



CHELtenham

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Wednesday, 29 June 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 - 24)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **16/00454/FUL Land at corner of Swindon Road** (Pages 25 - 34)
 - b) **16/00905/FUL Pipers Wold, 22 Greatfield Drive** (Pages 35 - 50)
 - c) **16/00238/FUL 28 Gwernant Road** (Pages 51 - 56)
 - d) **16/00317/FUL 33 Kingsmead Road** (Pages 57 - 64)
 - e) **16/00693/FUL Land at Colletts Drive** (Pages 65 - 72)

f) 16/00797/COU 2 Courtenay Street - DEFERRED

g) 16/00911/COU 43 Courtenay Street

(Pages 73 - 80)

**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

26th May 2016

Present:

Members (15)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Colin Hay (CH); Hobley (KH); Lillywhite (AL); McCloskey (HM); Oliver (TO); Savage (LS); Seacome (DS); Sudbury (KS); Thornton (PT); Wheeler (SW).

Substitutes: Councillor Chris Mason (CM)
Councillor Paul McCloskey (PM)

Present as observers: Councillors Babbage and Coleman.

Officers

Tracey Crews, Director of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Lucy White, Senior Planning Officer (LW)
Emma Pickernell, Senior Planning Officer (EP)
Claire Donnelly, Planning Officer (CD)
Gary Dickens, Planning Officer (GD)
Chris Chavasse, Senior Trees Officer (CC)
Michael Doust, Trees Officer (MD)
Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillors Nelson and Collins.

2. Declarations of interest

There were none.

3. Declarations of independent site visits

Councillor Mason – visited all sites
Councillor Fisher – visited (i) Avenoke, Kidnappers Lane, and (ii) 66 Bouncers Lane
Councillor Savage – visited Ryeworth Inn, Ryeworth Road

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 21st April 2016 be approved and signed as a correct record without corrections.

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Before the start of the meeting, the Chair thanked Jacky Fletcher for her many years of hard work on Planning Committee and her valuable contribution, including acting as Vice-Chair. He welcomed the new Vice-Chair, Councillor Fisher.

He also welcomed the new Planning Committee Members – Councillors Collins, Hobley, Oliver, McCloskey and Wilkinson – and two new planning officers, Claire Donnelly and Gary Dickens.

The legal officer, Nick Jonathan, explained the voting procedure for the benefit of new members: the first thing to remember is that the officer recommendation is taken as the motion (as set out in Rule 8 of the Constitution), unless there is a procedural motion, such as a move to defer, which takes priority. CBC does not require seconders for motions, either procedural or substantial. When it comes to the vote, abstentions can be taken, but Members are requested to raise their hands high to make their voting preference very clear.

6. Planning applications

Application Number:	16/00166/FUL		
Location:	Ryeworth Inn, Ryeworth Road		
Proposal:	Alterations and conversion of existing public house (part) to form a single dwelling and erection of two new dwellings		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Refuse		
Letters of Rep:	12	Update Report:	Additional representations

LW introduced the application as above, explaining that the Ryeworth Inn is registered as a community asset, and in accordance with requirements, CAMRA and local interest groups were notified of the application, to allow any potential bidders to come forward. No interest was expressed within the statutory six weeks, and the application has proceeded accordingly. Officers consider the scheme acceptable, there are no highway or amenity issues, and the recommendation is therefore to permit.

Public Speaking:

Mr David Jones, of Evans Jones agent, in support

Is speaking as planning consultant representing the applicant. This is an application for full planning permission for the alteration and conversion of the former pub, plus two additional dwellings in the car park. Officers want balance, and have recommended that the application be permitted. Of the 16 public comments, only ten were in objection, primarily concerned with increased traffic and parking issues, with only six referring to the loss of the public house. The proposal has had a number of revisions, with careful consideration of neighbours' comments being taken into account, and as a result officers are supportive of the scheme. Regarding the loss of the public house, this had been registered as an asset of community value, which places certain obligations on the property owners; in compliance with this, the owners have notified the parish council and local interest groups, allowing them the opportunity to bid for the pub. No interest has been shown. To compare this proposal with the recent application at The Maple Leaf in Hewlett Road is wrong, as there were 70 letters of rep and major local objection to the loss of that community asset. It is a fact that not all public houses can survive, and this scheme to use the former pub site will provide much needed housing. Urges Members to support the officer recommendation.

Member debate:

LS: this is a challenging application, and it is with a sense of sadness that we contemplate another proposal to turn a pub into housing; is aware of several other pubs across town that are threatened with closure or conversion, and CAMRA has estimated that across the country, 27 pubs a week are closing. The government acknowledges the formative role of pubs in the community, in Paragraph 69 of the NPPF, stating that planning policies and decisions should bring together those who work, live and play in an area. The Ryeworth Inn has always been an asset to the people of Ham, Ryeworth Road and the surrounding areas, providing a focal point and giving a sense of community. The officer report refers to the recent decision at The Maple Leaf/Fiery Angel in Hewlett Road, which the community had rightly created as an asset of value, but differentiates between this and the Ryeworth Inn – this is a challenge. It refers to a number of licensed premises within 1km of the site, but there are a lot more in the Fairview area than in the vicinity of the Ryeworth Inn. The Ryeworth Inn serves a large area, and members of the community will have to walk a lot further than 1km to the nearest pub. In addition, other pubs in the vicinity may well come under equal threat of closure in the near future.

Paragraphs 6.18 and 6.19 of the officer report dismissively refers to the fact that the Ryeworth Inn does not have a function room as such, but is simply a pub with an indoor and outdoor seating area, but a pub doesn't need a function room to be a meeting place of value to the community. It is desirable to have a function room, but is its absence sufficient reason to deprive the people of their local pub? This seems illogical and unfair.

Is mindful of the need for new houses but without a community these will be just houses, not homes. We must acknowledge the need to preserve our communities.

HM: is also sorry to see the pub go, but on Planning View was particularly concerned about parking in the area; the minibus struggled to manoeuvre, and various objectors have referred to the difficulty of parking in Ryeworth Road. If Members are minded to approve the proposal, can a condition be added requiring all demolition and construction vehicles be parked on site in the vicinity of the TPO'd tree?

PB: confirmed that LS will move to refuse, and also that the fact that no group came forward to protect or bid for this community asset when it was advertised will not negate NPPF Paragraph 70 and Local Plan policy RC1. Is also concerned about this application. One representation referred to a previous landlord, who ran a very successful, popular and vibrant local pub. It is no longer sustainable because the owners constrain the landlords and make the business unsustainable in order to realise the asset and sell the building/land for housing. They are making the whole process possible. It is important to recognise the importance and community value of this building as a public house. Will support LS's move to refuse.

BF: the report compared The Ryeworth Inn and The Fiery Angel, but many residents living close to The Fiery Angel came forward with reasons why it should remain as a community asset. As the agent has said, no-one came forward in support on The Ryeworth Inn. We have to realise that the pub scene is changing. The Ryeworth Inn was a nice pub; people are complaining about the potential traffic from three houses, but if this was a vibrant busy pub, the traffic would be much worse. It clearly wasn't vibrant; drinking habits have changed, and some pubs will go while other survive. Loss of the pub is not a reason to refuse this application.

CH: agrees with LS and PB. This pub was regarded as a community asset – there must have been good grounds and reasons for this designation to be validated. PB referred to the way in which owners of pubs see this as easy pickings for development, and we just wring our hands and watch them go. Once a pub is gone, it is gone in perpetuity. The pub was refurbished recently but there didn't seem to be any desire to make sure the refurbishment made the pub more of a community asset. We need to take this very seriously. Pubs are being quite deliberately run down, right across the country. There are differences between this case and The Greyhound – we hadn't started to move

on community assets at that time; and the Inspector stated that there was another pub within walking distance, but within six weeks of granting the appeal, that pub had closed too. When working properly, these are the sorts of pubs that are used by local people. The Kemble, for example, is a tiny pub, with no parking, but is very successful and much-valued by the people in the 20 streets nearby who have to walk 5-10 minutes to reach it. We do nothing to encourage publicans and owners to think how they can make these pubs work rather than thinking how they can make the most money out of the site, and the community suffers as a result.

A guiding principle of planning is that development should be sustainable, and this means the community too – we erode the community by taking away its community assets.

KS: is looking at this from a completely different viewpoint. Has no strong views about the loss of the pub – doesn't know the area, so is only looking at the plans presented. Considers the two houses on the car park to be an overdevelopment. It looks like the side of the existing pub will be the boundary of that property, with parking space right up against its wall. Has lived in a house with this arrangement, and it causes problems. It would be better if just one house with a garden was to be built on the car park. Also had concerns about access and parking when on Planning View. The right-hand plot looks as if it will be very awkward to get cars in and out, and won't be easy for the people living there. Thinks impact on amenity and over development are issues here; the conversion of the pub and one house on the carpark would be a more successful and sustainable scheme.

LW, in response:

- to HM, regarding parking for demolition and construction vehicles, has not suggested such a condition and wouldn't normally do so for this size of scheme; we would need to judge if it would be reasonable in this case. A condition requiring the submission of a construction management plan could be added ; there is some scope on site for construction vehicles, though not a huge space adjacent to the TPO'd tree. Officers would need to take seek the views of the trees officer on this; there is space at the front, but access to the back might be problematic. We could add a condition and see what the developers come back with;
- to PB's question whether the community asset procedure trumps both the NPPF advice and policy RC1, it sits alongside it rather than trumps. No local interest group has come forward and we have to accept that and the fact that the applicant is now free to dispose of the property. One then needs to consider the proposals having regard to development plan policy and advice set out in the NPPF. ;
- regarding tree protection, the tree officer has suggested a condition
- to KS, regarding the boundary, it is correct that the flank wall of the pub building will be the boundary to Plot 3, but there is a 3-metre gap for parking and no issue regarding amenity. The site could, of course, accommodate one dwelling but officers' view is that there is adequate amenity space to the front, rear and sides of the proposed dwellings. This arrangement is not uncommon and in keeping with the character of Ryeworth Road, and not an anomaly; as demonstrated the site can adequately accommodate three dwellings which reflect the size, character and urban grain of surrounding development;
- regarding car access and visibility from Plot 3, Highways officers have looked at this, and consider visibility to be good to the left, and restricted to the right, but not completely. The situation will not be dissimilar to when the building was used as a pub, but there will be less overall vehicular movement in and out of the site, and Highways officers have no concerns in relation to highway safety. Also the access to Plot 1 is in a similar position to the existing pub car park entrance.

MJC, in response:

- on the community asset issue, would just make Members aware of the work in progress for the Cheltenham Plan and the JCS – things will start moving soon on this, and Part 2 will involve work on community assets, mainly public houses, and CBC will have to form policies to protect them, but at the moment there are no policies in the Local Plan, as highlighted in the appeal decision on

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The Greyhound. Officers will be working on the Local Plan, and this may be discussed through Planning and Liaison Member Working Group, through which Members will be able to feed in.

CH: would just point out that community assets weren't around at the time of the two appeals cited, and are now an additional argument to be used in refusing an application. It has been decided that this pub is a community asset, referred to in various planning documents; this must be something we can use to refuse.

GB: reminds Members that they will need to vote first on the recommendation to permit; if this is not carried, LS's move to refuse can be taken.

Vote on officer recommendation to permit

6 in support

9 in objection

NOT CARRIED

LS: defers to more experienced planning colleagues for specific framing of the refusal reasons, re. planning policy and legislation.

PT: is the loss of the community asset a strong enough reason to refuse the application?

CH: struggles to remember which policies should be used. KS has referred to overdevelopment of the site, but if this is included, it could be difficult – saying the site can be developed, whereas other Members would prefer it remains as a pub. Does the unacceptable loss of a community asset count as unsustainable development? Can a refusal be framed around this, in line with the work being done on the Local Plan? Members need advice from officers, who know what they are trying to articulate.

GB: we need good reasons to turn this application down. Sustainability is being discussed, but we have to be able to sustain the decision against possible arguments.

LS: he and CH are clear in their minds about the reasons to refuse, but need work to form these into a decision which sits in the legislative framework. MJC has mentioned the JCS and the Local Plan; would it be legitimate to defer a decision until these documents and their protection of public houses can be looked at, as the Committee has expressed a wish to do so?

BF: The Ryeworth Inn has been closed as a pub for a long time. If there is not a decision on this application soon, it will be out of time and straight to appeal.

MJC, in response:

- officers have a lot of sympathy with Members' view – no-one likes to see pubs close if they don't have to – but we must not let emotion slip in here. We must be ruled by our heads not our hearts, and make a decision based on policy;
- the report sets out all that has been done regarding the community asset; the applicant has followed the right process, registering the scheme. No-one has come forward with an alternative use for the building, or to keep it on as a pub. If we use the NPPF to substantiate the refusal reason, the community asset argument will be diluted. We cannot sterilise land for redevelopment because we hope that the pub will re-open at a later date, and must consider the case at appeal;
- officer view is that this will not stand up at appeal, particularly as the applicant has gone through the correct community asset process;
- we have had a chequered history when using the Local Plan policy, as for The Greyhound and The Fiery Angel. The NPPF give words to help articulate a refusal reason, and a lot of what has

been said makes a lot of sense, but this is not a strong enough reason on its own, and the Council will be accused of sterilising the land.

LW, in response:

- Whilst a condition could be drafted Officers do not consider the proposals an overdevelopment of the site. The gaps shown between the proposed dwellings are standard, as are properties butting on to each other, and this design allows for off-road parking which is a positive. It would not be right to refuse on the grounds of overdevelopment, on the basis that the site is only suitable for one dwelling, as officers consider the site can comfortably accommodate two additional buildings.

CH: the Committee has voted to refuse this application, Members and officers must now explore what the refusal reasons should be. Policies RC1 and CP1 have been suggested, relating to sustainable development. Any development has to be sustainable, and RC1 has been used previously. Members have heard that officers are sympathetic to their view but looking for appropriate policies at the moment. Things have changed since the previous appeal decisions on similar schemes to this, and we should push for this to be refused. The Maple Leaf/Fiery Angel applicant is now talking to the local community to see if there is any possibility of a scheme to incorporate flats and a small public house; this may not happen, but at least it opens up the opportunity. Agrees with KS that a single dwelling would create a better balance on this site, although housing is a lot more dense opposite the site. Communities with dense housing need somewhere to go. This isn't the town centre with lots of places within walking distance.

AL: the highways assessment could be considered as a reason for refusal. The original application formed a pedestrian/vehicle access, but no new or altered vehicle access is now proposed from the public highway. On Planning View, a comment was made about cars reversing on to the road; told they couldn't and would have to reverse into the drive. The traffic assessment clearly shows cars reversing onto the road; maybe this is something that could be included in the refusal?

KS: regarding the point she is trying to make about overdevelopment, does not consider the scheme to be overdevelopment *per se* – the plot could take two houses – but the side of the converted pub will be the boundary wall, and this could cause potential conflict with neighbours. The officer comment on existing access to Plot 3 is not correct – there is currently vegetation at the place where it states there is a drop kerb; the car park exit is in fact in the middle of the car park plot. So not overdevelopment as such, but the form won't provide satisfactory living conditions for the residents. There are two access points; it would be more comfortable and straightforward if there was just one.

Feels that the loss of the pub argument may be clutching at straws, but is angry that we have not yet got to grips with this – how many more pubs will be lost before we get the relevant policy to prevent it? Realises that this isn't a strong enough reason to refuse the application unless we use the NPPF, which is a risk, but believes Planning Committee should be asking for a more successful scheme of development.

CM: supports CH's comments: this was and could be a community space. There is a similar parking situation in Eldorado Road in his ward and it is a nightmare for residents; the occupiers of these houses are unlikely to reverse into their driveways, and all cars driven in will inevitably be reversed out on to road.

AL: cannot see any Highways comments in the report, but the responses on the form are 'no' to all the questions, suggesting no impact on the access to the highway.

GB: we are going round in circles here; officers have an idea of how Members feel and can put a refusal reason together.

BF: Members should remember that The Greyhound was demolished without permission, and the same could happen here. The pub has been closed a long time. The Fairview community came forward to save The Fiery Angel, but the same has not happened here.

GB: the refusal reasons put forward so far are Local Plan policies RC1 and CP1, overdevelopment and the NPPF.

MJC, in response:

- officers have good understanding of Members' thoughts on this application. Can summarise these – though not endorse – as follows:
 - i. loss of the pub with reference to NPPF paras 69 and 70 – its social role and contribution towards sustainable community
 - ii. Local Plan policy RC1 – loss of community facilities – the criteria are not met for this to be a valid refusal reason
- these reasons have been fully debated and Members have heard officers' advice;
- is unsure about the overdevelopment case, and suggests that this is not formally added. Regarding the lay-out, it's true that the driveway is close to the rear of the public house but this is not uncommon in various roads around town. Ryeworth Road presents an interesting cluster of buildings and is a very desirable place to live. Struggles with the overdevelopment argument; there are two parking spaces for each house, the oak tree is retained, and local amenity is not compromised;
- regarding Highways comments, officers need to assess what is on the drawing, and they have endorsed the scheme based on this. Would warn against dismissing County Highways advice;
- the only remaining refusal reason is the loss of the pub, but this is a weak argument, and cannot guarantee it will win at appeal.

GB: this scattergun approach doesn't stand much chance of winning at appeal. Suggests Members move to the vote, if LS is happy; officers have a good idea of Members' concerns.

KS: has been trying to say that it is not overdevelopment she is concerned about, but more of an issue of CP7/design. Using buildings or trees to define a space does not seem a good form of development, though it is not actually over development. If the application is refused purely on the loss of the pub, the decision will be difficult to defend. Is there no policy requiring proposals to be nice places for people to live in? This scheme won't create that.

MJC, in response:

- CP7 is the correct policy re design and lay-out and would not be totally unacceptable in this case. KS is concerned that the proposal feels contrived and cramped, but if the layout is changed, it will harm the public house element of the scheme, could cause neighbour conflict, and would be difficult to endorse at appeal, particularly as Ryeworth Road features similar types of development. Would advise against this as a refusal reason.

GB: if Members are happy, officers can craft a refusal reason and agree this with the Chair and Vice-Chair. Regarding KS's concerns about the lay-out of the plot and MJC's comments, it is up to Members whether or not they want to include this element in the refusal reason or simply refuse on the loss of the pub.

Vote on KS's move to include the design/over-development aspect as a refusal reason

1 in support

7 in objection

7 abstentions

NOT CARRIED

Vote on LS's move to refuse on loss of community asset, NPPF and RC1

9 in support

3 in objection

3 abstentions

MOTION CARRIED - REFUSE

Application Number: **16/00317/FUL**
Location: **33 Kingsmead Avenue Cheltenham Gloucestershire**

DEFERRED

Application Number: **16/00389/FUL**
Location: **66 Bouncers Lane, Cheltenham**
Proposal: **Erection of two detached dwellings**
View: **Yes**
Officer Recommendation: **Permit**
Committee Decision: **Permit**
Letters of Rep: **1** Update Report: **Officer comments**

KH left the Council Chamber at the start of this debate

EP introduced the scheme as above, with access to Bouncers Lane by way of a driveway to the left of the site, adjacent to Newland Court. The scheme has garages and parking to the front, and is at Committee at the request of the parish council. It complies with all relevant policies, and the recommendation is therefore to approve, subject to conditions.

Public Speaking:

Mr Wilce, neighbour, in objection

Is speaking on behalf of his daughter and son-in-law, in objection to the development of two dwellings in the rear garden of 66 Bouncers Lane, which will have a detrimental impact on areas of their garden. At 2.5 of the Design and Access Statement, the applicant states that a precedent for this type of development has been set at Newland Court, but this is not comparable, as an unsightly factory was demolished to make way for that. There is no precedent for rear garden development, and this scheme will cause harm to local amenity and fundamentally change the nature of this residential area. The planning officer has addressed and amended the issue his daughter had with overlooking from the side windows, but not the front windows which are looking towards her garden and home. With reference to points 3 and 15 of the application, which states that no preparatory work has been undertaken, in fact a 50-year-old oak tree has been felled, and other considerable tree surgery in the rear garden gives the impression that approval has already been given. Protocol 1 Article 1 of the Human Rights Act allows people the right to peaceful enjoyment of their possessions and home; here, the shared driveway will cause noise and disturbance in his daughter's garden. Urges Councillors to reject the scheme.

Member debate:

CH: the question has been raised about this proposal looking like back garden development. This is important, as it would set a precedent – the house next door mirrors this one, and so on along the

road. Has been on Committee when it has approved a scheme for garden development, a whole street has then gone the same way, and the Committee wrings its hands and says 'if only we hadn't allowed the first one...'. That consideration makes this a difficult scheme to judge. The shared drive is not good, and it is very likely that other houses in the road will follow suit and thus spoil the character of the area. Newlands Court was a very different proposal – a brownfield site, formerly a factory. Would like officers to explore the issue more than they have done so far.

AL: agrees with CH: Newlands was built on a former industrial site, this proposal is for back garden development – they cannot be compared. The SPD documents suggests that developments need to be two more more houses to create a unique identity for areas. Here Newlands Court is already established and has set up the identity of the area; two houses won't create their own unique identity.

EP, in response:

- the Garden Land and Infill Site SPD gives advice on how to assess schemes such as this, especially on garden land. It is clear that this is not automatically unacceptable but that potential issues need to be considered;
- officers have looked at all these issues – grain, type of housing, location of buildings on plot, plot width etc – and consider this proposal ticks all the boxes. It responds to the character of the area, similar to Newlands Court, follows the building line, is in keeping with the character and is therefore in keeping with the advice in the document;
- there is no other development in this backland position in the area but this development has responded to the requirements;
- regarding precedent, there are no obvious places for similar development, with similarly wide side access. This is not to say that someone might come along with a similar scheme, but this is hypothetical and cannot affect the decision today – that bridge would have to be crossed when we come to it;
- as far as officers are concerned, the proposal complies with all requirements

CH: if the vote goes against officer recommendation to permit, would like to propose refusal. This scheme presents a dilemma; if the site next door comes up with a similar application, Members will be told that there is not precedent, permission will be granted, and the outlook and nature of the original line of houses will be spoilt. Cannot accept that Newlands Court makes this a viable development; it was a brownfield site. Understands the guidelines and that each application must be decided on its own merits, but it seems that this is too much like what we are trying to avoid. Urges people to refuse the scheme.

Vote on officer recommendation to permit

11 in support
3 in objection
1 abstention (KH – out of room)

PERMIT

Application Number:	16/00499/FUL & LBC
Location:	Lypiatt Lodge, Lypiatt Road, Cheltenham
Proposal:	16/00499/FUL: Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme)
	16/00499/LBC: 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)
View:	Yes
Officer Recommendation:	Refuse

Committee Decision:	Defer
Letters of Rep:	2
Update Report:	None

MJC introduced this application for planning permission and listed building consent as above. The recommendation is to refuse, essentially because officers feel the building has already seen enough development. It is listed, and any further extensions will be harmful. Obviously officers have had to weigh this against the benefits to the care home but on balance, feel that the harm outweighs the benefits, hence the recommendation to refuse.

Public Speaking:

Mr Jones, applicant, in support

Is director of the company which bought the building in 2015, in a dilapidated state and with a bad reputation, and has since spent a lot of money bringing the building back to its former glory; it is still run as a nursing home, offering a much-needed service in the community but lacking the ability to maximise its potential. With the backing of GPs and specialists, hopes to offer accommodation for elderly individuals with complex needs. To do this, an enlarge sitting room on the lower ground floor and extended kitchen on the floor above are needed, adding no more that 3% to the total floor area, complementing the work being done in the garden and elsewhere in the building. It will change the way the building functions and vastly improve the lives of current and future residents, with larger, more accessible common areas and a landscaped garden accessed from the new sitting room. The small addition to the building replaces an unsightly corner supported by a corroded metal pillar, dating from the 1990s. There is precedent in Lypiatt Road for more development than is being proposed here, and the proposal is sympathetic to the rest of the building. It will not impact on neighbouring properties – not overlooking windows and a large boundary wall on the Tivoli side. There are no highways issues; environment health officers have raised the question of cooking emissions, which the architect can address with careful design; trees officers are concerned about the beech tree and a method of construction sympathetic to its roots will be used. There are been two letters of support from relatives of current residents. To conclude, the proposal is roughly 35 sq metres sympathetic to the building design, doesn't impact on neighbours, will enrich the lives of residents and enhance the enjoyment of the are and offer a vital service to the community.

Member debate:

SW: officers have done a good job of balancing the considerations here, putting weight on both sides, and ultimately decided one way. Looking at the back of the building, its appearance is not good, with a number of extensions having been added one to another, but tends to fall to the view that the potential benefits of this application slightly outweigh the harm. Is marginally in favour of it, rather than taking the officer's view.

KS: on site visit, found this a very difficult building to read, and would have appreciated a 3D model or 3D drawings to compare. Supports the officer recommendation to refuse, but has sympathy with the owners and gives them credit for bringing the building up to standard again. Development should be done in a holistic way, and there could be benefits for the building and for the people using it if the architects go back to the drawing board. The extension is not overly offensive but drawing on the style of a modern extension and therefore not appropriate for a building of this age. Does not consider this proposal can be approved yet, but remains sympathetic with the applicant wanting to improve it.

PB: disagrees with officers. It is all about judgement and there will always be pros and cons. The report update states that officers consider the harm to the building to be less than substantial, but it will provide real value to the residents and the area. The applicant has invested a lot of work and time in this development; the building is a dog's dinner as it is and this additional work will cause less than

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substantial harm. Agrees it is a marginal decision, but feels that the benefits outweigh the damage in this case.

PM: it was obvious from the locked side gate noted on site visit that this home caters for people with dementia – it is their world, and the building is similar to the Municipal Offices and houses in Royal Well. Once the scaffolding is off, the façade will look wonderful. Went to look at the side from the Tivoli side, and all that can be seen is a big wall and three tall trees – it was OK. Has concerns about the beech tree; could a few branches be removed to allow the development. Overall, feels that the benefit to the people of Cheltenham outweighs the negative aspects of the scheme.

CM: agrees with this, but can a condition be added to protect the tree?

KS: would like to comment on the issue of the big wall between the rear and the main road. Is worried that we might end up saying it's OK to do this work on the listed building because people won't see it behind the wall. This is dangerous; it is clear that officers have concerns about this. Is worried about the flat roof; ours is not the right climate to make it easy to maintain, and an additional flat roof on a building of this age could be harmful. PM has said it cannot be seen from the main road, but it is still a listed building and it is intrinsically important because of its age – buildings are not built like this any more.

GB: agrees with KS; work cannot be done to the inside of a listed building without permission, and that certainly cannot be seen from outside.

CH: regarding KS's concern about flat roofs, but these have been around for many years, and the materials used can cope with different weather conditions; it's not the bitumen type of roofing. Flat roofs per se are not a problem. It will be important to residents to have this communal area. The building is in desperate need of modernisation. Anything which can be done to improve the quality of life for people suffering from Alzheimer's is really important; there aren't enough places at the moment. With changes in legislation, it will be come more and more difficult, and with no really strong objections to the proposed changes to the buildings, would say the applicant should be allowed to go ahead.

GB: would just point out that this is a Planning Committee, and is not supposed to be considering any health issues.

CH: has been in meetings before when meeting the needs of different groups of people is given consideration.

GB: recognises the needs but the question is whether what is proposed is appropriate in these circumstances when dealing with a listed building.

MJC, in response:

- on the question of less than/substantial harm, this is not a remark made by officers, who have to differentiate and weigh the negative aspects against the public benefit. Has heard from Members and has sympathy with the applicant's desire to improve the building further, but believes it could be done better than this. Officers have pushed the applicant hard regarding the design of the listed building, which deserves something better and of more merit;
- will ask CC to speak on the tree issue – it is not just a question of protecting branches of the tree; the proposed building will be very close to it and additional information may be needed before officers could even consider approving the work.

CC, in response:

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- there are British standards for trees which require information about their protection during the demolition and construction process to be submitted as part of the application. No details were submitted with the application in 2015, and have not been produced since;
- work should not be done within a 12m radius of the trunk; this development will require excavation to 5m of the trunk, giving rise to serious concerns, especially as this tree is on a higher level, giving rise to concerns about its future structural stability and long-term safety;
- it is lamentable that no such details came in after the previous application; these should be submitted with the planning permission, prior to determination.

KS: having heard concerns both from the officer and the trees officer, maybe Members should defer their decision. Doesn't want to refuse and is not unsympathetic to the applicant – this type of accommodation is important - but further information about the tree, the design, and how the finished building will read would all help with the decision making. Will more to defer.

PT: thinks this is a good idea. If officers feel they could have influence on the way the owners succeed in doing what they want to achieve – access for residents to get out into the garden – it would definitely be worth deferring. In relation to the tree, instructions could be added not to damage it – the applicant will have to take this into consideration and influence the way the extension is built to create the best possible home. Fully appreciates the listed buildings around the town but this one has been a care home for some considerable time and we owe it to the people living there to give them the best possible facilities. Their lives are not pleasant, and we should help make them as comfortable as possible.

PB: the applicant has suggested that he is keen to preserve the beech tree. Would be disappointed if this application is refused but would support a deferral for the tree issue and to sort out some of MJC's concerns.

Vote on KS's move to defer

14 in support

1 in objection

MOTION CARRIED - DEFERRED

Application Number:	16/00537/FUL
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
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Permit
Letters of Rep:	4 + petition
Update Report:	None

GD introduced the application as above, recommended for refusal in respect of its harmful impact on the visual amenity of the locality and character of the area. It is at Committee at the request of former Councillor Chard.

Public Speaking:

Mr Day, applicant, in support

Has applied to improve his home, which is situated in an area with no planning restrictions, and where all the properties have been developed in different ways. It is a family home for his own family and foster children, and the proposal has been designed in partnership with the community, from where

there have been no objections. Officers have two concerns: firstly that the profile will dominate the street scene, but the proposed dwelling will be exactly the same depth and width as the original. Houses along the road have higher rooflines, so how can this be said to dominate? Is passionate about this proposal and getting approval, and has agreed to a number of revisions which have resulted in lost roof space and an additional bedroom for his own children and foster children. The other concern is the roof tiles; would like to use grey slate, as the previously used red/brown tiles weather badly. This has full support from the parish council, local councillors, and 100% of residents who have the same frustrations with their roofing materials. The application complies with the planning regulations in policy CP7. With the approval of the parish council, former Councillor Chard, the current ward councillor, an unprecedented level of support from neighbours and no objections, asks that Members support the scheme, with the full confidence of the community.

Andrew Chard, in support

Cannot say much more than this. The application has the full support of neighbours – Planning Committee is more used to hearing objections from neighbours – and will allow Mr and Mrs Day to develop their home without making any difference to the street scene. The Parish Council is happy with it, so asks Planning Committee to back Mr Day and allow him to develop his home for his wife, two children and foster children.

Member debate:

HM: the refusal reason states that the development would result in harmful impact and dominate the street scene, not in keeping with local policies which say that the character and scale of the area should be respected. However, the NPPF says different, at Paragraph 63 encouraging outstanding and innovative design, and at Paragraph 65 that incompatibility with the existing townscape is OK if mitigated by good design. This design is innovative. The houses were all originally bungalows but have all had various works done to them over the years, with no particular standard apart from the height and width which has been maintained here. Is minded to support.

BF: agrees. It is a common thing nowadays that people buy an address. In this row of bungalows, no two are the same, and none of them are what you would call architectural gems. Looked recently at a house at Albemarle Gate, which has completely changed and was permitted under delegation, and at Naunton Park Road, an application was approved which changed the area. This is a good design, and the width and height are not changed. The street scene is varied, so this does no harm. Doesn't like uniformity, and this scheme will provide a good family home.

KS: could vote to approve on pain of death if the proposal had clay tiles. Has made a concerted effort to look around the neighbourhood and there are no houses with grey slate roof tiles. Clay tiles should be conditioned. There is a mix of tiles in the row, but none of them are grey; this is a distinctive feature of the area. We have to be consistent, and permit if necessary, but with a condition for clay tiles. Agrees with the officers that having the eaves end facing the road and also a balcony seems wrong – none of the other houses are like this. If all else is the same but with red roof tiles to ensure rhythm and continuity in the street. BF says he likes change but there is a distinct style here, and we should listen to officers. This proposal will look very, very distinctive if permitted as it is.

PT: has had a complete change of mind while listening to the discussion. When first looking at the report and drawings, understood what officers were saying and fully supported their conclusions but is now not so sure having listened to BF and the others. Remembers another application in a road of traditional houses with ordinary pitched roofs, where Members of Planning Committee were horrified that the roof totally and utterly at odds with every other house in the street, but officers thought it was innovative; it was permitted and built. Is prepared to vote for this proposal.

SW: feels that he and KS are lone voices here, fully in support of the officers. Looking at the street, there are no two houses the same but all are variations on a similar theme. Rooves slope sideways and from front to back and there are various dormers, but this proposal will create a totally different house. Is not happy and considers the front gable a step too far and cannot vote in support.

CM: looking at the street scene, no two rooves are identical, so what is proposed won't dominate the road. It is innovative and carefully designed; is more for it than against it. All the houses have been changed, and this will enhance the road.

PB: this is a great design. Was the Architects' Panel consulted? Does have concerns about the roof tiles however, and would support KS regarding this.

MJC, in response:

- does not have a great deal more to say than what is set out in the officer report, and KS has given a good description of why this is not a good design;
- officers have considered the uniformity of the street and the long views, and the gable coming forward will not fit in well. The design has some merit, but officers do not consider it innovative and it is contextually inappropriate;
- the rhythm of the street is the ridge of the chalet bungalows, and the Local Plan requires new development to complement the locality – this doesn't, though appreciates that some Members don't agree with this;
- if Members are minded to support the scheme, it is very important that the red roof tiles should be retained, and this should be added as a condition.

Vote on officer recommendation to refuse

4 in support
10 in objection
1 abstention

NOT CARRIED

CM: it shouldn't be forgotten that the whole community has signed up to say that the design is OK with the slate tiles.

KS: are there any other conditions we should include?

MJC, in response:

- no, though after the meeting, would like to check whether to remove PD for additional openings on side should be removed; this additional condition could be agreed with Chair and Vice-Chair if necessary.

Vote on KS's move to condition red clay roof tiles

9 in support
5 in objection
1 abstention

CARRIED

Vote on officer move to agree with Chair and Vice-Chair whether any other condition regarding PD rights and openings is required

15 in support – unanimous

CARRIED

Application Number: 16/00549/FUL
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		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	2	Update Report:	None

GD introduced the application as above, a revised scheme on a previously approved one. This enlarges the first floor, adds two more Velux windows, changes the patio door on the rear elevation changes the first floor window on the rear elevation, increasing the height and eaves height by 20cm. It is at Committee as request on Councillor Whyborn.

Public Speaking:

Mrs Fawke, neighbour, in objection

Less than a year ago, a planning officer made a decision on the rear upstairs windows on the proposed extension, and cannot comprehend how a new planning officer has made a U-turn on that decision. Last year, instead of larger three-paned windows, the officer approved two double-paned windows. At a loss to understand how the owner can reapply within a year and again request larger three-paned windows previously denied. The owner is trying to push the boundaries; it is unfair and should not be allowed, and will impact even more on privacy and overlooking at her own property. Has a patio window and small window in her lounge but would be able to see much more – as the neighbours will do – if it was the same size as what next door is proposing. The house will be doubled in size, nearer to the boundary, with view into her teenage daughter’s bedroom, garden and lounge. Is requesting that the windows remain as previously approved, particularly as the owner already has so much window space approved, not in keeping with the surrounding houses. There seems to be conflicting decision making by the council – when Manor Farm was built a few years ago, the council required No. 10 Manor Farm Drive to block its back window, just under 21m from 21 Sedgewick Gardens and 11 The Hawthorns, yet her property is only 7m from No 21, and at a 90 degree angle so easily overlooked. Has lived at her property for 28 years, while the owner of No 21 has rented his home out for the majority of that time. Did not object to the extension, but if this current application is permitted, it will set a precedent. Is simply asking that the council stands by its original planning decision.

Councillor McKinlay, in objection

All the points made by Mrs Fawke are correct, and there are a number of key issues here. There is already an approved planning permission for this site, the result of considerable negotiation, and the similar application before us today is not acceptable. It gives very mixed messages that less than a year ago this proposal was not considered acceptable, yet today it is. Paragraph 1.4 of the report update lists the changes to the previous scheme – these are not individually significant, but clearly combine to result in significant overlooking of No 23. With only 7m from the back of the new extension to the neighbouring property, this will have a significant impact. Members on Planning View will have drawn their own conclusions about the appropriateness and proximity of this extension – it is up to There will undoubtedly be extra impact on the neighbours due to the proximity, and this case sets an unwelcome precedent for the future.

Member debate:

HM: the neighbour’s sole concern is that the two rear windows will be three-pane instead of double-pane. Looking at the previous report, it was considered that this would result in unacceptable overlooking. What has changed?

BF: officers would have made their decision in line with policy CP4, and granted double-pane windows accordingly. Is at a loss to know what has changed.

MJC, in response:

- essentially the application made 12 months ago was significantly amended through negotiations. As usual, some things were acceptable and some were not. The windows were reduced from three-pane to double-pane, and the question is whether we would have refused the planning permission for this along – the answer is no. The neighbour objected strongly to the three-pane windows and they were left out; this is what neighbour consultation process is about;
- planning permission is now in place, and the applicant is looking for some minor changes. The question officers have to ask themselves is whether the scheme is acceptable. Any overlooking will be oblique – the windows will not look directly into the garden. The speaker referred to the Rusty Shilling development where windows were blocked up, but these faced each other directly, albeit at greater distance;
- here the properties are at right angles to each other. What Members are being asked to consider is the difference between casements for two panes and three panes – struggles to see that this will make a vast difference;
- officers consider the proposal to be acceptable, and would be interested to hear Members articulate the additional harm they think this window will bring.

KS: with the original application, was the issue one of overlooking or the perception of overlooking? Is the perception of being overlooked an amenity issue? This hasn't changed since last year.

MJC, in response:

- perception of overlooking is an issue, though officers might not agree;
- there are a number of proposals before us, many of which are acceptable. If Members would find it helpful, officers can craft a decision to allow the other works to take place but not the windows;

PT: is struggling with this. Cannot see how overlooking from three panes of glass is greater than two panes. Are there only two opening panes?

BF: if the size of the window increases by one third, the field of vision is much wider. Policy CP4 would be a legitimate reason to refuse this application.

SW: notes a number of alterations to the plans. Has a view on Velux windows and patio doors, but understands that it is the upstairs windows that are giving the neighbour concerns. Can the application be permitted for everything apart from the upstairs windows, which have to remain as originally permitted?

MJC, in response:

- could attach condition to say all OK apart from the windows. Believes this to be just about OK, but will check with legal officer:

NJ, in response:

- agrees – on balance, this will just about meet the tests.

GB: suggests a vote to permit, with the exception of the first floor windows to the rear elevation.

Vote on officer recommendation to permit, with restriction on size of first floor windows to rear limited to those previously permitted.

14 in support

1 abstention

PERMIT

Application Number:	16/00728/LBC		
Location:	Cenotaph, Promenade, Cheltenham		
Proposal:	Insertion of a narrow stainless steel flashing above inscription panels		
View:	Yes		
Officer Recommendation:	Grant - Ratify by National Casework Unit		
Committee Decision:	Ratify by National Casework Unit		
Letters of Rep:	0	Update Report:	None

MJC introduced this application as above, which aims to protect the carved lettering, which is the reason why the memorial exists. It is a CBC application, and has been endorsed by Historic England. The recommendation is listed as 'Grant' but this should be 'Ratify by National Casework Unit'.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to ratify by National Casework Unit

15 in support – unanimous

RATIFY BY NATIONAL CASEWORK UNIT

Application Number:	16/00854/CONF		
Location:	Thornccliffe Flats, Lansdown Road, Cheltenham		
Proposal:	Confirmation of Tree Preservation Order no 739 (pine tree)		
View:	Yes		
Officer Recommendation:	Order is Confirmed		
Committee Decision:	Order is Confirmed		
Letters of Rep:	2	Update Report:	None

CC explained that this application has come out of an earlier application to fell the tree. As it is situated in a conservation area, officers tried to negotiate, ultimately putting a TPO on the tree. The flat owners objected and CC has brought it to Planning Committee for an airing and to allow Members to make the final decision.

Public Speaking:

Mr Worsley, on behalf of residents of Thornccliffe, in objection

Originally submitted an application to remove the tree which residents feel has become dangerous and unsuitable, and to replace it with two new more suitable trees. It was a democratic and unanimous decision by all the flat owners. Lansdown Road is a busy road and the flats have large frontage and attractive borders. The tree is taller than the five-storey building, it bends in the wind giving rise to health and safety concerns, and causes distress to elderly residents on the upper floors, who are worried that it could fall and cause damage or injury. In addition, birds roost in the overhanging branches, making a mess which, combined with the fallen pine needles on the sloping surface, cause a significant slip and trip hazard for residents. The TPO was issued based on a

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TEMPO report which is very subjective; there is some discrepancy here and residents dispute the scoring. What exactly does high amenity value mean? Residents are not seeking to damage the area, but to enhance it, improve safety, and alleviate their worries and fears.

Member debate:

BF: the tree doesn't appear to be dangerous; can CC confirm if it is? This tree is a community asset, can be seen by many people from a distance as part of a long view of Lansdown Road, and is a beautiful tree, which predates the flats. As long as it is safe, it is making a positive contribution to the street scene.

SW: endorses this view. How often do tall trees grow bolt upright? Not very many. Has seen older trees than this which list even more but remain safe. As for bird fouling, knows the problem from his own garden, but that's life - we're not going to get rid of all trees and birds and live in a concrete only city. As long as the tree is safe, it should be retained.

KS: agrees with the residents. Wouldn't like to live in the shadow of this tree leaning towards her flat. Has tried to love it, but can't – it's just not that attractive – and cannot comment on its score for amenity value as she is no expert. Would not have a problem with the tree being removed and new ones planted. There are other trees in the area for people and birds to enjoy. Is happy to vote against this TPO, though if the tree was further away from the flats, it would probably be OK.

Vote on officer recommendation to confirm the TPO

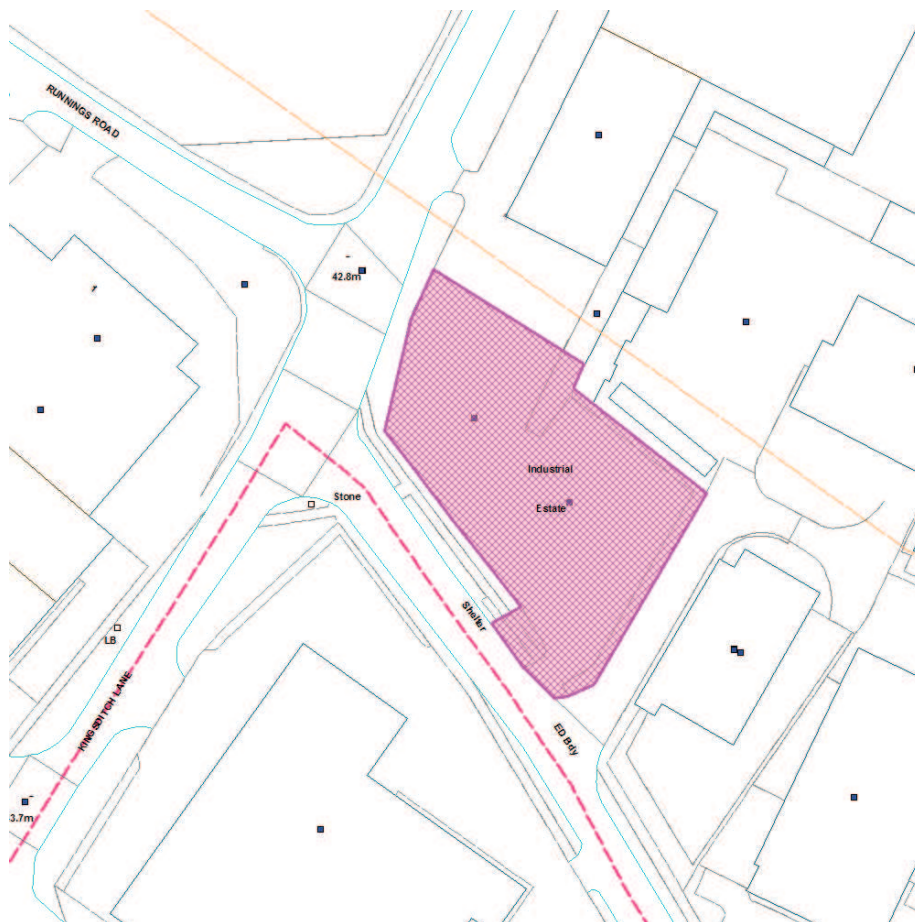
13 in support

2 in objection

TPO is confirmed

APPLICATION NO: 16/00454/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 17th March 2016	DATE OF EXPIRY: 12th May 2016
WARD: Swindon Village	PARISH: Swindon
APPLICANT:	Rex Developments (Cheltenham Ltd)
AGENT:	The Harris Partnership
LOCATION:	Land At Corner Of Swindon Road, Kingsditch Lane, Cheltenham
PROPOSAL:	<p>Erection of new, single-storey building with associated service yard, car parking, landscaping and improvements to the existing access for Class B2 (general industry) and/or B8 (storage and distribution) (to include ancillary trade and retail counter, ancillary showroom, ancillary offices) and/or the following specific sui generis uses:</p> <ul style="list-style-type: none"> - storage, distribution and sale of ceramic wall and floor tiles, hard floor and wall finishes, tiling equipment and associated products - bathroom and kitchen furniture and fittings and other building materials - machinery, tool and plant hire - auto centres involving motor vehicle servicing, mechanical repairs plus the fitting and associated sale of tyres and car parts and MOT testing - plumbers and builders merchant

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a vacant plot located on the corner of Swindon Road and Wymans Lane. Topps Tiles adjoins the site to the north, Booker wholesalers to the south and Evans Cycles to the west. The site has been used as informal car parking for the Gym to the north until relatively recently however now the site is fenced off. Access into the site exists from Swindon Road.
- 1.2 Planning permission is sought for the erection of a new building which would be located in the north eastern corner of the site. The building would be 7.5m high with a low pitched roof. The walls would be clad in grey profiled material with four roller shutter doors and glazing to the corner of the building. Car parking would be laid out to the north and south of the building a total of 18 parking spaces and 8 cycle parking spaces would be provided.
- 1.3 The proposed use of the building is B2 (general industry) and/or B8 (wholesale warehouse/distribution). These uses could include trade and retail counter, show room and offices which would be ancillary to the main use. The applicant is also requesting permission to use the unit for any of the following purposes:
- Storage, distribution and sale of ceramic wall and floor tiles, hard floor and wall finishes, tiling equipment and associated products
 - Bathroom and kitchen furniture and fittings and other building materials
 - Machinery, tool and plant hire
 - Auto centres involving motor vehicle servicing, mechanical repairs plus the fitting and associated sale of tyres and car parts and MOT testing
 - Plumbers and builders merchant
- 1.4 The application is to be determined by planning committee due to the objection from the Parish Council and at the request of Cllr Fisher.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

83/00201/ZHIST 19th August 1983 PER

Change Of Use Of Part Premises From Class X Warehouse To Texas Home Improvement Centre (Class 1) With Demolition Of Offices To Provide Additional Car Parking

83/00397/ZHIST 24th November 1983 PER

Retail Warehouse And Offices (Class 1 Non Retail) Alteration To Existing Elevations And Formation Of Additional Car Parking

00/01771/FUL 30th June 2004 PER

Part demolition and rebuild, part refurbishment of existing premises for trade centre B1, B2, B8 uses

77/00455/ZHIST 9th February 1978 PER

Kingsditch Lane Cheltenham Gloucestershire - Infilling Of Open Landing Bay Entrance And Relaying Of Concrete Entrance Apron

04/01519/COU 1st December 2004 PER

Use of unit for classes B1, B2 and B8 including wholesale cash and carry use, external alterations and car parking

04/01520/ADV 27th October 2004 GRANT

Two externally illuminated HUB signs located on Swindon Road and Kingsditch Lane elevations

08/00619/FUL 19th June 2008 WDN

Land adjoining Unit 3, Topps Tiles. Erection of a single detached unit for use of storage and distribution (with ancillary display and sales) within Class B8 in the schedule to the Town and Country Planning (Use Classes) Order 1987

08/01141/FUL 23rd October 2008 PER

Erection of a single detached unit for use for storage and distribution with associated display and sales within Class B8 in the schedule to the Town and Country Planning (Use Classes) Order 1987

14/00928/OUT 21st August 2014 REF

Outline application for the erection of industrial unit(s) for use within classes B1(b and/or c) and/or B2 and/or B8

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

EM 1 Employment uses

EM 2 Safeguarding of employment land

RT 1 Location of retail development

RT 7 Retail development in out of centre locations

TP 1 Development and highway safety

TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

13th April 2016

Swindon Parish Council objects to the proposed development for the following reasons:

Loss of longstanding pedestrian footway:

Over the years that this has been a car park it has provided the missing footpath link between Kingsditch Lane and Swindon Road. This is a period in excess of 40 years. Although there is no designated area for the footpath it has become an important link. To remove the car park without providing an alternative permanent footpath would be to force pedestrians wishing to gain access from Swindon Village to have to walk on a muddy verge that is uneven and unsuitable. This application should include the provision of a footpath and the removal of the pedestrian barrier adjacent the bus stop in Swindon Road. The footpath should preferably be provided at the edge of the road but if this is not possible a

marked and safe route should be provided through the new car park with a requirement that it is maintained and left open for public access.

Waste Management:

There is no provision on this site for waste management. Provision should be built in to the layout for the storage of waste materials outside of the buildings themselves. Some of the use types listed may require storage skips, storage containers or storage tanks. Nearly all will require some form of waste storage for paper and cardboard. A waste management strategy should be provided which all tenants would be required to acknowledge.

Inadequate Disabled Parking Provision:

As the intention is that there could be multiple tenancies we believe that one disabled parking space is inadequate and that there should be the provision of one space per potential unit.

Height Comparison Required

A drawing comparing the height of the proposed building with the existing buildings should be provided. This should include the ground levels as well as the eaves and ridge heights.

If development is permitted the following additional conditions should be imposed:

Remove Option For Possible Use As A Car Showroom:

The location of this site and the possibility that this could be under multiple tenancy would make it an unsuitable location for a Car showroom or salesroom. We would seek to have this specific use removed from the list of options.

No unapproved or temporary signage:

The location of the site has over the years been subjected to the erection and placement of temporary and poorly constructed signs. We note that there are no signs indicated on the drawings and should the scheme be consented we believe that it should contain the requirement that all signs must be applied for.

No External PA Systems

Due to the close proximity of this site to the residential area there should be a restriction on the use of external PA systems. The reason for this request is that there is an establishment that has started to use one and which they operate before 7.00am and it is very loud. Considering the close proximity of the commercial premises to the residential area they should be more aware of the impact on residents that the equipment that they install should have.

External Lighting:

No external lighting should be allowed on the buildings or on the site unless planning consent is sought. We would wish to be consulted.

No signage on the verges

No Signage of any type should be permitted on the verges.

GCC Highways Planning Liaison Officer

12th May 2016

Amended information has been submitted demonstrating the parking provision for each use at the site.

This site has been subject to a relatively short, but complex planning history.

Planning permission was granted for a D2 use (bowling centre). The plans associated with the D2 planning permission demonstrate that there were no restrictions for visitors to

the bowling centre using the current application site and areas to the side and rear of the building for parking. The bowling centre has been converted to a gym and nursery under PD rights. GCC objected to a previous application on the application site due to the loss of parking for the D2 use. A subsequent application removed buildings to the rear of the gym and rationalised the parking arrangements. GCC raised concerns about this current application on the basis of the loss of the large unmarked parking area, the application site, which is currently primarily used by gym customers. The site has been visited on numerous occasions and this area was nearing capacity during the gym peak times. The spaces to the rear and side of the gym have been marked out, a new pedestrian walkway has been installed, together with a one way system. The application site has also been fenced off. It has therefore been possible to visit the site to determine the impact of the loss of this parking area. The site has been visited twice during the gym peak periods, and although the area to the rear of the gym is nearing capacity at peak periods, it appears that due to people regularly leaving and arriving that spaces are generally available. Once the parking signage for SuperGroup have been removed, this will free up additional spaces for gym customers. Any overspill parking could be accommodated on the road to the rear of the gym, which is unrestricted. In addition, this overspill parking may only be required after 5.30-6pm, where the businesses have closed for the day and parking on street is available. Furthermore, a TRICS analysis demonstrates that the provision as shown on the amended plans is suitable for a D2 use of this size.

The proposed autocentre will use the access which has been used by the majority of gym customers. Visibility from this access is suitable in both directions, whilst there are no history of collisions at this access. Turning for a large vehicle has been demonstrated on plan, whilst the parking provision is considered acceptable for the proposed use. Given that the access to the site will now be subject to less vehicle and pedestrian trips, it is not considered necessary or reasonable to request improvements to the access such as dropped kerb and tactile paving or a footway extension into the site.

I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:

1. Within one month of the date of this permission, the 'SuperGroup' parking signage to the rear of the D2 use shall be removed, with replacement signage erected stating that those spaces are available for gym customers, with such signage maintained as such thereafter.
Reason: To ensure there is adequate parking available for the existing D2 use, in the interests of highway safety and in accordance with paragraph 32 of the NPPF.
2. Prior to beneficial occupation of the proposed autocentre, the vehicular parking, turning area and loading/unloading facilities shall be provided in accordance with the submitted plan, and those facilities shall be maintained available for those purposes thereafter.
Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

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.

Additional Highways comments

26th May 2016

I am aware of the comments made by the Parish in relation to the footpath. As discussed, this is not a public footpath, no legal public access was allowed across the car park and the landowner could have blocked off this route at any time. On the basis that this is a not a legal public footpath, it cannot be considered as part of this planning application. It would not meet the tests of a planning condition or obligation to request the developer to construct a footway along the verge. The existing verge has a number of services in it and I believe that the service companies would object to a footway. Furthermore, there is a safe route with crossing facilities on the opposite side of road, although this may not be on the desire line, a safe route does already exist. The barrier at the footway is in place to prevent people walking along the verge and using these route, given that a safe route is available around the junction on the opposite side of the road.

Environmental Health

30th March 2016

No objections or recommendations for conditions.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 The application was publicised by way of letters to 9 neighbouring units and a site notice. No representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) the principle of the use, (ii) visual impact, (iii) access and highways issues.

6.2 The site and its context

The site is within a long standing commercial area and provides over 500m2 of floorspace to be used for employment purposes. Policy EM1 states that the development of land for employment purposes will be permitted where the development involves land already in employment use, is on land safeguarded for employment purposes or forms part of a mixed use development. The NPPF asks Local Planning Authorities to support economic development and states that planning should operate to encourage and not act as an impediment to sustainable growth.

It is therefore considered that the proposal is in line with these general objectives. The range of uses listed in the application area appropriate for a building of this nature and this location. A small amount of retail may be included as ancillary to the main use, however

this is not of a type which would compete with the Town Centre and is appropriate for this out of centre location.

6.3 Design and layout

The building is utilitarian in design and materials, however this is appropriate for the location and the use and echoes the design and materials of surrounding buildings. The layout provides some opportunities for soft landscaping around the perimeter of the site which will help to soften its appearance.

The Parish Council have raised concerns that the drawings do not show the heights of neighbouring buildings, however it is clearly of an appropriate scale. For comparison purposes the ridge line of the nearby gym is 8.2m high and the proposed building is 7.5m high.

6.4 Access and highway issues

The proposal has been the subject of discussions with highways in order to ensure that sufficient parking remains for the other uses within the blue line i.e. simply Gym and Topps Tiles. During the course of the application the land has been fenced off and is now not available for parking purposes. This has allowed the highways officer to assess how these existing uses would operate without these spaces. He is content that there is sufficient parking available, subject to the suggested condition, and as such the proposal will not result in displaced parking causing a highway danger.

The parking provision for the proposed building is appropriate and it has been demonstrated on the drawings that there is space for larger vehicles to turn in the site.

Concerns have been raised regarding the impact on pedestrians who have previously relied on the open nature of the site to provide a short cut and a suggestion has been made that the applicant should be required to provide a footpath. This is considered to be unreasonable. There has never been a right to access across the site which is privately owned. There is a safe route for pedestrians to take, albeit it might require a more circuitous route. In any event the existing verge has services and signage on it and would therefore appear to be impractical even if it were required.

It is therefore considered that the proposal is acceptable in terms of access and highways.

6.5 Other considerations

The Parish Council have made reference to waste management; the applicant has explained that bins would be stored internally and wheeled out through service on collection day.

The Parish Council consider that there should be more disabled parking; were the unit to be subdivided this would trigger a planning application and more disabled parking could be sought at that time if necessary.

The Parish Council wish Car Showrooms to be removed from the list of possible uses in case the unit is subdivided; there is no minimum size for a car show room – this request is considered unreasonable.

The Parish Council request a condition that all signage is applied for; this is not necessary as separate consent would be required in any event.

The Parish Council request conditions restricting PA systems, external lighting and signage on verges. These conditions are not considered necessary given that there are

no immediate residential neighbours, environmental health legislation exists to prevent noise nuisance and that signage on the verges would require separate consent.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons outline above the proposal is considered to be in accordance with the relevant policies and as such the application is recommended for approval.

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 Within one month of the date of this permission, the 'SuperGroup' parking signage to the rear of the D2 use shall be removed, with replacement signage erected stating that those spaces are available for gym customers, with such signage maintained as such thereafter.

Reason: To ensure there is adequate parking available for the existing D2 use, in the interests of highway safety and in accordance with paragraph 32 of the NPPF.

- 4 Prior to beneficial occupation of the building hereby approved, the vehicular parking, turning area and loading/unloading facilities shall be provided in accordance with the submitted plan, and those facilities shall be maintained available for those purposes thereafter.

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

- 5 The development shall not be occupied until details of boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the boundaries have been implemented in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and residential amenity, having regard to Policies CP 4 and CP 7 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required upfront because the boundary treatment is an integral part of the development and its acceptability.

INFORMATIVES

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

Page 33

problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

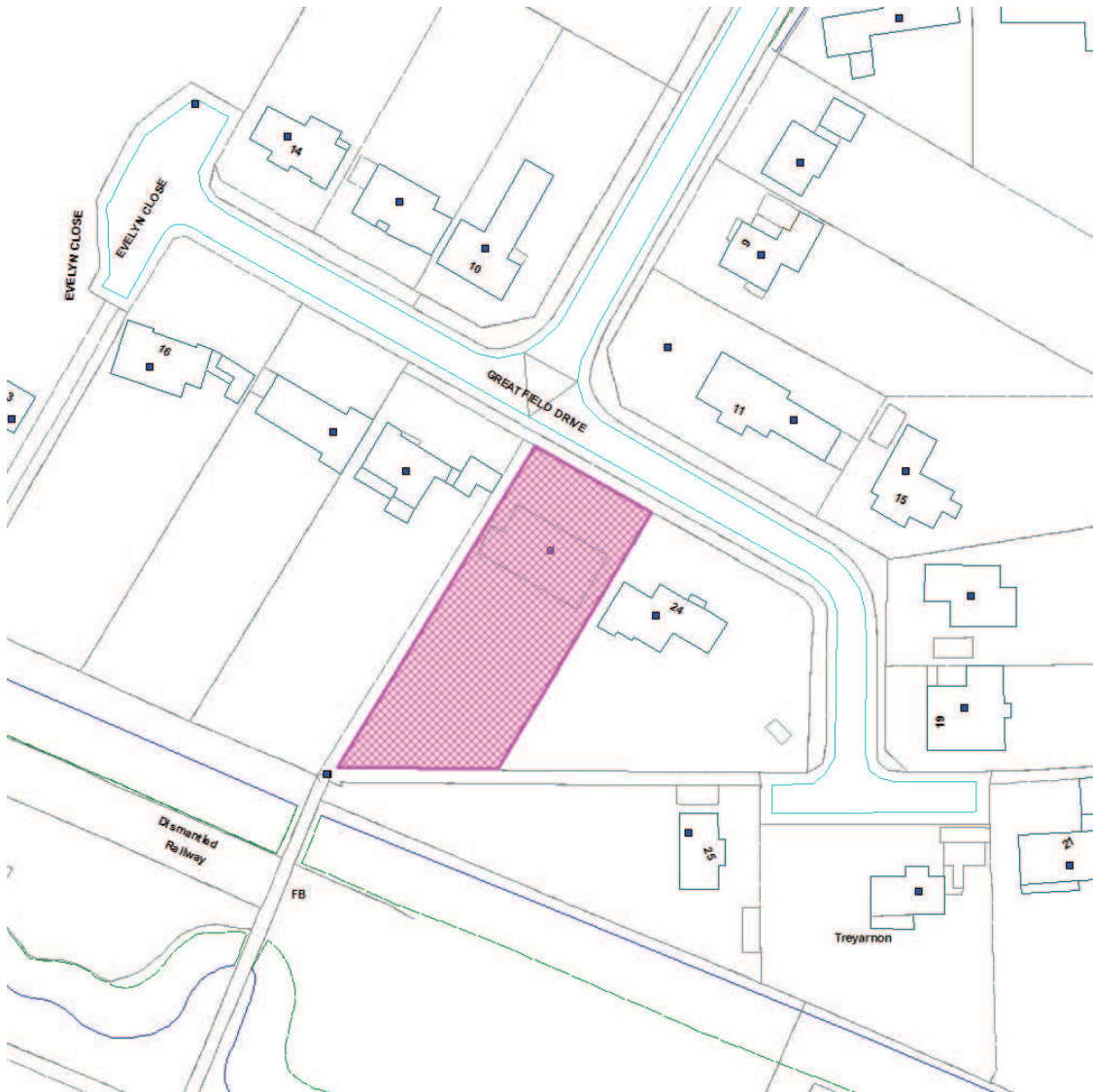
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in 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: 16/00905/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 20th May 2016		DATE OF EXPIRY: 15th July 2016	
WARD: Charlton Park		PARISH:	
APPLICANT:	Mr M Le Grand		
AGENT:	Mark Le Grand & Co		
LOCATION:	Pipers Wold, 22 Greatfield Drive, Cheltenham		
PROPOSAL:	Proposed erection of a pair of semi-detached dwellings (following demolition of existing bungalow).		

RECOMMENDATION:



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a semi-detached bungalow which is positioned within a generous plot. The applicant is seeking planning permission for the erection of a pair of semi-detached properties, following the demolition of the existing bungalow.
- 1.2 The submission follows pre-application discussions with the applicant and also a recently withdrawn submission for a pair of semi-detached dwellings on the site (planning ref: 16/00543/FUL).
- 1.3 The application is at committee following a request from Councillor Baker due to the concerns raised by local residents.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

16/00543/FUL 18th May 2016 WDN

Demolition of existing dwelling and erection of a pair of semi-detached dwellings

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
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Tree Officer

26th May 2016

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

Detailed Landscaping

The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The current Landscape Planning Proposals must be modified to also specify species, planting size, root type (it is anticipated that container grown trees will be planted) and protection so as to ensure quick successful establishment. The size of the trees shall be at least a Selected Standard as per

BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

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

Contaminated Land Officer

16th June 2016

With regard to this application I have no adverse comment to make.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	16
Total comments received	3
Number of objections	2
Number of supporting	0
General comment	1

5.1 Sixteen letters have been sent to neighbouring properties and three responses have been received.

5.2 Comments Received

Brief summary of comments received:

- Introduction of additional dwelling
- Visual amenity
- Increase in height of dwelling – impact of this on the general appearance and attractiveness of the area
- Parking

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the principle of the subdivision of the application site, the design and the impact on the character of the locality, neighbouring amenity and significant trees within the application site.

6.3 Principle of development

6.4 The application site lies within the Principal Urban Area of the town where residential development is normally acceptable in principle subject to the considerations listed above.

6.5 Also relevant when considering the principle of residential development, is the Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham. This provides specific guidance in assessing the character of an area in order to ensure that infill development is acceptable within the surrounding context. Having considered the context of the surrounding area, the character primarily derives from large detached dwellings, which are a mixture of two storey dwellings and bungalows, which are set within generous plot sizes. Directly opposite the application site is a pair of recently constructed semi-detached dwellings.

6.6 Officers consider that in this instance, there is scope for the replacement of the existing bungalow with a pair of semi-detached dwellings, providing the scale, mass and layout of the surrounding dwellings is respected, together with retaining a sense of space surrounding the dwellings.

6.7 Design

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

6.9 As stated within the introduction, the application follows the submission of a recently withdrawn application. At this time, the scheme sought permission for a pair of significantly larger dwellings on the site. Officers raised concerns regarding the overall height, width and depth of the dwellings and considered that these would represent an overly large development which would fail to respect the scale of neighbouring development and the locality. The width of the dwellings was considered particularly harmful, due to the established character of space in between dwellings.

6.10 Following feedback from officers, the applicant withdrew the scheme and has subsequently submitted a reduced proposal. The width of the pair of dwellings has been significantly reduced, alongside the overall height and depth of the dwellings. Concerns have been raised within submitted letters of representation regarding the height of the proposal which is greater than the existing bungalow. Whilst it is acknowledged the proposal would have a greater visual impact than the existing bungalow, this is not in itself considered unacceptable or harmful. The submitted street scene demonstrates that the height of the proposal will remain consistent with that of the adjacent dwellings and the applicant has retained a sense of space to either side of the dwellings. In keeping the height consistent with surrounding dwellings and retaining space at either side, the proposal still allows for views through to the escarpment.

6.11 For these reasons, whilst the proposal would result in the intensification of residential development on the application site, the proposal is now considered to respond to the key characteristics of the site and surrounding area which ensures an appropriate development which would respect its context.

6.12 In terms of the architectural approach for the scheme, the applicant proposes a fairly traditional design approach with a hipped roof and gables. This is considered in keeping within the surrounding area, as there is a mix of architectural styles and also materials.

6.13 Impact on neighbouring amenity

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

6.15 The proposal is not considered to result in any unacceptable loss of light or overbearing impact to neighbouring dwellings. In terms of a loss of privacy, the occupier of the neighbouring dwelling to the east has raised a concern regarding the use of the flat roof above the single storey rear aspects of the dwellings as a terrace. In order to alleviate any potential harm which could come about as a result of the use of this flat roof area as a balcony, a condition is suggested restricting its use.

6.16 Trees

6.17 The Tree Officer raises no objection to the scheme, but has requested a condition is attached regarding landscaping. The application is not accompanied by a landscaping plan and therefore a condition has been attached requiring that details are submitted.

6.18 Access and highway issues

- 6.19** The proposal would result in an intensification of the activity at the application site. The existing site comprises of two access points and a large extent of hardstanding. The applicant proposes for the existing access points to serve each of the proposed dwellings.
- 6.20** Whilst concerns have been raised regarding parking, the submitted block plan demonstrates that there is sufficient off street parking to accommodate the additional dwelling proposed. Due to the level of parking provision and the fact that existing access points will remain unaltered, officers do not consider that the proposal would give rise to any unacceptable impact on highway safety.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons identified, the proposal is now considered to respond to the characteristics of the site and surrounding area in line with Local Plan Policy CP7 and the guidance within the Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham.
- 7.2** In addition, it is not considered there would be any unacceptable impact on neighbouring amenity, highway safety or trees as a result of this application.
- 7.3** The recommendation is therefore to approve this application subject to the conditions below.

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 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. This information goes to the heart of the consent and is therefore necessary before work commences.
- 4 The roof area of the single storey rear aspects of the development hereby permitted shall not be used as a balcony, roof garden or amenity area.
Reason: To safeguard the amenities of the adjacent property, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).
- 5 Prior to the implementation of any landscaping, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local

Page 40

Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

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

INFORMATIVES

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

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

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

APPLICATION NO: 16/00905/FUL		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 20th May 2016		DATE OF EXPIRY : 15th July 2016	
WARD: Charlton Park		PARISH:	
APPLICANT:	Mr M Le Grand		
LOCATION:	Pipers Wold, 22 Greatfield Drive, Cheltenham		
PROPOSAL:	Proposed erection of a pair of semi-detached dwellings (following demolition of existing bungalow).		

REPRESENTATIONS

Number of contributors	3
Number of objections	2
Number of representations	1
Number of supporting	0

Tylings
9 Greatfield Drive
Cheltenham
Gloucestershire
GL53 9BT

Comments: 8th June 2016
Letter attached.

24 Greatfield Drive
Cheltenham
Gloucestershire
GL53 9BY

Comments: 13th June 2016

I would be grateful if the planning team could ensure that it is not possible to use the flat roof, above the kitchen / family area, as a balcony now or in the future.

Will the planning team be considering removing the permitted development rights from this development? The smaller windows at the rear of the 1st floor and proposed 2 story development rather than 3, mean that it is less intrusive than the previous proposal. If there is any scope to limit it to being a 2 story development now and in the future it would be of benefit.

We feel that if further enhancements to the scheme were forthcoming in the future it would be good for them to be considered on their own planning merits with a neighbour consultation available for comment.

Many thanks for your consideration.

Bella Vista
14 Greatfield Drive
Cheltenham
Gloucestershire
GL53 9BU

Comments: 13th June 2016
Letter attached.

BUILT Page 43 , Greatfield Drive,

Charlton Kings,
CHELTENHAM, Glos.
GL53 9BT

Recd . 8 JUN 2016

ENVIRONMENT

The Planning Dept.,
Cheltenham Borough Council,
Municipal Offices,
PO Box 12,
CHELTENHAM, GL50 1PP

8:6:2016

Dear Sirs,

Planning Application 16/00905/FUL
Demolition of existing bungalow at 22, Greatfield Drive
and proposed erection of two potentially 3-storey semi-detached
dwellings.

I have learned from Cllr. Paul Baker of Charlton Kings Liberal Democrats that Application 16/00543/FUL has been withdrawn to be replaced by the above proposal.

Hearing that a revised proposal had been put forward for the site at No. 22, I had hoped that something more suitable would have been forthcoming but, regrettably, all the comments in my letter to the Planning Dept. dated 17th. May still apply (copy enclosed).

It is clear that the latest proposal still involves a dwelling - or, rather, two dwellings - significantly higher than the current bungalow and this will impact upon the view of Leckhampton Hill which, as previously stated, defines the locality.

Although no rooms have been indicated on a 'third' floor, the roof height is such that it appears that it would allow for such a development.

My contention is that No. 22 is a sensitive site - more so than others nearby - and the present bungalow recognises this because it allows the view of the hill beyond seen from the road approach. (See photographs).

The plan being put forward pays no regard to this very obvious consideration when assessing whether proposals "compromise the quality of the local environment" (Ref: Appeal Decision: APP/B1605/A/09/2089381 mentioned in my previous letter).

If the site of No. 22 really has to be used to provide adequate accommodation for two dwellings without undue height then a potential answer might be to follow the example at No. 11 (immediately opposite No. 22) where full depth basements have been used to create the 'effect' of 2-storey chalet bungalows above ground level.

Much more care and consideration needs to be given to these and other possibilities before any approvals are issued.

Yours sincerely,

/ Enc.



9, Greatfield Drive,
Charlton Kings,
CHELTENHAM, Glos.
GL53 9BT

The Planning Dept.,
Cheltenham Borough Council,
Municipal Offices,
PO Box 12,
CHELTENHAM, GL50 1PP

17:5:2016

also Ref
16/00905/FUL

Dear Sirs,

Planning Application 16/00543/FUL
Demolition of existing bungalow at 22, Greatfield Drive
and proposed erection of two 3-storey semi-detached dwellings

I have learned from Steve Harvey (now Cllr. Harvey) of Charlton Park Liberal Democrats that the above may be considered by the full Planning Committee on 26th. May or, possibly, at a later meeting.

I hope, therefore, that my comments set out below can be considered.

Firstly, the locality involved.

In a Decision dated 26 June 2008, refusing an Application in respect of 11, Greatfield Drive (opposite No.22), Mr. Mike Redman of the Cheltenham Borough Council said:

" . . . the locality (which) is characterised by detached houses set in reasonably spacious, suburban surroundings." (Appl. 08/00649/FUL)

An Appeal resulted in the following comments from Mr. Roger Eagle, a Planning Inspector from Bristol. In para. 9 of his Decision dated 27 January 2009 he refers to Planning Policy Statement 1 (PPS1): Delivering Sustainable Development which

" . . . makes clear that design which is inappropriate in its context and fails to improve the character and quality of an area should not be accepted."

In para. 3, referring to PPS3 he goes on to say it

" . . . makes clear that proposals should not compromise the quality of the local environment." (Appeal Decision Ref: APP/B1605/A/09/2089381)

Precisely the same point was picked up by Planning Inspector Neil Pope of Bristol in his Decision of 24 December 2009 in refusing a later Appeal. (Ref: APP/B1605/A/09/2112889)

Secondly, and turning now to this particular proposal, it has to be said that, whilst I would regret a 3-storey property anywhere in this immediate neighbourhood, the site at No. 22 is, arguably, just about the worst possible location for such a development.

Greatfield Drive was carefully laid out in the mid-1950s by a respected local building company, Western Estates (Lawes Cherry) Ltd.

It is clear to anyone walking or driving towards the T-junction that the hipped-roof bungalow at No. 22 allows a significant view of Leckhampton Hill and the Charlton Common escarpment.

The view, the backdrop, defines the locality.

(Incidentally, this road forms part of the 'Gustav Holst Way' footpath, currently severed by the footbridge over the old railway cutting which has been closed for many months now due to safety considerations.)

It is apparent that any increase in height and with a different roof-form would significantly impact on the general appearance and attractiveness of the area. I see no reason why the careful considerations of the original scheme should be cast aside for an opportunist development.

/ I enclose some recent photographs of Greatfield Drive in which the present bungalow at No. 22 can be seen with the backdrop of Leckhampton Hill rising beyond it.

Concern has been expressed by others about parked vehicles spilling off the site and onto the road at the T-junction. I share such concerns. In my view, any proposal, whether for a single or a double dwelling should provide access to the side (or sides) for possible parking/garaging in addition to the limited open spaces in front - and all the more so if there are to be two dwellings on the site.

Planning Inspector Neil Pope (see previous page) in December 2009 mentioned the

" . . . pleasant residential environment that is clearly valued by many residents."

This is still the case.

Please don't permit it to be spoiled.

Yours faithfully,

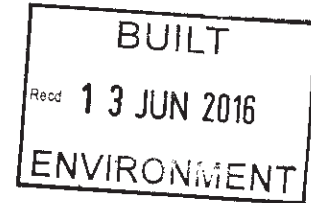


/ Enc.



[REDACTED]
14 Greatfield Drive
Charlton Kings
Cheltenham
GL53 9BU
9 June 2016

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



Ref. 16/00905/FUL

Dear Tracey

Proposal: Demolition of existing dwelling and erection of a pair of semi-detached dwellings at Pipers Wold 22 Greatfield Drive.

As a resident of Greatfield Drive I object strongly to the Proposal for the following reasons:-

A. Visual Impact.

(i) The proposed height of 8.5 meters, being significantly greater than that of the existing Bungallow, will destroy the views of Leckhampton Hill and Charlton Common Escarpment on the approach to the central T-junction in Greatfield Road.

(ii) There is currently only one other pair of semi-detached houses in this road (directly opposite at 12A/B) and that has been achieved with roof height noticeably less than the 8.5 meters proposed for 22A/B.

B. Amenity.

When laid out, the dwellings in this road were all detached and carefully composed so as to provide almost all the uncluttered residences in good-sized plots with attractive views of Charlton Common and Leckhampton Hill. A key feature is the view of the Common and Hill from the approach up to the central T junction in Greatfield Drive, this view being over the low roof of the Bungalow at number 22. Replacing this Bungalow with a house, let alone a pair of 8.5 meters high semi-detached dwellings, would completely destroy this key amenity feature for us all.

C. Traffic and Parking.

The position of No 22 is immediately adjacent to the central T junction. For safety, it is essential to keep this clear at all times as it also serves the only route to Evelyn Close. The previous owner had the use of separate In and Out drop pavement Access to No 22 and a garage on the side of the Bungalow. The ground plans of the Proposal contain no garage for either semi-detached house and imply that 4 cars will be able to park off road. However, because the width of the site was only ever intended for one dwelling, space available is so tight it will be difficult to turn the cars off road and the reality would be that the drivers will be forced to back out on to the road very close to the junction. Even more serious would be the lack of visitor parking and the inevitable temptation for visitors and delivery vehicles to park on the road. I cannot overemphasise how busy this central point is, bearing in mind that, in addition to private cars, all delivery vans use it to reach the 20 dwellings in Evelyn Close as well as half the residences of Greatfield Drive.

My wife and I ask that this Proposed demolition of No 22 and its replacement with a pair of semi-detached dwellings should be dismissed on the basis of the above very real concerns.

Yours sincerely

[Redacted signature]

[Redacted address]

[Redacted name]

[Redacted address]

BUILT
Recd 13 JUN 2016
ENVIRONMENT

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APPLICATION NO: 16/00238/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 6th May 2016	DATE OF EXPIRY: 1st July 2016
WARD: Warden Hill	PARISH: Leckhampton With Warden Hill
APPLICANT:	Miss Clare McShane
AGENT:	
LOCATION:	28 Gwernant Road, Cheltenham
PROPOSAL:	Proposed porous asphalt driveway and dropped kerb.

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to no.28 Gwernant Road, which is a semi-detached property within a residential area. The applicant is seeking planning permission for a proposed porous hardstanding across an existing area of soft landscaping to the front of the property. A dropped kerb is also proposed.
- 1.2 The application is before committee as the land to the front of the property to which this application relates is owned by Cheltenham Borough Council.
- 1.3

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

N/A

Relevant Planning History:

N/A

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

P 4 Safe and sustainable living

CP 7 Design

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Cheltenham Borough Homes

23rd February 2016

Not sure how to approach this but wanted to bring to CBC attention as we are concerned that crossing this piece of land would mean CBC giving away HRA land.

This could cause ongoing maintenance issues, questions over managing the land around it?

What are your thoughts on this, we are looking to appeal against the planning application on these grounds and would require your views and support in the matter

16th February 2016

I have had a look at the map and they would be crossing a highway grassed area and highway public path. So not sure if they intend creating a drive going across this??

11th May 2016

As Managing Agents for this piece of land, I can confirm that, subject to a Licence that has been agreed and is being issued by the owners of the Land (Cheltenham Borough Council), Cheltenham Borough Homes would have no objection to this application. For details of the Licence, please contact Chris Finch at Cheltenham Borough Council.

Parish Council

8th March 2016

The Council does not object to the application, but requests that the following comments are taken into account:-

Gwernant Road is a busy through road. Cars parked on the road force a single lane for the traffic. Any reduction in parked cars would help the traffic flow and reduce the risk of accidents. The house next door (number 26) has a tarmac access way that cuts across the grassed area with a drop kerb and so precedence has been set. According to the occupier of number 26 this was done before she moved into the property in 1990.

Currently cars are being driven across the grassed area to access driveways in front of properties causing the grass to be churned up and mud on the pavement which looks unsightly. A tarmac access way would look better. There may be other options to provide a solution eg utilising the access way to No 26 so reducing the need to remove too much grassed area.

GCC Highways Planning Liaison Officer

29th February 2016

LOCATION: 28 Gwernant Road Cheltenham Gloucestershire GL51 3ES

PROPOSED: Proposed porous asphalt driveway and dropped kerb

I refer to the above planning application received on 16th February 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.

5. PUBLICITY AND REPRESENTATIONS

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

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

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 Design

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

6.5 The proposed hardstanding would be introduced in what is currently a grassed area in between the front of the dwelling and the highway. The grass verge is narrower at the point of the application proposal, but widens significantly to the south. The landscaped open space is considered to make a positive contribution to the character of the locality and is a common feature amongst residential housing developments.

6.6 Whilst officers have considered the positive contribution of this grassed area as a whole, in this instance, the proposed introduction of hardstanding would not be considered harmful. This is because, as stated, at the point of the application proposal, the grass verge narrows significantly and does not form part of the larger extent of soft landscaping to the south. In addition, it is noted that directly to the north of the application site is a large extent of hardstanding which has resulted in the removal of the grass verge at this point. The Parish Council considers that the introduction of a formalised tarmac area would look better due to cars currently driving across and damaging the grass. These comments appear to relate to the area as a whole rather than just the application proposal which goes beyond the parameters of this application, however as stated above, officers consider in this instance the proposal is acceptable.

6.7 For these reasons, officers consider that this specific proposal directly adjacent to the existing hardstanding would not be harmful to the character of the locality and therefore accords with Local Plan Policy CP7.

6.8 Access and highway issues

6.9 The application incorporates the dropping of the kerb. These works would require separate Gloucestershire County Council Highways approval.

6.10 Other considerations

6.11 Comments have been received from Cheltenham Borough Homes regarding issues relating to ownership of land and wider corporate considerations for this proposal. Whilst these have been noted, they are not relevant considerations as part of the planning permission. The applicant has served the necessary notice on the owner of the land for planning purposes and it is for the planning authority to consider the acceptability of this in relation to the relevant planning policy considerations. In relation to the housing revenues account comment, officers can confirm that the possibility of this parcel of land being developed in the future seems very remote; as a space it makes an important contribution to the locality and whilst this would not be compromised by this specific proposal, any proposed buildings would be detrimental.

7. CONCLUSION AND RECOMMENDATION

- 7.1 In summary, officers consider that the proposal would not be harmful to the character of the locality and accords with Local Plan Policy CP7.
- 7.2 The recommendation is to approve this application subject to the conditions below.

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.

INFORMATIVES

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

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

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

- 2 The applicant is reminded of the need to also obtain approval for the vehicle crossing from Amey Gloucestershire before any works commence; you can contact them on 08000 514 514 or alternatively email: GCCHighways@Amey.co.uk.

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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:	No agent used	
LOCATION:	33 Kingsmead Avenue, Cheltenham	
PROPOSAL:	Construction of a driveway (retrospective)	

June Planning Committee

Update to Officer Report

1. OFFICER COMMENTS

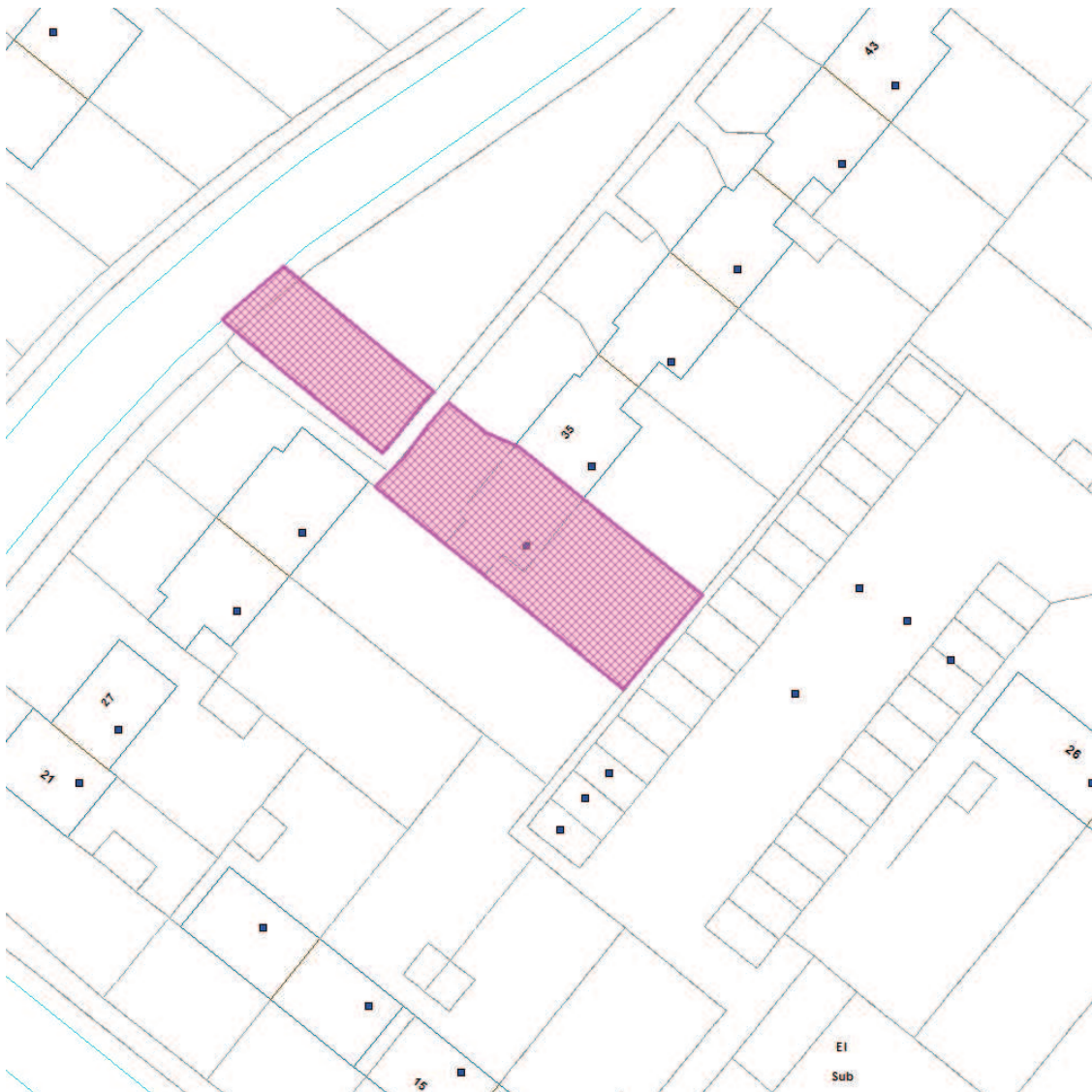
- 1.1. Further to the previous update, this update is to confirm that further investigation has been undertaken by Officers with regards to this application and similar development undertaken at neighbouring properties.
- 1.2. The neighbouring property at number 35 Kingsmead Avenue was issued a Certificate of Lawful Proposed Development for a dropped kerb and permeable hardstanding to the front of the property in September 2014. A condition was attached to the decision notice advising that planning permission would be required in order to replace the existing grass verge to the front of the property with hardstanding. An application had not been received for this but the works were completed regardless. The occupier of 35 Kingsmead Avenue has been contacted and invited to submit a retrospective application for planning permission.
- 1.3. The neighbouring property at number 37 Kingsmead Avenue has a dropped kerb, hardstanding to the front of the property and the grass verge has been replaced with tarmac. The occupier / owner has been contacted and they advised that the works had been completed approximately 25 years previously. In light of this no further action is required as four years of completion has now passed and no enforcement action can be taken.
- 1.4. Despite the partial loss of the grass verge to hardstanding for access to three different properties, it is considered that when assessed in the wider context of a mixture of boundary treatments and a number of driveways and parked cars, the driveways that have been installed are entirely compatible with this context.
- 1.5. It is certainly regrettable that the work has taken place without consent, particularly given that the properties are in borough council ownership, so in light of this situation, officers will be working to improve lines of communication between relevant parties involved.

2. CONCLUSION AND RECOMMENDATION

The recommendation remains to permit, with recommendations as per the previous update.

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: 16/00317/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	
PROPOSAL:	Construction of a driveway (retrospective)	

Update to Officer Report

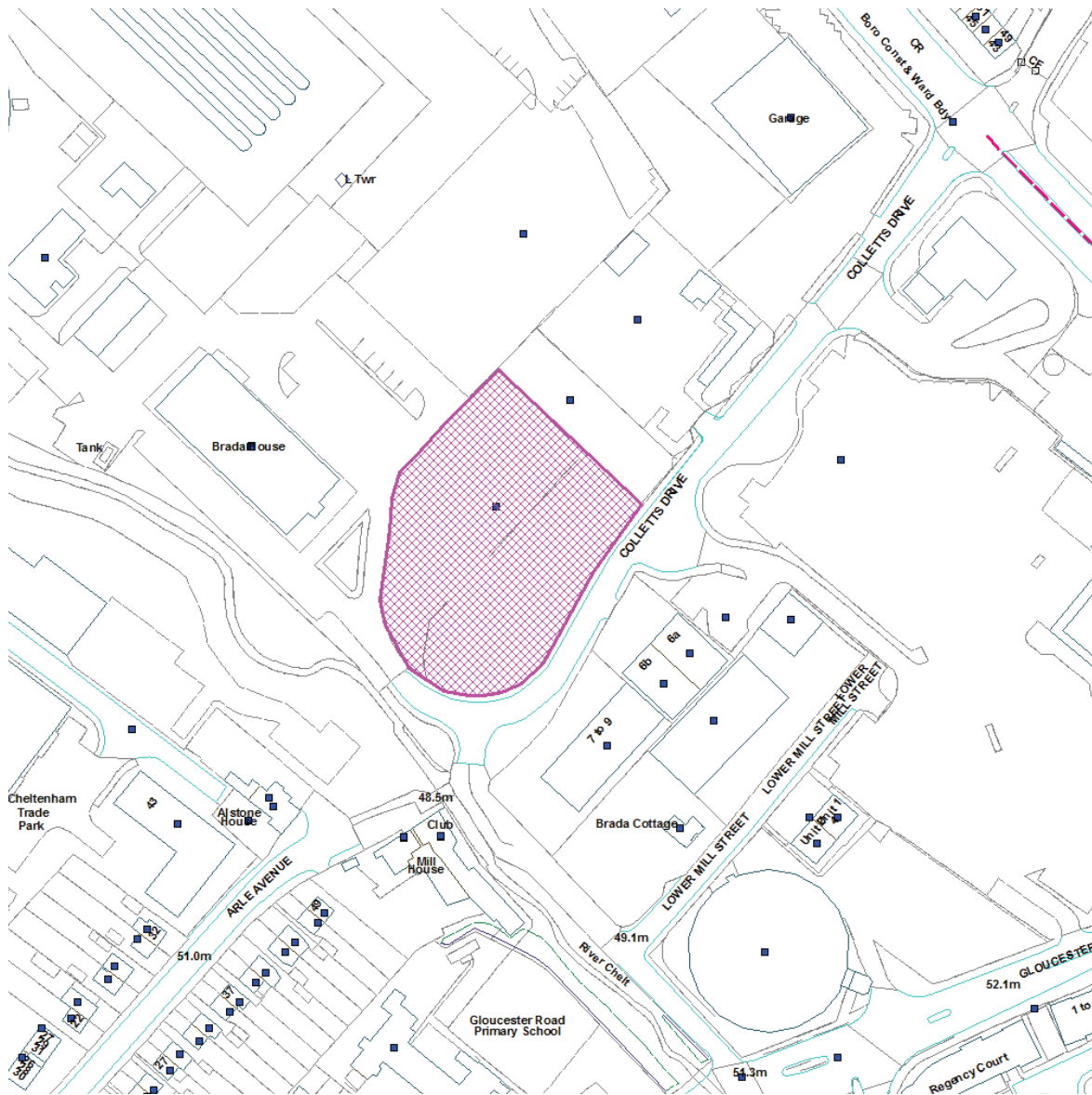
1. OFFICER COMMENTS

- 1.1 Since the publication of the main report and following Planning View, this application has been **deferred** for consideration at a future Planning Committee meeting. Further investigation is required by Officers with regards to this application and similar development undertaken at neighbouring properties.

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APPLICATION NO: 16/00693/FUL	OFFICER: Mr Craig Hemphill
DATE REGISTERED: 5th May 2016	DATE OF EXPIRY:
WARD: St Peters	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	Cheltenham Borough Council
LOCATION:	Land at Colletts Drive, Cheltenham
PROPOSAL:	Change of use of site to provide up to 41 space car park for a local company.

RECOMMENDATION: To follow



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a currently unused hardstanding area located at the end of Collet's Drive, accessed via Tewkesbury Road. The site adjoins industrial uses to the east and west with the car parking area for the Tesco supermarket located to the north east. The River Chelt runs to the south of the site, beyond which is a mix of commercial buildings at Central Way and residential properties at Arle Avenue.
- 1.2 The application proposes to change the use of the hardstanding area to provide a car parking area of up to 41 spaces.
- 1.3 The supporting documents submitted set out that the car parking is for Omega Engineering Services at 42 Central Way and that the car parking is required due to the business expanding. The company will be moving 16 permanent staff and 23 contract staff from their premises at 12 St Georges Business park to 42 Central Way.
- 1.4 Subject to receiving planning permission Omega has agreed a draft lease to rent the land from Cheltenham Borough for a 5 year period.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

250 Metre Land Fill Boundary
Flood Zone 3

Relevant Planning History:

03/00564/FUL 28th May 2003 PER

Construction of workshop and temporary offices in connection with builders yard/plant storage areas

87/00473/PF 25th June 1987 PER

Land off Tewkesbury Road Cheltenham Gloucestershire - Formation of New Access Road (Traffic Light Controlled)

90/00394/PF 24th May 1990 PER

Commercial Vehicle Turning Head and Vehicular Barrier at Arle Avenue End Of Moors Gardens

91/00448/PO 1st August 1991 WDN

Erection of Light Industrial Building with Ancillary Offices (S.106 Agreement Completed 19 Nov 93)

91/00451/PO 1st August 1991 WDN

Erection of Light Industrial Building with Ancillary Offices (S.106 Agreement Completed 19 Nov 93)

92/00146/PM 26th March 1992 PER

New Depot/Workshop/Office for O'Connor Plant Hire

93/00900/PF 21st October 1993 REF

Proposed Pedestrian Access onto Public Footway, Tewkesbury Road - Through Existing Boundary Wall

97/00510/OZ 15th September 1997 WDN

Change Of Use To Open Space Incorporating An Area Of Grass For School Use

04/02097/GDO 27th January 2005 REF

Erection of 10 metre telecommunications facsimile lamppost structure with integral antenna and ancillary equipment cabinet

06/00707/COU 6th July 2006 PER

Use of vacant site for temporary car park for 35 weeks and reinstate area after use

08/00898/GDO 13th August 2008 NOOBJ

12.5 metre telecommunications column accommodating three internal antennae and one ground based cabinet

11/01282/FUL 28th October 2011 PER

Erection of palisade fence

14/00682/FUL 5th June 2014 PER

Proposed site compound to serve as a storage base for operational works

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 6 Trees and development

TP 1 Development and highway safety

TP 5 Extension of private car parking facilities

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Contaminated Land Officer

5th May 2016

No objections to this application.

Tree Officer

25th May 2016

The Tree Section has no objects with this application.

Cheltenham Civic Society

19th May 2016

it is difficult to assess this scheme without more information.

Land Drainage Officer

14th June 2016

This area appears to be an existing hard standing already used for parking. I have no objection to the proposal

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 34 properties. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

- 6.1 At the time of preparing this report some consultation responses are awaited. The report will follow as an update.

APPLICATION NO: 16/00693/FUL		OFFICER: Mr Craig Hemphill
DATE REGISTERED: 5th May 2016		DATE OF EXPIRY:
WARD: St Peters		PARISH:
APPLICANT:	Cheltenham Borough Council	
AGENT:	Mrs Rebecca Conway	
LOCATION:	Land At Colletts Drive, Cheltenham	
PROPOSAL:	Change of use of site to provide a 41 space car park for local business.	

RECOMMENDATION: Permit

Update to Officer Report

1. CONSULTATIONS

GCC Highways Planning Liaison Officer

24th June 2016

Access & visibility

The development proposes to use an existing established access located on the south easterly boundary of the site. As this section of Colletts Drive is subject to a 30mph speed emerging visibility splays that are deemed to satisfy visibility standards require emerging splays of 54m in both directions at a 2.4m setback of the centre line. 54m visibility splays can be achieved in both the north easterly (left) and south westerly (right) directions.

Parking

The development has proposed 41 parking spaces. These parking spaces should comply with Manual for Gloucestershire Streets sections 9.13-9.14.

Recommendation

I recommend that no highway objection be raised subject to the following condition being attached to any permission granted:

Condition 1 - Visibility

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

27th June 2016

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.

Environment Agency

No need for consultation as this proposal wouldn't feature in our checklist for bespoke consultation as it's a 'green cell' in our Flood Risk Standing Advice matrix (cell F3 – change of use resulting in a less vulnerable development). As such our Standing Advice would apply. Consideration for something like this would include a flood evacuation management plan, as no built development is involved.

2. OFFICER COMMENTS

2.1. Determining Issues

2.2. No building or resurfacing works are proposed, the application is proposing to use the site in its current form for the parking of up to 41 cars. The main issues therefore in considering this application are the proposed use, highway safety and flooding considerations.

2.3. The site is currently being informally used as a car park.

2.4. The proposed use

2.5. The site is located in a sustainable location, it is however constrained by its location next to commercial and industrial uses and buildings. In addition, and more significantly, the site is located in Flood Zone 3 (flooding considerations for a car parking uses are set out below). These constraints limit development proposal coming forward with previous planning permissions at this site including mainly temporary uses such as a site compound, builder's yard and temporary car parking.

2.6. The application is seeking to formalize the use of the site as a private car park for up to 5 years which no physical works proposed to the site. This proposal may not be the most innovative, but it would ensure that the site is being used while also providing support for the economic activity and growth of an existing business. Furthermore the use would not limit or prevent the site being considered for alternative uses in the future.

2.7. The principle is therefore considered to be acceptable.

2.8. Access and highway safety

2.9. The Gloucestershire Highways Officer has considered the application providing no objection, subject to a condition being attached requiring viability to be improved at the access to the site. Given that the application is seeking to use this site for a period of up to 5 years this condition is considered reasonable.

2.10. Flooding

2.11. The site is located within Flood Zone 3. The Environment Agency no longer comments on all planning application in flood zones referring to standard advice. For the avoidance of doubt Officers have requested clarification from the EA on this issue. As set out in the EA response the site does fall which standing advice confirming that the proposal is 'a 'green cell' in our Flood Risk Standing Advice matrix (cell F3 – change of use resulting in a less vulnerable development)', and that 'the main consideration for something like this would be a flood evacuation management plan, as no built development is involved.'

2.12. The Land Drainage Officer has also considered the application providing no objection.

2.13. Given these comments the use of a site in Flood Zone 3 for the purpose of surface car parking is considered to be acceptable. The Environment Agency makes comment on the need for flood evacuation management plan for the car park. It is considered that a condition can be attached requiring this information to be submitted.

2.14. Impact on neighbouring property

2.15. The site is currently being used as an informal car park, there have not been any complaints received to date on this activity from neighbouring land users. There have been no letters of representation for this application. The proposed use is not considered to have any additional impact that already exists at the site and is therefore considered to satisfy policy CP4 of the Local Plan.

3. CONCLUSION AND RECOMMENDATION

3.1. The proposed use of the site for 41 a car parking area can be achieved without harm to highway safety. The proposed use will secure the active use of the site and support and facilitate the expansion of a business located within Cheltenham. The proposed use is identified as a less vulnerable use which can be accommodated in flood zone 3.

3.2. The planning balance is considered to be in favour of the proposal and therefore the recommendation is to permit the application subject to conditions.

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

- 3 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 54m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.
Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

- 4 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 :-

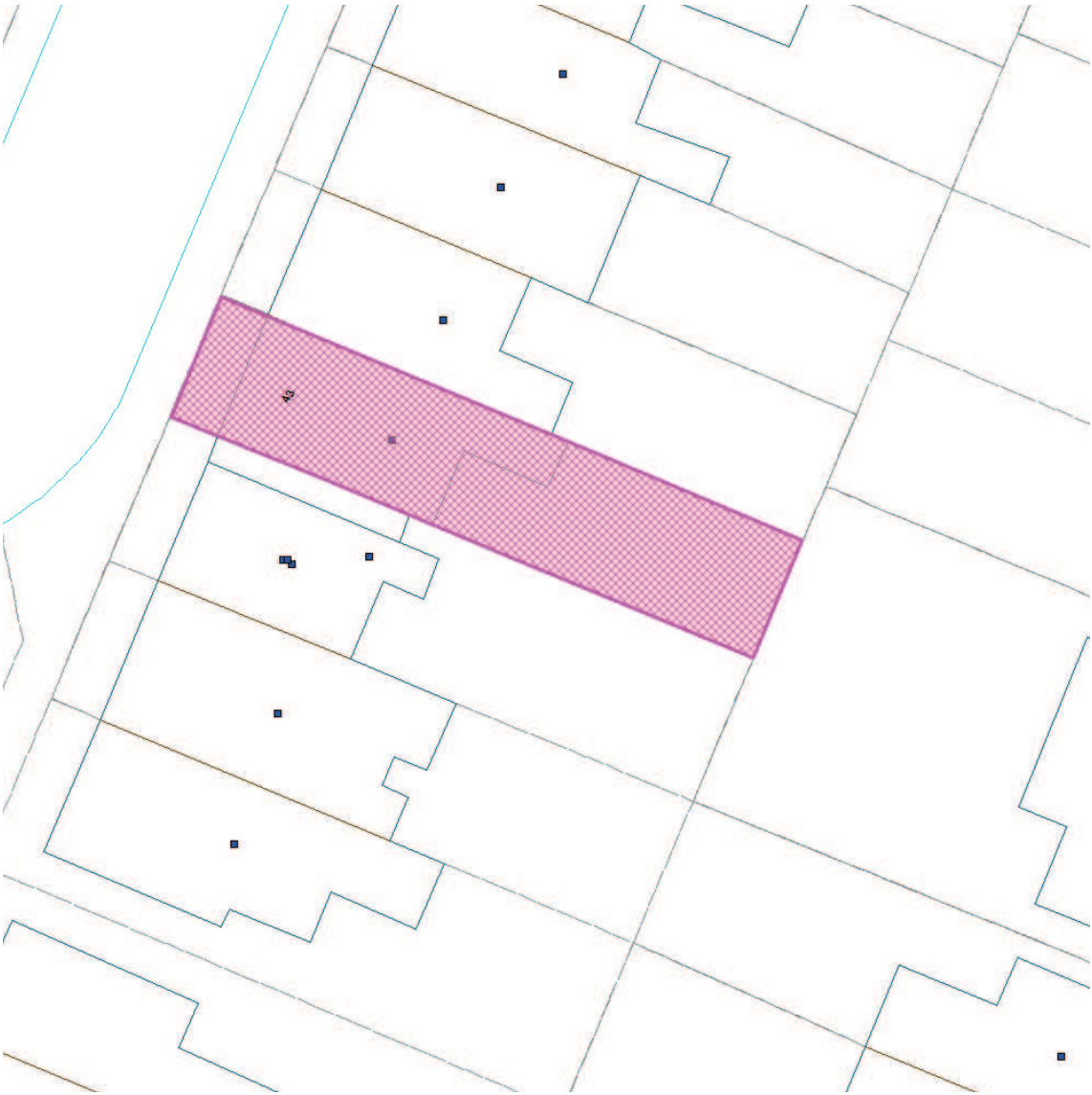
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible,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

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: 16/00911/COU	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 20th May 2016	DATE OF EXPIRY: 15th July 2016
WARD: St Pauls	PARISH:
APPLICANT: Mr M Cooley	
AGENT:	
LOCATION: 43 Courtenay Street, Cheltenham	
PROPOSAL: Change of use from a 6 bed house in multiple occupation (HMO) to 8 bed HMO (retrospective)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a terraced house within a street of similar properties within the St Pauls Character Area of the Central conservation area.
- 1.2 This is a retrospective application for the use of the property as a House in Multiple Occupation to accommodate 8 people. The applicant has explained that the property has been licensed as such for nearly 7 years.
- 1.3 Officers felt it appropriate that the application be determined by committee given that application 16/00797/COU at 2 Courtney Street has been requested to be determined by committee and they are in close proximity to one another.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 2 Residential character in conservation areas
HS 3 Subdivision of existing dwellings
HS 8 Houses in multiple occupation
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Central conservation area: St. Paul's Character Area and Management Plan (July 2008)
Residential Alterations and Extensions Supplementary Planning Document (February 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

9th June 2016

No comment

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	
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 9 neighbouring properties, a site notice and a notice in The Echo. 1 objection has been received which relates to overcrowding and intensification of HMOs in St Pauls.

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) principle, (ii) highway safety and (iii) bin storage arrangements.

6.2 Principle

The application seeks permission for the use of the house to a 8 person HMO, this a retrospective application and therefore this situation is already in existence.

The General Permitted Development Order grants blanket consent for houses to switch between use as a dwelling and use as a small HMO without the need for planning permission. The definition of a small HMO is one used by up to 6 occupants.

As such were this property to be occupied by two less individuals planning permission would not be required for the use. Therefore in considering the principle of the change of use; this turns on the impact that the 2 additional occupants would have. Officers view is that this would be negligible. The accommodation has been inspected and whilst it is compact each room is adequate as is the shared space.

The authority is currently exploring the potential to limit Permitted Development Rights in regard to Houses of Multiple Occupation in areas of Cheltenham. It is clear from Planning Practice Guidance that the limiting of such rights should only come after a full consideration of evidence, and after public consultation. We aim to include discussion of potential article 4 directions as part of the Cheltenham Plan Preferred Option Consultation scheduled for this September.

Therefore the current application must be considered against the current policy framework.

It is acknowledged that although the impact of this application may be limited that there may be a cumulative impact in terms of general noise and disturbance in the locality.

Impact on neighbouring property

The dwelling will be used more intensively than it has in the past, however the two additional tenants which trigger the need for planning permission are unlikely to result in any significant additional impacts in terms of general noise and disturbance. Environmental Health have confirmed that there have been no noise complaints received from Courtenay Street in the last 3 years. As such the proposal is considered to comply with policy CP4.

6.3 Access and highway issues

The views of the Highways Officer have been sought and will be reported in an update. The street is subject to permit control and is in a sustainable location therefore it is not anticipated that they will object.

6.4 Other considerations

There is no rear alley on this side of Courtenay Street and as such the bins are stored in the front garden area. Whilst this is not ideal they are not on the street and it is assumed that were the property to be occupied by a family the same arrangement would apply.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons outline above the application is considered to be acceptable and is therefore recommended for approval.

8. CONDITIONS / INFORMATIVES

None required as proposal is retrospective.

INFORMATIVES

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

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

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

APPLICATION NO: 16/00911/COU		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 20th May 2016		DATE OF EXPIRY : 15th July 2016	
WARD: St Pauls		PARISH:	
APPLICANT:	Mr M Cooley		
LOCATION:	43 Courtenay Street, Cheltenham		
PROPOSAL:	Change of use from a 6 bed house in multiple occupation (HMO) to 8 bed HMO (retrospective)		

REPRESENTATIONS

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

41 St Pauls Road
Cheltenham
Gloucestershire
GL50 4ES

Comments: 28th May 2016

So for the last 7 years this house has been operating as an 8 way let without planning permission, and the council has been licensing it.

Does the licensing department make any checks when it gives out HMO licenses? Or are they too snowed under with the workload as one house after another in St Paul's is converted to a student let?

8 students is too many for this house, and has been contributing to the overcrowding and over-intensity of occupation in St Pauls for the last 7 years. Time to put a stop to it and give the residents of Courtenay Street a break, and the students some decent living space without overcrowding.

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LOCATION:	43 Courtenay Street, Cheltenham		
PROPOSAL:	Change of use from a 6 bed house in multiple occupation (HMO) to 8 bed HMO (retrospective)		

REPRESENTATIONS

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

13 St Pauls Parade
Cheltenham
Gloucestershire
GL50 4ET

Comments: 22nd June 2016

It is a concern that this property has been licensed by Cheltenham Borough Council to house 8 students for nearly 7 years despite not having the necessary planning permission in place.

If Cheltenham Borough Council is seriously considering additional licensing, it should be taken into account that this property would not meet the additional licensing standards set in neighbouring university cities. In these cities, a household of 8 people would require a combined living/ kitchen area of at least 27.5 m2. Based on the plans submitted here, the combined kitchen/ living room has an area of only 18.4 m2. This would only be considered big enough for 5 sharers elsewhere. It doesn't even appear to meet the standards required by the University of Gloucestershire's own Landlord Guide 2015 that a sitting room should have "sofas or easy chairs - sufficient for the number of tenants". Here they can only fit in 2 sofas and a table large enough for 4 people.

The number of tenants has been achieved by the subdivision of rooms creating several very small bedrooms. The plan is not the best with the walls appearing paper thin, and no sign of any chimney breasts, but even so, the rear ground floor bedroom appears to be under 6.5 m2 in area.

It is a shame that University of Gloucestershire students are expected to live in more overcrowded conditions than their peers at other universities. This is likely to create a more stressful living environment for them as tenants.

The St Paul's Character Area Appraisal and Management Plan (2008) states that: although a student population can bring benefits to an area:

"There is a fine line between the beneficial nature of the [student] activity and nuisance caused by the intense nature of the use" (p.15)

The 2008 Conservation Area Character Appraisal also expresses concerns about the pressures caused by "a high level of intensification in the area, through redevelopment of buildings and spaces. This is despite the already dense nature of the character area" (p28). An 8 way let

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especially in a property of this size represents an unacceptably high level of intensification - probably the highest in this street where most others are 5 and 6 way lets (even this is more than would live in the same sized property as a family home). This is made worse by the very high proportion of student lets in the street.

We estimate that Courtenay Street is now over 40% student lets/ HMOs. This creates a severe community imbalance. 43 Courtenay St is one of an estimated 19 student let HMOs in Courtenay Street. This has been contributing to problems for the neighbours in Courtenay Street (see comments on the application for 2 Courtenay Street) including problems parking (which has led to the recent introduction of a parking permit scheme), and environmental degradation due to increased rubbish outside the building and on the street, and lack of care by the tenants for the appearance of the property. But mostly the problems for neighbours have been the noise and anti-social behaviour. This is worse for neighbours when the tenants socialise outside, which is more likely when, as here, there is insufficient communal living space inside the property. The neighbour at 45 Courtenay Street already complains about not being able to leave the bedroom window open in summer.

The over-density of occupation of this property and its contribution to the community imbalance and the problems of noise and anti-social behaviour are all contrary to Cheltenham Borough Council's corporate strategy that "People live in strong, safe and healthy communities".

Although accommodation is needed to meet the university's requirements to house students, this accommodation should be of a decent quality without overcrowding, and this accommodation should not be at the expense of the community as a whole

10 Dunalley Parade
Cheltenham
Gloucestershire
GL50 4LX

Comments: 21st June 2016

This landlord has at least 6 properties in Courtenay Street alone, and at the last count totalled 16 in the area. How can a property professional not know the need to check if planning permission is required when converting on that scale?

8 students in a property this size is over development and likely to result in students socialising outside. There is already difficulty with student HMO's along that side of the road. Parties often overspill into the back gardens. These parties can be clearly heard while walking along Marle Hill Parade. The fact that this noise is hitting the rear elevations of Marle Hill Parade where residents have their bedrooms means that the misery affects many surrounding properties. This sort of over development needs limiting and this is not an appropriate property.