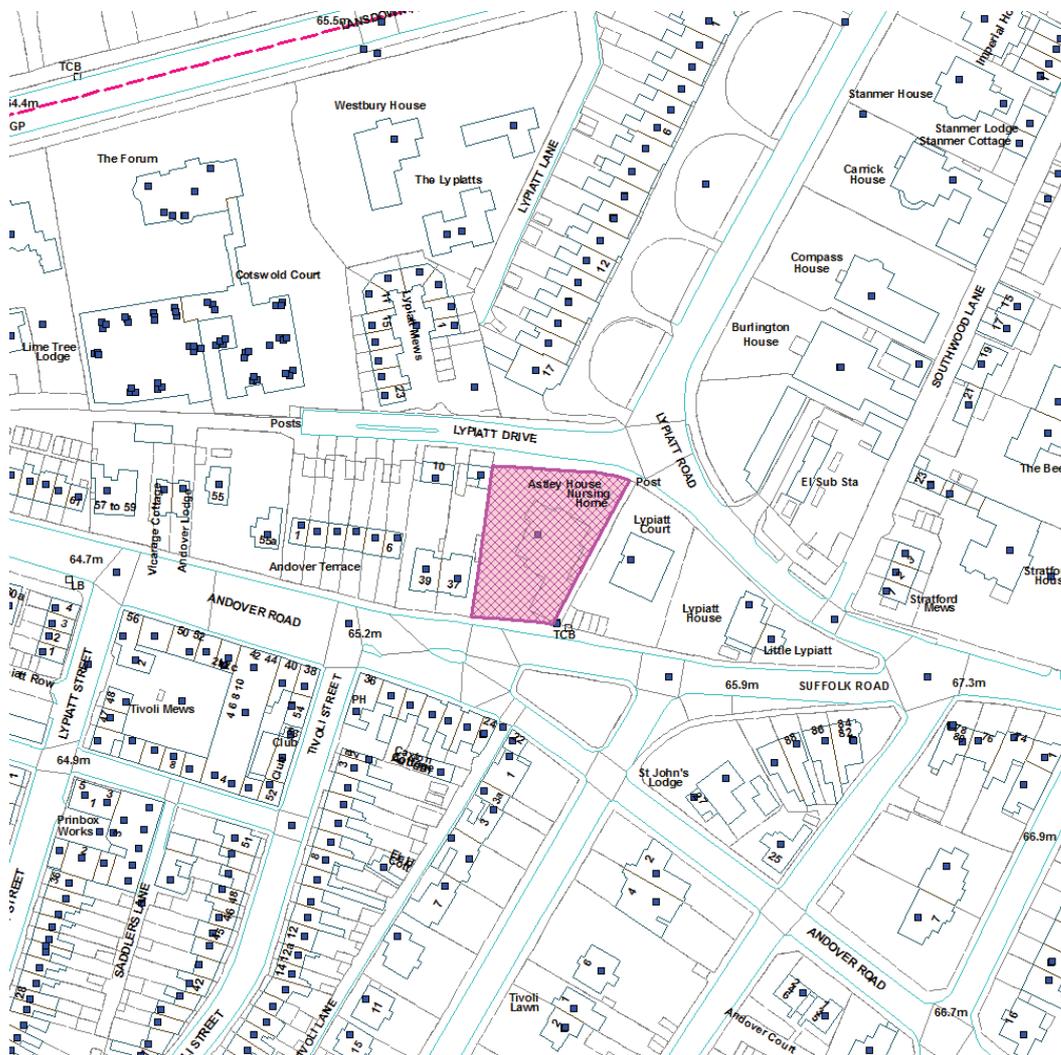
In this instance, the authority sought amendments to overcome the concerns identified.

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

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APPLICATION NO: 16/00499/FUL & LBC		OFFICER: Miss Michelle Payne
DATE REGISTERED: 23rd March 2016		DATE OF EXPIRY: 18th May 2016
WARD: Park		PARISH: N/A
APPLICANT:	Mr Ashley Jones	
AGENT:	John Sharp Design	
LOCATION:	Lypiatt Lodge, Lypiatt Road, Cheltenham	
PROPOSAL:	Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme)	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Lypiatt Lodge, formerly known as Astley House, is a grade II listed building located within the Lansdown Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The building is highly prominent within the street scene with views available from both Lypiatt Terrace, and Andover Road to the rear.
- 1.2 The building was first constructed as a pair of semi-detached villas, c1840-50, but has been in use as a residential nursing home for a number of years. The building has been previously extended by way of a large modern extension to the rear.
- 1.3 The building is currently undergoing an extensive programme of external repair and maintenance.
- 1.4 This application is seeking planning permission and listed building consent for the erection of a part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over. It is a revised scheme following the withdrawal of an alternative proposal.
- 1.5 Minor revisions have been made during the course of the application in response to comments from the Environmental Health Officer.
- 1.6 The application is before the planning committee at the request of Cllr Wilkinson on behalf of the applicant.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Conservation Area
Listed Building
Smoke Control Order

Planning History:

CB14274/00	PERMIT	13th December 1978
Demolition of the conservatory and erection of study		
CB10530/02	PERMIT	25th April 1980
Conversion of garden store to self-contained flatlet and erection of new store		
CB10530/03	PERMIT	21st March 1991
Addition of lift and atrium plus extra floor on existing addition		
CB14274/01	PERMIT	23rd January 1992
Change of use from residential flats to Nursing Home; demolition of garages and construction of car parking area in accordance with revised plans received on 23 Dec 91 and 10 Jan 92		
CB22367/00	PERMIT	12th November 1998
Demolition of existing office block at rear and construction of two storey extension (revised plans)		
CBL1671/00	PERMIT	17th June 1999
Demolition of office block, two storey extension and internal alterations		

CB22367/01 Proposed conservatory	PERMIT	17th June 1999
CBL1671/01 Proposed conservatory	PERMIT	17th June 1999
00/00102/LBC Removal of existing metal window and replacement with timber window	GRANT	27th March 2000
15/01569/LBC Cleaning, repair and replacement of natural stone surfaces and features	GRANT	12th February 2016
15/02010/FUL Two storey rear extension to form new dining room on the ground floor with extended kitchen over	WITHDRAWN	2nd February 2016
15/02010/LBC Two storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading	WITHDRAWN	2nd February 2016

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 9 Alteration of listed buildings
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

24th March 2016

No comment.

Architects Panel

7th April 2016

Design Concept: The panel had no objection to the principle of the development and could see positive benefits in removing unsightly rear additions and extending the property to improve the rear elevation.

Design Detail: The panel had concerns that the new dining room extension was out of scale with the house and questioned the need for a pitched roof and the replication of the eaves details of the larger existing West wing. A simpler taller parapeted extension was thought to be more appropriate.

Recommendation: Support subject to dining hall design amendments.

Cheltenham Civic Society

13th April 2016

No comment.

Tree Officer

20th April 2016

The Tree Section maintains the objection to this application.

Following Trees Officer comment of December 2015, there is still no BS 5837 (2012) tree survey and correspondingly the constraints posed by the large copper beech as well as lime trees to the rear do not appear to have been assessed. The proposed rear extension and associated footpath adjacent (to the west) will incur into this tree's root protection area. To excavate into this area at 5 metres from the trunk will likely cause significant damage and possible instability of the tree as a whole through damage/severance of roots.

It is suggested that this extension is reconsidered and moved/altered whilst taking account of this tree (which is worthy of a TPO) and the rooting footprint it inhabits.

Future applications must be accompanied by a BS5837 (2012) survey, method statement for working around the tree, tree protection plan, and access facilitation proposals, etc.

Heritage and Conservation

20th April 2016

1. The principle of further developing this site is not considered at this stage to be acceptable as, although the plot size is large so is the listed building, which already has a large two storey extension dating from the late 20th C as well as additional piecemeal extensions to the building from various different phases of development. The plot is wide but relatively shallow and the rear of the building is very visible from Andover Rd/Suffolk Rd.
2. There may be scope to rationalise the modern additions and create new spaces but as proposed there are serious concerns with the overall quality of the design, the massing and the size of the proposed extensions, which cumulatively will have a detrimental impact on the listed building giving the impression of overdevelopment and the over-intensive use of this sensitive and very visible site.
3. The building has evolved through a number of phases from a pair of semi-detached mid-Victorian villas to the building it is today: the footprint in 1884 shows a large building divided into two: Lypiatt Lawn and Lypiatt Lodge. The rear elevation of the two dwellings has an irregular footprint which includes back to back service ranges. Added to this over time has been the following: on the east side of the building a substantial L-shaped two storey extension with a large pitched overhanging roof and a flat roofed single storey projection across the rear, above this has been added a conservatory which sits back behind a terrace which is contained by a reconstituted stone balustrade, this projects forward of the original service range of the building but is in line with a two storey above ground extension with a lean-to roof which is over half the width of the rear range. To the side of the range there is a further two storey above ground lean-to extension partially supported on pillars with glazed sides at ground floor level. There is a large single storey lower ground floor extension on the west elevation with sloped access.
4. The above demonstrates the ad hoc approach that hitherto has been adopted which has resulted in the rear of the building lacking any architectural coherence.

5. Part of the proposed scheme is intended to address some of these issues: namely to replace two of the two-storey extensions with a single two storey extension that covers half the rear range: the height for this range has been taken from the highest point of the existing pitches which will noticeably increase the height and bulk of this part of the building. In addition the extension will wrap around the west corner extending the footprint to the side by a further 2.5m. Existing openings will become blind windows and one extra window added to the large expanse of masonry. This featureless extension is function over form and substantially lacks interest and should be reconsidered.
6. The proposal to remove the first floor conservatory and replace it with a flat roofed masonry structure in itself is acceptable as the conservatory is of no merit but it is yet another boxy addition sitting awkwardly alongside a modern extension.
7. Furthermore the metal stairs and lift shaft should be incorporated into the scheme rather than as additional visually intrusive structures to the building.
8. The particular concerns with the design are represented by the proposed single storey extension with an overhanging double pitched roof following the design of the post-modern wing. The architectural style of this extension is a loose interpretation of an Italianate style which does not relate to the historic building and in particular the rear of the building. In my opinion the two storey wing is of its time and does not merit being reproduced in a further diluted form.
9. The footprint of the proposed extension is large, on a similar scale to the other wing and combined will severely erode the external space around the building.
10. Extending the building to the degree proposed would significantly intensify the use of the site; and further diminish the building's historic and architectural special qualities; erode the open space around the building and represent over-development of the site which would adversely harm the setting of the listed building and the conservation area.

Conservation and Heritage summary

These proposals as they stand cannot be supported at an officer level but the principle of a modest extension on the building and proposals to enhance the rear elevation by removal or re-design of some of the later additions may be acceptable subject to an appropriate design.

Environmental Health

27th April 2016

This application looks a bit thin on detail relating to the kitchen extraction system. The plans show a fan unit venting through the roof, in close proximity to residents rooms. I think this is likely to be insufficient for the size of kitchen and potentially will cause disruption to residents due to noise and cooking odours.

I would therefore suggest that this proposed development will require a bespoke design for the kitchen extractor system, and details of such should be supplied by the applicant before I provide further comment.

28th April 2016

Looks a bit better, I would still suggest that they need to do a detailed design of the system, and submit the details of noise levels affecting nearby residential property (including their own), but that could be added as a condition to any permission granted under this application.

Suggested condition:

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Prior to the commencement of development, a scheme for the control of noise and odour from the kitchen air extraction system shall be submitted to and approved in writing by the Local Planning. The approved noise and odour control scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained in strict accordance with the manufacturers and installers instructions, details of which must be submitted as part of the scheme.

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 16 neighbouring properties. In addition, a site notice was posted adjacent to the site, and an advert published in the Gloucestershire Echo. Two representations have been received in response to the publicity, both of which are in support of the proposals. The comments have been circulated to Members in full.

6. OFFICER COMMENTS

To follow in an update

7. SUGGESTED REFUSAL REASON

Lypiatt Lodge, Lypiatt Road is a Grade II listed building of architectural and historic importance, and the Local Planning Authority is therefore required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As proposed, the extension, by virtue of its design, massing and size, and the consequent erosion of space around the building would harm the character, appearance and setting of the listed building.

Accordingly, the proposals are contrary to sections 16(2) and 66 (1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and in the Historic Environment Good Practice Advice In Planning and policy CP7 and BE9 of the Adopted Cheltenham Borough Local Plan.

APPLICATION NO: 16/00499/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 23rd March 2016		DATE OF EXPIRY : 18th May 2016	
WARD: Park		PARISH:	
APPLICANT:	Mr Ashley Jones		
LOCATION:	Lypiatt Lodge, Lypiatt Road, Cheltenham		
PROPOSAL:	Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme)		

REPRESENTATIONS

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

15 Kingscote Road East
Cheltenham
Gloucestershire
GL51 6JT

Comments: 1st April 2016

My mother (who is suffering from Alzheimer's disease) has been a resident at Lypiatt Lodge (formerly Astley House) Nursing Home for some two and a half years. Ownership of the property changed hands about a year ago, since when the new owners Fidelia Care have undertaken extensive works generally, and refurbishment of the building, to a very high standard, such works being ongoing.

It is my understanding that Professional Designers have been asked to draw proposed landscaping plans for consideration, to redesign the garden area with the inclusion of a ramp to assist elderly, limited mobility, residents, to have access to the garden and enjoy seeing the plants and flowers.

Lypiatt Lodge caters for a very specialised area of care, for people with Dementia, Old Age, Physical Disability, and Sensory Impairment. The residents need specialized Nursing Care, the majority of them have very limited walking ability and indeed some of them are unable to walk at all.

I understand that Fidelia Care have applied for Planning Permission on the Lower Ground floor offering access to the garden, by enlarging an existing small sitting room to create a larger sitting/dining area overlooking the garden, to enable the severely disabled, and very elderly residents, to have a place where they can have space to see and admire the garden and to enjoy meals in that room, rather than all the upheaval and discomfort of moving them up a level to the existing dining room. Most of the residents in this Nursing Home are very elderly, mentally confused, disabled, end of life, people, often in great pain, who rarely, if at all, leave the building. In these circumstances the provision of such a room where they can see out and observe birds as well as plants and flowers, would be of immense benefit and definitely enhance their quality of life considerably. The provision of larger kitchen facilities would obviously assist staff in the preparation of meals and also enable more active residents to join in with cooking activities, again enhancing their lives.

Page 80

I do hope that Cheltenham Borough Council Planning Committee will look favourably on the Planning Application in such circumstances thereby giving pleasure to the people who reside there, such plans being wholly for the benefit of those residents.

31 Oldbury Orchard
Churchdown
Gloucestershire
GL3 2PU

Comments: 20th April 2016

I have the role of "advocate" of an elderly resident of Lypiatt Lodge called Malcolm. Malcolm is my father-in-law and was diagnosed with dementia in the late summer of 2014. His condition deteriorated rapidly and in mid December of 2014 he was sectioned under the mental health act and incarcerated in a secure unit of a psychiatric hospital in his home town of Doncaster. Whilst in the unit his condition worsened and we were told he likely had days, possibly weeks to live. The unit was not dementia specific and it was clear that whilst in there the lack of condition specific care was a major contributor to his deterioration. As we had moved to Gloucestershire in 1999 it made sense to look for a care home here so that we could offer support. We have had Malcolm in Lypiatt Lodge for some months now, having transitioned through other locations, and have been able to see through the ongoing refurbishment of the physical environment due to the excellent personal care and genuinely happy anxiety free environment that Fidelia want to provide.

The proposed alterations will allow Malcolm (and other residents) to walk easily into the gardens. The proposed room will allow residents to sit in comfort whilst being much better connected to the outside environment and the positive stimulation that the sounds, smells, colours, air movement and textures bring. In the years between Malcolm's retirement and the onset of dementia he would enjoy sitting in his garden and quietly watch birds at the bird tables he tended each day and whilst it wasn't his way to articulate the pleasure it brought it is clear now to see him looking from his window the comfort it now brings and the calming effect on the torment of his condition.

As as an advocate not only of Malcolm, but also of protecting the very pleasant environment of Cheltenham and the county in general I ask you to consider that this development is not a financially driven gratuitous over development but rather a small investment with huge returns on the quality of life for Malcolm and the many others in coming years who will be wholly dependent on the foresight, vision and commitment of all of us with the ability and authority to make such differences.

Please support this application.

APPLICATION NOS: 16/00499/FUL & LBC		OFFICER: Miss Michelle Payne
DATE REGISTERED: 23rd March 2016		DATE OF EXPIRY: 18th May 2016
WARD: Park		PARISH:
APPLICANT:	Mr Ashley Jones	
AGENT:	Mr John Sharp	
LOCATION:	Lypiatt Lodge, Lypiatt Road, Cheltenham	
PROPOSAL:	Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme) Internal refurbishment and upgrading	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1 As set out in the main report, the proposals are not supported by the Conservation Officer. Whilst the Conservation Officer acknowledges that there may be scope to rationalise the later modern additions to the building in order to create some additional space, there are serious concerns with the overall quality of the design, the massing and the size of the proposed extensions, which cumulatively will have a detrimental impact on the listed building giving the impression of overdevelopment and the over-intensive use of this sensitive and very visible site.
- 1.2 Overall, officers consider the harm to the grade II listed building to be less than substantial, and therefore paragraph 134 of the NPPF requires this harm to be “weighed against the public benefits of the proposal, including securing its optimum viable use”.
- 1.3 Paragraph 020 of the NPPG provides guidance as to what is meant by the term ‘public benefits’. It suggests that public benefits should be “of a nature or scale to be of benefit to the public at large and should not just be a private benefit”. However, it also highlights that benefits do not always have to be “accessible to the public in order to be genuine public benefits”. Heritage benefits may include sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; or securing the optimum viable use of a heritage asset in support of its long term conservation.
- 1.4 The submitted Design and Access Statement outlines the aim and purpose of the proposals. Principally, the works would provide for an enlarged kitchen at ground floor to allow for the preparation of meals on site, and the creation of a new dining/lounge area at lower ground floor level with dumb waiter facility.
- 1.5 Although officers acknowledge the benefits that such proposals would bring, to both staff and residents, such benefits are limited and are not in any way beneficial to the building. As such, the public benefits would not outweigh the harm to the listed building.
- 1.6 The recommendation therefore is to refuse both planning permission and listed building consent for the following reason:

2. SUGGESTED REFUSAL REASON

Lypiatt Lodge, Lypiatt Terrace is a grade II listed building of architectural and historic importance, and the Local Planning Authority is therefore required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As proposed, the extension, by virtue of its design, massing and size, and the consequent erosion of space around the building would harm the character, appearance and setting of the listed building.

Accordingly, the proposals are contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF and in the Historic Environment Good Practice Advice In Planning and policies CP7 and BE9 of the Adopted Cheltenham Borough Local Plan.

APPLICATION NO: 16/00537/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 30th March 2016		DATE OF EXPIRY: 25th May 2016	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Mr Kevin Day		
AGENT:	Agent		
LOCATION:	Avenoke, Kidnappers Lane, Cheltenham		
PROPOSAL:	Proposed two storey extension to front and rear with roof alterations and front porch - revised scheme 16/00156/FUL		

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to Avenoke, Kidnappers Lane. The site is a chalet style detached bungalow, situated in a prominent position on a road of similar residential dwellings. A number of properties within the vicinity have been extended.
- 1.2 The application proposes a two storey extension to the front and rear with roof alterations and a front porch. This is a revised scheme to a previously approved application (ref: 16/00156/FUL).
- 1.3 The application is before the planning committee at the request of Cllr Andrew Chard on behalf of the applicant. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints: None

Relevant Planning History:

16/00156/FUL 21st March 2016 PER

Proposed new front dormer and two storey rear extension with roof alterations and front porch

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents
Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

11th April 2016

Report available to view online.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	3
Number of objections	0
Number of supporting	3
General comment	0

- 5.1 Nine letters have been sent to neighbouring properties and three responses have been received supporting the application (note that two are responses are from the same

individual but initially recorded from a work address as opposed to a home address). The supporting comments relate to the visual improvement the changes will make.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main issues in considering this application are the design of the proposal and the impact it will have upon the character of the original dwelling, the impact upon the character of the area, and the impact on neighbouring amenity.

6.3 Design and layout

6.4 Local Plan Policy CP7 requires development to be of a high standard of architectural design to complement and respect neighbouring development. Paragraph 4.18 of the Local Plan advises that *'Extensions to existing buildings need to be carefully designed to respect the character and scale of the existing building or group of buildings....To use materials which match the original building.....The most important consideration is that an extension should not detract from the original.'*

6.5 Expanding upon Local Plan Policy CP7, the Authority has adopted design guidance relating to residential alterations and extensions through a Supplementary Planning Document. One of the five basic design principles set out within this document is maintaining character and advises that *"if there is an established pattern of acceptable design features in the street, you should aim to use them in your project"*. Another basic design principle relates to subservience. Here the document advises that *"an extension should not dominate or detract from the original building, but play a supporting role"*. It goes on to state that *"materials should either match or complement the existing building"*.

6.6 The properties along this section of Kidnappers Lane are chalet style with red clay roof tiles. The eaves height is approximately 2.5m from ground level and this is relatively consistent for each of the properties. The first floor level rooms tend to be of a dormer style and the combination of these attributes give the street a clearly defined character which is readily appreciated in longer views from Shurdington Road.

6.7 The application proposes replacing the red clay roof tiles with grey slate and replacing dormer style rooms at first floor level with a gable end to the front of the property introducing a large and alien, two storey rendered façade. The eaves height would remain approximately 2.5m from ground level.

6.8 Having assessed all elements of the application, officers consider the proposal is contrary to the adopted guidance in relation to residential extensions and alterations.

6.9 This is a revised scheme to a previously approved application for a similar sized, large extension and alterations (ref: 16/00156/FUL). The approved scheme incorporated design features, such as a dormer to the front of elevation and a condition to retain the red clay roof tiles, which enabled the extensions to respect the original building and the street scene. It was an application which officers worked hard on to resolve the concerns that we had.

6.10 It is acknowledged that this new proposal, in isolation, may have some design merit, but when assessed against local policy and considered in its context, officers are of the view that it cannot be supported.

6.11 The proposal fails to follow the advice within the Supplementary Planning Document (as referenced in 6.5 above) relating to introducing alternative materials and a level of design which is not compatible with neighbouring properties and the *"established pattern of*

acceptable design features in the street". The result is that the proposal disrupts the established pattern of design features within the street to an unacceptable degree and introduces materials which are out of keeping thus causing harm to the existing and neighbouring dwellings.

6.12 The previously approved scheme involved numerous discussions and revisions in order to achieve a satisfactory form of development and design which would sit appropriately within the street scene. It is officer's opinion that this approved application is the extent to which these properties can be extended. This is supported by a previous application at the Smalley site (ref: 08/00481/FUL) further along Kidnappers Lane, which also underwent alterations and a large extension (following extensive negotiation). Any increase on the development size to these properties would start to compromise the street scene.

6.13 Impact on neighbouring property

6.14 Local Plan Policy CP4 requires development to not cause harm to the amenity of adjoining land users and the locality

6.15 It is not considered that the proposed extension will compromise neighbouring amenity. No letters of objections have been received in relation to the application. There are no issues with regard to overlooking and the proposal will not affect light levels to neighbouring properties. As such the proposal is considered to be in accordance with policy CP4 of the Local Plan.

6.16 Other considerations

6.17 Officers are aware that support letters have been submitted by neighbouring properties and officers have taken these comments into account whilst assessing the application.

6.18 Having reflected on their comments, it is considered that the fundamental policy objective outweighs the comments provided by the neighbours.

7. CONCLUSION AND RECOMMENDATION

7.1 To conclude, it is felt that the proposed extensions and alterations fail to comply with Local Plan Policy CP7 and the advice provided within the Supplementary Planning Document: Residential Alterations and Extensions.

7.2 The principle of extending the house is not being disputed, as demonstrated with a previously submitted scheme which was approved.

7.3 It is recommended that members resolve to refuse planning permission based on the analysis set out within this report, and for the reason set out below. The proposal fails to achieve the desired level of maintaining character and complementing the existing building(s).

8. REFUSAL REASONS

- 1 The extensions and roof alterations by reason of their design and impact on the street scene are considered to be a poor form of development which would result in a harmful impact upon the visual amenities of the locality, would detract from the character of the area and will dominate the street scene.

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Accordingly, the proposal is contrary to policies CP7 of the Cheltenham Borough Local Plan (Adopted 2006), advice contained in the Residential Alterations and Extensions (2008) Supplementary Planning Document and advice contained in National Planning Policy Framework.

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APPLICATION NO: 16/00537/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 30th March 2016		DATE OF EXPIRY : 25th May 2016	
WARD: Leckhampton		PARISH: LECKH	
APPLICANT:	Mr Kevin Day		
LOCATION:	Avenoke, Kidnappers Lane, Cheltenham		
PROPOSAL:	Proposed two storey extension to front and rear with roof alterations and front porch - revised scheme 16/00156/FUL		

REPRESENTATIONS

Number of contributors	3
Number of objections	0
Number of representations	0
Number of supporting	3

Shadowplay Design
 The Old Bakery
 Montpellier Retreat
 Cheltenham
 Gloucestershire
 GL50 2XG

Comments: 13th April 2016

Having seen the plans and revised plans, I have no objection to their home proposal - I'd very much welcome this smart looking home to the street!

Wayford
 Kidnappers Lane
 Cheltenham
 Gloucestershire
 GL53 0NL

Comments: 19th April 2016

I'm a neighbour and very happy with the plans that have been submitted. I'd very much welcome this smart looking home into the road. I'm very much in favour of these changes and will both visually and environmentally improve the property so much!

Clayfield
 Farm Lane
 Leckhampton Cheltenham
 Gloucestershire
 GL53 0NN

Comments: 18th April 2016

Having reviewed the plans, I'm happy to support the application.

APPLICATION NO: 16/00537/FUL	OFFICER: Mr Gary Dickens
DATE REGISTERED: 30th March 2016	DATE OF EXPIRY : 25th May 2016
WARD: Leckhampton	PARISH: LECKH
APPLICANT:	Mr Kevin Day
LOCATION:	Avenoke, Kidnappers Lane, Cheltenham
PROPOSAL:	Proposed two storey extension to front and rear with roof alterations and front porch - revised scheme 16/00156/FUL

ADDITIONAL REPRESENTATIONS

Avenoke
Kidnappers Lane
Leckhampton
Cheltenham
GL53 0NL

Comments: 19th May 2016
Petition attached.

Residents recording formal support of planning application 16/00537/FUL Avenoke, Kidnappers Lane, Leckhampton

Contact details of the leads on planning application;

Name; [REDACTED]

Address Avenoke, Kidnappers Lane, Leckhampton, Cheltenham, GL53 0NX

Contact details

Work Tel: 01242 [REDACTED] Home Tel: 01242 [REDACTED] Mobile: [REDACTED] Email: [REDACTED]

**We the undersigned formally request the Planning Committee for
Cheltenham Borough Council to:**

**Support in full the proposed planning application for Avenoke,
Kidnappers Lane, Leckhampton, Cheltenham; planning reference
number 16/00537/FUL**

NAME (PRINT)	ADDRESS (PRINT)	DATE	SIGNATURE
[REDACTED]	EDGE HILL KIDNAPPERS LANE CHELTENHAM GL53 0NX	17/5/16	[REDACTED]
[REDACTED]	COACH HOUSE KIDNAPPERS LANE CHELTENHAM GL53 0NX	17/5/16	[REDACTED]
[REDACTED]	SYCAMORE HOUSE KIDNAPPERS LANE LECKHAMPTON GL53 0NT	17/5/16	[REDACTED]
[REDACTED]	Gorran Haven Kidnappers Lane Leckhampton GL53 0NX	17/5/16	[REDACTED]
[REDACTED]	LITTLE BEADWELL, KIDNAPPERS LANE, LECKHAMPTON GL53 0NX	17/5/16	[REDACTED]
[REDACTED]	Three Hills, Kidnappers Lane Cheltenham.		[REDACTED]

Note: Individuals signing this request must be persons residing, studying or working in the borough.

Residents recording formal support of planning application
16/00537/FUL Avenoke, Kidnappers Lane, Leckhampton

Contact details of the leads on planning application;

Name; [REDACTED]
Address Avenoke, Kidnappers Lane, Leckhampton, Cheltenham, GL53 0NL
Contact details
Work Tel: 01242 [REDACTED] Home Tel: 01242 [REDACTED] Mobile: [REDACTED] Email: [REDACTED]

We the undersigned formally request the Planning Committee for Cheltenham Borough Council to:

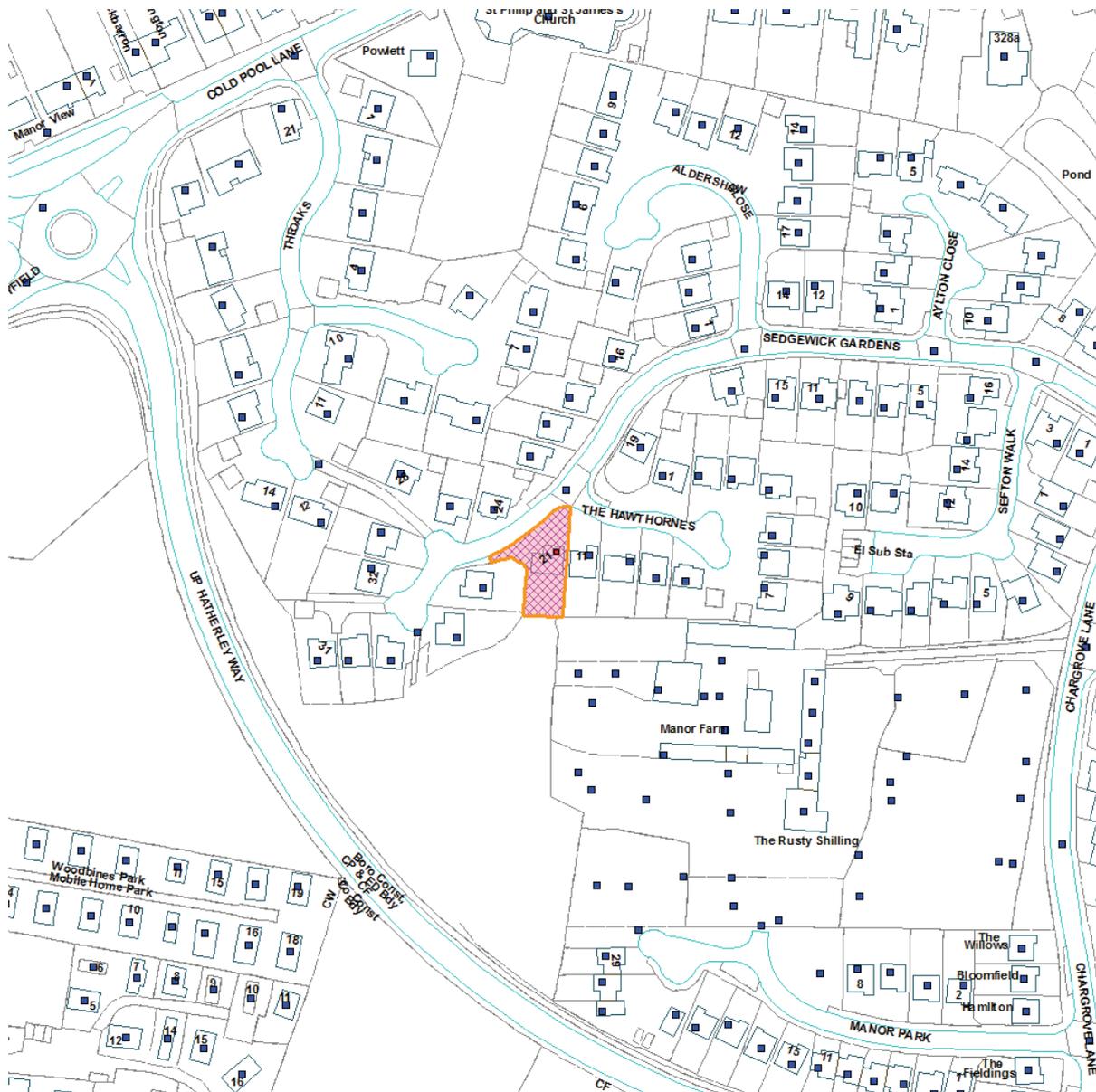
Support in full the proposed planning application for Avenoke, Kidnappers Lane, Leckhampton, Cheltenham; planning reference number 16/00537/FUL

NAME (PRINT)	ADDRESS (PRINT)	DATE	SIGNATURE
[REDACTED]	wayside, kidnappers lane	17/5/16	[REDACTED]
[REDACTED]	The Vineyies Kidnappers Lane	17/5/16	[REDACTED]
[REDACTED]	Field Cottage Kidnappers Lane	17/5/16	[REDACTED]

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APPLICATION NO: 16/00549/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 31st March 2016		DATE OF EXPIRY: 26th May 2016	
WARD: Up Hatherley		PARISH: Up Hatherley	
APPLICANT:	Mr R Davis		
AGENT:	Agent		
LOCATION:	21 Sedgewick Gardens, Up Hatherley, Cheltenham		
PROPOSAL:	Single storey and two storey extension to rear, first floor and gable roof extension to front and side		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 21 Sedgewick Gardens. The site is a two storey, modern detached situated on a residential cul-de-sac in Up Hatherley.
- 1.2 The application proposes a single and two storey extension to the rear together with a first floor and gable roof extension to the front and side. This is a revised scheme to a previously approved application (ref: 15/00241/FUL).
- 1.3 The application is before the planning committee at the request of Cllr Roger Whyborn on behalf of the applicant. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints: None

Relevant Planning History:

83/00504/PF 12th November 1983 PER

Outline application for residential development on 11.3ha of land including the construction of new estate road and method of disposal of foul and surface water.

87/01520/PF 29th September 1987 PER

Erection of 68 detached dwellings with private car garages

83/00611/PF 4th October 1983 REF

Outline application for residential development on 13.6 ha of land, including construction of a new estate road access

83/00612/PF 4th October 1983 REF

Outline application for residential development on 13.6 ha of land, including construction of a new estate road access.

83/00613/PF 22nd February 1983 REF

outline application for residential development on 16.4 ha of land. Construction of a new vehicular and pedestrian access. Alteration of existing vehicular and pedestrian access

87/01602/PF 29th September 1987 PER

Erection of 68 dwellings with garages.

85/01422/PF 12th November 1985 PER

Outline application of a residential development

15/00241/FUL 24th April 2015 PER

Single storey and two storey extension to rear, first floor and gable roof extension to front and side. Creation of new parking and turning area at front (amended plans received revising the design of the rear extension and extended front parking and turning area)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

- CP 1 Sustainable development
- CP 4 Safe and sustainable living
- CP 7 Design

Supplementary Planning Guidance/Documents
Residential Alterations and Extensions (2008)

National Guidance
National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

25th April 2016

Report available to view online.

Parish Council

8th April 2016

No objection providing all the neighbours are happy. If not then please let us know and we will reconsider.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 Seven letters were sent to neighbouring properties. One response was received objecting to the proposal with concerns relating to loss of privacy and being overlooked.

6. OFFICER COMMENTS

To follow

7. CONCLUSION AND RECOMMENDATION

To follow

8. CONDITIONS

To follow

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.

APPLICATION NO: 16/00549/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 31st March 2016		DATE OF EXPIRY : 26th May 2016	
WARD: Up Hatherley		PARISH: UPHATH	
APPLICANT:	Mr R Davis		
LOCATION:	21 Sedgewick Gardens, Up Hatherley, Cheltenham		
PROPOSAL:	Single storey and two storey extension to rear, first floor and gable roof extension to front and side		

REPRESENTATIONS

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

23 Sedgewick Gardens
 Up Hatherley
 Cheltenham
 Gloucestershire
 GL51 3QD

Comments: 18th April 2016

Last year the Planning Department gave approval to the size of windows to the rear of No. 21. Our comments stand as per last year (please refer). No. 21 is so close to us that we will have no privacy - it will be overbearing in fact. Due to the close position to our home, two triple windows upstairs to the rear will impact further on our lack of privacy.

Mr Davis surely has already enough light coming into the house with the new huge house front windows, plus 5 new Velux Windows in the open roof, plus 5 new windows on the sides of the property - as well as large triple patio doors to the back of the property - Two triple windows on the first floor to the rear will further impact on our lack of privacy. We will have none! Approval should surely remain as given last year.

The view from our property has already been compromised due to the doubling in size of the build of No. 21. No other property in the surrounding area is in the same position or having to put up with being overlooked by a neighbour so closely and easily.

We would also refer the Planning committee to the new home built a few years ago at the back of Mr Davis' property in which the upstairs back window had to be blocked up due to the close proximity to his and neighbours home. Please note this distance is 3 times as far as my house!

Please note for the record that in each Planning Application Mr Davis has made he has increased his boundary line - each time taking up more of our property. His last application showed the complete land to the side of our house. According to our Land Registry drawing the property to the side of our home belongs to us up to our fence recess and has been maintained as such by us since these homes were built 27 years ago.

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APPLICATION NO: 16/00549/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 31st March 2016		DATE OF EXPIRY: 26th May 2016	
WARD: Up Hatherley		PARISH: Up Hatherley	
APPLICANT:	Mr R Davis		
AGENT:	Agent		
LOCATION:	21 Sedgewick Gardens, Up Hatherley, Cheltenham		
PROPOSAL:	Single storey and two storey extension to rear, first floor and gable roof extension to front and side		

Update to Officer Report

1. OFFICER COMMENTS

1.1 Determining Issues

1.2 The main issues in considering this application are the design of the proposal and the impact it will have upon the character of the original dwelling, the impact upon the character of the area, and the impact on neighbouring amenity.

1.3 The application proposes significant changes to the property which would alter the appearance. This is a revised scheme to a previously approved application for a similar sized, large extension and alterations (ref: 15/00241/FUL). The approved scheme involved numerous amendments in order to resolve officer and neighbours concerns.

1.4 The differences, and therefore the considerations, between this application and the previously approved scheme are as follows:

- Enlargement of the first floor window on the front elevation (directly above entrance)
- Additional two velux windows at first floor level on the side elevation (east)
- Additional two velux windows at first floor level on the side elevation (west)
- Change in design to the patio doors at ground level on the rear elevation (dimensions remain roughly the same)
- Change in design and increase in size of first floor level windows on the rear elevation
- Increase in height from ground level of velux window at ground floor on side elevation (west) by approximately 20cm.
- Increase in eaves height on ground floor extension by approximately 20cm and subsequently roof pitch angle altered.

1.5 Design and layout

1.6 Local Plan Policy CP7 requires development to be of a high standard of architectural design to complement and respect neighbouring development. Paragraph 4.18 of the Local Plan advises that *'Extensions to existing buildings need to be carefully designed to respect the character and scale of the existing building or group of buildings....The most important consideration is that an extension should not detract from the original.'*

- 1.7 Expanding upon Local Plan Policy CP7, the Authority has adopted design guidance relating to residential alterations and extensions through a Supplementary Planning Document. One of the five basic design principles set out within this document relates to subservience. Here the document advises that *“an extension should not dominate or detract from the original building, but play a supporting role”*. It goes on to state that *“materials should either match or complement the existing building”*.
- 1.8 The alterations proposed to the previously approved scheme are considered acceptable and do not detract from the existing dwelling or the character of the area.
- 1.9 Impact on neighbouring property**
- 1.10 Local Plan Policy CP4 requires development to not cause harm to the amenity of adjoining land users and the locality. Note 1 in paragraph 4.9 advises that *“the Council will have regard to matters including loss of sunlight and/or diffuse daylight, loss of outlook, loss of privacy...”*.
- 1.11 One objection has been received from the neighbouring property at number 23 Sedgewick Gardens relating to loss of privacy and overlooking. Careful consideration was made to the impact the alterations to the previously approved scheme will have on the neighbouring property.
- 1.12 The first floor velux windows are located 2.1m from floor to cill level on the side elevation (west) and the first floor windows on the rear elevation have increased in width by 30cm and by 20cm in height.
- 1.13 The velux windows are at a sufficient height from floor level to alleviate any possible concerns. The increase in size of the rear elevation windows are duly noted however it is not considered that this increase in size will cause significant harm to number 23 Sedgewick Gardens.
- 1.14 It is therefore not considered that the proposed extension will compromise neighbouring amenity. There are no additional concerns with regards to loss of privacy and overlooking, and the proposal will not affect light levels to neighbouring properties. As such the proposal is considered to be in accordance with local policy.

2. CONCLUSION AND RECOMMENDATION

- 2.1 To conclude, the application is considered to be in accordance with the requirements of local plan policies CP4 and CP7, and the NPPF, and the recommendation therefore is to grant planning permission subject to the following conditions.

3. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three 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 the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 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 in the extension 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).

- 4 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the windows on the east gable of existing house shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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.

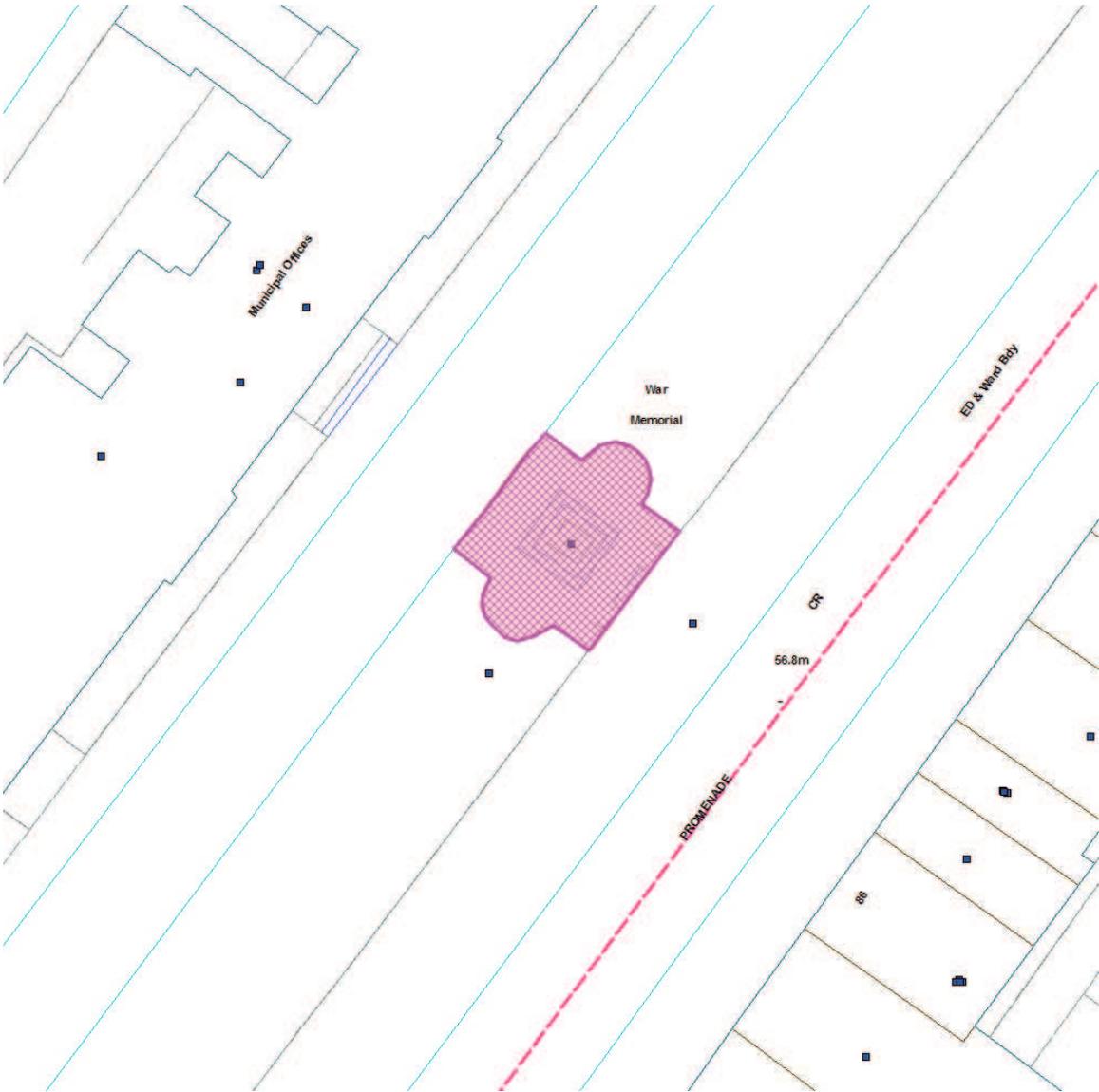
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in 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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APPLICATION NO: 16/00728/LBC	OFFICER: Ms Wendy Tomlinson
DATE REGISTERED: 26th April 2016	DATE OF EXPIRY: 21st June 2016
WARD: Lansdown	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	Cheltenham Borough Council
LOCATION:	Cenotaph, Promenade, Cheltenham
PROPOSAL:	Insertion of a narrow stainless steel flashing above inscription panels

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

The War Memorial is located in a prominent position set centrally within formal gardens to the front of the Municipal Offices on the Promenade. Although not listed in its own right it is considered to be a curtilage listed structure and within the curtilage of the grade II* listed terrace so is afforded the same level of heritage protection as the terrace.

The proposal is to insert a stainless steel flashing, 90MM deep with a 50MM overhang and a rolled edge between the top of the inscription panel on the base of the monolith and the moulding.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Core Commercial Area
Smoke Control Order

Relevant Planning History:

12/01767/LBC 11th February 2013 GRANT

Replacement of paving slabs with natural stone paving. Replacement of edging of raised planting bed with Forest of Dean stone plinth. Installation of uplighters and LED strip lights to illuminate Cenotaph and plaques. Repair of plinth steps and balustrade stonework. Replacement of existing lanterns with replicas of those originally installed. Installation of information panels.

14/01340/DISCON 24th September 2014 DISCHA

Discharge of conditions 4 and 5 of listed building consent ref. 12/01767/LBC

15/01604/LBC 10th December 2015 GRANT

Conservation of the war memorial to include cleaning of the stonework, carrying out repairs to decayed and fractured stone, repointing, re-cutting and re-filling deteriorated letters, and incising 8no. new names to match original style

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

BE 9 Alteration of listed buildings

Supplementary Planning Guidance/Documents

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Historic England

17th May 2016

Thank you for your letter of 12 May 2016 notifying us of the application for listed building consent relating to the above site. We do not wish to comment in detail, but offer the following general observations.

Historic England Advice

It is understood that the Cenotaph is considered Grade II* curtilage listed by Cheltenham Borough Council because of its association with the municipal buildings on the promenade, although it is likely to be considered for independent listing as part of the Historic England Strategic Project. The memorial was constructed in 1921 and paid for by donations. Its significance lies mainly in its historic value in commemorating the tragic loss of the First World War and the way in which it has subsequently been added to, commemorating loss in later conflicts.

Historic England gave pre-application advice on this scheme in April 2016, following a site meeting on 1 March 2016 with Cheltenham Borough Council, the War Memorials Trust, and Odgers Conservation, where a sample section installed on the eastern corner was inspected. Our ensuing comments discussed how the debate surrounding the protection and preservation of the monument - in particular the incised names on the principal block - over the authenticity and integrity of this historic asset as a stone-built, set-piece memorial having the freedom and discretion to weather naturally, required sensitive consideration.

This proposal has not changed since the pre-application discussions, to which we believed that on balance the site visit ascertained the relatively minor visual intervention of the steel flashing, and taking into account the potential loss of the incised names that contribute heavily to the asset's significance and communal value, we considered this approach to be acceptable. We therefore do not wish to raise any further comments in relation to this scheme, and indeed judge it to be a well-considered, reversible solution to protect this significant communal asset.

Recommendation

We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice. It is not necessary for us to be consulted again. If you feel you need further advice, please let us know why.

Please re-consult us if there are material changes to the proposals beyond those necessary to address the issues we have raised. 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	
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

A notice was displayed on site and an advertisement placed in the Gloucestershire Echo as required.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues are the visual impact of the proposal on the war memorial and whether its authenticity and integrity is compromised by the addition of the flashing. The objective

laid down at the outset of this project by Cheltenham Borough Council was to “ensure that the nature of the restoration safeguards the longevity of the memorial” therefore continuing as before is not an option.

6.2 The site and its context

The objective of the flashing is to redirect rainwater away from the stone surface of the inscription panel. Currently substantial sections of the stonework remain saturated for prolonged periods, and this combined with the specific environmental conditions of this location encourages the growth of algae on the surface of the stone causing the inscriptions to become disfigured and obscured. Repeated harsh cleaning methods to remove the algae growth have accelerated erosion and opened up the pores in the stone, this in turn encourages further algae growth.

It is evident that this cycle needs to be arrested or at least slowed down and the proposal seeks to do this by dispersing rainwater away from the surface of the stone. This was proposed as part of an earlier scheme (15/01604/LBC) for cleaning the stonework and carrying out repairs to the stone, re-pointing, re-cutting and re-filling of the deteriorated letters and incising new names to match the original style. The proposal to insert the flashing was withdrawn to give further time for consideration of the impact of this proposal on the war memorial, on its setting and the setting of the listed terrace and whether an alternative method of protecting the stone could be found.

At the time of the previous application a trial was undertaken on the memorial with a corner piece of stainless steel flashing inserted into the mortar joint: this was both to test its effectiveness and to give an impression of what the intervention would look like.

Subsequent pre-application discussions between Cheltenham Borough Council, the War Memorials Trust and Historic England took place in April when the impact of the trial section was assessed. In light of this assessment Historic England have now amended their view and support this proposal, stating that “on balance the site visit ascertained the relatively minor visual intervention of the steel flashing, and taking into account the potential loss of the incised names that contribute heavily to the asset's significance and communal value, we considered this approach to be acceptable”.

The trial area has been under observation since its installation and the flashing has demonstrated beyond doubt its effectiveness in preventing the stone from becoming water-logged, therefore the remaining issue is the visual impact of the intervention.

The steel flashing is undoubtedly an incongruous addition to the stone memorial but the proposed surface treatment to the steel will reduce its reflectiveness and help it blend with the stone. This will help to mitigate its visual impact and the placing of the flashing into a mortar joint means it is fully reversible which will allow for an alternative approach to be considered in the future.

7. CONCLUSION AND RECOMMENDATION

The addition of a narrow stainless steel flashing to the war memorial is recommended for approval subject to no other planning issues arising from discussion at Planning Committee.

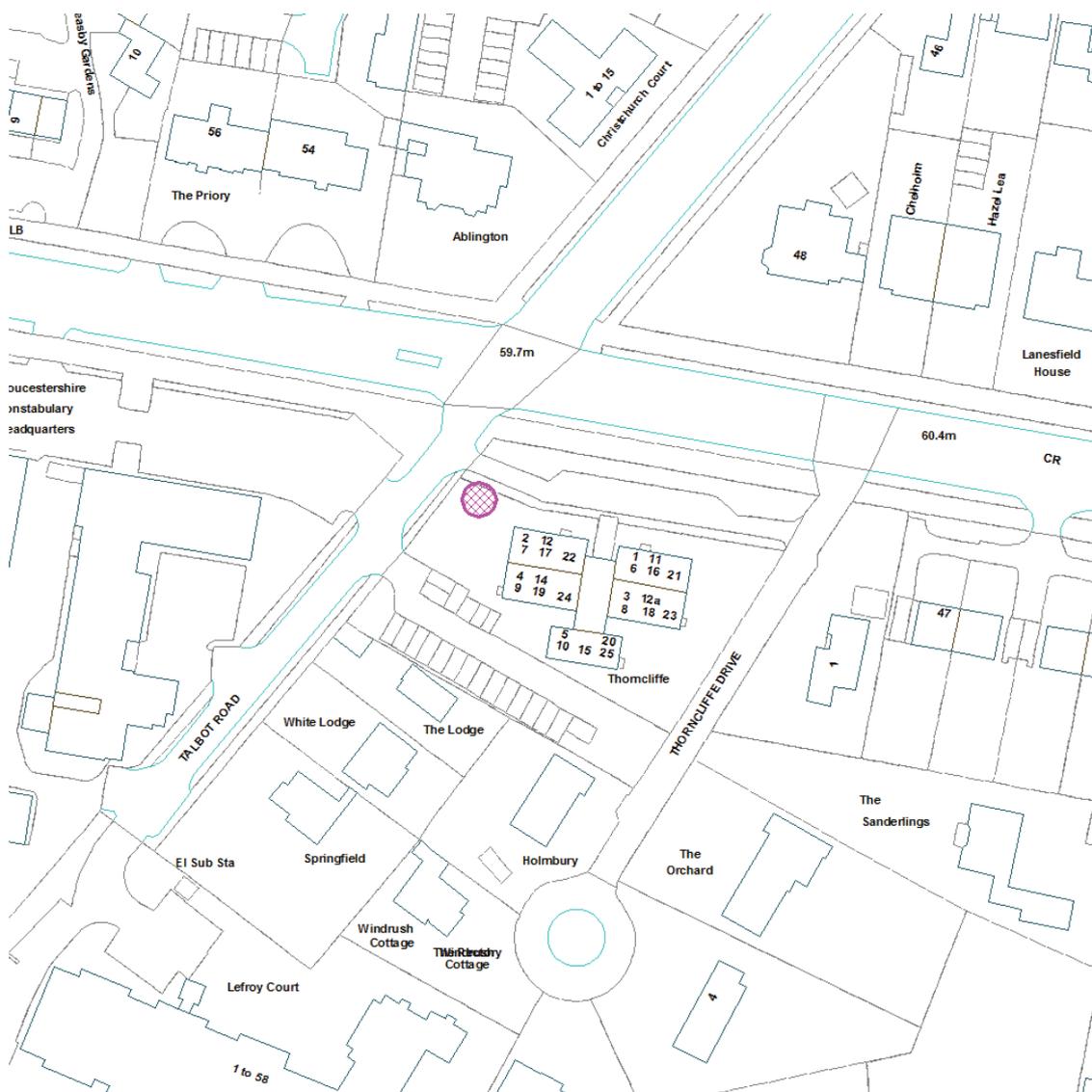
8. CONDITIONS

- 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 the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 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.

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APPLICATION NO: 16/00854/CONF	OFFICER: Mr Christopher Chavasse
DATE REGISTERED: 11th May 2016	DATE OF EXPIRY: 11th November 2016
WARD: Park	PARISH: N/A
APPLICANT:	Mr Peter Sellwood
AGENT:	N/A
LOCATION:	Thorncliffe Flats, Lansdown Road, Cheltenham
PROPOSAL:	Confirmation of Tree Preservation Order no 739 (pine tree)

RECOMMENDATION: Order is Confirmed



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Confirmation of a Tree Preservation Order of a pine tree to the front/side of Thorncliffe Flats, Lansdown Road.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area

Relevant Planning History:

00/01293/CACN 19th October 2000 NOOBJ

Fell Horse Chestnut at front of property

14/00362/CACN 4th March 2014 NOOBJ

T1) Conifer at junction of Thorncliffe front drive - Crown lift 2m

16/00267/CACN 30th March 2016 OBJECT

Pine Tree - remove

3. POLICIES AND GUIDANCE

Local Plan

Policy GE5 - The council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders when appropriate.

4. CONSULTATIONS

Cheltenham Tree Group

We fully support this TPO for the reasons stated in our comment on application 16/00267.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	None
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

- 5.1 One site notice was erected inviting comment and a copy of the TPO was erected within the Flats internal notice board. One response was received from principle objector 19th April 2016.
- 5.2 A copy of the TPO was served on managing agents of property (Horsleys) - no response was received.
- 5.3 A copy of the TPO was served on tree surgery agent (Greenfields) - no response was received.
- 5.4 **Comments Received**
On 19th April 2016, a letter of objection a resident on behalf of eight residents of Thorncliffe Flats was received.

A synopsis of this objection reads:

- 1) The tree is an unsuitable species for its position,
- 2) No other pine tree is located next to a highway,
- 3) The tree is potentially dangerous,
- 4) Guano drops on the pavement beneath the tree,
- 5) Recent tree and shrub planting has taken place within the property boundary,
- 6) Tree planting proposals to mitigate for this tree's loss are presented.

6. OFFICER COMMENTS

6.1 Determining Issues

This pine tree at Thorncliffe Flats has significant amenity value within this area and was under threat of complete removal as a result of Conservation Area tree work notification no 16/00267/CACN. The council wishes to retain this tree and the amenity it provides. To aid the evaluation of the tree's worthiness of a TPO, a Tree Evaluation Method for Preservation Orders (TEMPO) assessment was undertaken and the tree was scored by Trees Officers as being "Definitely Merits TPO". TEMPO is a widely used system in the industry and one which most Local Authorities use in such cases.

6.2 The site and its context

The Tree is situated on the Lansdown Road at the Junction with Talbot Road. Lansdown Road is a very busy tree-lined A road within Cheltenham's Central Conservation Area. The tree is taller than the adjacent block of flats and is visible from long distances from several directions. It is situated close to the building, on the edge of a private footpath.

The tree has had a marked lean towards the building throughout its maturity.

There is a tall evergreen conifer (*Thuja plicata*) to the rear of this tree.

6.3 Sustainability

The tree is a fully mature Austrian Pine (*Pinus nigra* subsp. *nigra*) with a lean towards the adjacent building. However this lean appears historic and no quantifiable evidence has been provided (nor any anticipated) that the degree of angle is increasing. No evidence has been provided by a suitable qualified or experienced arboriculturist that the tree is unstable or currently poses an unacceptable risk of failure.

Traditionally this tree species is planted along railway line embankments (often called the railway pine) due to its wind firm nature and this tree shows no evidence of previous storm related damage. There are long avenues of such pine trees along the Honeybourne Line and also by the Racecourse railway line.

6.4 Other considerations

6.5 To address objections raised to the confirmation of this Order

- 1) There are other such large pine trees adjacent to roads, e.g. Hall Road, Stanley Road, Naunton Park Road, Ashley Road and Moorend Grove.
- 2) On site discussions with the main objector, the agent (Greenfields) and Trees Officers led to conclude that target pruning of certain branches to address pigeon-related nuisance would be acceptable. To date, no such application to prune has been received. Bird scarers or other deterrents within the crown of the tree may also address this nuisance.

- 3) Whilst it is appreciated that other planting within the grounds of Thorncliffe Flats has taken place, Trees Officers consider the visual amenity this tree contributes outweighs such recent planting.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Trees Officers recommend that this Tree Preservation Order is confirmed.

SURVEY DATA SHEET & DECISION GUIDE

Date: 2/2/16	Surveyor: CC
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Tree details			
TPO Ref (if applicable):	Tree/Group No:	Species: PIN	
Owner (if known):	Location: Ferncliffe Leeward Rd		

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes	3
---------------	---

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes	2
---------------	---

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes	5
---------------	---

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes	1
---------------	---

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes	46 5
---------------	------

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:	16
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Decision:	
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APPLICATION NO: 16/00854/CONF		OFFICER: Mr Christopher Chavasse	
DATE REGISTERED: 11th May 2016		DATE OF EXPIRY : 11th November 2016	
WARD: Park		PARISH:	
APPLICANT:			
LOCATION:	Thornccliffe Flats Lansdown Road Cheltenham		
PROPOSAL:	Confirmation of Tree Preservation Order no 739 (pine tree)		

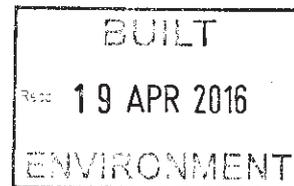
REPRESENTATIONS

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

Flat 16
 Thornccliffe
 Lansdown Road
 Cheltenham
 GL51 6PZ

Comments: 19th April 2016
 Letter attached.

Flat 16 Thorncliffe Lansdown Road Cheltenham Glos GL51 6PZ



Ms Tracey Crews
Director of Planning
Cheltenham Borough Council
PO Box 12
Municipal Offices
Cheltenham
Glos GL50 1PP

19 April 2016

Dear Ms Crews

Tree Preservation Order on Scots Pine Tree at Thorncliffe

You will no doubt be aware that a provisional protection order has been issued effective from 30 March 2016. A number of leaseholders here wish to object to this and enclosed you will find a summary of our objections.

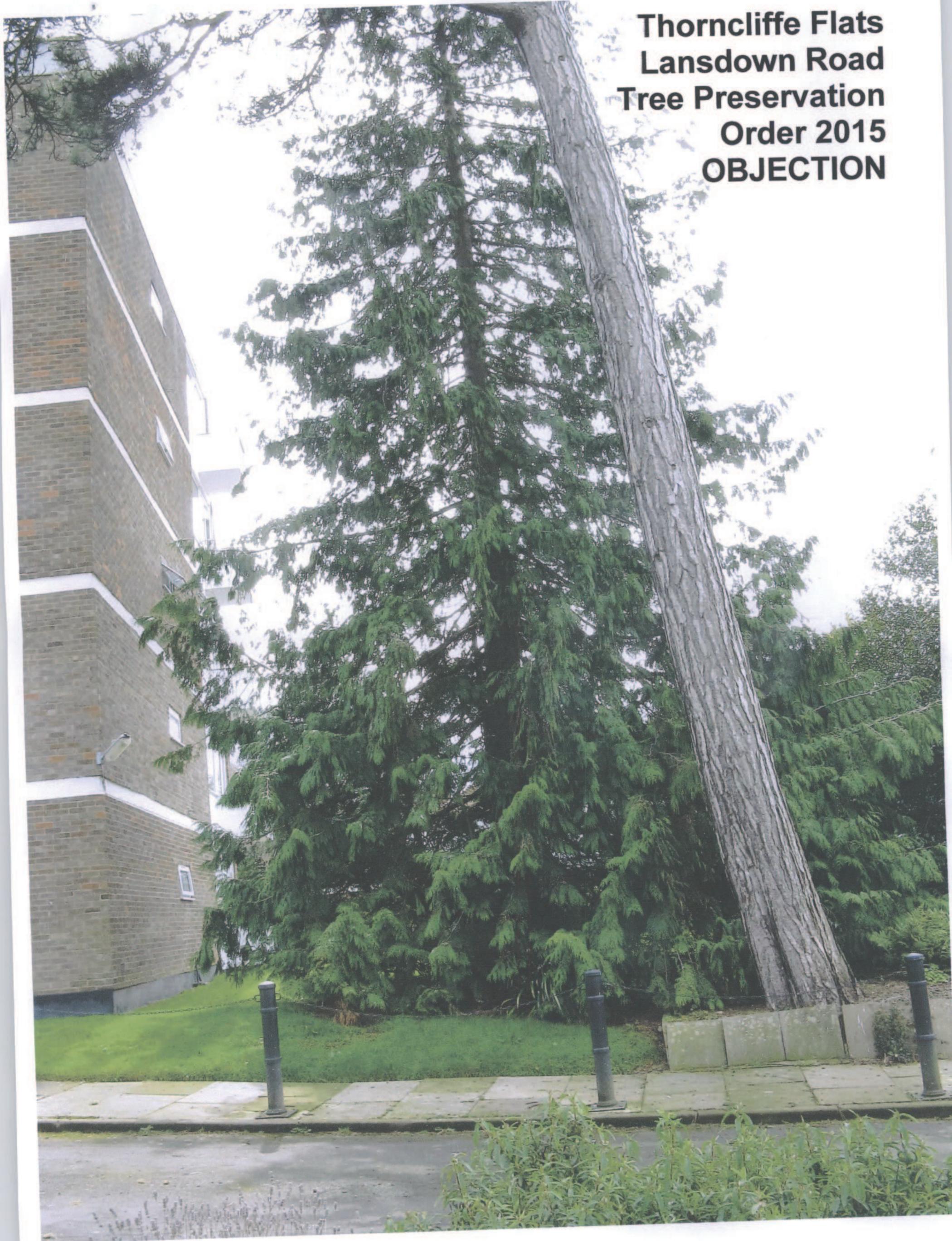
I am not sure if you are the person to whom objections should be sent - if not perhaps you would be kind enough to pass these documents to the appropriate person. I would appreciate confirmation that our objection has been received, by email would be fine.

We will be pleased to be represented at the appropriate meeting to elaborate as necessary and to answer any questions. We will no doubt be hearing further in due course.

Yours sincerely



**Thornccliffe Flats
Lansdown Road
Tree Preservation
Order 2015
OBJECTION**



OBJECTION

Introduction

A consultation exercise among all Thorncliffe residents was carried out and those who expressed an opinion were heavily in favour of the Scots pines removal. Those who voted for removal oppose the issue of a tree protection order and continue to press to be permitted to remove this tree for the reasons outlined in this document.

The tree is of an unsuitable species for its position.

Recently, an application was made by Lefroy Court Retirement Flats to fell three Scots pines and three ash trees on their nearby property at the end of Talbot Road. There was no objection to this from the Tree Officer and no comments from the Cheltenham Tree Group. The application from Thorncliffe has attracted opposition from both on the basis that this tree is situated very close to the Lansdown Road. Comments bear this out. The TPO states that 'this tree has significant amenity value in this locality' The Cheltenham Tree Group in their submission said 'the tree has high amenity value and it is important to this section of the Lansdown Road'. One may deduce therefore that the Scots pine, so close to the Lansdown Road, is being seen as a street tree. There are many thousands of street trees in Cheltenham under the care of the County Council yet how many are Scots pines? We believe none. This is clear evidence that Scots pines are never chosen for this situation. The species is indigenous to the UK and has no rarity value or scientific interest. **We think it is significant that, despite tree notices posted in prominent positions, there have been no objections from our neighbours or passers-by. It seems to us that this tree is protected simply because it is a long-established and sizeable tree with no regard to its suitability for the position it occupies. As one resident described it 'It is of poor form in the way it leans and the long bare trunk is unappealing'. The cover photograph very much supports this comment.**

The tree is potentially dangerous

Thorncliffe is a five-story building some 15 metres high. The Scots pine is close to building and is much taller at around 20 metres with a considerable lean towards the building. This gives great concern to those residents on the upper floors who live in fear when there are gale force winds. Professional advice has been that the tree is no more likely to be blown down in a severe gale than any other tree but that is not much consolation. The inevitable demolition of the police station next door will increase even more the risk in the short term from gale force winds which are usually from this westerly direction. In the event of the tree remaining, we are concerned about insurance cover, given that we have claimed that it is potentially dangerous and have applied to remove it. We are at present consulting with our insurers to establish who they would consider to be liable in the situation of the tree falling and causing damage to the building.

The consequences of the tree's attraction to pigeons

The tree is situated very close to a pathway and the tree's unusual horizontal branches are favoured by pigeons with the resultant unsightly and dangerous mess on the pathway. One resident did fall recently but fortunately with no serious injury. The only effective cleaning is by high pressure hosing and it is quite impracticable to carry this out on a daily basis. One suggestion from the Tree Group for dealing with this problem was that people could walk in the driveway as there is very little traffic. We have a number of elderly and hard-of-hearing residents and it is nonsense that they should have to use the driveway when there is a pathway provided for their use. Another suggestion from the Group was that a handrail

could be put alongside the pathway, presumably people to cling to as they slip and slide over the messy surface. We regard these suggestions as, frankly, ludicrous.

Our record

Much has been made of the importance of amenity value for Lansdown Road. We don't take a blinkered approach to trees. Yes, trees are important to the environment and to amenity value but other forms of planting are just as important. **Over recent years we have been instrumental in developing a border of mixed shrubs and trees fronting the road.** We have a range of planting showing different foliage colours and habits. There is still work in progress but we are proud of the fact that we are producing a result of far more amenity value than the unkempt hedges and undergrowth (and yes, trees!) so often seen at the roadside at the front of flats.

How we would compensate for the tree's loss

If it does prove possible to remove the Scots pine, recognising the importance of any tree to the environment and to the much mentioned amenity value to the area, **we make a firm offer to add two young trees to the border fronting Lansdown Road.** They would have a degree of maturity and we would expect to pay up to £500 each. We have thoughts on spring blossom and attractive autumn colour but we would welcome ideas from the Tree Officer and the Tree Group as to species and variety. We stress however that this offer is conditional on the removal of the Scots pine.

In conclusion

We recognise in general terms the importance of trees both to the environment and amenity value. We do not see trees in isolation but recognise their value in an overall planting scheme. We believe in this case that the disadvantages of this particular tree which we have outlined in this document are such as to justify its removal and we request that the provisional tree protection order should not be confirmed.

Issued by the following Thorncliffe Leaseholders



Distribution

Ms Tracey Crews, Director of Planning, Cheltenham Borough Council
Councillor Tim Harman
Councillor Max Wilkinson
Richard Smith, Ash Chartered Surveyors
Thorncliffe Notice Board

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