



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 21 July 2016
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	Garth Barnes (Chair), Bernard Fisher (Vice-Chair), Paul Baker, Mike Collins, Colin Hay, Karl Hoble, 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 - 20)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS AND TREE-
RELATED APPLICATIONS**
 - a) **16/00797/COU 2 Courtenay Street** (Pages 21 - 34)
 - b) **16/00911/COU 43 Courtenay Street** (Pages 35 - 44)
 - c) **15/02131/FUL Land off Sandy Lane** (Pages 45 - 62)
 - d) **16/00499/FUL & LBC Lypiatt Lodge, Lypiatt Road** (Pages 63 - 78)
 - e) **16/00969/FUL Garage Blocks, Kingsmead Avenue** (Pages 79 - 88)
 - f) **16/00971/FUL Land at Newton Road** (Pages 89 - 100)
 - g) **16/00972/FUL 47 Beaufort Road** (Pages 101 - 114)

- h) **16/00888/FUL Unit 1, Naunton Park Industrial Estate** (Pages 115 - 132)
- i) **16/00989/FUL Chavenage, 13 Merlin Way** (Pages 133 - 140)
- j) **16/01138/TPO 35 Redgrove Park** (Pages 141 - 144)

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

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
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Planning Committee

29th June 2016

Present:

Members (14)

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

Officers

Tracey Crews, Director of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Craig Hemphill, Principal Planning Officer (CH)
Chloe Smart, Planning Officer (CS)
Lorna McShane, Legal Officer (LM)

1. Apologies

Councillor Sudbury.

2. Declarations of interest

16/00905/FUL Pipers Wold, 22 Greatfield Drive

Councillor Thornton – knows the applicant – will abstain from the vote.

3. Declarations of independent site visits

16/00905/FUL Pipers Wold, 22 Greatfield Drive

Councillor Baker

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 26th May 2016 be approved and signed as a correct record *without* corrections.

6. Planning applications

Application Number:	16/00454/FUL		
Location:	Land at Corner of Swindon Road		
Proposal:	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: <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		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

MJC introduced the application as above, explaining that officers are prepared to accept the flexibility of use to mimic the other uses on the surrounding industrial/retail estate. The application is at Committee due to parish council objections and at the request of Councillor Fisher. The recommendation is to permit

Public Speaking:

Mr Alan McCabrey, agent, in support

Is speaking for Mason Owen, the managing agents for the applicants. Rex Developments is a family-owned business, which has specialised in business parks since 1999, always maintaining a good relationship with their tenants and neighbouring landowners. They acquired this site from RBS in 2014, following a previous outline planning application which was refused, predominantly on car parking grounds. Rex Developments have tackled the issue, and to date have demolished the old and outdated warehouse to the rear of the gym; relocated car parking for the gym to provide 35 further spaces; renegotiated the lease for Topps Tiles for a longer term, guaranteeing jobs for a long time to come; entered into a legal agreement with Simply Gym to vary the lease giving the ability to move car parking spaces under that lease; added white lines and dedicated walkways, in addition to lighting for Topps Tiles and Simply Gym. All this work has been carried out for the tenants, and further discussions with Simply Gym are ongoing. A legally binding agreement with Halfords will be followed by completion of the works, providing new life for a redundant site, a number of new jobs, and making redevelopment of this site better for customers, tenants and Cheltenham as a whole.

Member debate:

BF: has no objection to this site being developed but is concerned about the loss of the informal walkway. If it goes, people will have to cross Swindon Road, Kingsditch Lane, Runnings Road and Wymans Lane – it is one of the busiest junctions in Cheltenham, currently with no pedestrian lights or crossings, although there are islands in the middle for some of them. The Vibixa site on the opposite corner will be redeveloped at some point,

adding to the problem. Would like to see some additional conditions. First, that all staff parking must be on site as there is nowhere else to go, with car parking lost on the Kingsditch Estate. Second, that if the site is to be used as a motor dealer, all delivery of goods must be on the site; in Manor Road, car transporters can block the highways for three or four hours at a time when making deliveries. This is a very busy junction, and is likely to get busier with the expansion of Spirax. Is pleased to see the area becoming more vibrant, but wants to be sure people won't suffer as a consequence. Regarding the walkways, realises that people will cross the roads at their own risk and conditions cannot control this; has talked to Gloucestershire Highways and understands that the developer cannot be asked to make any contribution to pedestrian safety measures, but restrictions on loading and unloading will help.

HM: reiterates BF's comments about the loss of the walkway and verge. Highways say this is OK but people do what they think and not necessarily what is safest, as at St James's Street where barriers were put up for pedestrian safety but people just dodged round them to cross the road and they have now been removed. Supports BF, and suggests talking to Highways and the Parish Council to see if any local money can be put forward to improve pedestrian safety here.

MC: also agrees with BF. If this site is likely to be used as an auto centre, it will lead to problems along Swindon Road when unloading. Notes that the Parish Council objection refers to the loss of the longstanding pedestrian footway. People will use desire lines through the site or on the verge. Gloucestershire Highways solution is not adequate – something needs to be done for pedestrian safety on these busy roads. Most of the other objections from the Parish Council would be dealt with in any future application but supports BF's suggested conditions on this current application.

PT: one hundred per cent supports BF. It's obvious to see how the pedestrian route tails off to a spike with muddy grass verge beyond; something needs to be done about it.

MJC, in response:

- just one quick point of clarification, a car showroom on this site in the future would need planning permission in its own right; this may negate the need for a condition regarding loading and unloading of vehicles in relation to the *sui generis* uses being considered in the current planning application; does BF want a loading/unloading condition attached to relate to any use of the site or is it just cars that he is concerned about?
- regarding staff car parking on site, this would not be an enforceable condition were it to be included – anyone can park on the public highway. Staff may struggle to find parking spaces, but yellow lines will prevent them from parking in unsafe places. This is not therefore a reasonable condition to attach;
- regarding the footpath, BF is entirely right but the applicant shouldn't be punished for the fact that the footpath tails out and leads nowhere. It is right that the highways department needs to engage with the parish to find alternate ways to solve this problem.

BF: the speaker said the end user is likely to be Halfords Auto Centre – this will mean broken-down cars being brought in, delivery of tyres etc. Regarding staff parking, something needs to be done to ensure staff have somewhere to park on site. HA Fox has told staff to move out of their car parks to make way for customers and as a result, staff park in residential streets in the area. Staff should be able to park on the site.

PB: congratulates the applicant on this scheme to tidy up an eyesore area of the town, and provide additional employment on this prime site at the same time. Are there any planning requirements for staff car parking to be provided?

CH: was going to ask the same question, and also what is the difference between saying that staff *have* to use the car park and simply having a number of spaces allocated for staff, which might allay fears. There will be deliveries by large vehicles whoever the end user of the site may be, so can we be sure that there is enough space for them to turn round? Is not talking about articulated lorries and car transporters, just about big lorries etc which he would not want to see backing in and out of the site.

MJC, in response:

- regarding the last point, the applicant has provided tracking of a larger vehicle turning in the site and the highways department is happy that this can be done;
- in response to PB, there is no obligation for the applicant to provide staff car parking on site. There is a bus stop just outside the site, and alternative ways of getting there, and like it or not, people can park on public highways should they wish; it would not be appropriate to attach a condition regarding staff parking, or to require a certain number of spaces to be allocated;
- some sort of informative may be sensible, however. This is a busy junction, and the developer should think carefully about provision for staff; this is a reasonable compromise;
- regarding loading, a condition is not really necessary, but is achievable should Members wish to condition that lorries are all brought onto the site to load and unload.

BF: there are conditions at Baylis on Princess Elizabeth Way and at the BMW Garage for large vehicles are delivering or collecting – without them, the dual carriageway becomes a single carriageway and causes major traffic problems. It takes two hours to unload a transporter, and even delivery of tyres is a long job. There should be a condition that this is done on site.

CN: has a lot of sympathy for BF’s concerns about this site, but greater sympathy with PB’s comments about the shortage of employment land. This is a disused site and its development will be good for the town. Too many limitations could cause problems for the developers, and is not convinced that regulations allow us to attach such conditions. Will support the application; it is a good idea in principle.

GB: one suggested condition has officer support – to ensure that deliveries are all made on site. Will take vote on this, and then on officer recommendation to permit.

Vote on inclusion of additional condition requiring all deliveries and collections to be carried out on site

14 in support – unanimous

CARRIED

Vote on officer recommendation to permit with additional condition as above

14 in support – unanimous

PERMIT

Application Number:	16/00905/FUL		
Location:	Pipers Wold, 22 Greatfield Drive		
Proposal:	Proposed erection of a pair of semi-detached dwellings (following demolition of existing bungalow)		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	3	Update Report:	None

CS introduced the application as above, pointing out a small error in the introduction to the officer report – it refers to the existing bungalow as semi-detached whereas in fact it is detached. A previous application for similar development was withdrawn and has been reworked. The application is at Planning Committee at the request of Councillor Baker, and the recommendation is to permit.

Public Speaking:

Mr Mark Le Grand, applicant, in support

Most points are covered in the officer's report, but will reiterate the key ones here. During the design process, specific care was taken to ensure the size, scale and bulk of the final design is sympathetic to the surrounding area, working closely with the planning officer to ensure her very detailed and constructive advice was interpreted correctly. Also liaised with neighbours and local residents prior to submission, resulting in the traditional design of the dwellings which fits well in the street scene. The building has been positioned and designed to have no impact on shadow and light to the surrounding properties. As a result of working closely with the planning department, the recommendation is to permit, there have only been two objections from local residents and none from the council's advisers and consultees. Most importantly, the proposed scheme fully complies with all relevant sections of the Local Plan, the SPD guidance and the NPPF. Feels strongly that the proposed scheme is suitable for the site and hopes Members will approve.

Member debate:

PB: Members may be wondering why he asked for this application to be referred to Planning Committee. Had requested that the previous scheme come to Committee, but this was withdrawn. Now would like to congratulate CS and the applicant for coming forward with this current scheme. They have worked hard together, and the resulting proposal is a credit to officers which he is happy to support.

Vote on officer recommendation to permit

13 in support

1 abstention

PERMIT

Application Number:	16/00238/FUL		
Location:	28 Gwernant Road		
Proposal:	Proposed porous asphalt driveway and dropped kerb.		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

CS described the application as above, which relates to land to the front of 28 Gwernant Road, part of the soft landscaping owned by CBC. The recommendation is to permit, subject to conditions.

Public Speaking:

None.

Member debate:

MC: looked at the site on Planning View and has no issues with this sensible scheme, which obviously needs to be on the left hand side of the site. Is a bit concerned that this part of the grass verge has been abused by

home-owners or other people. If permission is given for No 28, this could set a precedent, and notes that the area below is planted with trees which should be protected.

MJC in response:

- officers wouldn't necessarily look so keenly on other properties in the road coming forward with similar proposals, as they would need to drive their cars across a much wider verge.

BF: has no problem with this; it will mean fewer cars on the road which is on a bus route and should therefore be applauded. Other people may think it's a good idea and do the same; this is the way to go. These houses were built when cars were much narrower; buses struggle to get through between parked cars. A similar situation exists on Warden Hill Road. If people want to do it, they should be encouraged.

CH: is looking on Google Earth and can see how people have had to get across the grass verge. Has similar issues in Priors Road in Oakley; the area was originally set out with nice green open spaces, but as parking has become more of an issue, these have been informally used for cars. It is better to have the situation managed, and would suggest that if No. 26 wants to do the same, the access for No 28 should be doubled, with just one drop kerb. If all the houses want it, this should be managed all together, to maintain some sort of green space. This principle could be used elsewhere in the town, with more imaginative ways of achieving access looked at, softening the frontages with drives going across. Anything that removes cars from the roadside is a good thing.

PT: as far as she knows, buses don't use this part of Gwernant Road – the D bus goes along Caernarvon and Warden Hill Roads. Notes that No. 26 already has tarmac put down which marries quite nicely with No. 28. Her only concern is that residents use the wider part of the grass verge in the summer for a trampoline for the children; it is a well-used community space, and has three trees on it. Should the trees be TPO'd to protect the space?

CS, in response:

- officers recognise the importance of green space to housing developments in this area, but have to consider applications against planning policy, and hard standing not harmful;
- there is a wider issue about areas of land such as this; any applicant would need permission from CBC to do work, and each would be considered on its own merits.

GB: all applications have to be considered on their own merits. Will consider future applications as and when they are submitted.

SW: looking at Google, feels there is something not right on the drawings. Nos 24 and 26 appear to have grass verges to the front, but Google shows them as already tarmac'd.

CS, in response:

- the area to the north of No. 26 is already hardstanding, and is immune from enforcement action due to the length of time it has been in situ;
- officers regard the area to the south of the site as an important green space, with significant trees;
- any further applications would be considered on their own merits.

CN: would reinforce PT's comments on TPOs for the three trees, in order to help preserve the recreational value of the area. CH's idea is an interesting one – managed control of access and car parking – and suggests that this is embraced in the next version of the Cheltenham Plan to cover the whole of the town.

CS, in response:

- the land at the front of the houses is owned by CBC, so the trees there are in council control, making a TPO not entirely necessary.

MJC, in response:

- this issue will apply to the next application tonight as well – another driveway across a grass verge;
- the matter is not entirely appropriate for the Cheltenham Plan, being slightly too low key, but it is important to maintain communication between CBH, CBC and GCC here.

CN: car parking etc raises huge issues – it is not low key.

GB: MJC only meant in terms of the Cheltenham Plan. These areas are important and the responsibility of CBC; the message will be heard and taken on board.

BF: in certain areas, traffic and parking are major issues. This application is doing the right thing. Trees belong to CBC and are the responsibility of the highways department .

Vote on officer recommendation to permit

14 in support – unanimous

PERMIT

Application Number:	16/00317/FUL		
Location:	33 Kingsmead Avenue, Cheltenham		
Proposal:	Construction of a driveway (retrospective)		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

MJC explained that this application was due to be heard last month, but was deferred following Planning View when officers and Members noticed that a neighbouring driveway has been installed without planning permission. The officer update explains the background of this. The planning application at 33 Kingsmead Avenue is retrospective; the neighbours were issued with a Certificate of Lawful Development for their drop kerb and permeable hardstanding to the front of their property, and told that they would need planning permission to replace the existing grass verge with hardstanding. No application was received, despite the work being done. Officers feel this is regrettable, but acknowledge that the driveway is compatible in its context, as Members saw on site. There is also a driveway at No. 37, which has been there for a number of years and therefore has deemed planning permission. The recommendation is to permit.

Public Speaking:

There was none.

Member debate:

SW: has no real arguments with what is being requested here, but has concerns that retrospective applications are required for the neighbouring works - this land is owned by CBH. We need to send note to CBH , saying it is not acceptable that they are required to put in retrospective applications - they should do so on Day One.

GB: MJC will point out the need to be more effective here; TC will write to CBH to make sure the message is heard and understood.

CH: as with the previous application, the drawings don't include the driveways which have been added, and it would be helpful to see them drawn in, even unofficially. Following on from his earlier comments, wonders whether, in cases where cars will have to be driven over green space, some kind of concrete blocks with grass growing through could be installed, for a softer overall effect which would look better. Those kind of styles can be put in more easily – need to look at how to do at Planning and Liaison Member Working Group.

PT: are CBH the real criminals here? Residents are putting the driveways in themselves, CBH doesn't have the capacity to visit all their sites very often. They should not be too criticised for it.

HM: saw that the adjacent property had a newly-installed driveway over the grass verge; have asked that the residents apply for retrospective planning permission, but hopes that enforcement action will be taken if not. It is not even-handed if one neighbour has paid for planning permission while the one next door gets away with it scot free.

Vote on officer recommendation to permit

14 in support – unanimous

PERMIT

Application Number:	16/00693/FUL		
Location:	Land At Colletts Drive		
Proposal:	Change of use of site to provide a 41 space car park for local business.		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

CH advised Members that an email from the ward councillor has been received, with no objection to the proposal itself, but in view of the proximity of the site to the River Chelt, requesting that materials used should be suitable to ensure that there will be no increased run-off to the river. The application relates to a gravelled area with Tesco to the north, and the River Chelt to the south, in a residential and commercial area. Up to 41 car parking spaces are proposed, with no physical work to the site. The additional spaces are required for an engineering company on Central Way which is expanding. The application has been submitted by CBC, and the recommendation is to permit.

Public Speaking:

There was none.

Member debate:

PT: concerned that some bunding towards the entrance to the site will be lost. This will be a shame, as although it is somewhat overgrown with weeds and so on, it is more attractive than tarmac.

CH, in response:

- the loss of the bunding is the result of a condition recommended by Gloucestershire Highways, requiring set backs to ensure visibility splays and to ensure that they are not obscured in the future.

Vote on officer recommendation to permit

14 in support

PERMIT

Application Number:	16/00797/COU
Location:	2 Courtenay Street, Cheltenham
Proposal:	Change of use from a 5 bedroom shared house to a 7 bedroom house in multiple occupation.
DEFERRED	

Application Number:	16/00911/COU
Location:	43 Courtenay Street, Cheltenham
Proposal:	Change of use from a 6 bed house in multiple occupation (HMO) to 8 bed HMO (retrospective)
View:	Yes (exterior of site)
Officer Recommendation:	Permit
Committee Decision:	DEFER
Letters of Rep:	1
Update Report:	Letter from Gloucestershire Highways

MJC introduced the application as above. It is a retrospective application and has been used as an eight-bed HMO for seven years. This application was not called to Committee, but in light of the application at No. 2 Courtenay Street being so (now deferred), officers felt the two should be considered together. The recommendation is to grant permission. Officers appreciate that there is a bigger concern about the number of HMOs in St Paul's, but feel that the issues cannot be resolved by one application – there is a much wider piece of work to be done. This application is to allow two extra people in one house.

Public Speaking:

Ms Tess Beck, local resident and representing St Paul's Residents Association, in objection

It's a shame that Cheltenham students are expected to live in more crowded conditions than students in neighbouring university cities, and that the space here described as adequate by the planning officer would not be considered adequate elsewhere. Rooms have been subdivided, and there remains just one combined living room/kitchen as the only shared space. If CBC introduces additional licensing in the future as has been discussed, this property would not be considered big enough for eight people; such overcrowding is not beneficial to the tenants. More students means more noise disturbance, and with limited communal space indoors, students are more likely to socialise outside, often late at night, with noise travelling a long way and disturbing a lot of people. The planning officer notes that there have been no complaints to Environmental Health about the noise from this building but as one of several properties on Courtenay Street and Marle Hill Parade which backs on to it, it isn't always possible to identify where noise comes from. Noise complaints about student houses are usually reported to the University rather than Environmental Health, as it is more responsive in dealing with complaints.

There are 19 student HMOs in Courtenay Street, this being the most densely occupied, with the others 5-6-way lets. This makes up over 40% of the properties, creating a significant community imbalance, contrary to CBC's corporate strategy for strong and healthy communities. The conservation area character assessment acknowledges that although students bring vibrancy to an area, there is a fine line between the beneficial

nature of student activity and the nuisance caused by the intense nature of the use. By having eight rather than six students, this application has crossed that line.

Residents are concerned that the property has been operating as a licensed HMO for seven years without planning permission, which suggests lack of communication between departments at the council. It is not only council officers who should take the blame for this; the applicant owns and manages several student lets in St Paul's and elsewhere in Cheltenham, and should therefore be aware of the relevant planning regulations.

Mr Martin Cooley, applicant, in support

In 2007, acquired the property and carried out large-scale refurbishment to create good-quality accommodation, which has been let to eight students from September 2008. Applied for a license in 2009, and has since renewed it twice. Student accommodation is regulated by the University, and inspected by their officers. This is a well-managed house, popular with students, who often return for a second year. Demand for student accommodation is high in Cheltenham and likely to increase. Respectfully asked to be allowed to continue to let this house as it currently is.

Member debate:

PB: thanked the speakers for good presentations for and against this application. Was councillor for St Paul's ward many years ago, when it was a lovely, well-maintained area of the town. Now it is awful, with property prices badly affected, noise, rubbish everywhere, car parking issues and so on – this is a real shame. Understands that the town needs student accommodation, but we also need to provide good areas for people to raise their families. Clearly this particular horse has bolted and it is too late to change the situation here, but we have to introduce something to the Local Plan to improve the quality of student accommodation and protect areas of the town from this imbalance. Is the speaker right that Cheltenham is providing poorer student accommodation than other neighbouring towns? It's high time that this issue was tackled properly for St Paul's residents. Something is needed in the Local Plan to prevent this area from being further downgraded.

MC: was disappointed not to see inside the property on Planning View, as this would have been useful. Is very concerned about the objections, one of which lays out the square meterage of the rooms in this house and the suggestion that CBC is using different guidelines from universities in neighbouring cities. Is it right that the standard doesn't meet the University of Gloucestershire's own landlord guide? This is a real concern. Is eight people living in 18.4 square metres compliant? Notes that Gloucestershire Highways has stated that there will be no difference in impact between six and eight residents, but how many parking permits per dwelling are allowed in this area? Eight students could mean eight cars.

BF: PB is right and we are between a rock and a hard place here, with the University building additional student accommodation in Albert Road, Gloucester, and around the county to fulfill demand. To answer MC's question, two parking permits are provided for each house, to the owner of the property, so it is up to him whether or not to pass these on to the students or to charge for them. The University tells students about the parking schemes in the area, that there is no room for more than two cars per house, and that they need to discuss this with their landlords. This particular HMO has been operating with eight people for some time; it's a shame Members couldn't see inside, but not true to say that there were dustbins everywhere. There can be problems with students at this density, and this is something that the Cheltenham Plan can address. Will be interested to hear officer comments about eight people living in a small terraced house. St Paul's has a lot of pluses still, and isn't as bad as it's painted. Most students are a credit to the University and the area.

KH: knows this area, and noted on Planning View that it didn't appear swamped with rubbish, and the minibus was able to park. Realises that the students were moving out that day, but regrets that Members weren't able

to see inside the house – it is very important to take this into consideration when making their decision. Backs PB's comments which were very pertinent. It was good to hear from both speakers. Regarding officer comments, notes at 6.2 the acknowledgement of the possibility of this application adding to the cumulative impact of noise – this is important not only to permanent residents but also to students themselves, who need peace and quiet to study. They also need adequate space in their rooms for a desk etc. Accepts that the property is already being used for eight people, which we must bear in mind – so generally supports the officer recommendation to permit, but considers it important to recognise that the cumulative impact.

The objector compared Cheltenham's student accommodation with other university towns. Knows that Bath has introduced additional licensing, and that what is permitted in Cheltenham may not be permitted elsewhere but we have to judge this application on our own current guidelines. MC mentioned the University of Gloucestershire's landlord guide, and understood that a student HMO should have a sitting room with enough sofas and easy chairs for all the tenants. Cannot see that this can be provided in this house, even though the applicant said that the house is well managed. Additional space to socialise is important.

It is a fact that the street has a large number of HMOs, and in view of the cumulative impact of authorising these extra bedrooms, the application could be refused. However, it is a retrospective application and has been used for some time. It seems odd that it has been licensed by this authority – this needs to be looked at.

As a final point, it is important to make it clear to applicants that they should get planning permission *before* making any changes to a property. Is not convinced that the rooms let out on the plan are of sufficient size for students to do what they need to.

HM: we have seen a lot of HMO application recently, and similar concerns are expressed every time. Is looking forward to the Cheltenham Plan finding a way forward for residents and for students. Regarding the density and the facilities being offered in these houses, we need to look at the student guide in Gloucestershire and other neighbouring towns and universities. This needs to be done in depth, and as officers are stretched, suggests a working group or scrutiny task group to make sure that a good, reliable and enforceable policy is included in the Local Plan.

MJC, in response:

- this has been an interesting discussion. Regrets that Members weren't able to see inside the house, for the reason as stated that the tenants were moving out that day. In view of this, has suggested to the applicant that if Members are minded to refuse the proposal, they should defer their final decision to allow them the opportunity to see inside the house first; the application could be brought back to Committee next month. This would be appropriate particularly in view of the fact that the applicant isn't being awkward here – there were legitimate and logistical reasons why Members could not go inside the house on planning view;
- regarding various Member comments about university standards and whether this HMO meets them or not, it should be remembered that these are university standards not CBC ones – a useful benchmark, but we cannot make planning judgements against them; and under the current framework, we can't assess on something that might happen in the future;
- regarding parking permits, does not know the number allowed per household; BF has informed Members that it is two, but officers cannot endorse this;
- regarding the wider issue of the number of HMOs in St Paul's, this is a bigger discussion which needs to be had. The problem cannot be fixed by this one application – that horse has bolted as PB has said, and the landlord has been operating this 8-bedroomed HMO for seven years;
- HM is right – officers have started to look at the issue – Mark Nelson is doing some work on behalf of the Planning and Liaison Member Working Group, and his reports will ultimately feed into the Cheltenham

Plan. HMOs were discussed a few meetings back, and as a result of Members' obvious concerns, Mark Nelson has started work on it;

- reiterates the point, however, that this application is retrospective, has been in operation for seven years, and that is at the heart of the recommendation to permit;
- if Members feel inclined to refuse, suggests they defer instead, and re-visit the house.

MC: this is all useful information; will move to defer.

CN: MJC didn't address the issue about the difference between an HMO being licensed and having planning permission. Which comes first? Planning and licensing need to keep some sort of record to avoid this silly situation, which has happened before. This could be addressed now rather than waiting for the issue of HMOs to be addressed in the Local Plan.

DS: if the house is licensed by CBC, does that mean it passes all the tests regarding fire escapes etc? Clarification of this would be helpful.

CH: was going to make the same point. Also, regarding parking permits, two are allowed per household, and it is the person who pays the council tax who can apply; any resident can buy visitor permits. Would expect parking to be quite reasonable in this area during the day, but residents' parking schemes don't apply at night.

It is helpful that CBC has given a license for this HMO to operate with eight residents, as Members will be able to see the reasons given, which will help in determining why another department felt it to be OK, and for similar applications in the future, for Licensing to see what Planning has done. When a landlord applies for a license, prior planning permission should be required or the licensing team will pass the application on to Planning; if no application is put in, enforcement action should be taken. We should take some learning from this, and engage in some tidying up of the way the two areas work. In fairness to the applicant in this case, agrees that deferral is the best option tonight.

GB: all these points will be taken away and dealt with outside the meeting. Are Members happy to vote on MC's move to defer?

SW: is OK with voting on this, but not happy with the number of students being squeezed into these houses. If the decision is deferred, Members go and look inside the house, are not happy with what they see but officers continue to say it is OK, there is not point in deferring the decision. This HMO has a license but no planning permission; attended a meeting not long ago where a 'one-stop-shop' approach was discussed, through which applications would be shared between licensing and planning.

MJC, in response:

- SW is quite right, and officers have been working hard on this for two years, with the aim of improving the lines of communication, and working with environmental health and licensing officers in other areas; this particular area of HMOs has not yet been dealt with. Realises that the planning team is not yet fully engaged in the process; it is a Systems Thinking issue, part of the REST project, and has already improved, although there is still room for further improvement. Planning officers will continue to work with the enforcement team;
- to DS regarding the fire escape, is not actively involved in the licensing of HMOs so cannot say whether or not this house complies, but the applicant stated that the the property has a license and has been relicensed since 2008; these matters can be difficult as they fall in the perceived linked areas such as planning and building control;

- officers will take away the points made by Members tonight and actively engage with the housing standards team.

-

SW: following on from his earlier question, are Members likely to find anything to object to if they look inside the house?

GB: that is hard to answer and they cannot tell until they see it.

Vote on MC's move to defer, pending visit to property

12 in support

1 in objection

1 abstention

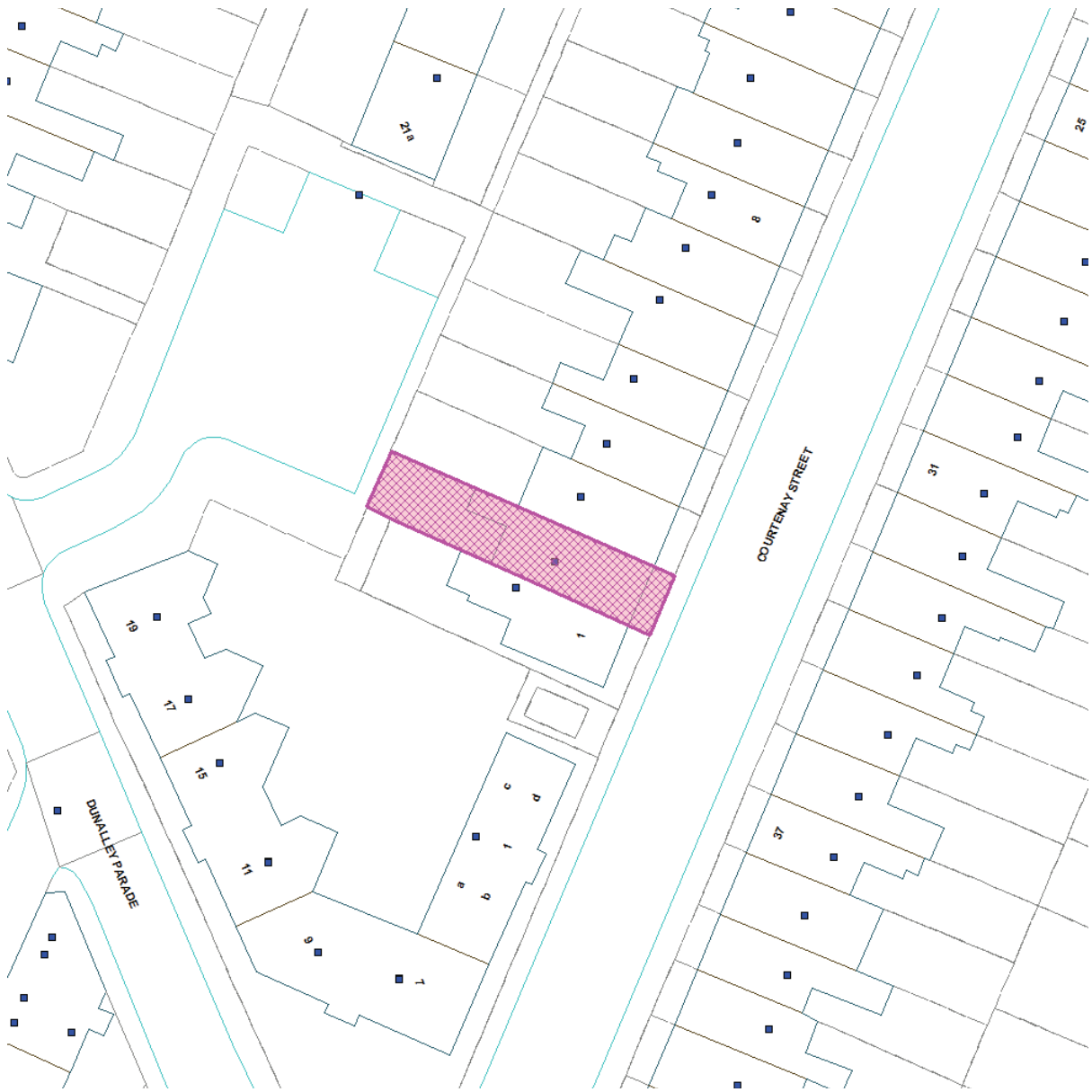
MOTION CARRIED – DEFER

The meeting ended at 7.40pm.

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APPLICATION NO: 16/00797/COU	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 4th May 2016	DATE OF EXPIRY: 29th June 2016
WARD: St Pauls	PARISH:
APPLICANT: Mr Vince Norvill	
AGENT:	
LOCATION: 2 Courtenay Street, Cheltenham	
PROPOSAL: Change of use from a 5 bedroom shared house to a 7 bedroom house in multiple occupation.	

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. It has an existing full width two storey extension to the rear. The house has previously been in use as a 5 bedroom shared house, or House in Multiple Occupation.
- 1.2 Planning permission is sought for the change of use of the property to a 7 person HMO. The additional rooms will be provided through the renovation of the existing basement and the subdivision of the front room on the first floor.
- 1.3 The application previously included the provision of a dormer window on the rear roof slope. Members saw on site that this has already been constructed. The application was deferred from the previous committee at the request of the applicant who has subsequently requested that the application be considered without the dormer window i.e. simply the change of use of the building to a House in Multiple Occupation for 7 occupants.
- 1.4 The intention of the applicant is to make a separate application for the dormer window which would be considered separately.
- 1.5 Therefore as currently proposed the room in the roof would still be present and form part of the accommodation, however no consent would be granted for the dormer window. The roof space was habitable space which was rented out prior to the construction of a dormer window and had rooflights to the front and rear roof slopes.
- 1.6 The application comes before the committee at the request of Cllr Walklett.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

Relevant Planning History:

91/00425/PF 23rd May 1991 PER
Ground And First Floor Extension

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

GCC Highways Planning Liaison Officer

21st June 2016

Regarding the change of use from a 5 bedroom shared house to a 7 bedroom house in multiple occupation.

The property is a terrace house in Cheltenham on a class 4 road subject to a 30mph speed limit north of Cheltenham town centre. There has been no recorded collisions on the police collision database in the vicinity of the site on Courtenay Street in the past 5 years. The site is within walking and cycling distance of the town centre and associated services and amenities including frequent public transport links, therefore allowing for travel to and from the site by sustainable modes reducing reliance on private vehicle use. In this location therefore parking provision would not be required for the small increase in use proposed from a 5 to a 7 bedroom house in multiple occupation. Existing on-street parking restriction for permit holders and double yellow lines on junctions restrict parking and protect junctions.

Objections have been raised regarding parking pressure and traffic generation from the proposed change of use, however the limited availability of on-street parking is an existing situation, on-street restrictions prevent unsafe parking and it is not considered the change of use from a 5 bedroom to a 7 bedroom house in multiple occupation would significantly impact on existing parking or traffic generation resulting in a detrimental impact on highway safety to warrant refusal.

Therefore I recommend no highway objection to the application.

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	13
Total comments received	11
Number of objections	11
Number of supporting	0
General comment	0

The application was publicised by way of letters to 13 neighbours, a site notice and a notice in The Echo. Objections from 11 addresses have been received which relate to the following issues:

- Density of development
- Overpopulation of area
- Too many HMOs in the area
- Noise and disturbance. Impact on neighbours
- Parking problems
- Impact on conservation area
- Poor design of dormer
- Rubbish and bins

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.2 Principle

The application seeks permission for the conversion of the house to a 7 person HMO.

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 one less individual 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 1 additional occupant would have. Officers view is that this would be negligible. This house is larger than some on Courtenay Street due to the presence of an existing two storey extension to the rear which houses two bedrooms and a kitchen. Therefore the accommodation provided is not cramped and provides a number of bathrooms and shared living 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.

6.3 Impact on neighbouring property

The proposed does not result in a significant adverse impact on the privacy of neighbouring properties. The dwelling will be used more intensively than it has in the past, however the 7th tenant is unlikely to result in any significant additional impacts in terms of general noise and disturbance. As such the proposal is considered to comply with policy CP4.

6.4 Access and highway issues

The views of the Highways Officer are outlined above. They confirm that no objections are raised to the proposal.

6.5 Other considerations

There is a back garden at the property which backs onto the car park for the Flats on Dunalley Parade. Bins and bikes can be stored here with the bins being presented on the street on collection day. This arrangement is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

There is a need for student accommodation in the town and the conservation area appraisal recognises that this can benefit the vibrancy of the area. Officers view is that the principle of the use is acceptable, especially bearing in mind that the property could be used to house 6 students without the need for planning permission.

8. CONDITIONS / INFORMATIVES

- 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.

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: 16/00797/COU		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 4th May 2016		DATE OF EXPIRY : 29th June 2016	
WARD: St Pauls		PARISH:	
APPLICANT:	Mr Vince Norvill		
LOCATION:	2 Courtenay Street, Cheltenham		
PROPOSAL:	Change of use from a 5 bedroom shared house to a 7 bedroom house in multiple occupation.		

REPRESENTATIONS

Number of contributors	11
Number of objections	11
Number of representations	0
Number of supporting	0

85 Brunswick Street
Cheltenham
Gloucestershire
GL50 4HA

Comments: 24th May 2016

The density of population in this house is ridiculous. 7 people in what is essentially a 2 bed house cannot offer quality accommodation on any level.

The area of St Paul's is already overpopulated with houses of multiple occupancy, primarily students, who have little interest in the area as they are here for c 2yrs. Houses with larger numbers of occupants are usually the ones that cause issues to the neighbours for example, late night noise.

This house has elderly neighbours on both sides and the noise made during the evenings before the students go out (11pm ish) is often horrific.

Very often the students are studying in Gloucester and so will often have cars and yet there are only 2 permits available per household.

53 Swindon Road
Cheltenham
Gloucestershire
GL50 4AH

Comments: 1st June 2016

There is clear local evidence that shows St Pauls has an unreasonable and unsustainable density of HMO's. This proposal is detrimental to community well being and building a more resilient community.

This project proposes an exceptional density which will potentially create public health issues. There is not sufficient clarity about the applications detail , this should be refined and subject to further consultation. This project would establish a dangerous precedent which would be completely contrary to the best interests of St Pauls

41 St Pauls Road
Cheltenham
Gloucestershire
GL50 4ES

Comments: 28th May 2016

7 students in this house is overcrowding. There is not enough shared space in the house for the students to socialise so they are more likely to socialise outside and disturb the neighbours, an elderly man and Housing association sheltered accommodation for old people. The council has been promising to look at additional licensing for nearly 2 years now. If they had done it already this house wouldn't be allowed to house 7 students.

St Paul's is a conservation area. Landlords and the council should respect and uphold this or we will have nothing left worth conserving. Changing the roof changes the appearance of the whole terrace. If one owner is allowed to get away with doing the work then only asking for permission afterwards, this sets a precedent

11 Courtenay Street
Cheltenham
Gloucestershire
GL50 4LR

Comments: 1st June 2016

I wish to raise an objection to the planning application at 2 Courtenay Street.

As a resident in this street for over 20years I have become increasingly frustrated by the seemingly unchecked development that has taking place in recent years with houses designed for families being turned into Student Lets. The infrastructure of our Street was not designed to accommodate multi occupancy dwellings and parking issues, neighbour noise at night and rubbish on the street are all increasing dramatically.

The distinctive character of Courtenay Street is being compromised and those who benefit financially from developments designed to maximize profit do not live here.

Nor is any thought or consideration given to residents who have to suffer the consequences of late night noise, traffic issues and anti social behaviour . This is inherently unfair and it is time that St Pauls gets some robust planning in place and the image of St Pauls as a poor quarter of Town where people don't matter changes...and fast! This unchecked developing by greedy speculators is ruining our vibrant community.

March Mews
Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 20th May 2016

My objection is simply based upon the proliferation of HMOs in the St Pauls area, and the wish to prevent more.

As an active member of the St Pauls Residents Association I am frequently made aware of the social problems associated with the disproportionate number of HMOs in St Pauls and the failure of CBC to address this matter.

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Perhaps the planning system is the means by which to limit the further growth in the number of HMOs in the locality. I trust so.

45 Hanover Street
Cheltenham
Gloucestershire
GL50 4HE

Comments: 26th May 2016

Over development of a conservation area

St Paul's area has not been protected and preserved as a conservation area by both Gloucestershire and Cheltenham councils.

Former should not be permitted

20 Malthouse Lane
Cheltenham
Gloucestershire
GL50 4EY

Comments: 24th May 2016

This is a ridiculous proposal. Not only would it cause a serious disruption to the elderly neighbours on both sides but it a terrible example of what housing should provide. It is not an effort to give and contribute to the community but rather bleed houses dry to fill the pockets of landlords.

45 Courtenay Street
Cheltenham
Gloucestershire
GL50 4LR

Comments: 25th May 2016

I have lived in Courtenay street for 36 years and have seen the change from a mixed community of families, older people, young professionals to a predominance of HMOs mainly housing students. You would have to live here to experience the impact on daily life. The parking problems (now partially solved by permits), the rubbish - students seem unable to put lids on bins or recycling boxes or to keep up with collection days - consequently rubbish blowing around the streets, and the increase in noise, loud music played with windows open and large groups going out and returning. Especially at this time of year when students return from bars late at night and sit out in the garden completely unaware of the disruption their noise is causing. I long for the days I could leave my bedroom window open!

The idea of another FIVE bedroom house is bad enough but SEVEN bedroom is unthinkable. Who benefits from this? Only the landlord who gives no thought to the impact on the long suffering residents.

11 Courtenay Street
Cheltenham
Gloucestershire
GL50 4LR

Comments: 31st May 2016

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Too much for this street - enough noise, cars, rubbish untended front & back gardens and bins left out . I would not want precedent set for all future developments of dormer and front windows. This street has particularly changed since I began living here 20 years ago with the majority of houses changing from private family occupied to multiple lets , consideration of the effect on the community as a whole needs to be taken. Greedy landlords are of no benefit to anybody and they do not look beyond the squeezing in of as many poor students as possible. I consider a 5 way let to be over the top for a the size of these houses so any more is seriously too much.

10 Dunalley Parade
Cheltenham
Gloucestershire
GL50 4LX

Comments: 25th May 2016

Mr Norvill's application form states in answer to question 3, description of proposal:

'Change of use from a 5 bedroom shared house to a 7 bedroom house in multiple occupation with shared lounge, kitchen and bathrooms.

The application goes on to state "The internal changes will not require any structural alterations and there will be no external changes to the property". It would appear that whoever drew up the plans for Mr. Norvill has accidentally confused addresses and submitted plans for somewhere else. The actual room sizes differ from those in the plans and even the most charitable of observers would be unable to reconcile the statement "The internal changes will not require any structural alterations and there will be no external changes to the property" with the reality that despite this statement, his workmen are already quite advanced in structural works including installing a rear dormer window, and excavating the basement and extending the light well to the basement window. The applicant's statement on the planning application for change of use is misleading - or inaccurate at best and planners should reject this application until accurate plans are provided and all necessary permissions have been sought and granted for the dormer window and other works.

St Paul's is part of a conservation area, and dormer windows cannot be installed without planning permission. As far as I can see, no planning permission has been sought. The other houses along this terrace do not have dormer windows. The planning department should take enforcement action against the applicant and ensure the dormer window is removed, and the original roofline is reinstated.

If the dormer window is given planning permission it creates a precedent for the rest of the terrace. Courtenay Street is an attractive street within the conservation area. Part of its attraction is the uniformity of style of the houses, including their rooflines.

If other property owners realise that you can make alterations without consent and get away with it, this will also create a precedent. We run the risk of losing all the aspects of St Paul's that make it distinctive, and its conservation areas status will be meaningless if it is not enforced. This is contrary to Cheltenham Borough Council's corporate strategy outcome that 'Cheltenham's environmental quality and heritage is protected, maintained, and enhanced'.

I also object to the change of use to a 7 way let. A 5 way let is already high density for this type of house. A 7 way let would put more pressure on the community especially the immediate neighbours. There are elderly neighbours next door and behind the property in Cheltenham Borough Homes sheltered housing. These houses are already disturbed by loud noise from students socialising late at night. Students disturb their neighbours much more when their socialising is done out of doors. Because there is so little living space in the house for the number of tenants, they are more likely to be socialising outdoors and disturbing their neighbours. Some of the rooms look too small.

The bulk of the complaints made to the university about student noise relate to Courtenay Street, Marle Hill Road and Marle Hill Parade, and it is no co-incidence that these streets have the highest proportion of Student HMO's. 42% or 19 of the 45 properties in Courtenay Street 19 are Student HMO's. The student house numbers are 2,5,9,13,14,15,22,23,25,28,30,31,32,34,35,38,41,42, and 43. Multiple complaints were made last year and during this academic year about Courtenay Street student parties that spilled out into their front and back gardens as well as the road. Some of these parties could be heard from as far away as Marle Hill Parade, and Brunswick Street. This confirms the likelihood that where there is too little living space within a property, students will socialise outdoors.

We have been told by council officers that there are plans to introduce additional licensing in St Paul's. We hope this will be soon. When additional licensing is introduced, this property is not likely to meet the size and amenity standards for a 7 way let.

Students and other house sharers deserve to have decent housing. The council's planning and built environment department has a responsibility to ensure that tenants are not exploited and overcrowded due to landlords' greed.

We already have a problem in Courtenay Street that there is a large number of HMOs, enough to cause a community imbalance. The government threshold is 10% and already in Courtenay Street the figure is 42%. Over intensive occupation is, and will make this worse, and is contrary to the council's corporate strategy outcome that 'People live in strong, safe and healthy communities'.

13 St Pauls Parade
Cheltenham
Gloucestershire
GL50 4ET

Comments: 24th May 2016

I wish to comment on their current planning application for change of use to a 7 bedroom house in multiple occupation (ref: 16/00797/COU). One of my concerns is the size of the property relative to the number of people, room sizes including shared amenity space. But the quality of the plans submitted is so poor, that it is not possible to do this from the plans. The plans do not seem to be drawn to scale (despite the scale of 1:50 being given on each of the drawings). On the plans submitted there is no visible means of access to the attic stairs from the first floor.

Additionally, does the Planning department or building control have anything to do with party wall permission?

In converting the cellar to a room suitable for use as a bedroom, and in excavating the front garden, they are likely to need party wall consent from 1 and 3 Courtenay Street - neither of whom have received any such communication from the owner/ developer of 2 Courtenay Street. This is a frequent state of affairs locally, with developers and absentee landlords often excavating basements and even removing chimney breasts (worrying in a terraced house) without the party wall consent of their neighbours, or indeed even informing the neighbours.

Comments: 24th May 2016

Objection to the installation of a rear dormer window.

Courtenay Street is within the St Paul's Character area of the Central Conservation Area. Therefore planning permission is required for works including the addition of dormer windows to roof slopes. Construction of the rear dormer window at 2 Courtenay Street was already well

underway before planning application was sought, and that was only because the work was brought to the attention of CBC Planning Enforcement by a neighbour. The applicant owns a number of other houses in the immediate area, and has no excuse for not being aware of the article 4 direction.

Courtenay Street is a street of compact terraced artisan houses constructed before 1897. It is distinctive in St Paul's in that it is one of only perhaps 2 streets that was built by the same developer and in the same style. This gives it an attractive uniformity of frontages and roofline. The dormer window on 2 Courtenay Street is the only one visible along the rear roofline, and is clearly visible from the (surprisingly) attractive car park belonging to CBH bungalows on Dunalley Parade. For this reason, the dormer window should not be given planning permission and the original roofline should be restored.

If it was allowed to proceed, it would create a precedent for other property owners, and the roofline would be lost. It would also create a precedent for over intensification of development and occupation of these properties. These houses were designed as 2 storey, 2 bedroom homes, not as 4 storey, 7 bedroom homes.

The initial set of plans also suggest that it is intended to install a dormer window at the front of the loft conversion (where there is currently a velux window). I object to this as well on the same grounds as above: that it would spoil the currently attractive uniform roof line.

Objection to change of use to a 7 bedroom HMO

Courtenay Street is an attractive street of typically 2 bedroom terrace houses. 10 years ago it was largely made up of family homes. It has recently been targeted by landlords creating student lets, due to its attractiveness and the common footprint of the houses. (If you've converted one, you know exactly what to expect when converting another). There are now several 5-way student lets on the street. It is likely to be approaching 50% HMOs, although we do not have accurate figures available. This density of occupation is already putting pressure on the community, and the street becomes less attractive as front gardens are replaced with wheelie bins.

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). A 7 way let represents an unacceptably high level of intensification.

The immediate neighbours of this property include a very elderly man in poor health, and to the rear of the property are a number of CBH old people's bungalows. These residents are already regularly disturbed by late night student noise, especially as students often socialise in the back gardens (due in part to lack of space inside the house). An increase in the number of occupants of 2 Courtenay Street is likely to lead to an increase in noise disturbance.

Cheltenham Borough Council has declared its intention to introduce additional licensing for HMOs in the St Paul's area. As well as addressing HMO management issues, additional licensing also specifies minimum amenity standards, including room sizes and shared facilities. It is likely that Cheltenham Borough Council would require the same standards for Cheltenham students and house sharers that they already enjoy in Bristol, Bath and Worcester. Despite the poor quality of the plans submitted and their lack of attention to scale, it is clear (from external measurements and internal measurements of neighbouring houses of the same type) that at least 1 of the bedrooms would not meet the 6.5m² area usually specified in Additional Licensing

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minimum standard. The communal area including kitchen falls short of the 27.5m² deemed necessary for 7 sharers.

The applicant's failure to communicate with the immediate neighbours prior to excavation and roof works adjoining their properties, along with an apparent indifference and carelessness to planning regulations call into question whether he would be a fit and proper person to manage a large HMO. This lack of consideration for the neighbours, the riding roughshod over planning and regulatory procedures, and the lack of care for the quality of accommodation afforded to his potential tenants are already a matter of concern for holding a mandatory HMO licence for this property. This is despite him already owning and managing a number of student HMOs in the area.

Comments: 25th May 2016

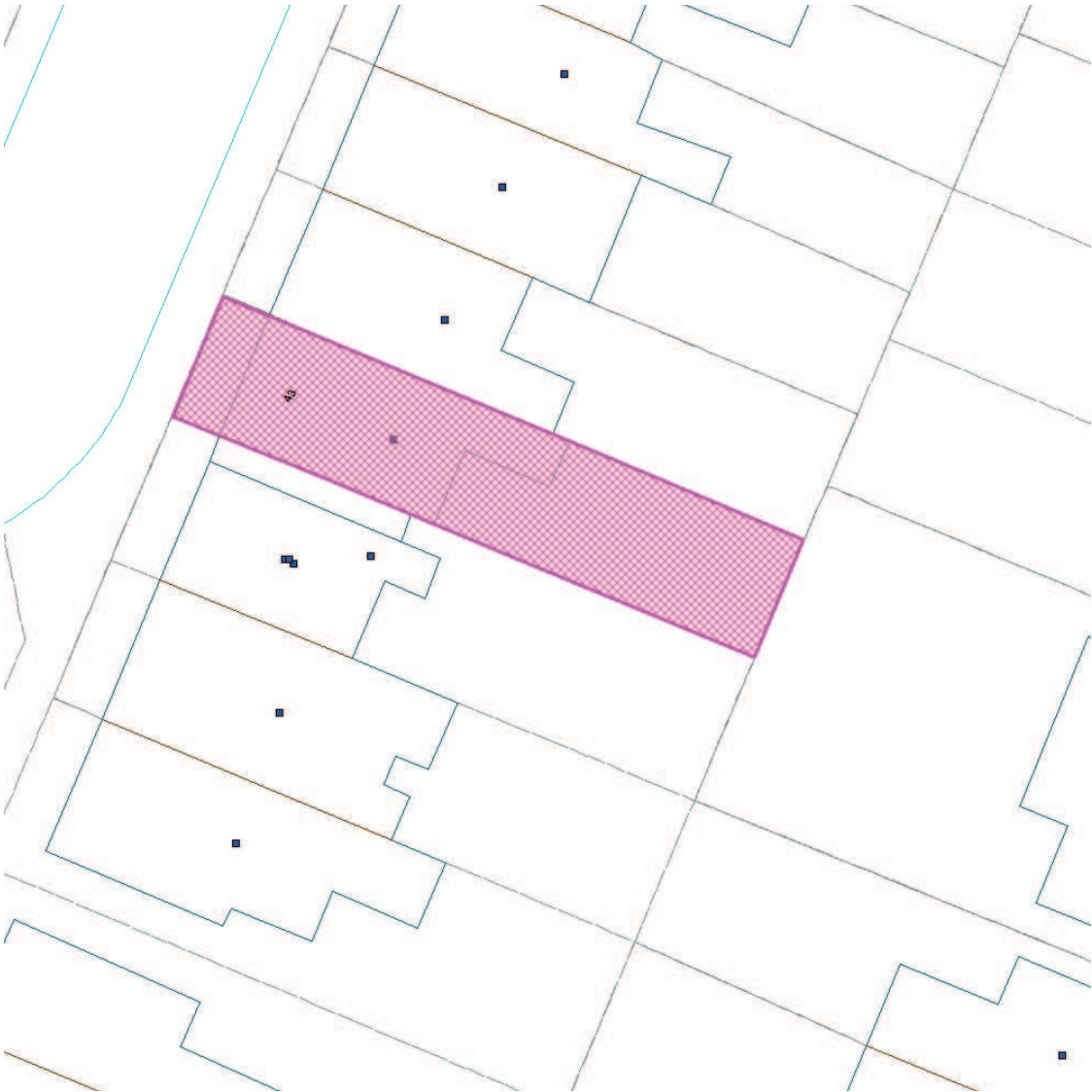
It is curious to note that on the planning application for change of use, the applicant states "The internal changes will not require any structural alterations and there will be no external changes to the property".

Most people would consider the excavation of a basement light well and the construction of a dormer window on a sloping roof to constitute structural alterations and external changes.

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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: n/a	
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 Courtenay Street has been requested to be determined by committee and they are in close proximity to one another.
- 1.4 The application was deferred at the previous committee meeting in order to allow members the opportunity to visit the site.

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

GCC Highways Planning Liaison Officer

21st June 2016

Regarding the change of use from a 6 bedroom to a 8 bedroom house in multiple occupation I have the following comments;

The property is a terrace house in Cheltenham on a class 4 road subject to a 30mph speed limit north of Cheltenham town centre. There has been no recorded collisions on the police collision database in the vicinity of the site on Courtenay Street in the past 5 years. The site is within walking and cycling distance of the town centre and associated services and amenities including frequent public transport links, therefore allowing for travel to and from the site by sustainable modes reducing reliance on private vehicle use. In this location therefore parking provision would not be required for the small increase in use proposed from a 6 to a 8 bedroom house in multiple occupation. Existing on-street parking restriction for permit holders and double yellow lines on junctions restrict parking and protect junctions.

The limited availability of on-street parking is noted but is an existing situation, on-street restrictions prevent unsafe parking and it is not considered the change of use from a 6 bedroom to a 8 bedroom house in multiple occupation would significantly impact on existing parking or traffic generation resulting in a detrimental impact on highway safety to warrant refusal. Therefore I recommend no highway objection to the application.

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	9
Total comments received	3
Number of objections	3
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. The objections which have been received which relates to overcrowding and intensification of HMOs in St Pauls. Comments also refer to the potential for noise and anti-social behaviour.

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 are outlined above and confirm no objections to the proposal. *21st June 2016* - No Objection, but Comment: Our earlier concerns relating to potential flooding further downstream do not appear to have been addressed. We also concur with the comments made this month by the Environment Agency.

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.

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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	3
Number of objections	3
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.

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

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- 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 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?

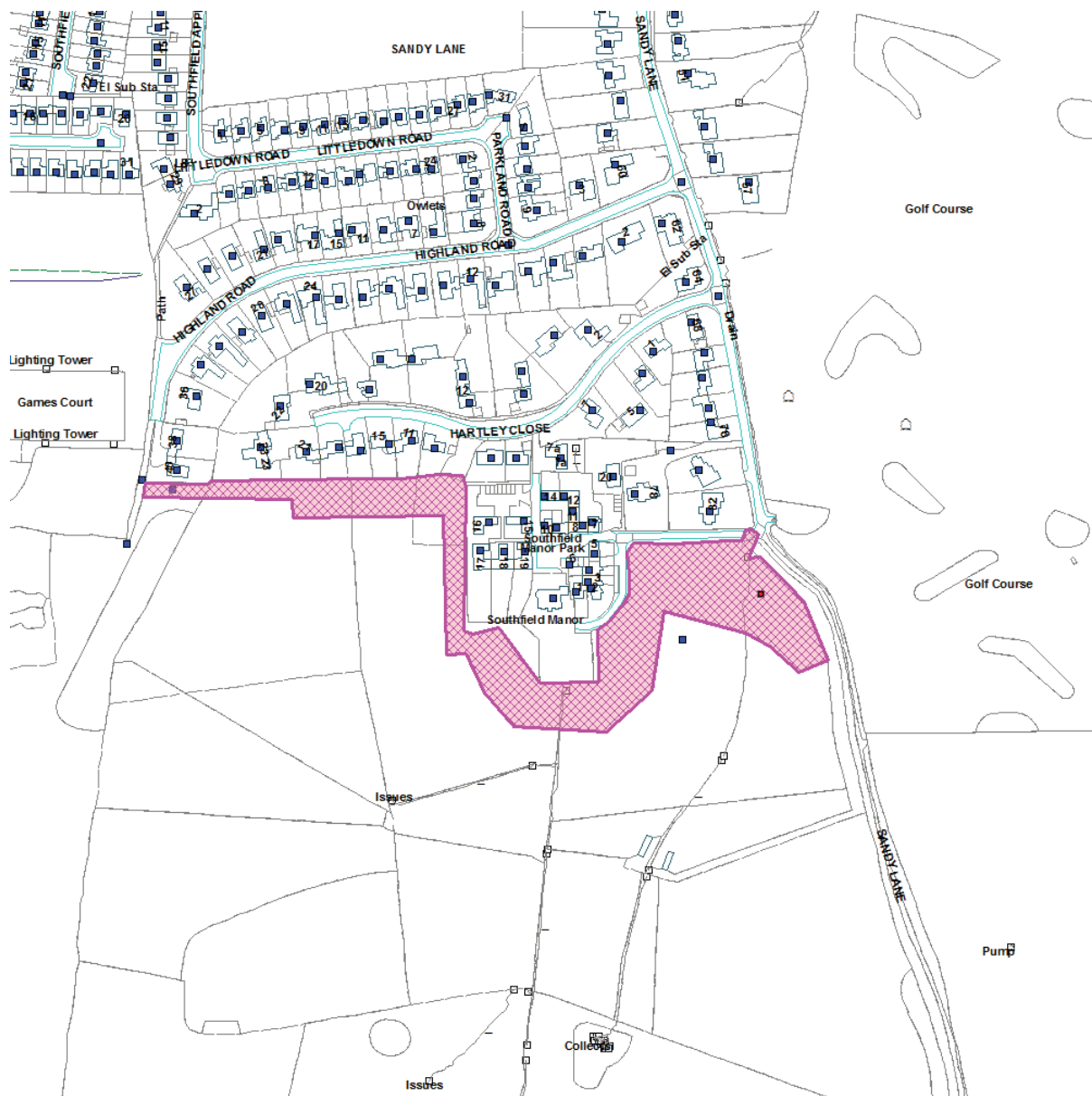
Page 43

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 overflow 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.

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APPLICATION NO: 15/02131/FUL		OFFICER: Mr Craig Hemphill	
DATE REGISTERED: 15th December 2015		DATE OF EXPIRY:	
WARD: Charlton Park		PARISH:	
APPLICANT:	Cheltenham Borough Council		
AGENT:	CH2M Hill		
LOCATION:	Land off Sandy Lane, Charlton Kings		
PROPOSAL:	Flood relief works		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for flood relief works in the Southfield Brook Area within the Parish of Charlton Kings. The application site which is within the Area of Outstanding Natural Beauty. It is part of a field which is accessed via Sandy Lane and is located to the south of Southfield Manor Park and Hartley Close.
- 1.2 The application proposes works in two locations of the field. Location A's works include the construction of a contoured earth flood bund in the field to the south of Southfield Manor Park. Its purpose being to intercept and attenuate out of the channel flow from Southfield Brook and overland surface water run-off from the Cotswold escarpment. Location B's works are for a second smaller earth bund immediately south of properties in Hartley Close. The proposal sets out that the scheme provides the benefit of reduced flood risk to properties in Southfield Manor Park, Hartley Close and Sandy Lane.
- 1.3 The application is before Planning Committee as the applicant and proposer of the works is Cheltenham Borough Council.
- 1.4 The field is owned by Southfield Manor Park Residents Association Limited (SMPRA). Following consultation with SMPRA the view was that the scheme was unlikely to receive their approval if the originally proposed bund height was not lowered due to the impact it could have on amenity and outlook. Revised plans and flood remodelling have been submitted in response. In reviewing these revisions Officers have been advised that SMPRA have given their approval for the works.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Smoke Control Order

Relevant Planning History:

02/01300/FUL 15th November 2002 PER
Renewal of CB20372/01 and CB20372/02 stables/hay/feed store

99/00666/PF 29th July 1999 PER
Erection of Hay Store and Tack Room (Field Ref No 686)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
CO 2 Development within or affecting the AONB
UI 2 Development and flooding
UI 4 Maintenance strips for watercourses

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

14th January 2016

What follows is the official view of Charlton Kings Parish Council.

Charlton Kings Parish Council welcomes any scheme which will reduce the risk of flooding within and beyond its boundaries. However we are disappointed that greater consultation did not take place before the plans were posted shortly before Christmas 2015, with a very short deadline for comments by the public and interested bodies.

In our view a scheme of this scale and impact should have been more widely publicised and also the subject of public meetings, where experts from the Environment Agency and the Borough Council would have been on hand to explain to members of the public the aim and impact of the proposal, followed by a Q and A session.

We note that first site visits took place in 2013, meaning that there has been ample time to engage with those affected by the scheme. The complexity of some of the documentation makes it difficult for the layman to understand the implications; hence the need for presentations for the general public. We would have welcomed the opportunity to discuss our concerns face-to-face with engineers and experts at such a meeting. We also echo the frustration of the Charlton Kings Flood Action Group (FAG), which was formed following encouragement from the authorities, but was not consulted before this scheme was formally submitted and validated.

On the specifics of the scheme we are seeking reassurance on the likely knock-on effects of the proposal on houses in our parish. We are concerned that excess water being diverted into Lilley Brook will increase the risk of flooding to properties in the St Judes Walk/Chancel Way/Charlton Close areas. We are also unsure what might happen when the bund is full - will excess water be diverted onto Sandy Lane? We think that this eventuality is covered (and mitigated) in the Risk Assessment 3.0, but we would like confirmation.

In conclusion, we request that the applicants organise a public meeting for interested parties and we offer the Parish Council's Stanton Room for this purpose. A presentation by experts would help us and residents better understand the scheme and also provide the opportunity for questions to be raised and answered.

To reiterate, we welcome the commitment by the EA and Borough Council to improve flood protection for residents; our concern now is with the detail and impact of the proposal, not just at the point of the protection scheme, but further downstream.

24th February 2016

No Objection, but Comment: We reiterate our earlier comments on this scheme, dated 14th January 2016. The extra detail in the latest submission has been helpful. In our January comments we requested that a public meeting for interested parties be organised, offering the Stanton Hall for this purpose. We repeat this request. A presentation by experts would help us and residents better understand the scheme and also provide an opportunity for questions to be raised and answered.

21st June 2016

No Objection, but Comment: Our earlier concerns relating to potential flooding further downstream do not appear to have been addressed. We also concur with the comments made this month by the Environment Agency.

Cheltenham Civic Society

25th January 2016

This is a measure to be welcomed as a way of preventing further flooding

Ward Councillors

9th March 2016

I understand that the residents of Southfield Manor, who own this land, have still not voted on whether or not to support this proposal, would it not be sensible therefore to wait until the outcome of that vote before considering this application.

Tree Officer

5th January 2016

The Tree Section has no objections with this application. The increase in soil level when creating the embankment will create soil compaction in the rooting zone of the Ash adjacent to 82 Sandy Lane, in the long term this will be detrimental to the tree. It is recommended that the tree is removed and a replacement tree is planted to mitigate for its loss.

8th June 2016

The Tree Section has no objections with this application. There is still a concern for the long term health of the Ash adjacent to 82 Sandy Lane.

Cotswold Conservation Board

21st December 2015

Thank you for consulting the Cotswolds Conservation Board on the above application.

I can confirm we raise no comments.

The Board does however recommend that suitable planning conditions are attached (should permission be granted) to ensure the site is fully restored and appropriate new landscaping is provided and managed accordingly.

GCC Local Flood Authority (LLFA)

29th December 2015

I refer to the above application and your communication dated 17th December 2015 requesting that the Lead Local Flood Authority provide advice on surface water management.

This is a flood alleviation scheme and we are satisfied that the proposals will not therefore have any adverse impact on flood risk within the area of the works or outside this area. The completion of this scheme should have a positive impact on reducing flood risk in the future.

We would suggest that appropriate temporary measures be taken to mitigate against any adverse impact on flood risk during the implementation of the work.

The applicant has not indicated how this flood risk management asset will be maintained. I would recommend therefore that Cheltenham BC give consideration to this matter and put in place an appropriate maintenance regime. We have no other comments.

Environment Agency

15th June 2016

Thank you for referring the above application which was received on 1 June 2016.

We acknowledge receipt of new details submitted in relation to the proposed scheme as detailed above, this includes amended drawings and an Addendum Flood Risk Assessment (FRA) undertaken by CH2M.

Flood Risk:

We note that following local objections on 'amenity and outlook' it is proposed to lower the level of the proposed bund and thus reduce the size of the storage area. The comments within the FRA are noted in this regard, "...the outcome of this exercise confirms that the implementation of these changes will not increase the risk to downstream properties and that the standard of protection and scheme outcomes as indicated in the approved business case will not be adversely affected".

We are however concerned, in relation to the above, that the amended drawings are not in accordance with the changes to the scheme as detailed within the addendum to the FRA. For example, "...it is proposed that between chainages Ch90 and Ch130...the bund crest level will be reduced from 107.9m AOD to 107.45m AOD...Consequently spill in the extreme event, will now be managed over the entire 40m (Ch90 - 130) with any overspill being picked up by an open channel along the southern edge of the estate road and/or Sandy Road itself; onto and along the desired exceedance route (FRA)."

Unfortunately this does not accord with the drawings which have been submitted for approval as part of the application. The 'General Arrangements Location A' (ref. 204628.AL.01.00-002 Rev B) and 'Location A Typical Cross Sections' (ref. 204628.AL.01.00-003 Rev C) clearly show that the majority of the bank is to be lowered to 107.45m AOD and that this change is not limited to between Ch90 and Ch130. According to the 'Location A Longitudinal Section' (ref. 204628.AL.01.00-100 Rev B) the bank is to be lowered to 107.45m AOD between Ch90 and Ch200, with the exception of the access ramp between approx. Ch140 to Ch160.

Given the above we are concerned that the drawings do not accord with the revised modelling and the potential impact of any changes tied to this permission may not have been adequately assessed. The reduction of the height of the bank appears to be a length of approx. 90m rather than just the 40m referenced within the FRA.

In addition there is no detailed information regarding the 'open channel to the southern edge of the estate road' as referenced within the FRA, either within the FRA or on any of the drawings. It is assumed this is an existing channel, it is currently in or will be brought into an adequate condition to serve this new proposed function, where it is an existing drainage ditch this new use will not unacceptably disrupt its current function (e.g. drainage), and it will now be maintained as a part of this Southfield Brook Flood Alleviation Scheme. We recommend that this detail is confirmed as part of the planning application.

Conclusion:

Whilst we do not wish to unnecessarily delay any determination we recommend these points are clarified and confirmed prior to any formal planning approval.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

30th June 2016

Thank you for referring the amended flood risk assessment (FRA) addendum dated 17 June submitted in support of the above application which was received on 29 June 2016.

Having reviewed the document we note that it contains some relatively minor alterations, and these appear to be in line with the comments in our previous response (our letter ref SV/2015/108779/04-L01 dated 15 June 2016). We have no specific comments on the amendments. We would reiterate our previous comments that the applicant should ensure that any revisions in the FRA are reflected in the submitted drawings.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent to 32 neighbouring properties on receipt of the original application. Further letters have been sent out on receipt of the revised plans. In response to the publicity 8 letters have been received. 5 letters of objection have been received with 2 letters of support and 1 letter with neutral comments. In summary the main concerns relate to:

- Will add to flooding problems
- Visual impact of the embankment
- Impact downstream

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle of the proposed works, design and layout, and flooding.

6.1.2 The Cheltenham Surface Water Management Plan (SWMP) and Preliminary Flood Risk Assessment (PFRA) both identify Southfield Manor Park, Hartley Close and adjacent Sandy Lane as a high flood risk area. This area has experienced frequent surface water flooding including the 2007 extreme flooding event.

6.1.3 The proposed development comprises local drainage improvement measures to address fluvial and overland flooding. The development includes two grassed earth embankments, widening of existing ditches, installation of filter drains and culverts and new manhole connections. The application sets out that the works will improve the standard protection to the 1 in 100 year flood event plus an allowance for climate change (20%).

6.1.4 Given the existence of surface water flooding concerns in this area the principle of flood relief works is considered to be acceptable.

6.2 Design and layout

6.2.1 The application identifies two locations for the flood relief works to take place.

6.2.2 Location A: (revised plans following comments from SWMP)

Works consist of an embankment, approximately 1.5m (reduced from 2m) above local ground level at its highest point. The sides of the embankment are designed as no steeper than 1 in 4 slopes, and to be slightly shallower in places in order to make the embankment look less artificial. The areas which are affected during construction will be seeded and reinstated to match conditions prior to construction. Retention of existing channels, and a 300mm culvert between the new inlet structure and an existing manhole. The embankment will not be higher than 1.5m (reduced from 2m) above the surrounding existing ground levels in the field. The ground re-grading is to be kept to a minimum, and the depth of the channel will not be more than 1m below the existing ground levels.

6.2.3 Location B:

Works consist of a proposed extension to the existing drainage ditch with a low bund to the north to prevent out of channel flows discharging to the houses on Hartley Close. The embankment will be approximately 0.5m to 0.6m above local ground level at its crest, and will follow the contours of the ground. It will be formed by employing a balanced cut and fill process where material excavated to cut the channel will be used to fill the embankment where possible. This will have the benefit of reducing the number of heavy vehicle movements needed along Sandy Lane, the Southfield Manor access track and across the grassland. Also proposed is the widening of the existing channel to the west of the new embankment, with a 300mm diameter filter drain laid along the channel. Shallow channel and low level embankment will be kept to a minimum, with the height of the new works not more than 0.6m.

6.2.4 A new culvert and filter drain in location A and B respectively will be laid over a distance of 100m in total with a new or upgraded manhole at intersections with existing drainage. Any existing gardens, footpaths or roads that are affected by the works will be reinstated.

6.2.5 The works are designed to hold and store excess surface water, and then gradually releasing the flow into the existing water network when capacity returns.

6.3 The works are detailed and during the construction period will be clearly visible. Once the works have been completed the application sets out that the land will be returned to and maintained as a grass meadow. The works when completed are considered to have limited impact on the immediate area and the wider Area of Outstanding Natural Beauty. It is noted that the Cotswold Conservation Board have provided no objection to the application.

6.4 The design and layout and the impact on the Area of Outstanding Natural Beauty is considered to be acceptable, and comply with the objectives of policies CP7 and CO2 of the local plan.

6.5 Flooding

6.5.1 The application is supported by a detailed flood risk assessment which was submitted in February 2016 (a further addendum to this document was submitted in June 2016 following the revision to the scheme). The Flood Risk Assessment provides additional information and response to comments made by local residents following the submission of the original application in December 2015.

6.5.2 The Flood Risk Assessment provides a detailed breakdown of the existing conditions, including the site itself, run off upstream and from the escarpment, and provides detailed modelling of potential flooding events. The document provides guidance on a do nothing scenario, and a do something scenario, and includes what impact the works would have on flooding downstream. The flood risk assessment concludes by considering the best option available to achieve the required improvements (set out in section 6.2 above). The

conclusions set out that the do something scenario will significantly reduce the number of properties which would be likely to experience flooding. The flood risk assessment also concludes that these works will not increase flooding downstream and that it is *evident from the results that there is a reduced peak flow of water going into the Southfield Brook during rainfall events after the scheme is in place, this is due to the flows being attenuated by the storage upstream.*

- 6.5.3** The flood risk assessment and the supporting documents and plans are necessarily technical, the consultation responses are therefore of distinct relevance, representing specialist advice. These documents are all available on public access. The applicant is Cheltenham Borough Council with the works being proposed by the Councils Land Drainage Officer, the Officer who would normally provide comments on flooding and drainage matters for planning applications. In reviewing the details submitted, the Environment Agency has considered the application and following the receipt of corrected plans and details, provides no objection to the proposal. The Local Flood Authority has provided comments in support of the application, asking that the site is managed during construction and that the maintenance of the site is secured; these can be secured by way of conditions.
- 6.5.4** Comments have been received in recent weeks following the heavy rainfall questioning if the proposed works will provide the necessary protection. Given the comments provided by the EA the Local Flood Authority on the detail of the application and modelling it is difficult to disagree with their conclusions.

6.6 Trees

- 6.6.1** The Tree Officer has provided comments on the impact that the works could have on the long term health of the Ash adjacent to 82 Sandy Lane. To ensure that this tree is protected during construction a condition for its protection is recommended.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The flood relief works will improve and manage flooding issue in the area. The proposed works will reduce flood risk to properties north of Hartley Close and North of Southfield Manor by attenuating the overland flow and then gradually releasing the flow into the existing water network. The works are supported by the EA and the GCC Local Flood Authority. The works will not affect the current land use with the land being fully accessible except in times of flooding. Following the construction the works the land will be returned to a grassed meadow and will therefore have only limited impact on the landscape.
- 7.2** In considering the planning balance, Officers are of the view that it falls in favour of the proposal. The recommendation for this application is for permission to be granted.

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.

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- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 3 No works shall take place at the site until a management and maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The open space shall be managed in strict accordance with the approved management plan thereafter.

Reason: This information is required prior to works taking place to ensure that the development is managed and maintained in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP7 and CO2.

- 4 No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan ("TPP") to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 5 No development shall commence on site unless a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Management Plan shall:

- a) specify the type of vehicles used during construction
- b) provide for the parking of vehicles of site operatives and visitors
- c) provide for the loading and unloading of plant and materials
- d) provide for the storage of plant and materials used in constructing the development
- e) provide for wheel washing facilities; and
- f) specify the access points to be used and maintained during the construction phase.

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

Reason: In the interests of highway safety and visual amenity and having regard to Policies TP1 and CP4 of the Cheltenham Borough Local Plan (adopted 2006). This information is required up front because highway safety could otherwise be compromised at the beginning of construction.

- 6 No works shall take place at the site until a management and maintenance plan for the site has been submitted to and approved in writing by the Local Planning Authority. The open space shall be managed in strict accordance with the approved management plan thereafter.

Reason: This information is required prior to works taking place to ensure that the development is managed and maintained in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP7 and CO2.

INFORMATIVES

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

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

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

APPLICATION NO: 15/02131/FUL		OFFICER: Mr Craig Hemphill	
DATE REGISTERED: 15th December 2015		DATE OF EXPIRY :	
WARD: Charlton Park		PARISH:	
APPLICANT:	Cheltenham Borough Council		
LOCATION:	Land off Sandy Lane, Charlton Kings		
PROPOSAL:	Construction of a low contoured earth flood bund in the grazing meadow to the south of Southfield Manor Park. Its purpose being to intercept and attenuate out of channel flow from Southfield Brook and overland surface water run-off from the Cotswold escarpment. In addition, a second smaller earth bund is proposed immediately south of properties in Hartley Close. The proposed scheme provides the benefit of reduced flood risk to properties in Southfield Manor Park, Hartley Close and Sandy Lane.		

REPRESENTATIONS

Number of contributors	8
Number of objections	5
Number of representations	1
Number of supporting	2

11 Southfield Manor Park
Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DJ

Comments: 11th January 2016

I support this plan. It doesn't appear to create any hassle, hindrance or nuisance to anyone (after construction), and should prevent both minor and catastrophic flooding to several properties adjacent to and downhill from the fields in question. It will have some visual impact for properties nearby and walkers passing through, as the bund will block some of the view and may be unsightly in the first couple of years while it's still new and not clothed with grass etc, but this seems a minor price to pay for security for people's homes.

21 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 5th January 2016

I would like to object to this application on the grounds that from my own interpretation of the presented plans then it appears that the changes in the location designated as Site B will in fact present a greater risk of flooding to our property at 21 Hartley Close rather than an alleviation of the existing problem.

Let me briefly explain the current situation which will allow you to understand my concerns. Currently the existing ditch in the area of Site B runs roughly east to west from the rear of Number 17 to a new storm drain that has been put in place just beyond the end of the rear of Number 23. This drain was put in place in the spring of 2015, but before that the existing ditch was not really a ditch, more trench with no defined exit for the water at either end. It times of

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heavier, although not excessive rain the ditch/trench would fill up and overflow, flooding through our garden and also out of the far west end and in to Highland Road. In the years between buying the house in 2009 and the fitting of the drain in 2015 then we regularly had a stream of water running across our lawn, along the side of our house and out in to Hartley Close. On many occasions we had to sandbag the side of the house to avoid water entering the houses air bricks. After the fitting of the new storm drain matters have improved, but unfortunately in my opinion the drain entry has been fitted too high, and this is borne out by the constant high level of standing water that is in the ditch behind our house and also number 23. The level of the ditch behind our house and number 23 is lower than both the levels at the storm drain entry to the west side and the ditch behind Number 19 at the east side, forming a bowl where water collects under any level of rain. Since October 2015 the ditch behind our house has been full of water constantly. The level remains reasonably constant as it is kept supplied from water draining in to it off the meadow and escarpment and also from some springs which appear in the autumn and winter months in the meadow. When it fills to with some 10 to 15cm from the top of the ditch behind our house before it starts to run out in to the storm drain. In times of prolonged rain the amount of water entering the drain means that the height of the water in the drain rises due to flow restrictions. Across the very wet period over the Christmas Holidays the level of water in the ditch has risen to just 3 to 5cm from the top of the ditch behind our house and we were once again concerned that it would overflow in to our garden.

So now to my concerns about the proposed scheme. The building of the proposed earthen bund at the farthest east end of Site B and the addition of the extended ditch to join up with the existing one will clearly channel more water from east to west along the back of the houses in Hartley close. At times of high or exceptional rainfall I am convinced that the flow of the ditch in to the storm drain will not be sufficient to cope with the additional water that will be channelled in to the existing ditch from the new works and it will once again overflow at the lowest point of the ditch behind our house and in to our Garden. I would rather that the outcome of these proposals were that it improve the drainage and reduced the risk of flooding for everybody, rather than improve it for some at the expense of increasing the risk for others.

There is mention in the plans of improvements to the existing ditch, but no mention of any changes to the entry height of the storm drain. Perhaps this is in the plans but just not mentioned. Also the use of Filter Drains are mentioned for Site B but I have no idea what these are and the areas they will be used in are not clearly marked on the plans.

It could be that all of my concerns are already considered in these plans, but if so it is not clear to me. My simple view from the plans is that it is very likely to make an already bad situation behind numbers 21 and 23 Hartley very much worse and so it is on these grounds that I would like to object to the application for the actions at Site B.

7B Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 12th June 2016

Having just spent half an hour shovelling up significant amounts of debris from Sandy Lane at the junction with Highland Road following a flash flood, in support of a property owner whose house was very nearly flooded, I support this application. Of course I agree with the comments from a neighbour in Hartley Close in that I wouldn't want this scheme to have a knock on negative effect to other properties in the Close and also the comments about flooding further down stream (but I thought the aim of this scheme was to hold the water back, so as to help reduce the likelihood of this, not increase it?) - but on both these points I would expect the experts to have this covered? If not, then of course they should have. My only question is whether this scheme goes far enough? The aforementioned flash flood today was in part due to blocked drains caused by debris being washed down from the lane alongside Lillybrook Golf club and off the new access

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route to the farm at the top of Sandy Lane (as mentioned by another person who commented about this and whose prediction came true within a week of them making their comment!) This scheme may help flooding downstream and is therefore to be welcomed - but I think the experts need to have another look at how a once in a few years (not a 100) flood can be prevented and thus deal with the issue of Sandy Lane beyond the tarmacked part being washed away. Or perhaps that is a matter for CBC and our local councillors to resolve?

15 Southfield Manor Park
Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DJ

Comments: 11th January 2016

I object to the visual impact of the "embankment" being "2m" high on Site A as proposed in the Design Statement from CH2M.

7 St Judes Walk
Cheltenham
Gloucestershire
GL53 7RU

Comments: 24th December 2015

I am seeking expert opinion from Cheltenham Planning Dept. I live right next to the Lilley Brook downstream of the planning proposal. If the planning proposal increases the flow of water in the Lilley Brook by reducing its ability to use a flood plain in times of heavy rain then this logically will increase the likelihood of it flooding the properties alongside the Lilley Brook downstream. Will this happen and has the Cheltenham Planning Dept. considered this increased risk of flooding and how will this be eliminated? I am seeking a formal reply.

Comments: 7th January 2016

7/1/2016 - No reply received to my comments of 24th December 2015.

Comments: 9th February 2016

In view of the comments of other interested parties and the lack of any assurances regarding the increased risk of flooding downstream from these proposals I am changing my comment to OBJECT from neutral. One has only to see the affect of this type of work on properties in the north of England to appreciate the real possibility of damage down stream. The answer is increasingly being shown to be containment and slow release of flood waters.

Brookside
32 Brookway Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8HD

Comments: 6th January 2016

I chair the Charlton Kings Flood Action group, recently formed under the auspices of the National Flood Forum. In the near future we are looking to meet with representatives from the Cheltenham Borough Council and the Environment Agency so we can learn about the future water management strategy and flood mitigation measures for Cheltenham and our area.

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In that light, I am writing on behalf of our members to object to the recent planning proposal for work at Sandy Lane, and also to request clarification on a number of issues. The main crux of our objection is that our strong impression is there are likely impacts downstream of this proposed work for areas of Charlton Kings, and indeed this seems to be acknowledged in the (possibly ambiguous) statement that peak flows in the Lilley Brook would be reduced although total discharged volume will increase. So we are concerned for residents specifically whose properties are adjacent to the Lilley Brook. At the very least this needs more explication, or we would need reassurance that this is not the case. Unfortunately, the time frame for consultation of a few weeks over Christmas does not leave us in a position to resolve this for ourselves with expert advice.

More broadly though, there is the issue of the need for more transparency about process and strategy for managing flood risk in Cheltenham. A few years ago a proposal to regulate the flow of water from Dowdeswell was abandoned, apparently on the grounds of cost. Residents of Charlton Kings felt that this would have been a measure that would have benefitted the whole area. So it would be interesting to know the cost-benefit analysis that takes this scheme - funded by the Environment Agency - forward, on behalf of Sandy Lane, which is maybe a more restricted area. Is it possible we could have a sense of this rationale in the two cases, and also a figure for the proposed scheme?

Related to this too, we acknowledge that this scheme is said to be NPPF compliant, but would like to be assured that it is compliant with the Environment Agency's Catchment Flood Management Plan for the River Severn, as well as for plans for Cheltenham generally. It may be that it is, but it is not immediately apparent in the proposal, where we can find no reference to this.

In terms of the scheme itself, as a water management proposal, the anxiety we have highlighted above - about moving water more swiftly downstream - is a function of the fact that there is no apparent design feature that would make for the retention or slowing down of surface water. Clearly again, if there had been more time, this could have been subject to expert scrutiny.

Finally, we very much appreciated the role played by the Cheltenham Borough Council's officers (indeed, those responsible for this application) in setting up this summer of a drop-in day on flood management issues, together with the Environment Agency, the Police and the County Council. Hopefully, the newly convened Charlton Kings group can have a voice, together with the National Flood Forum, in ensuring that Cheltenham develop a flood policy that benefits the whole area. It is also true, though, that the Council's officers might have increased the community involvement in this application, and at least have given a longer and more adequate consultation period.

8 St Judes Walk
Cheltenham
Gloucestershire
GL53 7RU

Comments: 11th February 2016

I live adjacent to the Lilley brook downstream of the proposed works and am concerned about the impact of the scheme on the water flow near me. The flood risk assessment report figures in table1-1 state that the peak flow will reduce but that the total volume will increase. The paragraph immediately below this table states that both will reduce so the report is self-contradictory. The council needs to explain much more clearly the impact of the scheme for properties downstream and until it does so I will continue to object to the proposal.

76 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 8th June 2016

The plan may have to be re-assessed because the landowner behind the field owned by SMPRA has grubbed up the hedgerow at the bottom of Sandy Lane track to insert a new gate. This now exposes Sandy Lane to direct surface water run off from the fields that may bypass the proposed bund.

Comments: 13th June 2016

Having observed the deluge which flooded the junction of Sandy Lane and Highland Road on 12th June 2016 it's clear this proposal will have limited effect on preventing a recurrence. Most of the water that turned Sandy Lane into a torrent above this point was run off from Lillybrook golf course. See YouTube postings of the flooding at:

<https://www.youtube.com/watch?v=TzTUn4uCw5g>

<https://www.youtube.com/watch?v=6QlidRfWY4w>

<https://www.youtube.com/watch?v=9uof7RVKWHQ>

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APPLICATION NO: 15/02131/FUL		OFFICER: Mr Craig Hemphill	
DATE REGISTERED: 15th December 2015		DATE OF EXPIRY:	
WARD: Charlton Park		PARISH:	
APPLICANT:	Cheltenham Borough Council		
AGENT:	Mr Shauket Khan		
LOCATION:	Land Off Sandy Lane, Charlton Kings		
PROPOSAL:	Flood Relief Works		

Update to Officer Report

1. CONSULTATIONS

Parish Council

19th July 2016

Comments in support:

The application was further reviewed at the Planning Committee meeting of Charlton Kings Parish Council on 18th July. The view was No Objection. It was noted that our previous concern regarding the potential impact on properties further downstream has now been addressed, as per Para 6.5.2 of the Officer's Report prepared for the Borough Council's Planning Committee meeting on 21st July.

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

Update to Officer Report July 2016

1. OFFICER COMMENTS

- 1.1. Members will recall that this application was deferred at the May committee meeting to enable further discussion and negotiation to take place with the applicant/agent in respect of the design and size of the proposed extension and to enable additional information to be submitted in respect of the large, mature Copper Beech tree within the site – this update should therefore be read in conjunction with the main officer report and update report published in May (attached).
- 1.2. Revised plans have been submitted in respect of the extension; however, the revisions to the scheme previously considered by Members are minimal. It was suggested to the applicant's agent that a more modern, visually lightweight approach at ground floor with large amounts of glazing and a simple flat roof with parapet, may be more appropriate; however, these suggestions have not been addressed in the revised scheme. Whilst the external elevations of the extension at ground floor have been simplified, the footprint, massing and size of the extension is unchanged. As such, the revisions fail to address the refusal reason previously suggested by officers.
- 1.3. It is however recognised that Members were presented with insufficient information in order to assess the impact on the Copper Beech tree within the site at the May committee meeting. Whilst the applicant and their agent were aware of the Trees Officers comments at that time, the information was not forthcoming. Therefore, with hindsight, an additional refusal reason should have been suggested relating to a lack of information in this respect.
- 1.4. Following the May committee meeting, an Arboricultural Survey, Impact Assessment and Method Statement was submitted and the Trees Officer's comments in response to that submission are copied below; it should be noted that since the May committee meeting, the Copper Beech and 3no. Lime trees have been TPO'd.

The Tree Section maintains the objection to this application because of potential impact of the proposal on the adjacent (now) TPO'd beech tree on this site.

Whilst the revised plans are accompanied by a BS5837 (2012) Tree Survey, Tree Protection Plan (TPP) and Method Statement (MS), the proposal still significantly encroaches into the Root Protection Area of the large mature Beech T1.

This tree is elevated by over 1 metre compared to the existing ground level of the nearest on site building. However it is described as being elevated approx. 45cms on the Tree

King TPP and as such many of the tree's structurally supporting roots are likely to be within this raised area.

The proposal is to reduce the current rooting area from 6 metres to the nearest building to 4 metres to a proposed new footpath. The Root Protection Area (RPA) is 10.4 metres (342 Square metres) -according to Tree King report. Whilst it is suggested to off-set the RPA to an area north of this tree, this does not take account of the morphology and disposition of the roots or the trees tolerance of root damage (as suggested in BS5837 (2012) Para 4.6.3. It is considered that off-setting this area as suggested so as to enable building within 4 metres of the centre of the trunk of the tree could destabilise the structural integrity of the tree at worst or possibly lead it into a spiral of decline as a result of feeding root damage. This is especially so as the ground level on the west side of the tree is some 120cms lower than on the trunk side and indeed the tree appears to be 'sitting on' rocks and immediately adjacent to a boundary/retaining wall on this side (as described in Appendix 2 of Tree King Report). As such the tree will likely have an asymmetrical root pattern biased in favour of rooting on the east side of the trunk where it is proposed to construct at a distance of 4 metres.

The lower lias clay described in para 2.1 of Tree King report will likely necessitate a deeper foundation design which could further damage any deeper existing roots in this area.

The proximity of the proposed building could lead to feelings of anxiety of this tree by residents due to its large elevated presence and as such there would likely be further pressure to prune to relieve such perceived risk. Whilst there is a proposal to reduce the canopy of the crown by 2 metres (thus 4 metres across the full diameter of the crown), this will reduce the visual amenity value of this tree which does not appear to have had any previous such pruning treatment. Trees Officers do not concur with Tree King report statement that the tree is 'young and vigorous' (Para B3) and such a pruning proposal could be significant if combined with a corresponding severance of the roots near to the tree's trunk

Similarly, the TPP shows a very limited materials storage area on an area of land to the south (rear) of the building. It is not clear how materials will be transported to this area if the RPA of the beech is maintained-there is a proposed 2 metre clearance only between the proposed protective fencing and the nearest point of the existing building.

To conclude - the proposed extension is too close to the existing TPO'd beech to the west and there are technical problems with access facilitation to enable building to the south of the existing building near to the TPO protected lime trees.

- 1.5. Members will note that the Tree Section originally maintained its objection to the proposed extension due to its proximity to the now TPO'd Beech tree.
- 1.6. In response to this, a revised lower ground floor plan which omits the proposed paving on the west side of the extension has been submitted together with a revised Arboricultural Survey, Impact Assessment and Method Statement was submitted. Having assessed the revised information, the Trees Officer now considers the proposals to be broadly acceptable and has commented as follows:

The revised tree survey, impact assessment and method statement have, following negotiation and discussion been revised and modified to an extent where the development proposals are broadly acceptable to CBC Tree Section.

It is noted that the footpath to the west of the proposed new development has been removed/erased. As such the proposed development will be some 5.5 metres away from the tree. Whilst this is still well within the Root Protection Area (RPA) as recommended in BS5837 (2012-Trees in relation to Design, Demolition and Construction-

Recommendations) it is also noted that the new extension is to be constructed on a pile foundation set at 150mm above ground. Other tree root protection measures within the RPA are also recommended within this revised report.

However para B5 recommends that a crown reduction of 2 metre height and 1.5 metre on each side of the tree will be required. It also goes on to say that there should be an "option to undertake more (reduction) if the necessity for such is indicated or immediately following their completion". Trees Officers consider that there is little scope for more than a 2.5 metre maximum reduction of the crown (on each side). Beech trees' bark is susceptible to scorch and necrosis following heavy reduction as direct protection from the hot sun in summer months (leaves) will mostly have been removed. Such an absolute maximum 25% reduction is broadly in line with the max 30% crown reduction beyond which is broadly considered to be poor arboricultural practice. A maximum 25% crown reduction in radial width alone and combined with root protection measures is unlikely send the tree's vitality into a spiral of decline.

As such it is recommended that should planning permission be granted the following conditions are used:

TRE08b-Arb monitoring

TRE05B-no service runs within RPA

Similarly all working methods are to be in accordance with this July 12th 2016 arb report.

It is also recommended that the "gutter cover informative" is also employed.

2. CONCLUSION AND RECOMMENDATION

- 2.1. As set out at in the May update report, officers acknowledge the benefits that the proposals would bring, to both staff and residents but consider the benefits to be limited and not in any way beneficial to the building. As such, officers do not consider that the public benefits would outweigh the harm to the listed building; and the revisions do little to overcome this concern.
- 2.2. Therefore, whilst it is acknowledged that some Members at the May committee meeting had sympathy for the applicant and felt that, in fact, the benefits might marginally outweigh the harm, the officer recommendation remains to refuse planning permission for the following reason:

3. SUGGESTED REFUSAL REASON

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

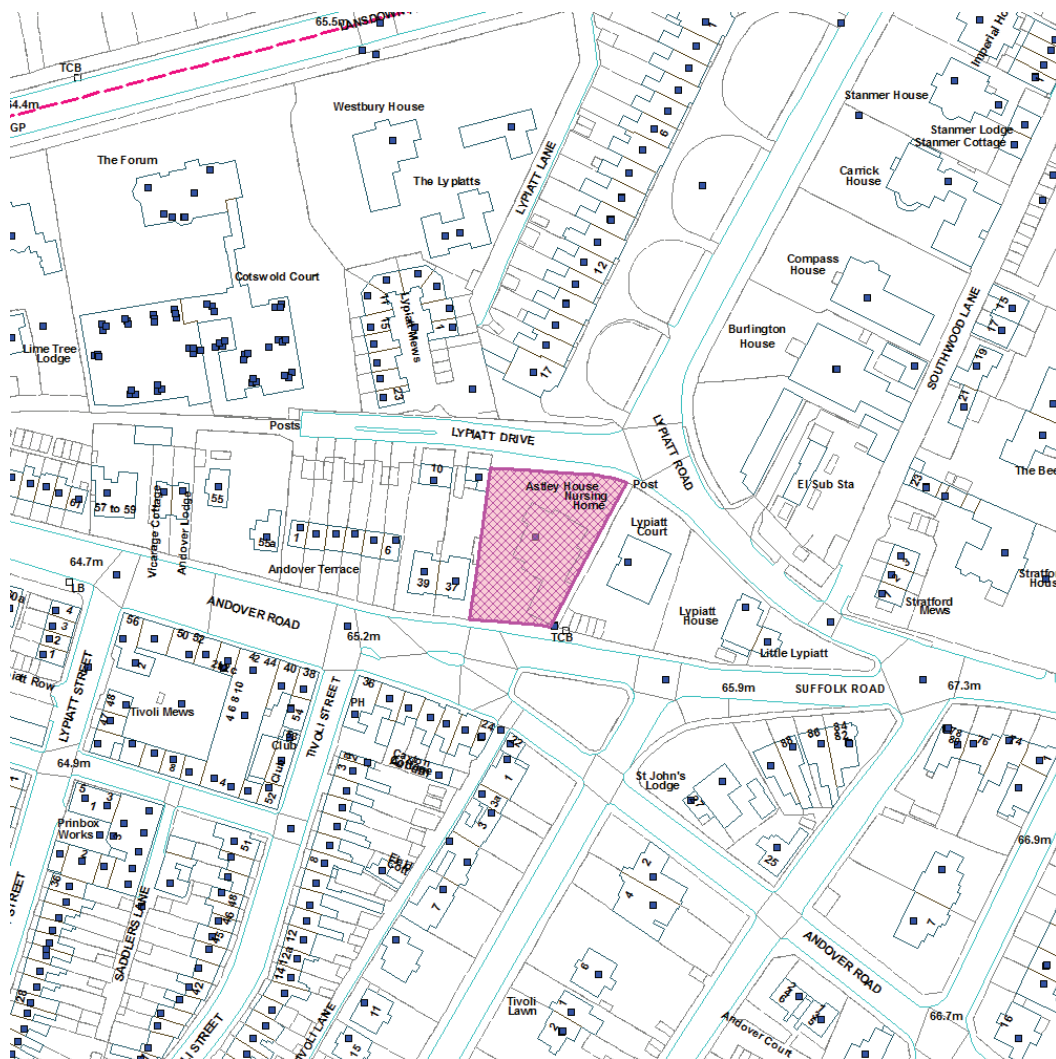
As proposed, the extension, by virtue of its design, massing and size, and the consequent erosion of space around the building would harm the character, appearance and setting of the listed building.

Accordingly, the proposals are contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF

and in the Historic Environment Good Practice Advice in Planning, and policies CP7 (design) and BE9 (alteration of listed buildings) of the Adopted Cheltenham Borough Local Plan.

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

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

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

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Conservation Area
Listed Building
Smoke Control Order

Planning History:

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

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

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 9 Alteration of listed buildings
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Lansdown Character Area Appraisal and Management Plan (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Building Control

24th March 2016

No comment.

Architects Panel

7th April 2016

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

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

Recommendation: Support subject to dining hall design amendments.

Cheltenham Civic Society

13th April 2016

No comment.

Tree Officer

20th April 2016

The Tree Section maintains the objection to this application.

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

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

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

Heritage and Conservation

20th April 2016

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

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

Conservation and Heritage summary

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

Environmental Health

27th April 2016

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

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

28th April 2016

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

Suggested condition:

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

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

5. PUBLICITY AND REPRESENTATIONS

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

6. OFFICER COMMENTS

To follow in an update

7. SUGGESTED REFUSAL REASON

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

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

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

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PROPOSAL:	Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme) Internal refurbishment and upgrading	

Update to Officer Report

1. OFFICER COMMENTS

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

2. SUGGESTED REFUSAL REASON

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

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

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

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

REPRESENTATIONS

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

15 Kingscote Road East
Cheltenham
Gloucestershire
GL51 6JT

Comments: 1st April 2016

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

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

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

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

Page 76

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

31 Oldbury Orchard
Churchdown
Gloucestershire
GL3 2PU

Comments: 20th April 2016

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

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

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

Please support this application.

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

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Should Members be minded to support the proposals, the following additional condition has been suggested by the Trees Officer:

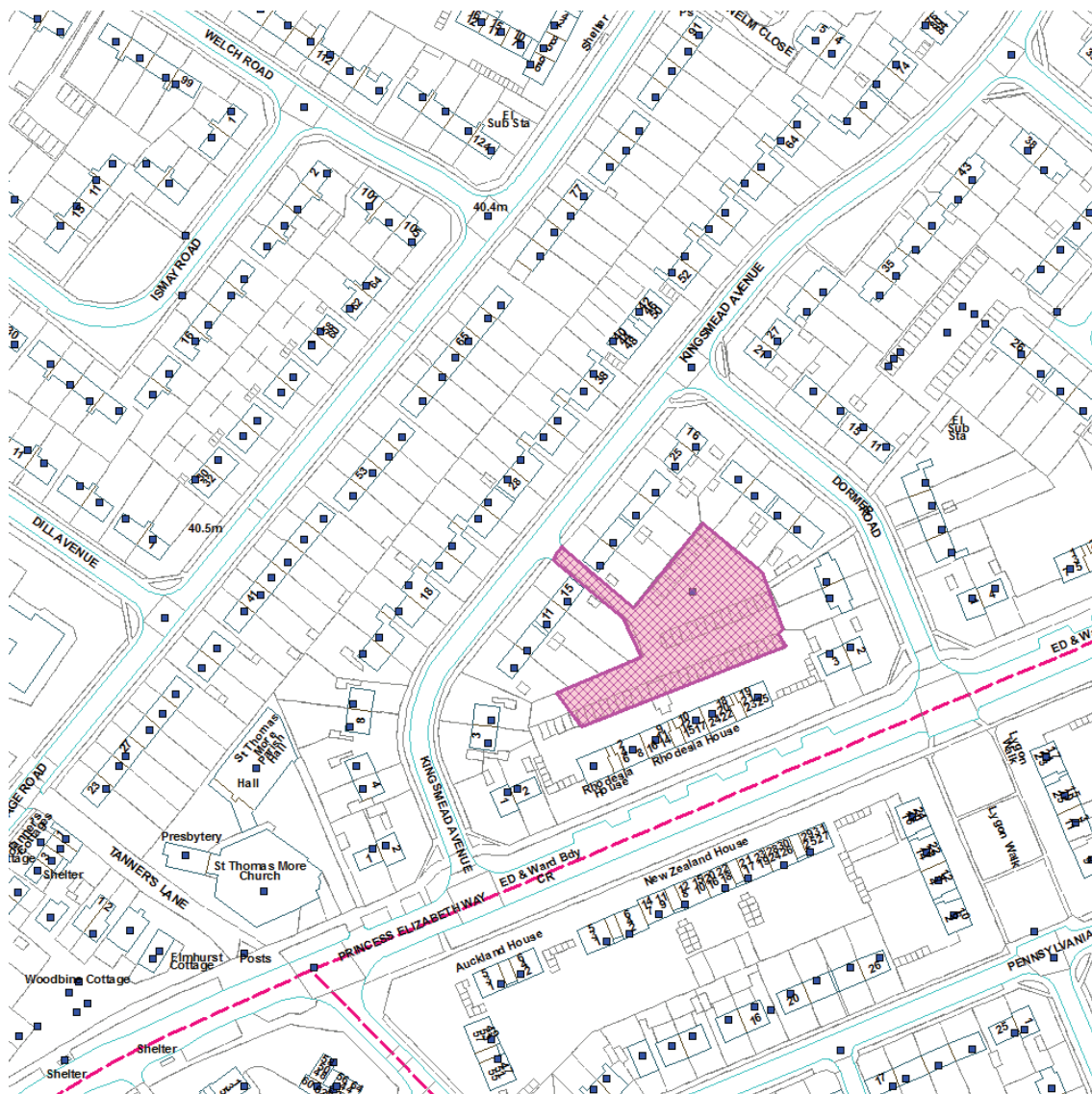
Notwithstanding the submitted Arboricultural Survey, Impact Assessment and Method Statement, the crown of the TPO'd Beech Tree (T1) shall not be reduced by more than 2.5 metres in width and 2 metres in height.

Reason: In the interests of visual amenity in line with good arboricultural practice and having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

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APPLICATION NO: 16/00969/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 1st June 2016		DATE OF EXPIRY: 27th July 2016	
WARD: Springbank		PARISH:	
APPLICANT:	Cheltenham Borough Homes Ltd		
AGENT:	Quattro Design Architects Ltd		
LOCATION:	Garage Blocks, Kingsmead Avenue, Cheltenham		
PROPOSAL:	Construction of 4no. three bedroom houses and provision of 8no. parking spaces with associated hard and soft landscaping.		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an existing garage site to the rear of properties on Kingsmead Avenue, Dormer Road and Rhodesia House on Princess Elizabeth Way. It is accessed off Kingsmead Avenue. The site formerly accommodated over 40 garages however these have now been demolished and the site is unused. The site is irregularly shaped with a narrow section to the west of the site between the gardens of Kingsmead Avenue and the amenity space of Rhodesia House.
- 1.2 Planning permission is sought for the erection of 4 no. semi-detached dwelling located in the eastern part of the site. Parking would be provided at the frontage of each dwelling at a rate of two per household. Amenity space is provided to the rear. A 5m wide strip of land at the southern boundary of the site would be given over as amenity space to Rhodesia House. The remainder of the western 'finger' of land would be an informal landscaped area.
- 1.3 The application is to be determined by the Planning Committee as the land is owned by Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

HS 1 Housing development

TP 1 Development and highway safety

TP 2 Highway Standards

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Cheltenham Civic Society

27th June 2016

This is another scheme where there is scope for a more inspired design

Gloucestershire Centre For Environmental Records

9th June 2016

Report available to view on line.

GCC Highways Planning Liaison Officer

8th June 2016

I refer to the above planning application received on 2nd June 2016.

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

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

Statement of Due Regard

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

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

Tree Officer

16th June 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.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	54
Total comments received	2
Number of objections	1
Number of supporting	0
General comment	1

5.1 The application was advertised by way of letters to 54 neighbouring properties. 2 representations have been received which relate to the following issues:

- Concerns about Cheltenham Borough Homes' pre-application engagement with neighbours
- Concern about loss of existing high fence
- Concern about proximity of extended amenity space for Rhodesia House
- Potential for anti-social behaviour, litter etc
- Concern about potential impact on garden trees

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this planning application are considered to be (i) principle, (ii) design and layout, (iii) neighbour amenity, (iv) highways and parking issues.

6.2 The site and its context

The site is an unused former garage court which is surrounded by existing residential development. The principle of developing this brownfield site within the Principle Urban Area is considered to be in accordance with policy HS1 of the Local Plan and advice contained within the NPPF. The proposal will provide 4 much needed socially rented 3 bedroom houses.

6.3 Design and layout

The site is a challenging shape and its backland location also provides challenges in terms of urban design and neighbour amenity. The scheme as proposed is considered to be an appropriate response to the challenges and constraints of the site. There is no existing street frontage in which the proposed dwellings will sit. However it is considered that grouping them in this way creates a sense of place to the development. The houses themselves are of an appropriate design. The civic society have criticised the proposal as uninspiring, however the size and scale of the buildings is appropriate and some interest has been added to the elevations through the use of non-standard windows, canopy porches and a mixture of render and brick. As such, given the context this is considered to be acceptable.

The layout involves the provision of a green wall to the southern part of the site. Details of this are requested by condition, however this is considered to be acceptable in principle and will soften the appearance of the boundary wall between the site and Rhodesia House when viewed from the driveway.

The southern and western parts of the site have proved complicated to resolve and therefore the provision of some additional amenity space for Rhodesia House is considered to be an appropriate use of this area. In addition to this 5m strip there is an 8m wide landscape buffer which provides some separation between sites and some softening of this part of the site.

The plots themselves are well laid out with good sized gardens, space for sheds and bin storage areas on plot and well located parking.

For the reasons outlined above it is considered that the design and layout is acceptable and is in accordance with policy CP7, advice contained within the Development on garden land and infill sites in Cheltenham (2009) SPD and advice contained within the NPPF.

6.4 Impact on neighbouring property

The proposed dwellings have been positioned in order to achieve sufficient distances from existing neighbouring properties thereby avoiding any loss of light or privacy.

Concerns have been raised about the treatment of the western 'finger' of the site. In particular the resolution between the gardens of Kingmead Avenue and the amenity space of Rhodesia House. The representations which have been received express a desire for the existing high fence to remain. This has not been indicated to be changed on the plans, however for the avoidance of doubt a condition is recommended requiring it to be retained. The plans indicate a 1.8m high close boarded fence inside this wall to demarcate the two sites and this is considered acceptable. Between 2 and 8m is retained between the amenity space and private gardens and this would be landscaped to enhance the site. Whilst it would be preferable from a maintenance point of view that all landscaped areas have ownership by residents, given the layout of the site this is not practical. In this instance it is not considered necessary to require a maintenance plan for the area given that the site will be managed by CBH.

For these reasons it is considered that the impact on neighbouring properties is acceptable and in this respect the proposal is in line with policy CP3 of the Cheltenham Local Plan.

6.5 Access and highway issues

The application falls to be determined in accordance with the Highways Standing Advice as a development of less than 5 houses. Highways have been asked to comment as the width of the access is 4.9m as opposed to the 5.2m required by the standing advice. It is not anticipated that an objection will be forthcoming given that the site has previously provided access for over 40 garages.

The level of parking provision is considered to be acceptable and the layout of the site is such that informal visitor parking could also be accommodated within the site.

The proposal was discussed with UBICO prior to submission and they agreed that the site would be serviced by refuse vehicles which would reverse into the site.

As such it is considered that the proposal is acceptable in terms of highway safety and is therefore in accordance with policies TP1, TP2 and TP6 of the Local Plan and advice contained in the NPPF.

7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons outlined above and subject to the conditions listed below the proposal is considered to be acceptable and is therefore 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 No external facing or roofing materials shall be applied unless in accordance with
a) a written specification of the materials; and
b) physical sample/s of the materials,
The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 4 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 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.

- 5 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:

Green Wall

Reason: To ensure a satisfactory appearance to the development, having regard to Policies CP 7 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 The existing boundary fence along the north and western edges of the greenscape area as indicated on the approved drawings shall be retained to its current height in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity, having regard to Policies CP 4 of the Cheltenham Borough Local Plan (adopted 2006).

INFORMATIVES

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

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

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

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APPLICATION NO: 16/00969/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 1st June 2016		DATE OF EXPIRY : 27th July 2016	
WARD: Springbank		PARISH:	
APPLICANT:	Cheltenham Borough Homes Ltd		
LOCATION:	Garage Blocks, Kingsmead Avenue, Cheltenham		
PROPOSAL:	Construction of 4no. three bedroom houses and provision of 8no. parking spaces with associated hard and soft landscaping.		

REPRESENTATIONS

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

5 Kingsmead Avenue
Cheltenham
Gloucestershire
GL51 0AS

Comments: 8th June 2016

Firstly, I should like to complain as to the process itself, the lack of organisation, planning and communication.

Previously the planning meeting was called with only a few hours notice after it was hand delivered. I wonder how as a local resident I would have been able to attend a planning meeting at c2pm when notice of it is delivered at 10am on the same day?! Your explanation would be appreciated.

Following the initial meeting I had several discussions with Laura Neale and Gordon Malcolm. Unfortunately, my repeated requests to be kept updated fell on deaf ears and I received none of the promised news or updates.

Recently, Gordon met with my wife at my home which I shall discuss later.

Thankfully the inefficiencies of your process meant that things did not progress further until now.

On this recent occasion the meeting was called with around 3-4 days' notice; which is still wholly inappropriate for a meeting which you call during the day. Would you not expect the potentially affected residents to be at work?! Or is that the point to such things I wonder? Again, your explanation would be appreciated.

Moving on to my actual objection to these plans which is not to the proposed construction of the houses but the proposed opening up of the area at the rear of the flats which backs on to my property. At present the area is surrounded by an 8ft + metal fence and is some considerable distance from my property. However, the proposal is to provide a wooden fence which is less than 6 foot tall and open out the area.

My objection should come as no surprise and indeed should have already been logged following my multiple conversations with Laura and Gordon in September 2014, January 2015 and March 2015 and many dates pre and post.

Sadly the plans provided are not clear and your online measuring tool doesn't work but it appears that the gap between the fence and my property will be c1m.

I simply cannot agree that the open area of the flats should be extended owing to the behaviour and conduct of its residents. Of particular interest are the following three issues...

- 1) On several occasions children from the flats have used the current (smaller) area to climb on to outbuildings and walls which back onto the premises. Opening up the area and enclosing it with a wholly inadequate short term fence will only mean that this is allowed to happen more frequently. I gather than previous complaints have been raised and that on at least one occasion the police were called when the children were looking through peoples bedroom windows.
- 2) The rear of the flats is an area often used by children for ball games etc. A Wooden fence will last only days should it be erected. And it being closer to my property and shorter than the current fence will result in a nuisance being caused. Once the fence has failed I can only see the issues mentioned above escalating further.
- 3) Considerable issues have been caused with rats and vermin emanating from the flats. Notably, many residents of the flats see fit to throw their rubbish (including soiled nappies (I kid you not)) from their windows in the general direction of their bins (hopefully) rather than correctly disposing of them. Opening up this area will only add to the issues. Quite frankly why we would allow people who see this as reasonable behaviour access to open space is beyond me and considering that I and many other residents in Kingsmead Avenue are owners and not council tenants I think that our objections are entirely reasonable and should be heard.

Gordon recently visited my home to visit my wife and discuss the matter and gave assurances as to the height of the fence and its distance from my property but sadly these don't seem to match the plans submitted. On the assumption that Gordon approves the plans there is clearly an issue which means that the plans in their current state should not be allowed to progress and also that the matter, for the reasons that I have highlighted needs to be revisited in any event.

I look forward to a constructive and considered response urgently together with clarification as to the height and construction of the proposed fences and their distance from my property. However, for the avoidance of doubt please consider this formal notice that I will pursue a claim in nuisance and/or damages should the area be opened up, my requests ignored and issues experienced.

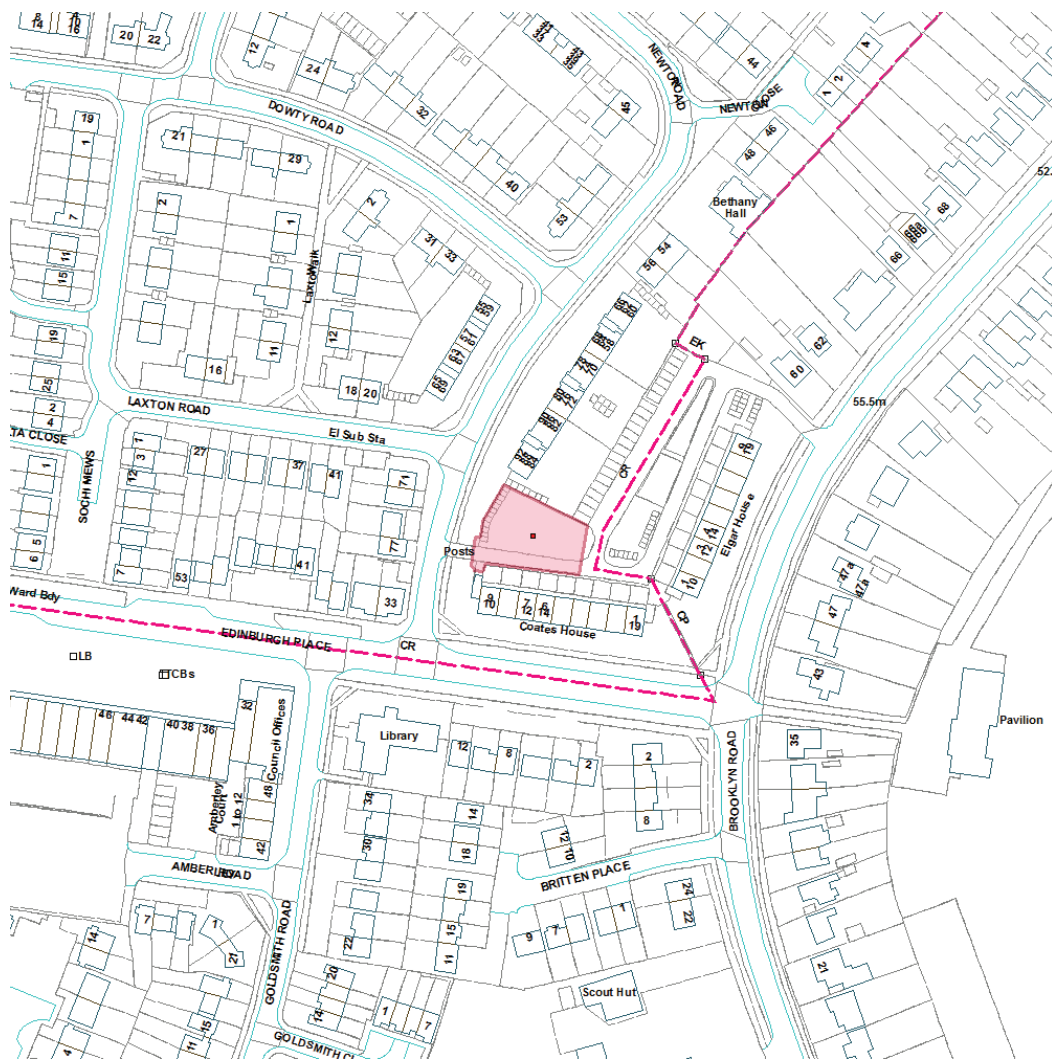
7 Kingsmead Avenue
Cheltenham
Gloucestershire
GL51 0AS

Comments: 21st June 2016

I have looked at the plans and it doesn't make clear the amount of land there will be between my boundary and the boundary for the flats. I would also like to point out that I am slightly concerned with the height of the fences and their material that are to be placed at the flats boundary. I don't think they will be high enough and could easily be climbed. At present there are metal fences with spikes and I would like to see the same or similar in place when construction takes place. I would like to see most of the trees and bushes left at the end of my garden as they give me some privacy and the wildlife should be protected as we have a lot of nesting birds. I am not against the need for the houses but want to keep my back garden a safe distance from the flats.

APPLICATION NO: 16/00971/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 2nd June 2016	DATE OF EXPIRY: 28th July 2016
WARD: Hesters Way	PARISH: N/A
APPLICANT:	Cheltenham Borough Homes
AGENT:	Quattro Design Architects Ltd
LOCATION:	Land at Newton Road, Cheltenham
PROPOSAL:	Construction of 2no. two bedroom flats and 4no. one bedroom flats and provision of 8no. parking spaces with associated hard and soft landscaping

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application proposes the erection of 6no. affordable housing units comprising 4no. one bed flats and 2no. 2 bed flats on the eastern side of Newton Road close to the junction with Edinburgh Place. The scheme would also provide for 8no. additional car parking spaces within the site together with a new bin storage area to serve the new flats and the existing flats within the adjacent Coates House.
- 1.2 The site is irregular in shape and is bounded by three storey blocks of flats, including Coates House to the south and Elgar House in Brooklyn Road to the rear. Opposite the site, the buildings are two storeys in height.
- 1.3 The site is an unattractive and underutilised area which is currently laid to hardstanding and accommodates a number of small sheds together with a bin storage area for the residents of Coates House.
- 1.4 The application site is before the planning committee as the land is owned by the Council. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

15/01822/FUL

Withdrawn

8th December 2015

Erection of 2no. dwellings with associated hard and soft landscaping following demolition of existing storage units.

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

HS 1 Housing development

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

2nd June 2016

No comment.

Gloucestershire Centre for Environmental Records

9th June 2016

Report available to view on line.

GCC Highways Planning Liaison Officer

17th June 2016

The site is sustainably located for the proposed flats in walking/cycling distance of local amenities and public transport connections reducing car use in accordance the NPPF.

Suitable parking provision has been provided and vehicle access, separate pedestrian access has been provided although a new footway from the proposed pedestrian gateway to the footway on Newton Road will be sought via condition.

There is suitable cycle parking which will be required by condition to be covered and secure.

The bin store is distant from the road for collection therefore it is sought via condition the bin store either be located adjacent to the pedestrian site gateway north of the vehicle access from Newton Road or a collection point be provided in this location with bins moved to collection point on day of collection.

In conclusion I recommend no objection subject to the following conditions;

1. Notwithstanding the proposed plans the permanent bin store or a temporary collection point be provided with sufficient hardstanding north of the pedestrian site access gateway north of the vehicle access on the proposed plans.

Reason: To ensure accessible bin storage that will not result in bin and waste being left obstructing or inconveniencing site users or highway users or creating conflicts between vehicles, pedestrians or cyclists in accordance with NPPF paragraph 35.

2. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan 4060/P/10 A, 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 paragraph 35.

3. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan 4060/P/10 A, and those facilities shall be maintained for the duration of the development.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

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.

Cheltenham Civic Society

27th June 2016

There is an opportunity to do something better here.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 55 neighbouring properties. In response to the publicity, two representations have been received in objection to the application. These representations have been circulated in full to Members but, briefly, the concerns relate to:

- density
- height and size of the building
- loss of privacy / light
- parking and highway safety
- bin storage
- noise and disturbance

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle of development, design and layout of the proposed housing; impact on neighbouring amenity; and parking and highway safety.

6.2 Principle

6.2.1 As previously stated, the application site is an unattractive and underutilised area which is currently laid to hardstanding and accommodates a number of small sheds together with a bin storage area for Coates House. The surrounding area is primarily residential and as such it is considered that the development of the site for residential purposes is an appropriate one which would make good use of the site and provide much needed new affordable homes within the borough. It is acknowledged that there is a need for houses but a flatted development in this location is considered more appropriate to its surroundings. This view is endorsed by Housing Services.

6.3 Design and layout

6.3.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality.

6.3.2 The flats are traditional in design and have been designed to reflect existing housing surrounding the site, with a mix of facing brick and render to the external elevations beneath pitched tiled roofs; such a design approach is considered to be wholly appropriate within the locality. Revisions to the arrangement of the external facing materials have been made during the course of the application following suggestions made by officers. In addition, the introduction of splayed oriel windows to address overlooking of the properties in Coates House has provided some interest to the building. As such it is considered that the form,

mass, design and general appearance of the proposed building is acceptable. A communal garden would be provided for residents.

- 6.3.3** The site has been laid out to address the constraints of the site and the existing housing. An existing vehicular access from Newton Road would be utilised to access the development, with a separate pedestrian access for the flats provide alongside. The existing pedestrian access to Coates House would be maintained and improved with the erection of a 1.2m fence separating the access from the parking court.
- 6.3.4** The proposed development is therefore considered to be of an acceptable design and layout which would sit comfortably within its context and would provide an enhancement to the locality. As such, the proposal is considered to be in accordance with the aims and objectives of policy CP7 and guidance set out within the Council's SPD relating to development on garden land and infill sites, and the NPPF.

6.4 Impact on neighbouring amenity

- 6.4.1** Local plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users or the locality.
- 6.4.2** As previously mentioned, the site has been laid out to address the constraints of the site and the existing housing. The building comfortably passes the established 25° and 45° daylight tests used to assess the impact of new developments on nearby buildings.
- 6.4.3** Revisions to the fenestration in the south facing elevation have been sought during the course of the application because the distance between clear glazed windows serving the new development and existing windows in Coates House fell short of the desired 21 metres, achieving only 19 metres. The revised plans incorporate a splayed oriel window for the main bedroom window to Flats 2, 4 and 6 with a combination of clear and obscured glazing. In addition, the smaller windows to the bedroom have been obscured, together with the kitchen window in this elevation. These flats benefit from clear glazed windows to the east facing elevation which would serve the main living space.
- 6.4.4** As such, whilst the proposed development would inevitably have an impact on the surrounding residents, any such impact would not significant or to an unacceptable level. The proposal is therefore considered to be in accordance with policy CP4 and guidance set out within the Council's SPD relating to development on garden land and infill sites, and the NPPF.

6.5 Parking and highway safety

- 6.5.1** Local plan policy TP1 (development and highway safety) advises that development will not be permitted where it would endanger highway safety.
- 6.5.2** The application has been assessed by the County Highways Development Management Team who raises no objection to the proposals subject to the inclusion of conditions.
- 6.5.3** It is not considered necessary to attach the condition in respect of the relocation of the bin store or the provision of a collection point; the proposals have been agreed by Ubico.
- 6.5.4** The proposal is therefore considered to be in accordance with the requirements of policy TP1 and guidance set out within the NPPF.

6.6 Other considerations

- 6.6.1** Concern has been raised by a resident in Coates House in relation to the level of proposed bin storage. As previously noted, the application proposes the provision of a new bin

storage area, with appropriate containers, which has been agreed by Ubico. The new bin storage area is considered sufficient to serve both the 6no. new flats and the existing 12no. flats within Coates House.

6.7 Conclusion and recommendation

- 6.7.1 The proposed development accords with relevant local plan policy, and guidance set out within the NPF, and the recommendation therefore is to grant planning permission subject to the following conditions:

7. SUGGESTED CONDITIONS

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 3 No external facing or roofing materials shall be applied unless in accordance with
a) a written specification of the materials; and
b) physical sample/s of the materials,

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

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

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

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

- 5 The development shall not be occupied unless covered bicycle storage has been constructed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The covered bicycle storage shall at all times be retained in accordance with the approved details.

Reason: To ensure adequate provision and availability of cycle parking, having regard to Policy TP6 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 The development hereby approved shall not be occupied or operated until the refuse and recycling storage facilities have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the storage of refuse and recycling and shall remain free of obstruction for such use at all times.

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

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the windows annotated on the approved plans to be obscurely glazed shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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

INFORMATIVE

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

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

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

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APPLICATION NO: 16/00971/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 2nd June 2016		DATE OF EXPIRY : 28th July 2016	
WARD: Hesters Way		PARISH:	
APPLICANT:	Alison Salter		
LOCATION:	Land at Newton Road, Cheltenham		
PROPOSAL:	Construction of 2no. two bedroom flats and 4no. one bedroom flats and provision of 8no. parking spaces with associated hard and soft landscaping		

REPRESENTATIONS

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

14 Coates House
 Edinburgh Place
 Cheltenham
 Gloucestershire
 GL51 7RP

Comments: 26th June 2016

As a resident of Coates House I would like to most strongly object to these plans.

Having considered the previous planning application acceptable I am confused as to why a more substantial dwelling and set of plans has been submitted. The density of the new plans is too great for the area.

The main reason for my objection is the height and size of this development.

The visual impact and aesthetics to the area and subsequent loss of privacy that this building will create is a major concern to me. The 2nd floor will be level with the kitchens and main living space of Coates House. To also note the loss of light to both Coates House and the residents of Newton House.

Parking in the area is already hard to come by during the week, I feel the spaces will be used by other nearby residents as this development will remove several spaces (by removing the current blocked off entrance to Coates House currently used for parking). This would also lead to greater traffic generation, especially near to the gardens of Coates House - where children regularly play.

I see that there are no more bins planned than already exist for Coates House (at this end). Proposed are 3 big non-recyclable bins, 1 big recycling and 2 food waste bins. I do not feel that this is anywhere near adequate given the current number of bins is very similar to this. The current bins regularly overflow pre collection causing vermin as well as smells, this will only be made worse by more people using the same number of bins.

I am also concerned about increased noise levels, mainly due to increased traffic and proximity to my dwelling as well as noise from increased number of people in the vicinity (as well as level/height vs Coates House).

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Having attended the public consultation and given my opinions here I am a little upset that these are yet to be properly addressed and not properly quoted in the Design and Access Statement. Is there any surprise that more people don't attend these consultations when little notice is taken to the views of the current residents.

To summarize I would like you to reconsider your plans to address the concerns of the residents of Coates House.

3 Meads Close
Bishops Cleeve
Cheltenham
GL52 8JX

Comments: 9th June 2016

I would like to formally object to the planning application - 16/00971/FUL - for the below reasons.

Such a large (in number and height) set of dwellings being built in such a small space. While agreed for the need to maximise the potential of the current site one would hope that you would not want to do this at the detriment of the existing properties or tenant quality of life.

This application will block light and cause overshadowing to Coates House as well as light/ overshadowing into the gardens of the surrounding buildings on both sides. Consequently adversely effecting quality of life for affected owners and tenants. The majority of the light on the back of Coates house would be blocked.

The proposed properties would also be overlooking Coates house (and vice versa) - the plan is to have the new proposed dwellings parallel to the existing and even though there is a height difference the existing properties mainly Coates house will have direct views into the new dwellings and vice versa.

Noise and disturbance generated by the extra dwellings both by the inhabitants themselves but also the increased vehicular usage in proximity to existing dwellings.

Parking provision - 8 spaces for 6 flats - I understand that this is more than one per flat but given how hard it is to park in the locality especially in the week (2 cars always use the current blocked proposed entrance to park) this would be lost so I would argue that these flats will cause a parking problem.

Landscaping and bin provision - the current bin provision is hardly enough (ever) for the existing properties - I believe this new plan will lead to there being a further bin storage issue and therefore an environmental problem and moving them more in line with Coates House will mean the increased risk of dumping as upper maisonette tenants will have to walk from one stair well or the other to dispose of their waste - causing more smells and mess.

Where you reference the public consultation held on the 18th May 2016 you state "Overall, there were concerns regarding the existing state of the site and it was regarded that homes in this area would be an improvement to the area of land which is currently underutilised" and "Consideration has been taken into account to the relationship between the proposed homes and flats at Newton House and Coates House." I do not feel that is representative of the comments, and I would like to know where you have without the aid of a 3D elevation from different views you have considered the "relationship" of these dwellings.

I would go as far to say that the proposed site plan attached to this does not clearly represent the effect it will have on Coates house due to the lack of labelling! A 3D visualisation would help (the only one currently is front on from Newton Road).

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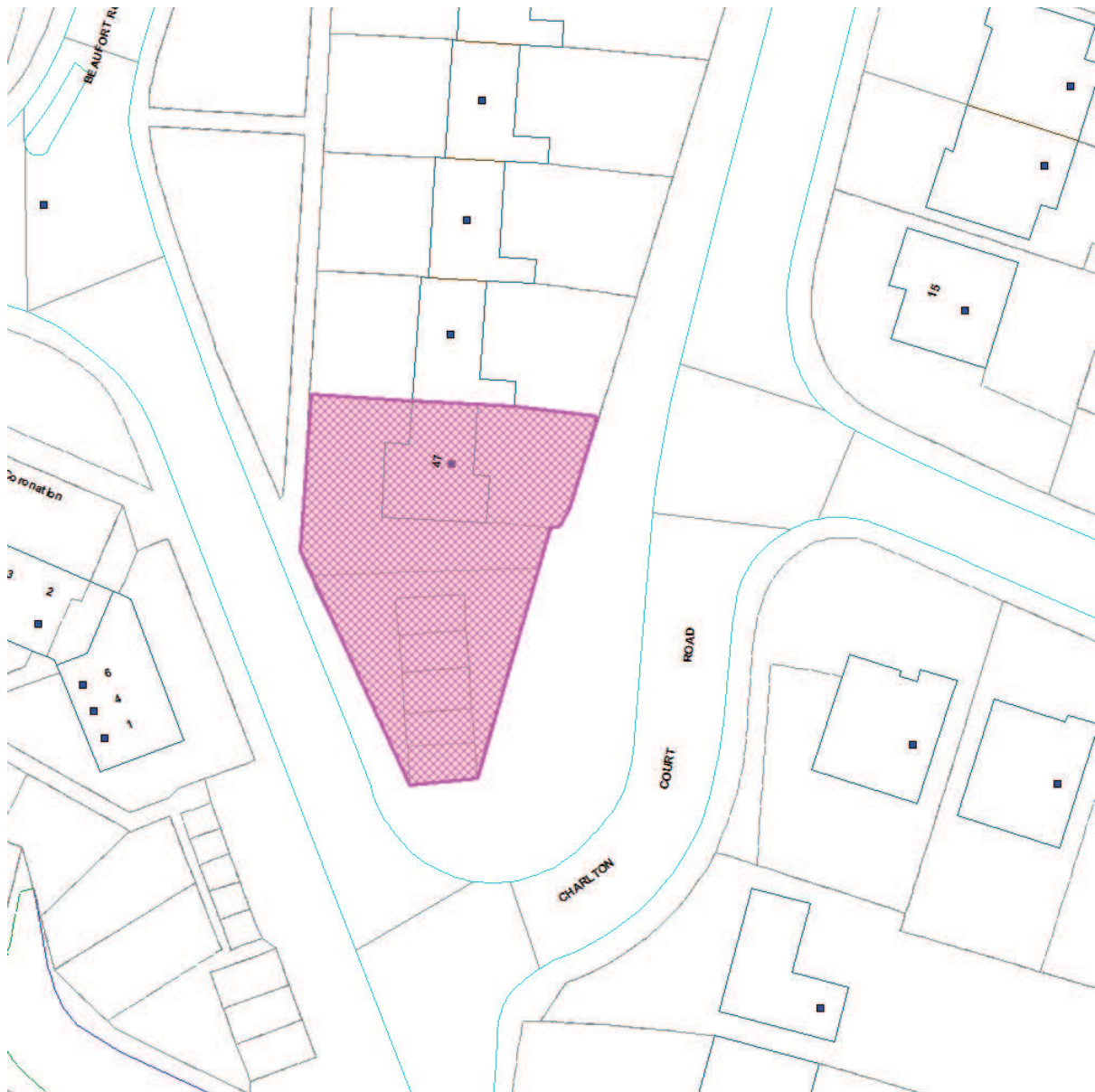
Layout - I believe that if these dwellings were street facing (Newton Road) and the behind of the properties set to gardens and shared space there would be a lot less of an adverse effect on quality of life of existing tenants (proper parking provision depending).

I hope that these comments are constructive in helping you to review this application. Please don't hesitate to contact me if you require.

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APPLICATION NO: 16/00972/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 1st June 2016	DATE OF EXPIRY: 27th July 2016
WARD: Battledown	PARISH: Charlton Kings
APPLICANT:	Cheltenham Borough Homes Ltd
AGENT:	Quattro Design Architects Ltd
LOCATION:	47 Beaufort Road, Charlton Kings, Cheltenham
PROPOSAL:	Construction of 2no. three bedroom houses and provision of 4no. parking spaces with associated hard and soft landscaping.

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a parcel of land, roughly triangular in shape located on the junction of Beaufort Road and Charlton Court Road. The northern part of the site previously accommodated an end of terrace dwelling which has since been demolished, this area is now laid to grass. The southern part of the site is occupied by a row of 5 garages in a single storey flat roofed block. The eastern boundary of the site is well treed with a highway verge beyond, fronting Charlton Court Road.
- 1.2 Planning permission is sought for the erection of 2 no. 3 bedroom semi-detached houses. They are similar in depth, width and height to the existing dwellings which adjoin the site on the eastern side of Beaufort Road. Plot 1 has a driveway off Beaufort Road leading to two parking spaces. Plot 2 has two parking spaces accessed directly off Beaufort Road. Each dwelling has a bin store and shed within the rear gardens.
- 1.3 The application is before committee as the site is owned by Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

GE 7 Accommodation and protection of natural features

HS 1 Housing development

TP 1 Development and highway safety

TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

21st June 2016

No objection.

Cheltenham Civic Society

27th June 2016

This is uninspiring - we would have hoped for something better.

Gloucestershire Centre For Environmental Records

9th June 2016

Report available to view on line.

GCC Highways Planning Liaison Officer

7th June 2016

I refer to the above planning application received on 31 May 2016.

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

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

Statement of Due Regard

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

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

Tree Officer

30th June 2016

The Tree Section has no objections with this application. If permission is granted please use the following informative and conditions:

Tree Protection

Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference C.1640 and the Tree Protection Plan Drawing Number BHA_005_04 dated May 2016. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

INFTR no XXX-It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc

INFTR7- The foundation depth and design must take account of adjacent trees and their future growth potential, so as to avoid future nuisance.

Wales And West Utilities

27th June 2016

Comments available to view on line.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	25
Total comments received	5
Number of objections	3
Number of supporting	0
General comment	2

5.1 Consultation letters were sent to 25 properties. 5 responses were received which relate to the following issues:

- Happy to see social housing proposed
- Concerns about parking provision and highway safety
- Concerns about flooding
- Concerns about retention of hedge and impact on trees
- Concerns about subsidence and risk of damage
- Concerns about access to party wall
- Loss of garages for parking and storage

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) principle, (ii) visual impact, (iii) neighbour amenity, (iv) highways and access issues, (v) trees and landscaping, (vi) ecology, (vii) flooding.

6.2 The site and its context

6.3 The site is located within a residential context. The area comprises a mixture of flats and houses. The site previously accommodated a dwelling which has been demolished and a block of garages which is unattractive. The principle of providing two homes within this context is acceptable subject to the satisfactory resolution of all other relevant considerations.

6.4 Design and layout

6.5 The proposed design of the dwellings is simple, however it responds well to the adjacent dwellings and is therefore considered to be appropriate to its context. The span and height

of the dwellings is also very similar and as such the buildings will not be visually jarring and will fit comfortably into the street scene. A gap of 1m is retained between the existing and proposed dwellings. A condition requiring samples of the facing materials is requested as these have not yet been determined. Grey windows are proposed; whilst they are not a common feature in the immediate vicinity their use is becoming more common within the Borough. In terms of wider visual impact the site is an important feature within the approach to the area from London Road and as such it is considered crucial that the overall 'green' appearance of the site from this direction is retained. The positioning of the houses is such that the built forms stops over 16m short of the edge of the highway verge, furthermore the trees and landscaping help to retain the character of the site.

6.6 As such the proposal is considered to be of an acceptable design and therefore in accordance with policy CP7, advice contained in the Development on garden land and infill sites SPD and the NPPF.

6.7 Impact on neighbouring property

6.8 The neighbouring property at 45 Beaufort Road has a blank side elevation as does the proposed adjacent dwelling. The proposed building also does not project beyond the front or rear building line and as such there would be no adverse impact in terms of neighbour amenity with respect to loss or privacy or light.

6.9 The neighbour has expressed concerns regarding the potential for subsidence, however this would be a matter between the developer and neighbour and is not a reason to withhold planning permission. A concern was also raised in relation to the proximity of the new dwelling to the party wall. A gap of 1m would be retained which should be sufficient to gain access is required.

6.10 The proposal is considered to have an acceptable impact on neighbouring property and is therefore in accordance with policy CP4 of the Local Plan and advice contained in the NPPF.

6.11 Access and highway issues

6.12 The site previously occupied a dwelling and 5 garages and as such there has always been vehicular movements associated with the site.

6.13 The proposal results in the loss of the garaging facilities and as such the applicant has submitted a parking survey with the application to consider the impact of displaced parking. It confirms that 3 of the garages are currently in use and that there is capacity within the surrounding streets to accommodate the 3 displaced vehicles.

6.14 The proposal provides for 2 off street parking spaces per dwelling which is sufficient bearing in mind the average car ownership in the area of 1.43 cars per dwelling.

6.15 As a proposal is for under 5 dwellings off a non-classified road the proposal must be considered in accordance with the Gloucestershire County Council standing advice. The accesses provided are of appropriate dimensions and provide adequate visibility onto Beaufort Road, provided the hedge height is below 600mm; a condition to this effect is attached.

6.16 Subject to this the proposal is considered to have an acceptable impact upon highway safety in the vicinity. As such it is in accordance with policies TP1 and TP6 of the Local Plan and advice contained in the NPPF.

6.17 Trees and Landscaping

6.18 The application was accompanied by an Arboricultural Survey Report which has been assessed by the Tree Officer. Subject to conditions they have confirmed that they have no objection to the application. Given the value of the landscaping within the street scene a condition is attached requiring a landscaping scheme to be submitted.

6.19 Subject to the above mentioned condition the proposal is considered to be in accordance with policies GE5, GE6 and GE7 of the Local Plan and advice contained within the NPPF.

6.20 Ecology

An ecological report was submitted with the application which concluded that there was low potential for protected species on the site but made recommendations such as the provision of bird and bat boxes. A condition is recommended to ensure that these works are implemented.

6.21 Flooding

The application site is within flood zone 1 which is at low risk of flooding and as such there are no special consultation or design requirements. It must be remembered that the site currently and previously accommodated buildings and as such it is unlikely that runoff from the site would be significantly increased. However the recommended landscaping condition includes a requirement for hard surfaced areas to be permeable which should limit any potential impact.

6.22 Other considerations

6.23 One representation raises the loss of the garage which they use for storage and the way in which the process of terminating any such lease is being carried out. This is a matter between the tenant and CBH and is not a reason to withhold planning permission.

7. CONCLUSION AND RECOMMENDATION

7.1 For the above mentioned reasons it is considered that the proposal is in accordance with the relevant policy framework and as such 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 Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference C.1640 and the Tree Protection Plan Drawing Number BHA_005_04 dated May 2016. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of

any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

- 3 No external facing or roofing materials shall be applied unless in accordance with
a) a written specification of the materials; and
b) physical sample/s of the materials,

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

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

- 4 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 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).

- 5 Prior to the first occupation of the dwellings hereby approved and all times thereafter the new and existing hedge along the back edge of the pavement shall be no higher than 0.6m above ground level.

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

- 6 The dwellings hereby approved shall not be occupied until the recommendations of the Preliminary Ecological Appraisal dated February 2016 are implemented in full.

Reason: To safeguard ecological species, having regard to Policies NE1 and NE 3 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that ecological species and habitat are not permanently lost or harmed.

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

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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 It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc
- 3 The foundation depth and design must take account of adjacent trees and their future growth potential, so as to avoid future nuisance.
- 4 Wales and West Utilities advise that they have pipelines in the vicinity and it is recommended that they are contacted before works commence to ascertain whether any further consents are required. Please contact Ryan Barkway on 02920 278912.

APPLICATION NO: 16/00972/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 1st June 2016		DATE OF EXPIRY : 27th July 2016	
WARD: Battledown		PARISH: CHARLK	
APPLICANT:	Cheltenham Borough Homes Ltd		
LOCATION:	47 Beaufort Road, Charlton Kings, Cheltenham		
PROPOSAL:	Construction of 2no. three bedroom houses and provision of 4no. parking spaces with associated hard and soft landscaping.		

REPRESENTATIONS

Number of contributors	5
Number of objections	3
Number of representations	2
Number of supporting	0

22 Charlton Court Road
Cheltenham

Comments: 9th June 2016

Good to see social housing being proposed instead of sold off!

Concerns re road safety/ vehicle speeding above 20 mph limit and road markings, have been relayed to Cllr Babbage who, I expect will take up those issues with Glos Highways. The positioning of the proposed parking areas make these considerations all the more important !

The parking areas on the proposed development - will they be of a porous nature to limit flow of rainwater ?

15 Charlton Court Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JB

Comments: 9th June 2016

In theory, the plans sound reasonable. However, the reality is often very different. It is stated that each of the 2 properties will house 5 people. Whilst 2 parking spaces will be provided for each house, it is inevitable that at some stage either the occupants or their friends will have additional cars staying permanently or temporarily. The whole area, especially in Charlton Court Rd is short of parking and despite what the parking survey says, the road usually looks like a car park and often includes commercial vehicles. Residents in Beaufort Rd use Charlton Court Rd as their regular parking place.

Secondly, the hedgerow separating the back gardens in Beaufort Rd and Charlton Court RD are totally abused by the residents of Beaufort RD and they have created entrances to their property from Charlton Court Rd. They use this for access, refuse bins etc etc. They have cut away parts of the hedgerow to allow for this access and the Council either don't know about this, don't care about this, or turn a blind eye to it. Therefore, I have no confidence that the council would control what happens with the new propose houses. Soon, it will look a mess, and this will be to the detriment of the privately owned houses in Charlton Court RD.

5 Coronation Flats
Oak Avenue
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JF

Comments: 12th June 2016

I have no objection to the building of new housing stock, but I have concerns about the effect on parking. There is a lack of parking within Beaufort Road and cars regularly need to park outside the plot up to the point of the garages themselves. Although there will be parking places on the plot for the 2 new houses it appears that some other spaces outside the plot will no longer be available to other residents because of the need or access to the plot.

If the council can confirm that no current road parking spaces will be lost then I would not object.

45 Beaufort Road
Charlton Kings
Cheltenham
Gloucestershire
GL51 6JS

Comments: 22nd June 2016

Letter attached.

23 Beaufort Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JS

Comments: 22nd June 2016

Letter attached.

Objections to proposals

- 1) Distance of proposed building to my property re history of subsidence of 47 Beaufort Rd, pulling on my property.
- 2) Risk of damage to my property foundations
- 3) Closeness of proposed building leaves ~~no~~ access to maintenance of my/party wall.
- 4) Additional traffic on road -
- 5) Flooding from brook affecting Charlton Court Rd, and flats.
- 6) Position of sewer in 47 property (garden).
(Route and history of sewer collapse)
- 7) Position of car parking access to plot 2 near to junction of Charlton Court drive and visibility.
- 8) Access to parking on plot 1 and visibility restrictions. Cars currently drive up 1 way restricted access to Beaufort Rd

Traffic management.

(from 36 Beaufort Rd upwards - cars/vans blocking cycle path and danger to pedestrians)

- a) Impact of loss of council garages for proposed site and extending garage availability by council flats.

10) Loss of trees on plot ^{is nesting} Page 112
in trees.



Planning application 16/00972/FUL

My name is [REDACTED] and I reside at 23, Beaufort Road, Charlton Kings. I have resided here for over 30 years. The property is terraced and has no garage on the plot. A long time ago I applied for a council garage and it was only about 5 years or so ago when I was offered one at the junction of Beaufort Road / Oak Avenue / Charlton Court Road –about 400 yards from my address. The rental has been regularly paid from commencement of the agreement. The garage has been continually in use containing a motor cycle and large household items and railwayana.

Therefore , having heard nothing from Cheltenham Homes, I receive notice of a planning application stating that there was an application on the old garage site. I wish to object to the planning application on the following grounds :-

The land next to number 45 has been subject to subsidence and caused the demolition of number 47.

There is a shortage of garages in Cheltenham hence my long wait.

In recent times, dead rats have been seen in the vicinity.

The building of houses would mean the removal of more established trees.

The junction is a very busy thoroughfare and unsuitable for further construction .The view for traffic leaving the top part of Charlton Court Road would be impeded.

The location of the garage is suitable for my needs having waited so long for it and my poor health prevents my removal of the property at this time.

Subsequently I have received a threatening termination of agreement letter giving me a date to vacate or face court action which is brusque and insensitive.

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APPLICATION NO: 16/00888/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 18th May 2016	DATE OF EXPIRY: 13th July 2016
WARD: College	PARISH: N/A
APPLICANT:	Bushurst Properties Ltd
AGENT:	Clive Petch Architects
LOCATION:	Don Waring, Unit 1, Naunton Park Industrial Estate
PROPOSAL:	Construction of 2no. B1 light industrial units following demolition of existing buildings (Units 1 & 2)

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the construction of 2no. replacement B1 light industrial units at Units 1 & 2 Naunton Park Industrial Estate on Churchill Road. The former Unit 2 building has recently been demolished but Unit 1 currently remains in operation.
- 1.2 Members may recall that planning permission for a similar scheme for the erection of 2no. B1 light industrial units following the demolition of Unit 3 within the Industrial Estate was granted by the planning committee in April 2015. Whilst former Unit 3 has been demolished, to date, the planning permission has not been implemented but remains extant.
- 1.3 Naunton Park Industrial Estate is located on the eastern side of Churchill Road and is bounded by a number of residential properties; however the surrounding area has long since been in an established mix of residential and industrial uses. Indeed, the site was used for industrial purposes long before the construction of nos. 25 to 35 (odd) Asquith Road in the late 60's / early 70's.
- 1.4 The application is before planning committee at the request of Cllr Sudbury "due to concern from nearby residents to a previous application on a neighbouring site and for committee to consider the impact on traffic and neighbouring amenity". Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

14/01291/DEMCON NO PRIOR APPROVAL NEEDED 26th August 2014
Application for prior notification of proposed demolition of single storey light industrial/workshop building at Unit 3 Naunton Park Industrial Estate

14/02003/FUL PERMIT 23rd April 2015
Construction of 2no. B1 light industrial units following demolition of existing light industrial building at Unit 3 Naunton Park Industrial Estate (revised proposal following withdrawal of planning application ref. 14/00566/FUL)

16/00606/DEMCON NO PRIOR APPROVAL NEEDED 6th May 2016
Prior notification of demolition of single storey light industrial/workshop building comprising two units at Units 1 and 2 Naunton Park Industrial Estate

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
NE 4 Contaminated land
EM 1 Employment uses
EM 2 Safeguarding of employment land
TP 1 Development and highway safety

4. CONSULTATION RESPONSES

Gloucestershire Centre for Environmental Records

2nd June 2016

Report available to view on line.

Contaminated Land Officer

16th June 2016

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

Environmental Health

16th June 2016

In relation to application 16/00888/FUL for construction of 2no. B1 light industrial units following demolition of existing buildings at Unit 1, Naunton Park Industrial Estate, Churhill Road, Cheltenham, Gloucestershire, GL53 7EG please can I add the following conditions and advisory comment:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

The developer shall have compiled a plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway.

Reason: To protect local residents.

The premises planned for this site may only accept deliveries to the sites and be operational from 08:00 to 18:00 from Monday - Friday and 08:00 - 13:00 on a Saturday with no working or deliveries on a Sundays or Bank Holidays.

Reason: To protect the amenity of the residents in nearby residential properties.

Should any of the final occupants for the units require an extraction system and a flue as part of their business, a scheme for the control of noise (and odour if necessary) for the system shall be submitted to the Local Planning Authority and approved in writing before the commencement of the development. The approved scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour.

Advisory note:

Once the owner of the units has the tenants in mind with further detail on the type of industry (e.g. type of machinery to be used), we would ask that they advise this authority so that this team may review the times of operation and delivery to ensure they are still appropriate for the use.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to 15 neighbouring properties. In response to the publicity, a total of 8 representations have been received, 6 of which are in objection. All of the comments have been circulated to Members in full but, in brief, the main objections relate to:

- Noise and disturbance / hours of operation
- Height and building
- Impact on light and privacy
- Increase in traffic / parking concerns

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the principle, design and layout, impact on neighbouring amenity, and parking and highway safety.

6.2 Principle of development

6.2.1 Local plan policy EM1 (employment uses) states that the development of land for employment use will be permitted where the land involved is already in employment use.

6.2.2 In addition, the preamble to the policy advises that “opportunities may exist for additional B1 (business) uses, which by definition can co-exist with residential and other uses”.

6.2.3 Officers are therefore satisfied that, in principle, the proposal can be supported.

6.3 Design and layout

6.3.1 Local plan policy CP7 (design) requires all new development to complement and respect neighbouring development and the character of the locality.

6.3.2 The proposed buildings would adopt a very similar albeit slightly larger footprint to that of the existing buildings but would be set no closer to the boundary with nos. 21 to 27 (odd) Asquith Road; the additional footprint would be located to the rear of the building. The overall ridge height of the replacement buildings would be between 300mm and 600mm higher than that of the existing buildings but would be further away from these properties. The eaves height would be increased by 1.5m.

6.3.3 As can reasonably be expected, the building is utilitarian in appearance and would simply be a continuation of the building previously approved at Unit 3, comprising a combination of grey horizontal profiled cladding and facing brickwork to the elevations, together with grey profiled metal roofing, grey powder coated aluminium windows and doors, and industrial ‘slideover’ doors. Such facing materials are common to a number of existing industrial buildings in the vicinity and, as such, the appearance of the building is considered to be entirely appropriate in this location and would not be at odds with its surroundings.

6.3.4 The proposal would therefore accord with the requirements of policy CP7.

6.4 Impact on neighbouring amenity

6.4.1 Local plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users or the locality.

6.4.2 Whilst, as previously mentioned, the ridge and eaves of the building would be set higher than that of the former/existing building and would, as a result, have a greater impact on the adjacent properties in Asquith Road which look directly on to the site, it is not considered that any such impact would be so significant as to warrant a refusal of planning permission. The ridge line would be no higher than that previously approved for the replacement building at Unit 3.

6.4.3 Matters relating to overlooking and privacy have been raised by local residents but the only openings above ground level would be roof lights and therefore existing levels of privacy would not be compromised.

6.4.4 In terms of use, it is important to remember that the established use of the site, and that now applied for, falls within a B1 use. The Town and Country Planning (Use Classes) Order 1987 sets out that in order to fall within a B1 Class, any such use must be capable of being "carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit". As such, undue noise and disturbance to nearby residential properties should not occur as a result of the proposal and it is not considered necessary to know who the end users will be, or to attach the advisory/informative suggested by Environmental Health.

6.4.5 Notwithstanding the above, it is entirely appropriate to condition the hours of operation in line with the hours previously approved for Units 3 & 4, i.e. 08:00 - 18:00 Monday – Friday, and 08:00 - 13:00 on Saturdays, with no working or deliveries on Sundays or Bank Holidays. It is also appropriate to require, by way of a condition, a scheme for the control of noise (and odour if necessary) for any future extraction systems and/or flues.

6.4.6 The proposal is therefore in accordance with the aims and objectives of policy CP4.

6.5 Parking and highway safety

6.5.1 Local plan policy TP1 (development and highway safety) advises that development will not be permitted where it would endanger highway safety.

6.5.2 The application proposes 4no. car parking spaces within the site to serve Unit 1, the larger unit, and 3no. spaces to serve Unit 2. The application form states that currently only 5no. car parking spaces are available for the existing units 1 & 2. The proposal would therefore provide for 2no. additional spaces; this is in addition to the 6no. spaces proposed to serve Units 3 & 4. This level of car parking has previously been deemed to be acceptable for the B1 units which replace Unit 3.

6.5.3 The provision of an additional gross internal floorspace of 21sqm would not result in a material increase in the volume or nature of traffic entering and exiting the site. There are no changes proposed to the existing access.

6.5.4 The County Highways Development Management Team has not commented on this application but in response to the application approved for Unit 3 commented:

The site is located off Churchill Road in Cheltenham which is a Class 4 road and subject to a 30mph speed restriction. The access to the site is a shared access that is used for the former Unit 3 and other industrial units located on the site. There are no reported road traffic collisions in the locality of the existing access.

I have considered the size of the proposed units and note the development proposes an increase in vehicle parking spaces from 4 to 6 which supports a commitment to sustainable travel. Having consulted with the county's parking team I am advised that no significant on-street parking issues are reported in the surrounding area and therefore it is considered that the increase in vehicle trips from one unit to three will not have a significant impact on the local highway network.

6.5.5 A condition is suggested to ensure that the parking spaces identified on the proposed site plan are marked out prior to the first occupation of the building and to ensure that the car parking spaces are kept available for such use in order to ensure that car parking continues to be available within the curtilage of the site.

6.5.6 The proposal therefore accords with the requirements of policy TP1.

6.6 Other matters

6.6.1 The condition suggested by Environmental Health in respect of a plan for the control of noise and dust from demolition at the site is not considered necessary. The applicant has previously applied for determination as to whether prior approval is required for the demolition of the buildings, and it was determined that prior approval was not required. The Environmental Health Officer commenting at the time: "*No objection or recommendations for conditions*". However, an informative is suggested that sets out the reasonable hours for construction works which would be audible beyond the site boundary; these are 07.30 – 18:00 Monday to Friday, and 08:00 – 13:00 on Saturdays, with no noisy working on Sundays or Bank Holidays.

6.6.2 Members will be aware that concerns relating to the loss of a distant view and a possible devaluation in property are not material planning considerations.

7. RECOMMENDATION

With all of the above in mind, the officer recommendation is to grant planning permission subject to the following conditions:

8. CONDITIONS

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

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

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 3 Prior to the first occupation of the development hereby permitted, the car parking spaces shown on Drawing No. 21661/03 shall be completed and marked out in accordance with the approved plan and shall thereafter be retained and kept available for use as car parking.

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Reason: To reduce potential highway impact by ensuring adequate car parking is available within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 4 The B1 industrial units hereby permitted shall only accept deliveries to the site and be operational from 08:00 - 18:00 Monday - Friday and 08:00 - 13:00 on Saturdays with no working or deliveries on Sundays or Bank Holidays.

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

- 5 Prior to the installation of any extraction systems and/or flues, a scheme for the control of noise (and odour if necessary) for the system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

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

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

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

- 2 The applicant/developer is advised that construction and building sites can cause problems to local residents. The recommended hours of work for noisy activities which would be audible beyond the site boundary are 07.30 - 18:00 Monday to Friday, and 08:00 - 13:00 on Saturdays, with no noisy working on Sundays or Bank Holidays.

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APPLICATION NO: 16/00888/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 18th May 2016	DATE OF EXPIRY : 13th July 2016
WARD: College	PARISH:
APPLICANT:	Bushurst Properties Ltd
LOCATION:	Don Waring, Unit 1, Naunton Park Industrial Estate
PROPOSAL:	Construction of 2no. B1 light industrial units following demolition of existing buildings (Units 1 & 2)

REPRESENTATIONS

Number of contributors	9
Number of objections	6
Number of representations	3
Number of supporting	0

20 Brizen Lane
Cheltenham
Gloucestershire
GL53 0NG

Comments: 2nd June 2016

Please can I as ward member request that this application goes to planning committee for decision if the officers recommendation is to permit. This is due to concern from nearby residents to a previous application on a neighbouring site and for committee to consider the impact on traffic and neighbouring amenity.

47 Mead Road
Cheltenham
Gloucestershire
GL53 7DY

Comments: 20th June 2016

I am writing in response to your communication of 24th May concerning the construction of 2 light industrial units, at Don Waring Unit 1 Naunton Industrial Estate. I am concerned at the possibility of increased noise and have been given to understand that restrictions have only been granted to the first planning and would ask that these should be extended to the whole site and not changed in the future. The whole problem of noise pollution in this primarily residential area has been an issue in the past, so guarantees, for residents, that noise will be permanently restricted is essential. Under no circumstances should the height or extent of the development be increased. In the past I have suffered from the results of noisy air conditioning units fitted outside buildings and such externally fitted units should not be allowed in this construction

10 Churchill Road
Cheltenham
Gloucestershire
GL53 7EG

Comments: 1st June 2016

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Please accept my objection to proposed planning application 16/00888/FUL on following grounds:

Insufficient parking?

There will be a high probability of increased staff numbers operating from the proposed B1 units if planning is granted. This would represent an increased number of staff vehicles. The plans don't appear to be sufficiently aligned to support this increase in staff parking. This area is already a congested area as workers at the Churchill industrial estate already park on Churchill Road. Also as both units are so close to Naunton Park School I believe it may represent a safety risk to people crossing Churchill and Asquith Road as more high sided vans struggle to park.

Working Hours?

Lack of restriction on working hours represents a potential issue because any industrial process can be carried in any of these units at any time provided it does not affect the amenity of that area by noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. I feel these units are positioned far too close to residential houses to proceed without a restriction of hours being imposed.

11 Churchill Road
Cheltenham
Gloucestershire
GL53 7EG

Comments: 13th June 2016

This is an area with a busy primary school and parking is already at a premium. We already have a significant residential parking issues in Churchill Road, Asquith Road and Mead Road. This development will only further add to the congestion and potential for accidents with the school

These units are extremely close to residential homes and will harm the local residential environment with the noise and pollution.

The hours of work are not respected by any of the local industrial units and significantly impact the quality of life for local residents - this will simply compound the problem.

The height of the units will have an impact upon the local area and again simply impact the quality of life for people living in this primarily residential area.

17 Asquith Road
Cheltenham
Gloucestershire
GL53 7EJ

Comments: 7th June 2016

Parking - We already have an issue in Churchill Road, Asquith Road and Mead Road - this will compound this problem.

Location of the Units - these are too close to residential homes, for noisy and environmental pollution.

Hours of work - These need to be capped otherwise this is increase noise pollution - this is already an issue at this location

Construction - Height will also be an issue as they will dominate the landscape.

29 Asquith Road
Cheltenham
Gloucestershire
GL53 7EJ

Comments: 13th June 2016

We are in receipt of your letter in which you provide details of the plans for the application for planning permission as described above. As with the first application, we remain concerned for a number of reasons:

What will the units be used for? We assume unit 1 will continue to be used by Ben Waring as a car mechanic workshop.

As with the first application it is assumed that the hours of use will be Monday to Friday starting no earlier than 8am and closing no later than 6pm. There will be no use on the weekends. Please confirm.

The proposed new units have a two storey elevation which is still significantly higher than the old construction. This will result in a significant and seriously detrimental impact on the current peace and quiet that we currently enjoy in the use of our private garden. We consider this to be intrusive and totally contrary to our right of free and undisturbed use of our garden.

The height of the proposed construction will block out the current unhindered view we have of the trees and to the hill in the background. The view will be obliterated and replaced by an industrial unit. This will detract from the value of our property not only from an aesthetic perspective but also from its commercial value. At present we have nothing blocking the view, we are not overlooked and we do not have cars driving back and forth adjacent to the boundary to our property.

We will experience a significant increase in the level of noise and traffic in the area behind the fence at the back of our property. There will be an increase in noise and air pollution due to the proposed design of the buildings and the additional traffic that will drive past the end of our garden.

In summary, the proposed application will increase noise and disturbance particularly from increased traffic and much closer proximity of the buildings. It will have a very significant and detrimental visual impact to the enjoyment of our home and will have commercial implications in devaluing our property. Our privacy will be totally compromised which is unacceptable. We are not overlooked at the moment and this helps with peace of mind from a security point of view.

We must object in the strongest form possible to this proposed planning permission for all of the reasons given above. We do not believe we are being unreasonable and the fact remains if the construction were to be single storey at the same height and location as the previous construction and of a more aesthetically acceptable design, we may be inclined to be more amenable to this application. Once again, we ask you to review and revise the plans accordingly to take account of the issues raised.

27 Asquith Road
Cheltenham
Gloucestershire
GL53 7EJ

Comments: 13th June 2016

Letter attached.

31 Asquith Road
Cheltenham
Gloucestershire
GL53 7EJ

Comments: 13th June 2016

As local residents and neighbours whose garden backs onto the site, we are relieved that the development has been planned to match the previously-approved units covered by 14/02003/FUL, to which it will adjoin. The measuring tools available at the Planning Office confirm the highest part of the roof (unit 1) to be 5m. We would appreciate full publication of the dimensions that are ultimately approved so that it can be objectively verified that the new development does not exceed them.

Given that units 1 and 2 are effectively part of the same development and facility as units 3 and 4, we urge that the same conditions which were outlined in the decision notice of 23 April 2015 for 14/02003/FUL (units 3 and 4) are also extended to them. Namely:

Any car parking spaces approved as part of the planning application process should be completed and marked out in accordance with the approved plan and then be retained and kept available for use as car parking.

Reason: To reduce potential highway impact on Churchill Road, Mead Road and Asquith Road by ensuring adequate car parking is available within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

The units should only accept deliveries to the site and be operational from 08:00-18:00 Monday-Friday and 08:00-13:00 on Saturdays with no working or deliveries on Sundays or Bank Holidays.

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

Prior to the installation of any extraction systems and/or flues, a scheme for the control of noise and odour should be submitted to and approved by the Local Planning Authority.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

No enlargement by way of an extension, installation of a mezzanine floor or any other alteration of the buildings should be carried out without additional planning permission.

Reason: Any increase in floorspace will require detailed consideration in order to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

The roller shutter doors should be kept closed unless required for access.

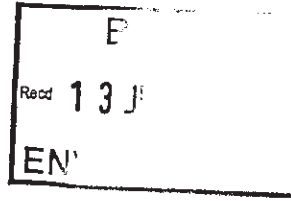
Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

33 Asquith Road
Cheltenham
Gloucestershire
GL53 7EJ

Comments: 13th June 2016

Letter attached.

Miss Michelle Payne
Planning officer, Cheltenham Borough Council
PO Box 12, Municipal Offices
Promenade
Cheltenham
GL50 1PP



12 June 2016

Dear Miss Payne

Re: 16/00888/FUL

I refer to the proposal for two further industrial units to replace the existing buildings in Naunton Park Industrial Estate.

I would like it noted that I would have no objection to the new units 3 and 4 as long as they follow the same specification as those previously passed for units 1 and 2.

- Namely that the size and height of the units are no larger.
- That the working hours are the same ie 8am – 6pm Monday to Friday and 8am – 1pm Saturday, with no working hours on a Sunday or Bank Holiday Mondays.
- As the current units and the new units are so close to the houses in Asquith Road and Churchill Road we obviously want to ensure that noise, pollution, disruption, traffic and privacy is kept to a minimum.

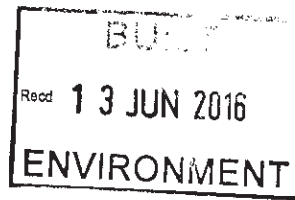
Yours sincerely

Owner 27 Asquith Road

27 Asquith Road, Cheltenham, Gloucestershire, GL53 7EJ

11th June 2016

33 Asquith Road
Cheltenham
GL53 7EJ



Miss Michelle Payne Planning Officer
Cheltenham Borough Council
PO Box 12
Municipal Offices
Cheltenham

Planning application Ref.16/00888/FUL

Proposal: Construction of Two B1Light Industrial units following demolition of existing light industrial building at 3 Naunton Park Estate Churchill Road

Dear Miss Payne

As you are well aware the development proposals on this site has being going on for over 30 months from the outset we have not objected to a sympathetic and proportional development to what is a dilapidated site and an eye sore.

Most of our objection raised with all the previous planning application relating to this site remain relevant to this latest submission.

The original application that was eventually passed after many changes, including the units being repositioned, scaled down and having operating times and condition attached this was as a result of considerable effort from our neighbours and the help of councillors, reinforced by a site visit when they viewed the site from our properties.

Our grounds for objection are:

1/ Noise and smells and B1 usage suitable to a residential area

The council's records will show over the past 30 years there has been a number of problems with tenants of the existing units on the site, they have caused a noise nuisance practically working hours being a major problem this includes late evening and weekend working. One tenant caused a problem with fumes from a spraying operation (this was dealt with by environment health department) There have been a number of occasion when complaints have been made concerning none removal of rubbish and fully loaded skips remaining on the site for weeks at a time, resulting in a rat problem.

With the granting of planning on the first two unit ref 14/02003/FUL the planning committee imposed working time restriction, operating hours were set as 8am/6pm Monday/Friday and 8am/1pm on Saturdays no Sundays or Bank holidays.

Very importantly they also attached a condition that the large shutter doors were only to be open for deliveries and remain closed at any other time to reduce noise.

Please find attached a copy of the councils own Environment Heath department advise that was included to the previous planning application. This clearly set out working times that they suggest are appropriate for the ongoing operation on this site.

Reason given: to protect the amenity of the residents in nearby residential properties

A condition was also included in the Environment Heath advise relate to that further permission to be sort for any extraction system or noisy equipment before installation and use to control noise and odour

Reason: To prevent neighboring properties from loss of amenity through noise or odour

2 Detrimental impact upon Residential Amenities

The proposed development by reason of its increased height, along with the design , practically the metal cladding would have an unacceptable adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area by reason of visually overbearing, intrusive impact resulting in loss of privacy and light. From our back garden we will look out on a wide expanse of gray metal cladding and a large gray metal roof.

3 Over shadowing and loss of light

Along with ourselves our neighbors have a small private southwest facing garden, all benefiting from full sun light from mid day until sunset.

This proposal will due to the increased height and positioning result in a large reduction to the light we all enjoy in our gardens and the back of our house. This will result in what is now a pleasant sunny garden being in full shade later in the day and most of the day in the winter months.

4 Loss of privacy and noise

The close proximity of this proposed buildings will inevitable cause more traffic and general increased noise to the site and intrude on our privacy.

5 parking and access

The proposed development will add to the traffic to and from the site not only workers but with increased deliveries and general operating movements. Churchill Road is very congested with parked vehicles on both sides of the road all day; this is particular concern

with Naunton park Primary School only 100yard away. The traffic and local parking situation has deteriorated in the time this planning issue has been under consideration. Before further development is permitted I ask that a thorough examination of the problem is undertaken. I suggest that it is monitored at on a week day around 9am or at 3.30.

I note from the application that provision is for car parking spaces but no with no provision for commercial vehicles. I understand further permission may be required for this.

6 Tree

I would like to remind all concerned that there is a TPO on the large Ash tree on the site

In conclusion we are pleased that an unsightly and dilapidated site is being looked at to be improved, but as you will appreciate that we have genuine concerns relating to this proposal as being far from satisfactory. This will have a major impact on us and our neighbors, blighting our enjoyment of our properties.

I would like to ask that if permission is granted that the maximum permitted overall size and position of any of the building be clearly known and recorded.

If this application is to go before the planning committee for consideration I would like the opportunity to speak and articulate our concerns and objections.



Environmental Health

Comment Date: Mon 01 Dec 2014

In relation to application 14/02003/FUL for Unit 3, Naunton Park Industrial Estate, Churchill Road, Cheltenham, Gloucestershire, GL53 7EG please can I add the following conditions and advisory comment:

Condition:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

The developer shall have compiled a plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway.

Reason: to protect local residents.

Condition:

The premises planned for this site may only accept deliveries to the sites and be operational from 08:00 - 18:00 from Monday - Friday and 08:00 - 13:00 on a Saturday with no working or deliveries on a Sunday or Bank Holiday.

Reason: To protect the amenity of the residents in nearby residential properties.

Condition:

Should any of the final occupants for the units require an extraction system and a flue as part of their business, a scheme for the control of noise (and odour if necessary) for the system shall be submitted to the environmental health department of the Local Planning Authority and approved in writing before the commencement of the development. The approved scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour.

Advisory note:

Once the owner of the units has the tenants in mind with further detail on the type of industry (e.g. type of machinery to be used), we would ask that they advise this authority so that this team may review the times of operation and delivery to ensure they are still appropriate for the use.

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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a 1980's detached bungalow in Merlin Way which reads as a pair with no.13A Merlin Way, and sits in a row of bungalows. Much of the surrounding development is two storeys in height.
- 1.2 The building was constructed as part of a larger scheme, of 5no. houses and 6no. bungalows, which was allowed on appeal following a refusal of planning permission.
- 1.3 The property is largely facing brick beneath a pitched tiled roof and has a blank side gable fronting the highway. The property has been previously extended to the front and rear elevations within the site.
- 1.4 The application is seeking planning permission for the addition of a first floor over the main body of the bungalow beneath an asymmetrical pitched roof; and would provide for a master bedroom with dressing room and en-suite, two further double bedrooms and a family bathroom. It is a revised scheme following the recent refusal of planning permission ref. 16/00371/FUL in April 2016. The revised scheme proposes a 500mm reduction in the proposed ridge height.
- 1.5 The previous scheme was refused for the following reason:

The principle of an additional floor of accommodation in this location is not supported. As proposed, the development, by virtue of its form, materials and general design, would be wholly at odds with the character of the existing building and the immediate locality, and would appear as an incongruous addition within the street scene.

As such, the proposal is contrary to local plan policy CP7 relating to design, additional design advice set out within the adopted 'Residential Alterations and Extensions' SPD, and national guidance set out within the NPPF.

- 1.6 The application is before the planning committee at the request of Cllr Bickerton on behalf of the applicant. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Flood Zone 2
Smoke Control Order

Relevant Planning History:

CB16790/01	REFUSE	26th July 1984
Proposed construction of 5 houses and 6 bungalows with garages		
01/01191/FUL	PERMIT	9th October 2001
Single storey extensions to provide 2 bedrooms and lounge		
16/00371/FUL	REFUSE	26th April 2016
Addition of first floor to existing bungalow		

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre for Environmental Records

9th June 2016

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 15 neighbouring properties. In response to the publicity, three representations have been received from local residents. Two in objection, and one in support; the comments have been circulated in full to Members.
- 5.2 In brief, the objections from residents in Highwood Avenue to the rear relate to the design and materials proposed for the extension and the visual impact of the development upon these properties.
- 5.3 The letter in support, from a resident in Merlin Way, suggests that given the variety of properties within the locality there is scope to significantly extend to the property and that the asymmetrical roof could add interest to the property.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1 The main consideration when determining this application relate to design and impact on neighbouring amenity.

6.2 Design

- 6.2.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality. Additionally, the NPPF, at paragraph 58, advises that planning policies and decisions should seek to ensure that developments respond to the local character and reflect the identity of local surroundings and materials.
- 6.2.2 The previous refusal reason made reference to the form, materials and general design of the additional floor, and the principle of extending the property upwards was questioned. In this revised scheme, only the ridge height of the first floor has been reduced, by 500mm. As such, officers do not consider that the previous refusal reason has been overcome. The asymmetrical pitched roof, and the use of timber cladding and render, would still be at

wholly at odds with the existing character of the building and immediate locality, and would appear as an incongruous addition within the street scene.

6.2.3 Whilst the principle of extending the bungalow by way of an additional floor was previously not supported, on reflection, officers think that a reduced level of first floor accommodation may be achievable. It was suggested to the applicant/agent that a reduction in the extent of additional floor space, together with a more conventional eaves line might be acceptable; however, the applicant has chosen not to respond to these suggestions.

6.2.4 The proposal therefore remains contrary to the requirements of policy CP7 and the NPPF.

6.3 Impact on neighbouring amenity

6.3.1 Local plan policy CP4 (safe and sustainable living) advises that development will not be supported where it would cause unacceptable harm to the amenity of adjoining land users or the locality.

6.3.2 The concerns raised by neighbours to the rear in Highwood Avenue in response to the previous scheme were duly noted. However, it was not considered that the proposal would result in any significant or unacceptable impact on neighbouring amenity in relation to privacy, outlook or daylight. Therefore, given that this application proposes a 500mm reduction in the ridge, and no other changes, this current scheme would also not result in any harm to neighbouring amenity.

6.3.3 There are no upper floor windows proposed to the north facing side elevation. In addition, whilst the land is slightly lower within the rear gardens in Highwood Avenue, the additional floor would be some 5 metres from the boundary with these properties, and some 20+ metres from the windows in the rear of the properties.

6.3.4 Additionally, the extension would sit above the existing ground floor of the property, and as such, surface water run-off would not increase, although it is acknowledged that some overshadowing of the rear of the neighbouring gardens may occur.

6.3.5 Therefore, the proposal would generally accord with the requirements of policy CP4 and the NPPF.

6.4 Conclusion and recommendation

6.4.1 The revised scheme does little to address the concerns previously raised in the refusal reason. The recommendation therefore is to refuse planning permission.

7. RECOMMENDED REFUSAL REASON

- 1 Whilst the principle of an additional floor of accommodation in this location may be acceptable, as proposed, the development, by virtue of its form, materials and general design, would be wholly at odds with the character of the existing building and the immediate locality, and would appear as an incongruous addition within the street scene.

As such, the proposal is contrary to local plan policy CP7 relating to design, additional design advice set out within the adopted 'Residential Alterations and Extensions' SPD, and national guidance set out within the NPPF.

INFORMATIVE

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

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

In this instance, having had regard to all material considerations, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

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APPLICATION NO: 16/00989/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 2nd June 2016		DATE OF EXPIRY : 28th July 2016	
WARD: Leckhampton		PARISH:	
APPLICANT:	Mr & Mrs J Butt		
LOCATION:	Chavenage, 13 Merlin Way, Cheltenham		
PROPOSAL:	Addition of first floor to existing bungalow (revised scheme)		

REPRESENTATIONS

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

31 Highwood Avenue
Cheltenham
Gloucestershire
GL53 0JJ

Comments: 21st June 2016

We note that in the revised application, the views of neighbours in Merlin Way have been canvassed. As a neighbour backing on to the property we have not been consulted or asked for our view. We note the very slight reduction in height but overall still feel this will have a negative impact on our property and so still object to this proposal

33 Highwood Avenue
Cheltenham
Gloucestershire
GL53 0JJ

Comments: 21st June 2016

I would like to register my objection to the above planning application.

As a neighbour directly backing onto the property there has been no consultation with me as an interested party. Whilst the reduction in height is welcomed, the building remains essentially the same as was previously refused.

My concerns relate to the design and the materials used on the elevation that faces my property and the impact it will have on me.

14 Merlin Way
Cheltenham
Gloucestershire
GL53 0LT

Comments: 29th June 2016

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In connection with this revised application (following the refusal of the previous application) please find here our support for the proposal. I have not risked using Public Access to lodge this comment and trust that this can be placed on the planning file as necessary.

As with the previous scheme we have no objection to the proposed development. We are near neighbours to this proposal. The dwelling in question is not in our direct line of sight, but is very apparent to us in the overall street scene.

There is a huge variety of properties locally in all respects - size, scale, form, design, materials etc. The existing bungalow is of no great architectural merit and the site is not in a conservation area or subject to any other designation. It might not be a case of 'anything goes' here, but there is in my opinion certainly great scope for significant alterations and extensions to dwellings in this area, including the application site (just as many other properties have been altered on this estate).

As far as the proposal itself goes, I have no objection to the increase in the height to create rooms in the roof, and the asymmetrical roof line will add interest to the property and the street generally. This is particularly so given the alternative option of adding large 'box' dormer windows to achieve much the same result. Such a solution would look far worse in design terms and have a much more severe impact on the street scene than what is proposed in the application.

The amendments to the scheme do not alter our original lack of objection to the application and if anything, as set out in the design and access statement, mean it has even less impact than the original proposals. There are many examples, some of them not that far away, where single storey dwellings have been extended vertically; sometimes when these are part of an original single storey 'pair' of dwellings. On Church Road in Leckhampton for example, there are at least two dwellings which have been successfully extended in this way. These are also in prominent locations on a busy through road with a great deal of passing pedestrian and vehicular traffic, in comparison to the very quiet and tucked away location of the application site.

As I said before, the design itself might not be to everyone's liking and one could argue that aspects of it could be enhanced (as one might argue about any scheme), but in a non-designated area with the materials proposed being evident throughout the immediate and wider locality, and with LPAs not supposed to impose style aspirations on development proposals, I do not think there is anything objectionable at all about the scheme and we do hope the Council supports it.

APPLICATION NO: 16/01138/TPO	OFFICER: Mr Christopher Chavasse
DATE REGISTERED: 5th July 2016	DATE OF EXPIRY: 30th August 2016
WARD: Benhall/The Reddings	PARISH:
APPLICANT: Mr C Mason	
AGENT: n/a	
LOCATION: 35 Redgrove Park, Cheltenham	
PROPOSAL:	1) Horse Chestnut in rear garden - crown lift to 5 metres. 2) 3 x Larch trees in rear garden - fell

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The proposal is to fell 3 larch trees and crown lift a horse chestnut (to 5 metres from ground level) in the rear garden of 35 Redgrove Park. The application is at Planning Committee because the applicant is Councillor Mason.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Relevant Planning History:
02/01815/TPO NOTREQ
Various works to trees

3. POLICIES AND GUIDANCE:

Local Plan

Policy GE5: The Borough Council will resist the unnecessary felling of trees on private land, and will make TPO's in appropriate case.

For protected trees the council will require:

- a) Any tree which has been felled to be replaced, where practicable,
- b) Pruning, where it is necessary, to be undertaken so as to minimise harm to the health or the general appearance of the tree.

4. CONSULTATIONS

Cheltenham Tree Group
No response to date.

5. PUBLICITY AND REPRESENTATIONS

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

5.1 Both adjacent neighbours have been consulted

5.2 **Comments Received**
No responses to date.

6. OFFICER COMMENTS

6.1 Determining Issues

The rear garden of this property is somewhat dark and the larch tree removals applied for will make the garden more inviting and less shady. The larch have limited visual amenity, and will soon grow into over maturity. Larch are an unusual species for a rear garden.

The minor crown lifting to the horse chestnut will afford more light and space to garden users.

6.2 The site and its context

This is a rear garden at the end of a cul de sac in Redgrove Park. The trees have virtually no visual amenity when seen from outside the site.

6.3 Impact on neighbouring property

The proposed pruning and removals will have no significant impact on the visual amenity of neighbours or the immediate environs.

6.4 Other considerations

This decision is being brought to Planning Committee as the applicant is Planning Committee member, Cllr Chris Mason. Usual Planning Committee protocol is for Cllr applications to be determined at Committee in the interests of transparency.

7. CONCLUSION AND RECOMMENDATION

7.1 Trees Officers recommend that this application is permitted subject to conditions below.

8. CONDITIONS

- 1 This permission shall expire after a period of two years from the date of this decision.

Reason: In order that the Local Planning Authority can review any change in circumstances after this period and to avoid the accumulation of unimplemented permissions.

- 2 The tree works hereby approved shall be carried out strictly in accordance with the description on this notice of approval by a suitable qualified tree surgeon and in accordance with BS3998:2010 'Recommendations for tree works' (or any standard that reproduces or replaces this standard).

Reason: In the interests of visual amenity and good arboricultural practice, having regard to Policy GE5 of the Cheltenham Borough Local Plan (2006).

- 3 Following the removal of the trees as permitted by this decision, each tree shall be replaced by one of the same species in the same vicinity unless first agreed otherwise by the Local Planning Authority. The replacement trees shall be planted during the planting season current at the time of felling (end October - end March) or during the next immediately available planting season. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992 (or any standard that reproduces or replaces this standard). 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 by this condition.

Reason: In the interests of visual amenity, having regard to Policy GE5 of the Cheltenham Borough Local Plan (2006).

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