



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 18 August 2016
6.00 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Garth Barnes (Chair), Bernard Fisher (Vice-Chair), Paul Baker, Mike Collins, Colin Hay, Karl Hobley, Adam Lillywhite, Helena McCloskey, Chris Nelson, Tony Oliver, Louis Savage, Diggory Seacome, Klara Sudbury, Pat Thornton and Simon Wheeler

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

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 24)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA CONSENT/ADVERTISEMENT APPLICATIONS, APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATE AND TREE RELATED APPLICATIONS**
 - a) **16/00243/FUL 259 Gloucester Road** (Pages 25 - 54)
 - b) **16/00849/FUL 267 London Road** (Pages 55 - 74)
 - c) **16/01088/FUL Ryeworth Inn, Ryeworth Road** (Pages 75 - 136)
 - d) **16/01105/FUL 90 Evesham Road** (Pages 137 - 152)
7. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

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

Planning Committee

21st July 2016

Present:

Members (15)

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

Substitutes: Councillor Chris Coleman (CC)
Councillor Peter Jeffries (PJ)

Officers

Tracey Crews, Director of Planning (TC)
Martin Chandler, Team Leader, Development Management (MJC)
Craig Hemphill, Principal Planning Officer (RCH)
Michelle Payne, Senior Planning Officer (MP)
Emma Pickernell, Senior Planning Officer (EP)
Chris Chavasse, Senior Trees Officer (CJC)
Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillors Sudbury, McCloskey and Oliver.

2. Declarations of interest

16/00969/FUL Garage Blocks, Kingsmead Avenue

16/00971/FUL Land at Newton Road

16/00972/FUL 47 Beaufort Road

Councillors Jeffries – is cabinet member with responsibility for Cheltenham Borough Homes (the applicant) – will leave the Chamber during these items.

3. Declarations of independent site visits

16/00797/COU 2 Courtenay Street,

16/000911/COU 43 Courtenay Street

16/00989/FUL 13 Merlin Way

Councillor Nelson

16/00972/FUL 47 Beaufort Road

Councillor Savage

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 29th June 2016 be approved and signed as a correct record *with the following correction:*

Page 12

~~CH: ...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...~~

to be replaced with:

CH: ...It would be helpful if Licensing was to liaise with Planning when giving a license for an HMO to operate with eight tenants, as Members will be able to see the reasons given which will help...

6. Planning applications

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		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	11	Update Report:	None

EP introduced the application as above, reminding Members that it was deferred from last month's meeting; the applicant has now withdrawn the dormer window element of the application, which will now be dealt with separately. The additional rooms are created by using the basement and subdividing a first floor bedroom. A six-bedroom HMO does not require planning permission; it is the seventh bedroom that triggers this application. The application is at Committee at the request of Councillor Walklett, and the recommendation is to permit.

Public Speaking:

Mr Norvill, applicant, in support

Purchased the property in March this year. It has always been an HMO, previously let in an unlicensed, unfit and hazardous condition, with dangerous boiler, condemned electrics, and serious damp problems. Intends to refurbish the property to a high standard, making it a safe and properly managed HMO. Has an excellent relationship with the council's housing standards officers, having dealt with them for over ten years; they have visited the property and support the accommodation. The application is for change of use from a six-bedroomed to a seven-bedroomed HMO; realises that consent is not needed for six bedrooms, but this house can easily accommodate seven people, with a spacious lounge, large separate kitchen with plenty of units and worktop, two shower rooms, three

toilets, and all bedrooms above minimum size set by housing standards. Is an experienced landlord, managing his properties closely himself and living only five minutes from the property, so can ensure tenants have a hassle-free stay in return for which he expects them to look after the property and respect the neighbours and local community; makes regular visits to ensure this is the case, with parents acting as guarantors for student tenants. Supports community activities and has always had good relationships with neighbours of his properties; is regularly complimented on how well his properties are managed and already knows the neighbours of 2 Courtenay Street who have no objection to this COU. The University of Gloucestershire is expanding and an asset to the town; first-year students will be looking for good-quality second and third year accommodation, which is currently in short supply, and could become a serious issue for the University – last year, some students were forced to take up emergency accommodation due to the lack of private housing. His investment in this property will help keep this part of Cheltenham respectable and presentable, where many properties have become run-down and neglected in the past.

Member debate:

DS: on Planning View, viewed the top bedroom and was concerned about the ceiling height at the apex; it may comply with standards, but is too low for an above-average height person. Also remains concerned about how residents would get out in an emergency, particularly from the attic room.

CN: commends the applicant on his professional and well-executed pitch. Has similar reservations to DS, but if the dimensions comply with guidelines and officers are happy, will go with the officer recommendation. Notes the number of objectors to this and to the application at 43 Courtenay Street – the body of evidence is to do with the policy issue, and there will be a review of HMOs in the forthcoming Cheltenham Plan. It would be good if all the objections are captured for discussion of the issue for the Plan – hopes this will be done, as there are some very valid observations.

KH: also echoes DS's comments. Was not on Planning View this month, but being over six foot tall, thinks some students would find the loft room without a dormer window something of a. Apart from this, still feels that the application as presented represents 'over-massification' of accommodation in a small housing unit. Respects that changes of use occur over time, and the applicant's desire to do what he wants with his property, but the cumulative effect of these types of application is enough to sway him not to support the proposal. Agrees with CN's comments about the letters – there are a significant number objecting to this and the other Courtenay Street application.

PB: can see that this application would be tricky to refuse – on what grounds? Commends the applicant – we need more respectable HMO owners around the town; a lot of landlords are not, and HMOs have bolted in St Paul's. Is therefore a reluctant supporter of the proposal, and hopes that officers are taking on board what is happening in the town; most landlords are looking to improve standards, and this one has already done so, but there are many who haven't.

MC: echoes other comments. Has heard that this application is in line with current local requirements but is it in line with national university standards. Would like all landlords to comply with the same standards, as set out in the British University Guide.

CH: agrees with most of the other councillors who feel that the situation of not having a policy to protect St Paul's will lead to problems. With the slippage of the JCS and the Local Plan, there may be time to address the issue, but the question is whether St Paul's has that time. The application proposes one extra bedroom being created by splitting one larger room, as a result of which the rooms on the left more or less match the rooms on the other side of the house, making it difficult to argue that the rooms are too small. Is in total agreement with other members that St Paul's is suffering from over

occupation, but we do not have the policies at the moment to do anything about this. Is therefore minded to permit, as the house could have six tenants without planning permission.

PJ: everyone is aware of the ongoing issues in St Paul's, but this applicant has been working with planning officers to find a good way forward. Takes on board KH's point about British University standards, and hopes for a policy regarding HMOs in the Cheltenham Plan. Regarding this application, however, for one additional bedroom, is hoping for reassurance from officers regarding the safety concerns raised.

GB: appreciates the need for accommodation, and understands that this meets local requirements. However, regarding the loft space, agrees with DS and wouldn't want to see his child trying to study in that space. It is all about standards – we do enough to meet them but sometimes could do that bit more to make living conditions more comfortable for tenants – and that has not been done here.

EP, in response:

- the main point of concern – the loft – is an existing room in this HMO. The two new rooms are the basement and the divided first floor front room;
- regarding the status of the loft room, it has building control approval from 1994, when fire regulations would have been looked at. Licensing officers have been there and on site, and the housing standards officer went through the proposal and confirmed that all the rooms comply with local floorspace standards;
- in view of this, we would be hard pressed to find a valid reason to refuse.

Vote on officer recommendation to permit

10 in support
2 in objection
1 abstention

PERMIT

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
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	3
Update Report:	None

EP introduced the application, which was deferred at last month's Committee to allow Members the opportunity to do a full site visit, to include the inside of the house. It has been operating as an 8-bedroomed HMO for seven years, with a license but without planning permission. Officer recommendation is to permit. It is at Committee because officers consider it comparable with the application at No. 2 Courtenay Street.

Public Speaking:

Mr Cooley, applicant, in support

Speaks as the owner and applicant for 43 Courtenay Street, which complies with all HMO requirements, has been relicensed three times, complies over and above with fire regulations and with

University of Gloucestershire guidelines, and is on the university's list of accredited accommodation, as safe, well-maintained and affordable property, in a safe environment. Many students return for a second year, and there have been no complaints. The planning department's recommendation of refusal relates to the wider issue of the number of HMOs in the street, but has personally been managing houses for ten years, has much experience and has made positive changes, with improved storage, parking and rubbish disposal. Students in the area add to the rich mixed and vibrant community, and have positive relations with the community, together with landlord owners. Retrospective planning permission was granted earlier this year for a seven-bedroomed HMO in Albion Street; his application is not looking to increase the number but to regularise the HMO that has been in place for seven years, and continue to provide good quality, well-managed and affordable student accommodation.

Member debate:

SW: was horrified when he saw the proposed numbers and front of the house last month, but was actually quite pleased when he looked inside the house on Planning View this month – apart from one of the rooms on the ground floor. Does not have too many concerns now, although the basement rooms, even with the windows wide open, still had a damp smell. Was struck that the house is being well-managed, but although students will put up with a lot, an eye needs to be kept on this.

MC: it was very useful to look at the inside of the house – was impressed by the well-maintained and mainly acceptable accommodation. Remains concerned with the smallest room, which seems only to be compliant with standards by having cupboard space elsewhere in the house – if this makes it compliant, it is slightly ridiculous.

CN: his previous comments on 2 Courtenay Street still apply with reference to the Cheltenham Plan. Is bemused that the property has not had planning permission yet has been licensed for seven years; would have thought that if the landlord has 17 properties, he would have known about the need for planning permission. Where does this type of application sit with the rule that if changes or development have existed for four years without planning permission, there is no need to apply?

EP, in response:

- the four-year rule applies to new buildings and use of properties as dwellings. Otherwise, it requires ten years for retrospective applications.

Vote on officer recommendation to permit

10 in support

2 in objection

1 abstention

PERMIT

Application Number: **15/02131/FUL**

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.**

View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	5	Update Report:	None

RCH introduced the application as above, adding that the site is in the AONB, at Committee because the applicant and proposer is CBC. The recommendation is to permit.

Public Speaking:

None.

Member debate:

PB: this is his patch, and YouTube videos of recent heavy rainfall show Sandy Lane like a river, with water coming down from the golf course and the scarp. This scheme will be a real benefit, protecting the homes and gardens of residents. Would like to thank the officers involved, as this has taken a lot of officer time, particularly the second scheme for drainage. It will be a real improvement, and looks forward to the Lilley Brook Golf site scheme later this year.

PJ: also supports the application – any mitigation of flood water is good. Notes that the report refers to planning for a 1-in-100 year flood event, plus 10%, as recommended by the Environment Agency, but we have had two 1-in-100 year events quite close together. Can officers give some clarity?

BF: this is a reasonable scheme, but as some residents have commented, we should remember that this is only a way of deflecting the water – it will go elsewhere and could cause further problems. The YouTube video is certainly startling and frightening. There was concern that the bund at Cox's Meadow was not doing its job properly and water was leeching through; the same could happen with this scheme, though the Environment Agency has looked at it, so hopefully it will work properly.

MC: anything to prevent flooding is a good thing. Could not have determined this application without going on Planning View, and hopes it will do what it has to do. Notes that CBC is the proposer and applicant; is CBC paying for the work to be carried out? This needs to be public and clear.

CN: supports anything which will help stop flooding in Cheltenham, so in principle, it is a big yes for this scheme. Has heard that local residents were affected by a flash flood last month, and following the development of 205 Leckhampton Road in his ward, water rushes off the hill, mitigation measures don't work, and the water affects properties in Collum End Rise. Similarly at Brizen Lane – the TBC development – removal of top soil at the site has caused local flooding. These are just two examples off the top of his head. It would be nice to find a way to improve flood defences and make them more sustainable. The weather is changing and we need to be sure that solutions will work for the area they are designed to protect without having knock-on effects elsewhere. Would like some reassurance from officers on this.

CH: councillors need to understand that this is a scheme for flood attenuation – not to re-route the water but to hold it back to allow drains more time to cope. High rainfall in a short time period can cause flash flooding, which will quickly be gone. This scheme aims to hold back the water, no more. The Environment Agency is working to slow down rivers - for example, by allowing little floods and trees to fall across waterways. As long as the alleviation scheme slows down the flow of water, it is doing its job. Is concerned over the ash tree and hopes it will be protected, even though it might later suffer from ash die-back. It would be nice to see some imaginative landscaping around the bunds –

Cox's Meadow is quite nice, and although it was a shame to lose that field for the town, the flood alleviation work has saved many houses from flooding, but holding back a huge amount of water. Wonders if willow could be planted rather than a grass bank, to make sure the scheme is done nicely.

PT: there is talk of bringing wild beavers back into the north of the country to take down trees to form dams across rivers etc. Planting can also be used to ameliorate and alleviate the effect of water so it doesn't get down as far as it could but stays higher up – though in some areas of severe flash flooding, there isn't much time...

RCH, in response:

- to PJ, preparing for a 1-in-100 year event is set out in guidance as a goal for any flood alleviation scheme to achieve, but this scheme is actually modelled on a 1-in-200 year event and would be successful at that level;
- to BF, CH has answered his question – it isn't about deflecting floodwater but about attenuation and slow release when the drains are able to cope;
- to MC, regarding the cost of the work, DEFRA is the largest contributor, with GCC and CBC also sharing the cost. Maintenance will be included in the management strategy and should not be very expensive;
- regarding the ash tree, it could be impacted so a condition could be added to remove and replace it, should Members wish.

CJC, in response:

- there is provision for the retention of the tree during the construction period, but it will not like a lot of soil on its root plate;
- as CH has said, it would be vulnerable to ash die-back – has heard that there are cases of the disease at Seven Springs – so maybe the best option would be to replace the ash tree now.

RCH, in response:

- to CH, grass meadow is considered the most robust way to maintain functionality and ensure that the scheme operates as it's meant to, but a condition to protect the trees could be added.

SW: protection for the ash tree might not work, so would it not be better to remove and replace it rather than spend money trying to protect it?

CJC, in response:

- yes, it would. Recommends that the tree is removed.

Vote on officer recommendation to permit, with additional condition re. ash tree

14 in support – unanimous

PERMIT

Application Number: 16/00499/FUL & LBC
Location: Lypiatt Lodge, Lypiatt Road, Cheltenham
Proposal: 16/00499/FUL: Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme)
16/00499/LBC: Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme)

Internal refurbishment and upgrading

View: **Yes**
Officer Recommendation: **Refuse**
Committee Decision: **Refuse**
Letters of Rep: **2** Update Report: **None**

MP introduced the application as above, for planning permission and listed building consent. It was deferred in May to allow further discussions on design, size, and additional information on the tree protection. A tree survey has been produced, together with a management statement, and a revised plan which omits the paving near the tree, making the scheme broadly acceptable from a tree perspective. However, the footprint, massing and size of the proposal has not been reduced, and the recommendation therefore remains to refuse.

Public Speaking:

None.

Member debate:

MC: has now visited this property twice and can understand what the applicant is trying to achieve, but does not think this scheme is acceptable. The applicant has received advice from planning officers but not taken this on board. Will not support this application.

KH: shares MC's reservations. Visited the site on Planning View; has sympathy with the current use and what the applicant is trying to achieve, and is therefore sad not to be supporting it, but is trying to do the right thing and is not convinced that this is it. Used to live opposite the site, which adds to the amenity of the locale – a very attractive building with an important story to tell, as reflected by its listed status. The existing building tells its story better than it will with the proposed changes in place. We have a special duty to care for buildings of this kind, with significant histories, and the proposal doesn't take account of this. It is disappointing and regrettable that the applicant wasn't able to bring forward a proposal which planning officers felt able to permit.

PB: did the Architects Panel and Civic Society comment on the scheme?

CH: supported the application last time. Understands what Members have said, but looking at various buildings around town (including the Municipal Offices) the fronts often look fantastic but the backs don't - historically, architects focussed on the fronts. Did not go on site visit, but doesn't think that what is being proposed is so bad, especially as what is currently there isn't brilliant. Understands that the design could be better but feels that providing space for the residents is more important.

PT: is minded to support the application. Can see what the applicant wants to do. If the proposal was to stick a big chunk on the back of an untouched house that would be different, but so much has been done already, it's difficult to see how this will make it worse. If anything, the proposal tidies the back up a bit; the south-west elevation will look better than it does now.

BF: goes with officer comments, and cannot support the application. A lot has been added to this building over the years, and the car park and paving slabs mean that there is virtually no garden at the back for a substantial Grade II-listed house. The current use of the building is immaterial – it may change – and too much has been done to the building already. The conservatory and stairs at the back look horrific, and the result would not be in line with other properties in Cheltenham. We live off our heritage in this town, and don't want to spoil it.

CN: this is a good example of listening to the debate and changing opinion accordingly. It's a shame there is no speaker in support tonight. Has sympathy with MC, BF and KH but has stronger sympathy with PT and CH and is minded to accept. Lives in Tivoli and walks past this building regularly. Likes the front very much, but never actually sees the back. Was touched by the letter of support; BF is right that this building may not always be care home, but if the lives of those currently living there can be improved by these alterations, is minded to approve.

SW: is being pulled both ways by the debate. Quite frankly, the back of the building is a total mess and if something is going to be done, agrees with PT to some extent that the proposal will be a marginal improvement – but that is not good enough. Work to a listed building should be more than 'making it not as bad as it was'. Maybe another wing would be more acceptable, but if something is to be done, it should make it better, and balanced. A return to the original building is the best scenario; that cannot happen, but he cannot support the application as it is – it should be substantially better.

AL: could easily go either way with this. Quite likes the back of the building, but the issue for him is more that there is no huge benefit for the further erosion of the garden, which could also benefit the residents considerably. A lot of points made tonight balance each other out, but for him the erosion of the garden tips the balance.

PB: the applicant spoke passionately last time about the significant benefits to the residents that this proposal will have. All design is subjective; notes that the Civic Society has made no comment and the Architects Panel is ambivalent. Does not consider the objections significant enough to warrant a refusal, and the benefits outweigh them. It will be a good thing if the tree can be saved – this is a benefit of having deferred the decision in May.

PT: in the negotiations and conversations, how much change was asked for? As CH has said, historically the backs of buildings were not particularly important. Was the recommendation to refuse on a knife edge?

CC: would also like to know the answer to that question, agreeing that there is a difference between the front and back of buildings – the Municipal Offices being a good example. Attended the committee meeting in May as an observer and heard the applicant speak and the detailed debate that followed. Having read the papers, could go either way with this application, but is inclined towards supporting it, in view of the public benefit it will bring. What would we like to see changed in the scheme? If we don't like the back of the building, what would make it better? Members could give 14 different opinions on that. What more can be done? This is his view at the moment: can accept the proposal as he sees the benefits.

BF: people are talking about benefits, and saying the residents will have a better standard of life, but this cannot be quantified; all that can be said is that there will be more space in the building. We work to planning guidance and rules. What the building is used for is not a planning reason. It is a Grade II listed building, and what is proposed at the back doesn't sit well with a Grade II listed building.

PT: the Architects Panel seems support her view. How much of the design detail has changed on officer advice since the last meeting?

KH: at the risk of putting an unpopular view, would like to speak in defence of the existing rear of the building. Leaving aside the current use of the building as mentioned by BF, would say again that architecture is about telling a story, and although the back is not as attractive as the front, there is some attractiveness in what it is. The proposed extension has laudable aims, but would be a piece of

pastiche tacked on the back, and we have special responsibility to protect these buildings regardless of what they are being used for.

MP, in response:

- negotiated with the applicant's agent. The suggested revisions would not have reduced the usable floor space, but would have been more modern and clearly read, with a flat roofed parapet.

CH: at the meeting in May, the applicant spoke about the benefits the proposed changes and extra space would have for people with Alzheimer's. The case was well argued, and to say the proposal is 'just a bit of extra space' diminishes it; the extra space would make a significant difference to residents. Officers are prepared to accept the extra space, but would like a design which would be acceptable to the local authority. Is now in real difficulty; if the application tonight is refused, and the applicant comes round to a design which everyone is comfortable with, is minded to refuse.

GB: as officers have said, they are not trying to diminish the size of the extension, just the design.

CC: is there any prospect of getting to a point where have have that application before us? Is it worth asking for or not? Agrees with CH in principle.

LS: has been at committee meetings where particular consideration has been given to the circumstances of the application – such as modifications for a disabled resident – which all Members thought was OK. Members should give special thought to the interests and circumstances of the residents of Lypiatt Lodge. Disagrees with the officer recommendation. Supports the application.

MP, in response:

- the applicant was at the May meeting and heard the debate and Members' suggestions, but made not attempt to address these. Is not confident that they would make the alterations next time.

Vote on officer recommendation to refuse

7 in support

8 in objection (including Chairman's casting vote)

REFUSE

Application Number:	16/00969/FUL
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.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2
Update Report:	Highways comments

EP introduced the application as above, for two pairs of semi-detached houses with parking and gardens on the 5-metre strip to the side of Rhodesia House. The remainder of the site will be landscaped. Officers consider it a good use of the site, and the recommendation is to permit. It is at Committee because Cheltenham Borough Homes is the applicant.

Public Speaking:

Mr Gould, neighbour, in objection

Lives at No. 5 Kingsmead Avenue, and while having no particular objection to the building of new homes or use of this land – considers it a good addition – has concerns about the boundary treatment. On the western finger of the site, there is currently an 8-foot metal fence between the site and Rhodesia House, for good reason. The plan is to replace this with a 6-foot close board which is not like for like, and gives rise to safety concerns. In addition to this, has had issues with the whole process – Members will have seen his letter – which has been neither transparent or well managed.

Member debate:

SW: the blue update is slightly confusing – what does ‘NMU’ stand for, and ‘best placed on the left’ would be better described as ‘north north-east of site’. Other than that, is quite happy with the design. It seems a reasonable number of properties for a plot this size and in a high-density area of the town.

BF: supports the application - this piece of land has been empty for years. Very much likes the green wall, which gives life to the area around. We need this sort of housing in the town.

CH: will support the proposal but has a couple of issues. The Civic Society has described the scheme as ‘uninspired’. There will be more garage sites coming through in the future, and we should try to get this issue addressed – maybe suggest to CBH that it discusses its proposals with the Civic Society to come up with more important designs? This is really important – it’s currently easy to spot council houses, and although a simple design may be cheaper and easier to maintain, a discussion would be useful and help make the town look better. The outside appearance is particularly disappointing as these houses are first class on the inside, built for life.

Secondly, the issue of the fencing. This is a major concern in Oakley – it’s like pulling teeth getting CBH to take residents’ concerns on board and make any changes. Supports CBH and all it is doing but wishes it was better at discussing issues with its neighbours and tenants. Realises this isn’t a planning reason to object.

GB: TC has confirmed that she will speak to CBH about this.

PB: agrees with CH, and regrets that no-one from CBH is here to hear the comments. The concerns raised by the neighbour must be addressed. To make it clear, his comments related to CBH and its lack of engagement, not to planning officers. Hopes for discussions with the neighbours, and that CBH and planners will consider their concerns.

CN: supports CH and PB. It is important to involve the Civic Society more rather than less, to help evolve some more inspiring designs. It’s a shame that no-one from CBH is here to hear the comments, and also that PJ has to leave the Chamber during this debate – does not like this approach, as he would gain a great deal if he could listen to what other Members have to say. He can and should contribute to the debate – the Localism Act encourages more involvement from Councillors, and does not like it when expert councillors feel they have to leave the Chamber. Can the legal officer confirm that this is necessary.

BF: would just point out that Mrs Salter of CBH is always **16/00971/FUL** in the public gallery when CBH applications are being discussed, listening to the debates and taking note. It would help ensure CBH presence if CBH applications could be considered earlier in the meetings.

NJ, in response:

- understands CN's concerns, but PJ took advice, having a 'vested interest' in the CBH applications. Legal advice was that it would be best if he did not take part in the debate, but ultimately the decision was his.

GB: the Council approved the Code of Conduct which gives guidance on these matters. PJ has taken note and chosen not to be in the Chamber. This could be looked at again, but is not really relevant to consideration of the applications tonight.

AL: supports the scheme, and likes the sense of space and the fact that there is no attempt to cram in too many houses. Agrees that a bit more imagination in the design would be nice. Can we add a condition to make sure that the matter of the fence is dealt with?

EP, in response:

- there is currently metal fencing between the site and the amenity space at Rhodesia House. The plan shows timber fencing in that area, with the remainder of the boundary – including the part abutting the speaker's garden – conditioned to remain as it is;
- regarding the height of the fence between the application site and Rhodesia House, a condition is attached to ask for more information;
- officers will ensure that CBH will take Members' comments on board;
- to SW, the NMUs referred to in Highways comments on the blue update are 'non-motorised users'.

Vote on officer recommendation to permit with additional condition

13 in support – unanimous

PERMIT

Application Number:	16/00971/FUL		
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		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	2	Update Report:	None

MP introduced this second CBH application for a three-storey building to create six dwellings, with eight car-parking spaces and bin storage. The site is an unattractive panel of land, with underutilised sheds and bin storage, owned by the Council

Public Speaking:

None.

Member debate:

CC: this application is in Hesters Way ward, but backs on to Elgar House in his own ward of St Mark's. It is an imaginative use of space to provide much-needed accommodation, with no loss of amenity space as a result. The previous speaker mentioned CBH's lack of willingness to engage in

public consultation, but would say it has made a good effort here, with a high level of consultation. As ward councillor, would like to pass on grateful thanks on behalf of residents to CBH for its willingness to engage.

Vote on officer recommendation to permit

13 in support – unanimous

PERMIT

Application Number:	16/00972/FUL
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
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	5
Update Report:	Additional representation

EP introduced this third CBH scheme, which involves the demolition of a garage block. The house has already been demolished for the safety of the road. The proposed houses will follow the line of existing dwellings, with parking space and gardens, making good use of the site. The recommendation is to permit.

Public Speaking:

None.

Member debate:

LS: this is an excellent proposal. Knows the area well, and the garages here are in a poor state of repair. It is the sort of brownfield site we should be developing. His only concern is the potential loss of parking – Beaufort Road is something of a rat run between London and Cirencester Road to Hewlett and Hales Road – but it is a good scheme and will therefore support it nonetheless.

CH: would say the same re the design as previously, but the way in which CBH is developing the site is brilliant.

SW: is glad to see parking spaces out in the open. Not long ago, they were always stuck out of the way, which could lead to problems. It is good that in all the CBH schemes tonight, parking has been to the front where residents can see and be seen.

Vote on officer recommendation to permit

13 in support – unanimous

PERMIT

Application Number:	16/00888/FUL
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)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	8
Update Report:	Additional condition

MP introduced the application as above. Members will remember a planning application for a similar scheme following demolition of Unit 3, in April 2015. The proposed units will have a utilitarian appearance, similar to Unit 3, and the application is at committee at the request of Councillor Sudbury, on account of neighbour concern about traffic and amenity. The recommendation is to permit.

Public Speaking:

Mr Malvern, on behalf of neighbours

This has been an on-going and long-running planning issue for three years now. Is not opposed to redevelopment of this tatty site, but for the fourth or fifth time of asking, neighbour responses to the various proposals reveal numerous objections and varied strong opposition. This application added to the previous one is out of scale in comparison to the original buildings' scale and height; it will be overpowering and oppressive in relation to the homes on Asquith Road, as Members will have noted on their site visit. Neighbours will have no control over who will use the units; some tenants' operations will clearly disturb the neighbours. If the application is permitted, working time restrictions should be clearly in place in line with Environmental Health recommendations. There was a special additional condition in the previous application to ensure that the large doors are open for deliveries only and at no other times. Prospective tenants should be informed of this by the landowner before they sign the lease – this should be attached to the condition in the planning permission. If approved, can the maximum height and footprint be recorded and published so that small-scale drawings cannot be misinterpreted? It would be appreciated if the planning department can write to neighbours setting out these final details and conditions for this and the previous application, to avoid any disagreement in the future about what has been permitted.

Member debate:

PB: KS would speak very passionately about this proposal if she was at Committee tonight, but it is difficult to see any reasons to refuse. There was much debate about scale and opening hours with the last scheme, but we do need modern industrial units and this scheme tidies up an untidy site. The best thing we can do for residents is ensure there are sufficient conditions regarding the hours of use and add as many protections as possible. It is important that residents make sure these are complied with and keep in touch with the enforcement team, who will also do their best to ensure compliance. If this can be guaranteed, will support the application.

GB: there is an advisory note about the owner/type of business the site should be used for – can this be made into a condition?

PJ: this is a tough one – the balance between residential and industrial/employment land use. It would be good if the two can exist in harmony, although there are usually complications – but we do need employment sites. Do the conditions on today's blue update mirror the other conditions on the site?

MP, in response:

- regarding the advisory from Environment Health, this is as suggested last time as a result of the debate;
- regarding type of tenant, the report sets out that B1 use is one capable of being carried out in a residential area without detriment to neighbours' amenity. It is not necessary to know who the end user will be. This will be covered in an informative;
- to PJ, all the conditions which were attached to the previous application will be attached to this one.

CC: the speaker suggested that, given the contentious issues and possible problems surrounding the site, the Council could let residents know the precise details of the permission. Would the Council do this – inform neighbours of the outcome, what to do if there are problems etc? It would be beneficial.

GB: as ward councillors, he and KS will be involved in notifying the neighbours.

PT: agrees with CC in one way but disagrees in another – it could lead to additional work for the planning department which is already stretched. Local councillors can print the details and let local residents know – this won't be too onerous.

Vote on officer recommendation to permit

12 in support

1 in objection

1 abstention

PERMIT

Application Number:	16/00989/FUL		
Location:	Chavenage, 13 Merlin Way, Cheltenham		
Proposal:	Addition of first floor to existing bungalow (revised scheme)		
View:	Yes		
Officer Recommendation:	Refuse		
Committee Decision:	Refuse		
Letters of Rep:	3	Update Report:	None

MP introduced the application to extend this modern detached bungalow with an asymmetric roof. It is at Committee at the request of Councillor Bickerton. Officers considered the revised scheme to be at odds with the locality and incongruous in the street scene, and the recommendation is therefore to refuse.

Public Speaking:

Mr Brown, agent, in support

The applicant seeks to develop the property at his own cost with a full planning application, rather than the tile-hung full-length dormer design that would allow similar expansion under PD rights. The vast majority of neighbours want to see this scheme implemented rather than that permitted under PD rights, and their feelings carry great weight in this proposal. Design is always subjective, and the built form respects the character of the estate, the materials emulate those prevalent at the time of construction, and also represent a contemporary form will benefit from a first-floor addition - the simplest and most long-standing form of design. The surrounding estate features another dwelling with an asymmetric roof, so the proposal would not be at odds with the immediate locality. Officers consider a first floor addition may be acceptable in some form. The proposal complements and

respects the neighbourhood character; to say the proposal is at odds with the existing character of the building is a moot point as this could be altered under PD rights; but most importantly it carries support of the majority of neighbours, and therefore accords with the requirements of Local Plan Policy CP7.

Member debate:

CN: as councillor for Leckhampton, knows the area well. On first sight of the drawings, was in two minds about it; officers did not support it for design reasons – the height issue more than anything else – so wonders why the applicant has refused any further changes as proposed by officers. Thinks the design is not too bad, and looks better than the dormer-type design that could be done under permitted development. The first proposal was widely supported, this is mostly supported, and also has the backing of Councillor Bickerton.

PJ: actually quite likes the design. Is there any other reason to go against the officer recommendation?

PT: cannot support this application. On Planning View, saw the site and felt that this proposal would destroy the whole look of the area. Only by seeing it is it possible to understand. The owner should not be allowed to mess around with the existing building to this extent. In addition, mature trees would be lost to accommodate these plans, and that would be a great loss to the area.

SW: is glad that officers are recommending refusal. Doesn't like the existing building - a bungalow with bits built on the side, and now proposing further building on top. It will look even more of a mess, and can't support it. It would have been better to leave this dwelling as a bungalow.

PB: cannot see any reference to the trees in the report.

BF: supports the officer recommendation and the refusal reasons suggested.

AL: the speaker said an extra floor could be added to the building under permitted development if the windows were different. Is that correct?

MP, in response:

- to CN, the suggestions made to the applicant to improve the revised scheme are set out in the officer report – reduced footprint, two-storey eaves – but were not forthcoming;
- to PB, the trees were noted on site visit. It appeared that one would need to be removed, but it is not considered particularly significant;
- to AL, this scheme needs planning permission. Under permitted development, the applicant could maintain the existing eaves and ridge line but introduce dormer windows to get additional accommodation.

CJC, in response:

- there are two trees on the site: a cypress and a gleditsia. The gleditsia on the left has been reduced heavily in the past but grows back easily. The cypress would have to go, but this is not a show-stopper and could be replaced.

Vote on officer recommendation to refuse

12 in support

2 in objection

REFUSE

Application Number:	16/01138/TPO
Location:	35 Redgrove Park, Cheltenham
Proposal:	1) Horse Chestnut in rear garden-crown lift to 5 metres. 2) 3x Larch trees in rear garden-fell
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

CJC introduced the application as above, at Committee because Councillor Mason is the applicant. The proposal is to fell three larch trees and crown-lift a horse chestnut. The TPO applies to all the trees in Redgrove Park which were already there when the houses were built in 1986 – anything older than 30 years is automatically protected – and was a blanket order, whether or not these were appropriate garden trees or not. The larch trees are not suitable garden species, and the occupant will be able to get more use from his garden if they are removed. If Members wish, a condition can be included requiring more trees to be planted to replace those lost.

Public Speaking:

There was none.

Member debate:

SW: has no real objection other than not liking to see trees removed. Cannot argue with CC, but actually loves larch trees and thinks it would be better to remove the horse chestnut! This is a wonderful garden and cannot see that these trees spoil the amenity of anyone but the applicant.

PJ: used to live in Redgrove Park and knows about the trees there. Supports CC's recommendation, and would like to see a condition for replacement trees included.

PB: would the condition require the lost trees be replaced with the same species? Is worried about setting a precedent here on the estate; there are a lot of trees like this on the estate.

CH: was going to make the same point.

PT: over the years there have been occasional applications to take down TPO'd trees in Redgrove Park, but this hasn't led to a huge rush of people removing them – there has always been a good reason for doing so. Permission can always be refused if there isn't a good reason.

CJC, in response:

- we can condition whatever Members want – trees of appropriate size etc. CC can continue discussions with Councillor Mason to narrow down the options;
- it's true there have been quite a few applications to fell trees in Redgrove Park; officers always try to retain the best, and to replace with more appropriate trees for rear gardens.

Vote on officer recommendation to permit

13 in support

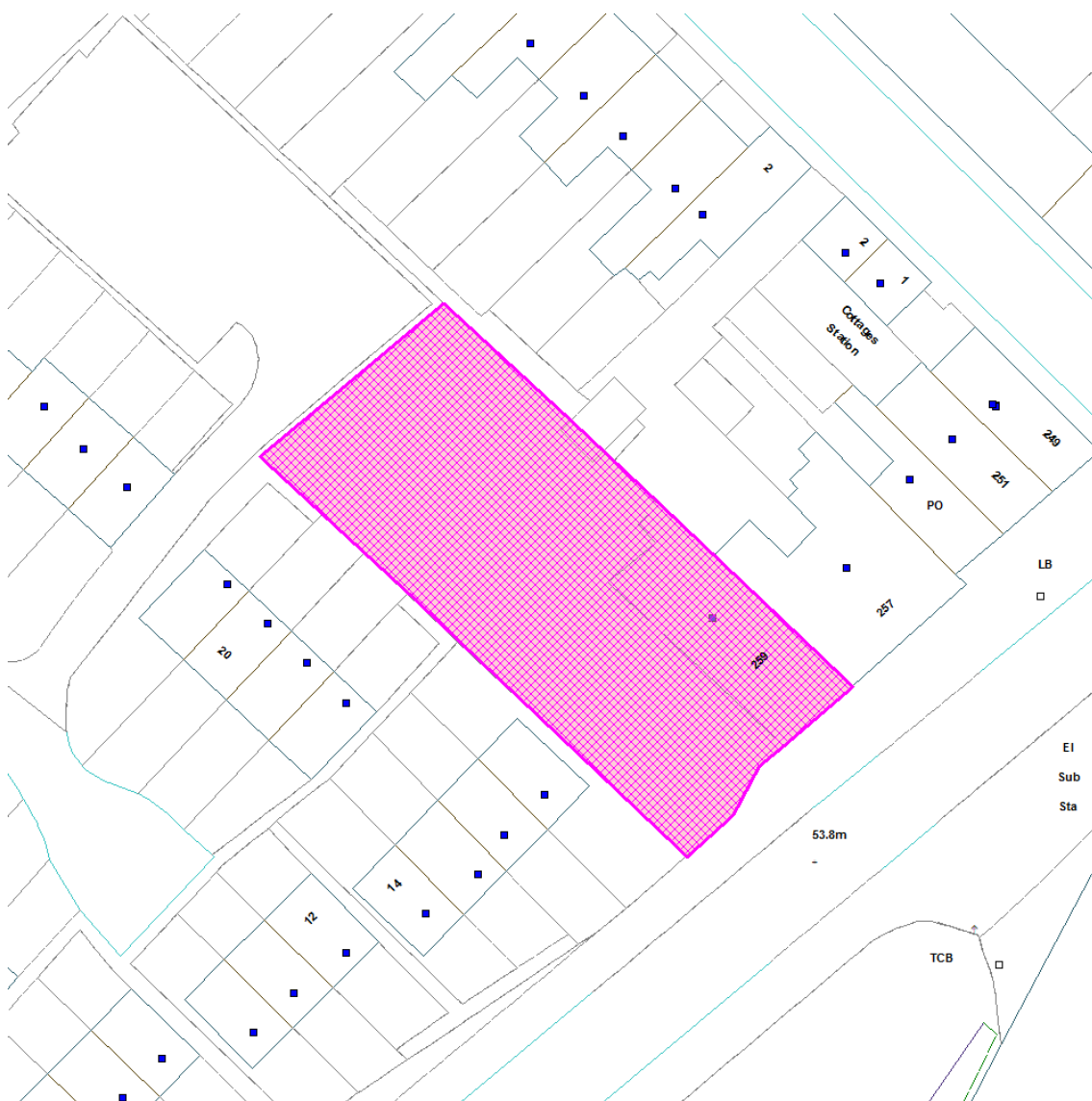
1 abstention

PERMIT

The meeting ended at 8.20pm.

APPLICATION NO: 16/00243/FUL	OFFICER: Mr Craig Hemphill
DATE REGISTERED: 18th February 2016	DATE OF EXPIRY: 14th April 2016
WARD: St Marks	PARISH:
APPLICANT:	Homeward Properties Ltd
AGENT:	Architecnics
LOCATION:	259 Gloucester Road, Cheltenham
PROPOSAL:	Erection of four dwellings on land adjacent 259 Gloucester Road

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 site comprises land adjacent to a terrace of properties which front Gloucester Road, opposite Cheltenham Spa Railway Station. The existing terrace to the east contains shops and other commercial uses on the ground floor and is a neighbourhood centre. They present two storeys to Gloucester Road and three to the rear which face onto a lane leading off Roman Road. The remaining boundaries are adjoined by residential properties fronting Roman Road and residential properties at Libertus Court and their car parking area. Presently the application site is rough ground with no defined use. Pedestrian access is provided to the side of the site along with entrance to the existing property.
- 1.2 This application proposes a residential development of the site to create 4 units. To the rear of the site 2 two bed semi-detached properties are proposed, to the front facing towards Gloucester Road is proposed a building which would provide 2 two bed flats. Access would be via Roman Road with 3 off street car parking spaces proposed. The units are two storeys high with pitched roofs and detailed to be finished in red brick with elements render.
- 1.3 The application has been referred to Committee by Cllr Coleman and Cllr Holliday as the site has been previously considered by the Committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Honeybourne Line
Neighbourhood Shopping Area

02/00234/FUL 15th January 2007 UNDET

Alterations and extension to existing building containing six bed-sitters to provide six flats (retaining ground floor shop)

90/00762/PF 27th September 1990 PER

Installation of New Shopfront

11/00525/COU 8th August 2011 DISPOS

Temporary use of site for car sales and storage for 12 months

13/02180/FUL 24th February 2014 REF

Erection of three storey extension comprising 6no flats.

14/01802/COU 26th November 2014 PER

Change of use from A1 (retail) to A3 (restaurant/cafe) and A5 (takeaway). Installation of extract flue.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
HS 1 Housing development
RC 2 Youth and adult outdoor playing facilities

RC 6 Play space in residential development
RC 7 Amenity space in housing developments
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)
Residential Alterations and Extensions (2008)
Submission of planning applications (2004)
Sustainable buildings (2003)
Sustainable developments (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

19th February 2016

I refer to the above planning application received on 17th February 2016.

No objection, the site is located in a highly sustainable location.

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

21st March 2016

We do not oppose development here, but would like more of a landmark building to enhance the area around the station

Architects Panel

2nd March 2016

Design Concept although the panel believed the site was suitable for an infill housing development, the submitted scheme isn't of sufficient quality to be supported.

Design Detail Refinements to the design are needed before the panel could support the applications as follows:

Page 28

The scale and bland character of the new buildings makes them look out of place with surrounding architecture. The Gloucester Road building could address the street better and be designed to fill the gaps which as proposed would be very unsightly.

A less fussy design, simpler building forms without steps in the facades, perhaps with pitched roofs, could prove more successful.

5. PUBLICITY AND REPRESENTATIONS

5.1 In response to letters being sent to neighbouring properties 17 letters of objection have been received. The comments are circulated to Members in full at the end of this report.

5.2 Comments received raise concerns with:

- Lack of cart parking
- Highway Safety
- Congestion
- Pedestrian Safety
- Storage of bins and access for refuse vehicles

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The key issues are:-

- the principle of residential development within this location
- the design and scale of the proposed development and impact upon the character and appearance of the locality and amenities of occupiers of neighbouring properties.
- suitability of the proposed access to serve the proposed dwelling and highway safety implications and parking

6.3 **Principle of Development**

6.3.1 The relevant policy documents for consideration are the Cheltenham Borough Local Plan (adopted 2006), the NPPF, NPPG and the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). The JCS is currently undergoing public examination and although a material consideration the weight that can be afforded to the plan and its individual policies will be guided by levels of support and objection attributed to it as the JCS progresses through to its adoption.

6.3.2 At paragraph 14 the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...” Further, when determining applications for housing, paragraph 49 of the NPPF similarly advises that they should be considered in the context of a presumption in favour of sustainable development.

- 6.3.3** The application site is located within the Principal Urban Area of the Local Plan and benefits from ease of access (by cycle and public transport) to all amenities and services provided in Cheltenham town centre. The application site must therefore be considered as a sustainable location for new residential development.
- 6.3.4** The NPPF requires local planning authorities to demonstrate a five year supply of housing; as at 1st April 2015 and using the JCS housing requirement for Cheltenham, the Council is currently unable to demonstrate such a requirement. The NPPF advises that relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.3.5** Where policies are not considered to be up-to-date, the NPPF advises that, with the presumption in favour of sustainable development (unless material considerations indicate otherwise) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.3.6** Paragraph 14 of the Framework addresses how to proceed with decision taking where policies relevant to the supply of housing are absent or out of date, that planning permission should be granted unless specific policies in the Framework indicate development should be restricted. These include Green Belts, Local Green Spaces, Area of Outstanding Natural Beauty or designated heritage assets.
- 6.3.7** The Council's Supplementary Planning Document 'Development on Garden Land and Infill Sites in Cheltenham (2009)' assists in the determination of planning applications, as it provides a consistent and robust means of assessing the context and character of residential areas. The document also ensures only development which is in keeping with the character of the surrounding area, does not harm the amenities of nearby residents and that is of a high standard of design is approved. The SPD recognises that the character of a place is made up of a number of different elements, including the age of buildings and their layout which combine to create a sense of place.
- 6.3.8** The principle of residential development on this land is therefore considered to be acceptable. The following sections set out considerations on the detail of the application.

6.4 Planning History

- 6.4.1** The Planning History of the site has some relevance. The Planning Committee refused planning application 13/02180/FUL of the erection of a three storey proposal for 6 flats. The recommendation to the Committee was to refuse on the grounds of design and impact on the amenity of neighbouring properties. The 2013 application did not include any off street parking and Members in considering the application added a further highway safety refusal reason on the grounds that the development would result in increased pressure for on street parking resulting in highway danger in conflict with policy TP6 of the local plan.

6.5 Design and layout

- 6.5.1** The application originally proposed both buildings to be in the main rendered with a flat roof contemporary design approach. In response to concerns on the design from the architects' panel and the civic society the applicant has submitted revised plans.
- 6.5.2** The NPPF advises within paragraph 59 that "design policies and decisions should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, massing, height and materials of new development in relation to neighbouring buildings". Paragraph 60 goes on to say that "planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles".

- 6.5.3** The revised plans have simplified the elevations and fenestration arrangement, proposing more brick than render along with introducing pitched roofs which results in a more traditional design approach. The building proposed to the front of the site facing Gloucester road would fill the existing gap, without dominating it, and provides a visual step down between the larger building the east (259 Gloucester Road) and the residential properties at Libertus Court. These alterations do provide for an improvement from the original flat roofed proposal and respond in a better manner to the context of the site and its surroundings. It is evident however that the design is not of a significantly high standard to provide for a landmark building.
- 6.5.4** Officers consider that there may be a better design approach or way to develop the site; however this application needs to be considered on the details submitted. The design approach as revised does respond to the architects' panel comments, but it will not provide for a landmark building. The revised plans have improved the scheme providing for a more traditional built form which is considered to be competent and is to design standard which will not be out of keeping with the appearance of the locality.
- 6.5.5** The layout incorporates private amenity land for the units along with parking for 3 cars access road and turning facilities and bin storage. The layout provides for an efficient use of the land and would not be out of keeping with the surrounding established pattern of development.

6.6 Impact on neighbouring property

- 6.6.1** The proposed layout has considered its relationship and impact on neighbouring properties. The proposed two storey semi-detached units will be located to the rear of the site and would have a side to rear relationship with the existing adjacent properties. The proposed side elevations do not include any windows and would be located approximately 12.5 metres from the rear elevations of the nearest properties on Roman Road and Libertus Court, which exceeds the accepted dimension of 12m to avoid overbearing development. The building to the front of the site would have a side to side relationship with nearest property on Libertus Court and would be set 4 metres away with no windows proposed in the side elevations.
- 6.6.2** The proposed layout, positioning of windows and two storey scale of the development ensures that the proposal would not have an overbearing impact or create any overlooking of neighbouring properties and is therefore considered to accord with policy CP4 of the local plan.
- 6.6.3** In considering the future protection of neighbouring amenity, to ensure that no further windows are added or extensions built it is recommended that a condition is attached to remove permitted development rights. As the site is surrounded by residential properties a condition is also recommended for a construction method statement to be submitted prior to any development commencing.

6.7 Access and highway issues

- 6.7.1** Strong concerns have been received from local residents on highway safety, parking and that this proposal may result in occupants adding to existing problems in surrounding streets. Neighbour comments suggest that these streets are already heavily parked with the close proximity of the train station.
- 6.7.2** The current application includes 3 off street parking spaces and has been accompanied by a parking survey. GCC Highways Planning Liaison Team has considered the application providing no objection, commenting that the site is located in a highly suitable location.
- 6.7.3** The proposal was discussed with UBICO and they have confirmed that the site would be serviced by refuse vehicles which would reverse into the site.

- 6.7.4** Given the comments received by the GCC Highways the proposal is considered to be acceptable in terms of highway safety and accords with policies TP1 and advice contained in the NPPF.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The statutory requirement is that a proposal must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2** In reviewing the application and the planning balance regard must be given to the proposal as a whole.
- 7.3** The proposal would provide for 4 additional dwellings within the urban area, well related to services and facilities and the evidence shows there is a shortfall in the supply of housing land in the Borough. Consequently, whilst the contribution of four houses would be limited, this is a matter to which carries commensurate weight. The proposal would also bring economic benefits through the construction process and from the occupation of the proposed dwellings. The previous concerns relating to the impact on the amenity of neighbouring properties are considered to have been resolved through this application. These matters weigh in favour of the application.
- 7.4** There is a relatively fine line and subjective view on design. In this instance the revised plans have improved the scheme to a reasonable level. Strong concerns have been received on parking and highway safety grounds, which are understood. The site is located in highly sustainable location, with no objection being received by GCC on this matter.
- 7.5** Officers are mindful of the need to consider the NPPF advice on the presumption in favour of sustainable development and the implications of not being able to demonstrate a 5 year supply of housing as set out in paragraphs 6.3.2 to 6.3.6 above. In considering the application Officers are of the view that the planning balance is in favour of the application and is therefore recommended for permission.

8. CONDITIONS / INFORMATIVES

To follow as an update

APPLICATION NO: 16/00243/FUL		OFFICER: Mr Craig Hemphill	
DATE REGISTERED: 18th February 2016		DATE OF EXPIRY : 14th April 2016	
WARD: St Marks		PARISH:	
APPLICANT:	Homeward Properties Ltd		
LOCATION:	259 Gloucester Road, Cheltenham		
PROPOSAL:	Erection of four dwellings on land adjacent 259 Gloucester Road Cheltenham		

REPRESENTATIONS

Number of contributors	17
Number of objections	17
Number of representations	0
Number of supporting	0

30 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 7th March 2016

Parking and traffic management on Roman Road is already a serious problem. 2 allocated parking spaces is completely inadequate for 4 dwellings which may house up to 8 people. If the application goes ahead as proposed, I believe it should be conditional on the implementation of resident only permit parking on Roman Road, preferably limited to one permit per household.

16 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 2nd March 2016

My main objection is around parking/congestion. Roman Road is already full for car parking spaces; having two designated spaces for 4-8 people would inevitably mean more pressure on Roman Road and the surrounding area. The area itself is also very congested as it is, with traffic and poor air quality.

50 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 6th March 2016

Our household object to the plans on the grounds of:

INSUFFICIENT PARKING SPACE included in the plans.

SECONDLY it will increase traffic to a narrow residential road that can only increase frustration of speeding and dangerous driving that already occurs in the road. Despite the agent giving details

Page 34

on parking space in the road during the day, it is when people like ourselves arrive home between 5 and 6 and sometimes later and find we cannot park. It is not unknown to have to park at the top of the road where the agent says would be free after 6 (we strongly disagree with this statement from personal experience).

Parking in the road is already oversubscribed. We have flats in the road where residents also park on the kerbside.

Additional parking from commuters adds to this.

Despite the access to public transport (as mentioned in the agent statement) it cannot be guaranteed that new householders would not own a car for their convenience. It will add to the traffic use in the road. Soon there will be no room at all unless new developments like this include sufficient parking.

The more crowded access and parking in Roman Road becomes the more likely it is for damage to cars to occur.

It is frustrating that plans like this will have an impact on residents in what is a very narrow, already busy road that could have an impact on the safety of children and pets.

20 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 5th March 2016

There does not appear to be adequate parking allocated to the proposed plans and access is poor with very restricted visibility being a problem both for drivers and more especially for pedestrians. I have witness a near accidents at the junction with Roman Road both with cars and people. Another concerns are the additional strains on parking in the road, we already have a terrific problem with lack of space as we do not have resident parking in this area as yet? and the road is constantly used by commuters and travellers parking in preference using the car park at the railway station.

43 Farmington Road
Cheltenham
Gloucestershire
GL51 6AG

Comments: 7th March 2016

My main concern with this development is lack of parking, surely there needs to be at least one per flat or house. Parking in this area is already horrendous due to people parking and going to work on the train. Fairmont Road in particular where cars are parked half on the road half on the pavement on both sides of the road and also dangerously near corners where it is impossible to see oncoming traffic.

7 Roman Road
Cheltenham
Gloucestershire
GL51 8AB

Comments: 7th March 2016

Page 35

I would like to strongly object to the planning proposal put forward for two 2 storey semi detached houses and two 2 storey flats with only two allocated parking spaces. Between roman rd and Libertus Road.

As you may not be aware we have a serious issue with lack of parking in roman road already and the provision of two parking spaces allocated for this development with the possibility of eight people living in the development therefore eight more cars to accommodate would make this situation intolerable.

Our local councillor has already taken this up with the council to try to get permit parking for roman road as having the railway station so close we get a lot of people parking in the road for the day and longer.

The other issue is the safety of pedestrians walking past the access laneway to the site this is a very narrow lane emerging onto the pavement and Roman Road which has cars parked on both sides all around the exit an obvious recipe for serious injury/accident.

Can you please take these views into consideration when taking your decision.

69 Rowanfield Road
Cheltenham
Gloucestershire
GL51 8AF

Comments: 7th March 2016

While I agree we need more housing, please take into consideration that only 2 parking spaces have been allowed for this development in Gloucester Road/Roman Road. The residents of Roman Road and ROWANFIELD Road already experience heavy vehicles trying to squeeze past parked cars, commuters to the rail station cars parked for days at a time.

This development will cause chaos while its being built ,has anyone thought about the access for delivery vehicles? We in ROWANFIELD road have had months of disruption while 2 small houses have been built ,cars parking on pavements ,delivery lorries blocking the road etc etc .

22 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 6th March 2016

I object to these plans on the following grounds:

1. Parking:

The proposal looks at "any residents that may choose to own a car". Given the national reliance on cars, I think we can safely assume each residence will have at least one car; i.e. a minimum of 4 extra vehicles will need to be accommodated; and this has not been considered (especially given that the area considered for development is already used for parking by shops and businesses) The idea that any resident will be paying to park in the station is laughable; many rail commuters already park in Roman Road and that is exactly where these residents will also be parking, as will those whose existing parking is displaced by the plans. The proposal appears to be misinformed because the parking spaces on Gloucester Road in front of the proposed flats are short stay spaces. The snapshots taken frankly prove nothing.

2. Access and Road safety:

For those vehicles that will be accessing the new houses (not only owners' cars but also furniture/ grocery delivery, visitors, tradespeople etc) will be via the lane off Roman Road. This is already subject to problems, even with the relatively small amount of traffic it receives. If you look at the utility boxes that are on the corner of Station Cottages you'll see that they are cracked - this was from an accident I witnessed when a van reversed into the corner of the house trying to get into the lane off Roman road. Just yesterday I witnessed a queue of traffic develop as a car attempted with great difficulty to enter the lane. Which brings me to:

3. Health and safety:

such queues of traffic are unpleasant for all houses at the east end of Roman road whose living rooms face onto the street: even at number 22 we get traffic fumes entering our living room, with the windows closed. Secondly the visibility into and out of the lane is poor and I believe this will be hazardous to other drivers, to pedestrians (many of whom are elderly), and also to the houses themselves that border the lane. There was another accident in the early morning some time ago just opposite the entrance to the lane which resulted in damage to a parked car.

4. Accessibility for pedestrians

The street is already near-impassable on bin day (particularly for those with mobility issues or prams - both of which there are many on Roman Road), and outside station cottages there nearly always appears to be huge accumulations of rubbish and massive bins which I assume come from the businesses and shops on Gloucester road; this will worsen.

Comments: 7th March 2016

I am writing to object to the proposed development of four new homes on land off Gloucester Rd. Reference 16/00243/FUL.

I am very concerned that the proposal will generate much more traffic on Roman Rd, a narrow, one way street which is well known to have traffic issues already. Access to the development is via a narrow lane off Roman Rd. This seems totally inappropriate, it is already known as a hazardous location for vehicles pulling out into Roman Rd. I have seen many near miss accidents and some damage to nearby properties from vehicles squeezing out. Also the passage can be accidentally blocked by drivers parking adjacent to it and not realising they have not left enough space for cars to enter the lane. This will only get worse.

The increased traffic will have a negative impact on air quality on Roman Rd, it is already poor (in our living room that fronts the road we can often get traffic fumes leaking in).

Have you considered that the increased numbers of wheelie bins, food waste bins and recycle boxes blocking the pavement on Roman Rd will make the existing problems in that area worse? It would be very difficult for those with prams or in a wheelchair to get down the pavement when all the bins are there. There are many elderly residents on Roman Rd who would be negatively affected as well. The pavement is very narrow so any bins etc. blocking have a big effect.

Of course the impact on parking is the biggest issue. Already a major problem on Roman Rd and surrounding areas (a council consultation exercise is already underway on the problems). Immediately the cars currently parking in the space planned for development would be displaced and don't seem to have been considered in the proposals. And as for the vehicles of the new residents, the proposal seems to be suggesting they would use the restricted parking bays on Gloucester Rd outside of restricted hours (8am-6pm, Mon to Sat), and during restricted hours they would find space on nearby roads if necessary. But the laughably amateur "survey" of parking that they carried out to justify that latter point is flawed. Yes, you can find the odd space on nearby roads on a weekday afternoon, but if the survey had been carried out on a Saturday afternoon, or a weekday between 8am-10am or 4pm-6pm it would have been a very different result. The applicants have not demonstrated there is an adequate parking solution at all, unless their residents will be out at work with their car(s) between 8am and 6pm, six days a week!

Page 37

The other suggestion that the residents would be willing to pay to park in the train station car park every weekend is naive at best.

Comments: 25th June 2016

These revisions have NOT addressed my previous comments. I repeat that there are not enough parking spaces to accommodate these new residences, which WILL result in spill-over to Roman Road. If you intend to listen to "the applicant's" claims about commuters parking there please provide some evidence. This is an easy scapegoat.

Likewise, as previously stated the bins are already hazardous and this would only worsen. I personally have witnessed a car drive into the side of station cottages when trying to turn down the alleyway, and have also witnessed several near misses with cars turning in and out of this alleyway, several involving pedestrians. None of this is addressed.

Please address these points if you must come back with another proposal.

42 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 8th March 2016

Parking is already a major problem in Roman Rd for its current residents, the impact on the parking situation by building more properties is only going to further increase this.

Access to the new site via Roman road is also going to cause major issues, the road is very narrow and turning in and out of the new site, with cars parking very close to the entrance is a hazard for both other road users and pedestrians. The road is already a rat run used to cut out queueing traffic in Libertus Road, having extra vehicles pulling in and out of the new site is potentially going to cause an accident.

10 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 9th March 2016

Letter attached.

8 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 27th February 2016

While the overall proposed plans for the buildings appear to be much improved for such a small site in an already populated area, I'm struggling to understand how the Right of Way is appropriate access from Roman Road. It is already a known hazard for cars pulling out and into such a narrow space, often resulting in vehicles either blocking the entrance accidentally or vehicles parked opposite the entrance providing little room for manoeuvre.

There is also an issue around how many cars that currently park at the rear of the building are going to be displaced onto the surrounding roads - I think I read 16 - with provision for only two parking spaces next to the new dwellings. In an area that is already renowned for parking issues,

Page 38

a lack of residential parking and question marks of the councils plans for Station parking, it doesn't seem appropriate for this to go ahead.

In addition, the plans incorrectly show the passageway at the rear of No's. 2-10 Roman Road. It is far narrower than shown and access to one of the new dwellings would appear difficult given the lack of space. I would also have question marks around refuse collection and available space on Roman Road for wheelie bins, recycling bins and food waste bins.

4 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 5th March 2016

Letter attached.

Comments: 29th June 2016

Following our conversation last week, please find below our supplementary comments on the amended application for four dwellings off 259 Gloucester Road to the rear of Roman Road.

The applicant makes a number of presumptive or inaccurate statements in their covering letter regarding traffic and parking, which should be set straight.

The letter states that, "the traffic issue appears to be caused by people parking in Roman Road to use the railway station" and that "none of the residents in the existing buildings have cars" - this is wholly inaccurate.

As local residents able to observe vehicle movements and parking, there would appear to typically be four or more resident vehicles parked at the rear accessed by the narrow lane to the side of No 2 Roman Road. This is in addition to any cars from train station commuters or elsewhere. All of these vehicles have to access the space via Roman Road.

Our original comments included photos of the space taken on a Saturday afternoon, outside of the typical Mon-Fri commuter period. This showed around nine cars parked there, and many of these belong to residents. These will be displaced and have to park elsewhere.

I know that our neighbour in No2 Roman Road, whose entrance doorway opens directly into the narrow lane, would also wholeheartedly disagree.

We would invite the planning committee to observe the marks made by vehicles on the walls of the properties either side of the lane as cars enter and exit. Recycling boxes left in the lane have also been crushed by vehicles, and it is the scene of regular near-misses between cars and pedestrians.

Our view remains that such a narrow lane makes the land unsuitable for such development, and that the resulting traffic and parking issues will have an unacceptable impact on local residents.

2 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 5th March 2016

Page 39

As the owner of 2 Roman Road, I have serious concerns relating to the application for two houses and two flats to the rear of Roman Road. My concerns relate to traffic, parking, access and road safety as well as disturbance, noise and privacy. On the basis of these I object as I consider the application is unsuitable and must be refused as it was before for these reasons in 2014.

There is mention in the plan of two parking spaces for 4-8 people which would lead to more pressure of parking on Roman Road. Where will the current volume of cars that are parked there be placed as well? Roman Road itself is a narrow one way high traffic road that provides parking for more than 80 properties as well as customers and employees of the shops. Roman Road is also used as daytime parking by train station commuters to avoid parking charges.

The entrance to my property is directly onto the lane that cars would use to access the proposed houses and flats. This would be a serious health and safety risk and a danger to those entering or leaving my property. It would also be a loss of amenity, noise and disturbance to my home.

The co-operative supermarket does not access the lane with delivery vehicles due to the size but does use its rear yard for temporary storage. Increased traffic down this lane would also mean to a danger to co-op staff that are manoeuvring trolleys between the yard and the shop. An increase of traffic turning off and onto the public highway to use the lane is likely to increase the risk of accidents with other vehicles and pedestrians. Any vehicles exiting from the lane onto Roman Road have poor visibility of oncoming traffic.

Bin storage and recycling storage is also placed on the entrance of this lane which would also increase the risk to those entering or exiting the lane. It is entirely reasonable to assume that residents will put out heavy bins for collection on Roman Road. This would equate to 4 more additional wheelie bins, four additional food caddies and up to 8 additional recycling boxes put out and collected on a fortnightly rotating basis. This reduces the amount of space for access as well as causing a nuisance to my property which the entrance being directly onto the lane.

I also believe that this proposed building would mean that I would lose privacy due to continuous entering and exiting right by my front door.

I believe strongly that this application should be refused. Previous applications have also been refused with the same reasons involving traffic, parking, access and road safety being the same existing reasons why this application should be refused.

20 Libertus Court
Cheltenham
Gloucestershire
GL51 7HX

Comments: 23rd February 2016

The erection of four dwellings on land adjacent to 259 Gloucester Road will remove parking for existing residents to the flats above shops and not allow for any parking for owners or visitors to proposed dwelling. One photograph submitted with the application shows 4 spaces available on Gloucester Road. The spaces are for restricted parking of only half and hour. Parking is already a major problem around the railway station area and there are ongoing discussions on how to deal with this by Cheltenham Borough Council. It is suggested to eliminate the parking problem the proposed maisonettes could be built with the remainder of the land tarmaced to allow for residents and visitor parking for the existing flats and proposed maisonettes. Access to the site is narrow and there are concerns about emergency vehicles reaching the site if required.

251 Gloucester Road
Cheltenham
Gloucestershire
GL51 8NW

Comments: 18th June 2016

If access to these four properties is via the service road which is at the rear of the five business's on Gloucester Road (No's 249 - 257); which means that the only point of entry is via Roman Road, then I must add to the objections already received, on the following areas of concern:

1. Access to the properties.
2. Refuse collections - currently bins are being left in the service road as placing them on Roman Road would cause obstruction to pedestrians and road users.
3. Increase in pedestrian safety.
4. Increase in parking difficulties for residents on Roman Road when visitors arrive at the properties.
5. The front door of No 2 Roman Road exits onto this service road.
6. If vehicles park too close to the entrance of the service road it is difficult to negotiate (I have many photographs that I can supply to back up this comment, a situation which has got worse since the sewerage/drainage system was replaced in Roman Road and the double yellow lines never replaced)).

36 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 9th March 2016

Letter attached.

22 Roman Road
Cheltenham
Gloucestershire
GL51 8AA

Comments: 25th June 2016

I'm writing to object to the revised proposal 16/00243/FUL.

Architectural concerns aside, in their revised proposal the applicants have not adequately addressed any of the concerns of nearby residents on Roman, Rowanfield and Gloucester Rd.

Let's take the parking issue: it is caused *in part* by commuter parking, but *predominantly* by existing residents' vehicles in houses and flats on Roman Rd and adjacent roads. The applicants say "none of the residents in the existing buildings have cars", but surely that is irrelevant since they (or future residents) could get a car in future. The fundamental issue that up to eight people could be living in the proposed site, with space for only three cars, therefore increasing pressure on Roman Rd, has not been addressed.

Page 41

I note that they have made no attempt to carry out a more thorough parking survey to address the criticisms of their previous approach; instead they have come up with spurious reasons to dismiss the parking concerns.

"I am advised by the applicant that presently eight or nine cars use the site by people regularly catching the train. This does not generate a nuisance in Roman Road and of course the number of traffic movements would reduce significantly should the development be build". Wow, did you not read the comments from residents? It *does* already cause a nuisance in Roman Rd in terms of accidents, near misses, congestion, privacy etc. on the access off Roman Road. It is disappointing that our concerns have been dismissed so lightly. It will not decrease (at least not permanently) if the development is built if that comes with up to eight residents' vehicles and space for only three.

Furthermore, I hope the council will investigate the claim that 8-9 commuter vehicles regularly use the site. Obviously the applicant has a vested interest in making that claim and it shouldn't be taken at face value. If the council do not corroborate this claim (or the applicants do not produce proof) then it should not be taken into consideration.

"[commuter parking] really should not be a consideration in this application but rather an issue of providing resident parking in Roman Road to control it." Well, sure, but if your proposal is going to make matters worse, you cannot just wash your hands of it, since there is no plan to provide further resident parking in Roman Rd!

Beyond parking, a number of concerns were voiced by the residents of Roman, Rowanfield and Gloucester Rd: privacy, refuse collections, blocked pavements affecting elderly and disabled residents, safety issues for pets and children, traffic fumes and air quality, health and safety for co-op staff etc. NONE of these have been addressed at all in the revised proposals which is very disappointing and so I hope the council will side with residents and reject this proposal again.

PLANNING
8 MAR 2016
ENVIRONMENT

10. ROMAN ROAD;
CHELTENHAM,
GLOS.

Dear Sir

I think it's Complete Madness to allow
4 dwellings adjacent to 259 Gloucester Rd.
NO.1: Noise and disturbance while these
places are being built.

NO.2: Access to the Properties.

NO.3: It will mean they will have to go around
the back Lane which is access to our
Properties where people come round the back
a dumping. Rubbish - we have about 1 ton rubbish
been dumped round the back of our property now.

NO.4:

4 dwellings mean another 8 cars.
where will they park - I work nights and I
have to park - 10 minutes away - because
by Six o'clock it's Full and I'm in my 60s

NO.5. There already ^{Page 43} round the back. upto 9 cars which. they shouldn't be. on our deeds it's a right of way. to a garage - years ago. not a free way for cars. to park:

To finish - we have been here 50 years and the area is getting dirtier with litter the cars & vans we parking on the paths now. the person, who wants the dwellings built he should come and live here.

My mother who is in her 80s as said for the first time ever if she was younger she would move.

Oh by the way. the back lane is in a right mess pathsides. I don't know who owns it. Someone should have a good look. at the area. because it's overcrowded. now, yours. faithfully.

5 March 2016

Dear Mr. Craig Hemphill, Planning Officer, CBC,

Re. proposal 16/00243/FUL for homes on land off 259 Gloucester Road

We wish to comment on the latest proposal for new properties on land behind 259 Gloucester Road.

We are keen to see the vacant land put to residential use in an appropriate way. Whilst the proposals are something of an improvement on the most recent application that was rejected, we believe a number of the concerns previously expressed by ourselves and other residents about access, parking, amenity, refuse collection and design also apply to this current proposal.

Therefore, we reluctantly object on this basis.

Access

The application proposes that access for vehicles in via the narrow lane off Roman Road. This lane exists primarily as access for the rear of the shops on Gloucester Road, not as a regular thoroughfare for residents.

We believe allowing vehicles to use this lane is hazardous to pedestrians and vehicles on Roman Road, and particularly for the residents of No. 2 Roman Road, whose front door and garden gate open directly into the lane (see images below):



Right of Way

The publically available Land Registry plans for 259 Gloucester Road (section below) show what was a garage where the lane meets the redline boundary of 259 Gloucester Road (circled in green) which has at some point been removed.

This would have prevented vehicular access for 259 Gloucester Road via Roman Road, and shows that 259 Gloucester Road has no historical or established Right of Way access to the lane.



Furthermore, the Land Registry Title Register charges for the property would indicate that there is a covenant in the deeds of 259 Gloucester Road that explicitly requires the owner:

“Not to erect any dwellinghouse on the portion of the land hereby conveyed where indicated by the colour blue on the said plan other than a motor garage or outbuilding”

This area is tinted yellow on the LR map above - see point (c) and Note 1 in the Register below.

C: Charges Register continued

hereby conveyed and to erect and ever afterwards maintain at his own expense a wooden fence of six feet in height along the line between the points marked "A" and "B" on the said plan such fence to be approved of by the Vendor or his successors (b) To observe and perform the restrictive building and other covenants referred to in an Indenture called the Libertus Estate Regulation Deed dated the Nineteenth day of July One thousand eight hundred and fifty five and made between Thomas William Septimus Pruen and Henry Dangerfield of the one part and the several persons whose signatures were thereunto affixed and executing the same (c) Not to erect any dwellinghouse on that portion of the land hereby conveyed where indicated by the colour blue on the said plan other than a motor garage or outbuilding

NOTE 1: The north western boundary of the land in this title forms part of the boundary between the points "A" and "B" referred to. The land coloured blue referred to is tinted yellow on the filed plan so far as it affects the land in this title

NOTE 2: No further particulars of the Indenture referred to were supplied on first registration.

Parking

Gloucestershire County Council is currently undergoing a parking review in the 'Railway' area (which incorporates the proposed development and the area around) because it, "...has received many complaints from local residents about parking in Cheltenham West..." and "...a parking survey has confirmed severe parking congestion in the area".

At the time of the application, a resident parking scheme is not in place.

As one of the nearest roads to the station, Roman Road is heavily used by commuters, train station workers and shoppers, largely from the early hours to late evening, but also overnight and at weekends.

Displacement of existing parking on the land

The design and access statement states that the proposal makes provision for two parking spaces for all four properties. It also acknowledges that this would result in a net loss of 16 parking spaces.

The existing properties at 259 Gloucester Road and occupants of other dwellings, regardless of any formal permission or right of access, use the lane and park on the land. Currently between four and eight vehicles park on the land at any one time. All of these cars would have to go somewhere.

As an example, please see the images below taken together randomly at approximately 11.40am on a Saturday. A total of seven cars are parked on the land:



All of these vehicles would be displaced elsewhere, primarily onto Roman Road as their entry/exist point, exacerbating existing parking and highway safety issues.

We believe that the lack of adequate off-street parking provision that the development would create, and the lack of consideration of displacing existing parking, is contrary to the adopted local plan policies TP1 (development and highway safety) and TP six (parking provision in development) and the advice contained in the National Planning Policy Framework.

Highway hazard

Cars parking directly outside No.2 Roman Road severely restrict access and visibility into and out of the lane. This makes turning into the lane in anything other than a small car difficult, and sometimes impossible, and severely restricts visibility of other cars and pedestrians on exit. We have personally witnessed many near-miss accidents here.

Please see below an example below of a car parking at the entrance/exit of the lane taken during the day and at night:



Applicant parking beat survey

The parking beat survey included in the design and access statement (taken from its previous application (13/02180/FUL)) is inaccurate on a number of points.

It states that were future occupants of its proposed properties to own a car to commute to work, then the 8am-6pm Mon-Sat restrictions, "would mean that parking would not be an issue". This of course makes the inaccurate assumption that all residents would only be working these regular weekday hours.

The suggestion that residents with cars of this "low cost start housing" would use the railway station car park on the far side of the station when they could simply park for free on a surrounding road is totally unrealistic. Parking at the train station currently costs £4.80 a day on weekdays, and £2.80 on weekends. Before any "negotiation for long-term use", this would equate to £1539.20 a year.

The statement includes an image of "Gloucester Road fronting application site 4 spaces available". However these spaces have a 30 minutes parking restriction 8am-6pm Monday to Saturday, and are therefore not available as residents parking.

Amenity and privacy

The positioning of the two houses on the site is unusual within the plot and unnecessarily close to the boundaries of Nos. 2 and 4 Roman Road, with the potential to cause noise and disruption.

The plans are inaccurate and depict the access path to the rear of Roman Road properties as much wider than it is.

The proposals include removing The plans propose removing the existing boundary fence which extends the full width of No.2 Roman Road and includes a L-shaped return along a small portion of the side fence, and replacing it with a shorter fence that stops short of the end boundary of No.2.

The existing boundary fence supports dense natural screening up to approximately 4 feet high above back garden fences for some length which provides welcome privacy for residents (see right of image below). This would necessarily be removed under the proposal.



This screening has been deliberately allowed in agreement by current residents to grow to discourage access by others to the path at the rear of gardens for numbers 2, 4, 6 and 8 Roman Road. We believe the removal of this, and removal of the side return (see image below), would open the path up to reduce our privacy and amenity, as well as be an increased security risk.



Design

We feel that the design, form and materials, which could charitably best be described as basic and functional, are not in keeping in any way with the surrounding properties.

Whilst being described as broadly the same height as the eaves of the properties in Libertus Court, the proposed buildings are square and flat rooved and so would have a much greater visual impact on surrounding properties.

Although the windows of the proposed semi-detached homes have been positioned (somewhat awkwardly) not to face directly onto surrounding properties, they will nevertheless overlook many of the windows and gardens of nearby properties in both Libertus Court and Roman Road.

The designated parking for the properties itself is poorly thought out. Whilst one of the houses proposed has a designated parking space (for what appears to be only a very small vehicle), the design requires the residents of the second property to park in an informal area to one side. This has the high potential to block the lane and/or the existing access to the rear of properties on Roman Road.

We believe that the design is therefore contrary to the NPPF which requires proposals to be designed such that they have an acceptable impact on the amenity of neighbours.

Refuse collection

The application form acknowledges that the proposal makes no provision to store or aid the collection of waste, nor makes arrangements for the separate storage and collection of recyclable waste. This would also need to be done via Roman Road.

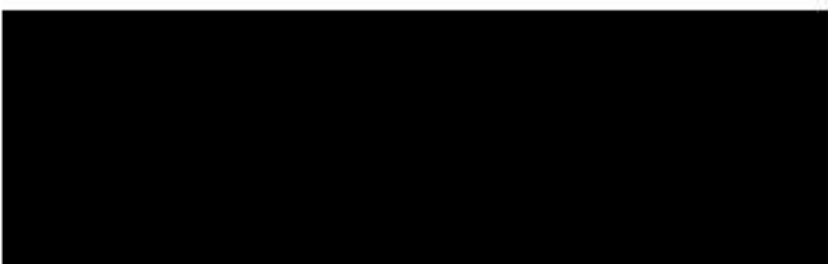
The existing properties of 259 Gloucester Road currently put their wheelie bins and recycling boxes either in the lane and/or on the pavement in Roman Road, in both cases restricting access and visibility further on these days. This often forces pedestrians to walk into the road.

Conditions

For the reasons stated above, we believe that this application should be rejected.

Should however permission be granted, we would ask that the following conditions are attached:

- That mature screening of a comparable height and density to the existing screening is put in place and maintained in perpetuity to the rear of the gardens of the same properties on Roman Road
- The construction be carried out between 8am-6pm Monday-Friday only
- That a pre-construction visual and structural survey of surrounding properties in undertaken in the event of a dispute regarding damage
- That the boundary fence along the east side be extended and replaced to the same length as the existing fence, including the short return along the lane beside No.2 Roman Road
- That the lane be resurfaced to a good standard following construction
- That mud and other debris on the road during construction is removed immediately



Planning Application. Land Adjacent 259 Gloucester Road.
REF NO.16/00243/ FULh

05/03/2016

I Write regarding the above Planning Application, My Objection is based on the lack of Safe Access to the Site..Traffic.

Residents are concerned that an attempt will be made to use the Access to the Site at the rear of Gloucester Road Shops, this Access is very Dangerous for Pedestrians, there have been occasions when Cars Exiting the Site have nearly come into contact with Pedestrians. Ladies with Pushchairs, Elderly and Disabled People of which I am one, are most at risk, It will impact on everyone using the pathway.

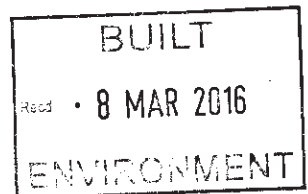
Residents feel if this Access is used it will have a great impact on all of us. Roman Road being a one way Street, we already suffer damage to Cars, Wing Mirrors in particular, very often the result of large Delivery Lorries attempting to negotiate the Street to make deliveries.

Heavy Plant and Builders Merchants Lorries will have great difficulty attempting to Access the Site travelling up Roman Road the right way. Residents fear instead large lorries will attempt to turn into Roman Road from Gloucester Road to gain Access to the Site, which would be very Dangerous and against the Law,

Considering the imminent Dangers that Pedestrians will be exposed to, and the disruption this Development will have on all of our Lives. I respectfully request all the above points raised be taken into consideration.

Yours sincerely

[REDACTED] 36 Roman Road Cheltenham GL51 8AA [REDACTED]



APPLICATION NO: 16/00243/FUL	OFFICER: Mr Craig Hemphill
DATE REGISTERED: 18th February 2016	DATE OF EXPIRY: 14th April 2016
WARD: St Marks	PARISH:
APPLICANT:	Homeward Properties Ltd
AGENT:	Mr Frank Cowen
LOCATION:	259 Gloucester Road Cheltenham Gloucestershire
PROPOSAL:	Erection of four dwellings on land adjacent 259 Gloucester Road Cheltenham

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. The applicant has submitted a further revised plan. The revision makes an alteration to the layout to provide for an additional off street car parking space. As revised the application now proposes to provide one off street car parking space for each of the proposed 4 residential units.
- 1.2. Should Members be minded to support the proposals, the following conditions are recommended.

2. CONDITIONS

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 Prior to the implementation of any landscaping, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local 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.

- 6 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).

- 7 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

Page 53

information is required up front because highway safety could otherwise be compromised at the beginning of construction.

- 8 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).

- 9 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.

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

- 10 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).

INFORMATIVES :-

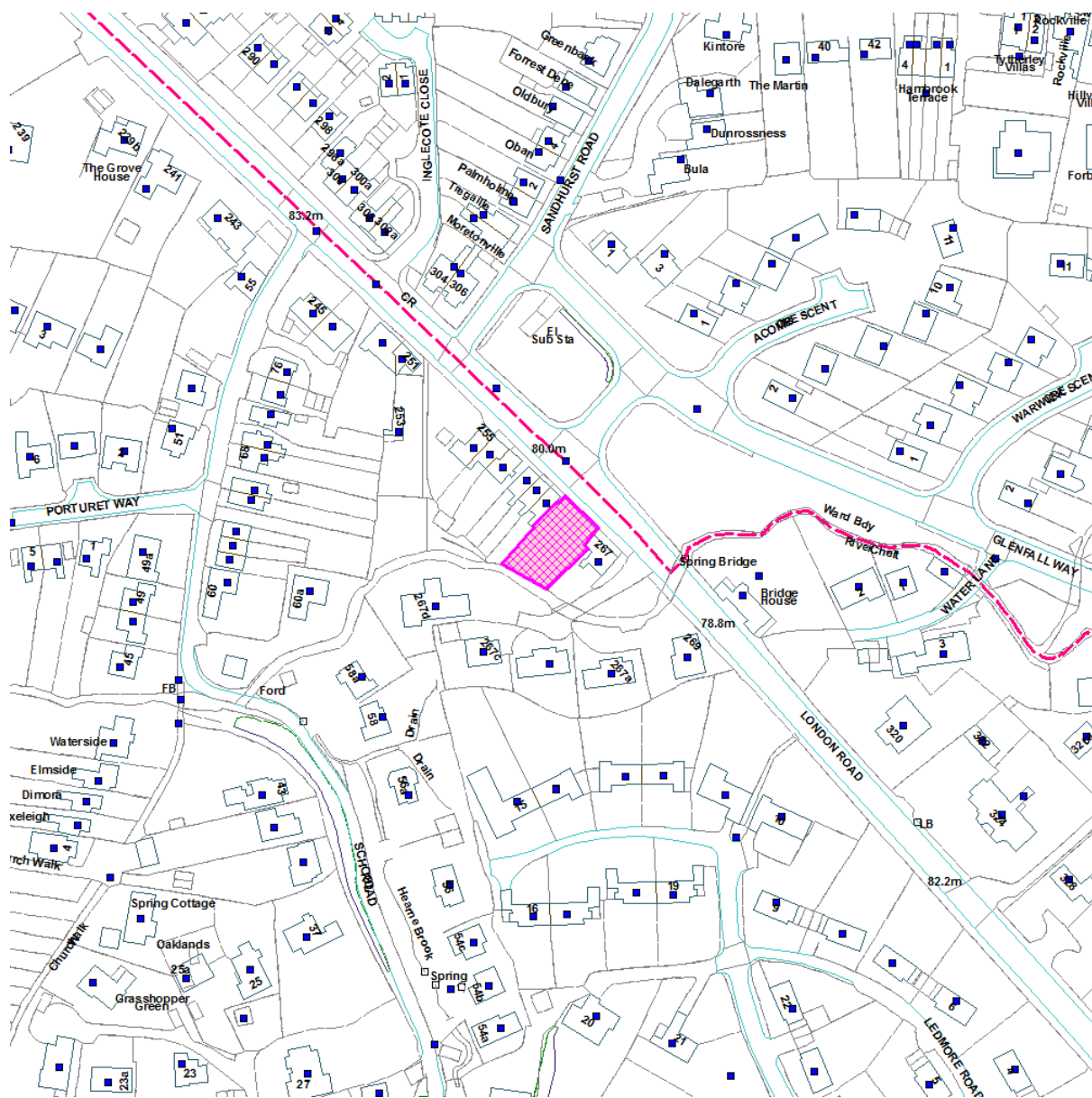
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible,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

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

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

APPLICATION NO: 16/00849/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 11th May 2016		DATE OF EXPIRY: 6th July 2016	
WARD: Charlton Kings		PARISH: Charlton Kings	
APPLICANT:	Mr Lee Bales		
AGENT:	Coombes Everitt Architects Limited		
LOCATION:	267 London Road, Charlton Kings, Cheltenham		
PROPOSAL:	Development of a new dwelling		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site was formerly part of the garden of No. 267 London Road. The site slopes downwards from the road side in a south westerly direction towards the River Chelt at the back. The front boundary onto London Road is defined by an attractive brick wall.
- 1.2 To the south east side is 267 London Road, a detached traditional dwelling and to the north west is the end property of a row of three terraced houses, no 265, at the back of the site to the south west is the river and beyond that a group of three houses and a bungalow accessed of a private drive leading between 267 and 269 London Road.
- 1.3 Full planning permission was granted in November 2014 for a contemporary designed split level two storey dwelling (14/01623/FUL). Subsequently a revised application was granted in June 2015 (15/00711/FUL). The revisions involved a slight enlargement of the red line and adjustments to the steps and retaining wall between 267 and the proposed dwelling.
- 1.4 The very bottom of the site, next to the river is designated Flood Zone 2 and 3.
- 1.5 Planning permission is sought for a three storey dwelling with the lower level being at lower ground floor level and projecting further into the garden with a flat roof projection. The ground floor is angled into the site with an oversailing first floor due to the easement that exists to a drain within the northern corner of the site. The first floor is square with the road and has a projecting box window. The dwelling would have a flat roof sitting below the eaves of the adjacent properties. The proposed materials are render and red brick.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Flood Zone 2
Flood Zone 3
Smoke Control Order

Relevant Planning History:

12/01000/PREAPP CLO
Erection of detached dwelling between 265 & 267 London Road

13/01922/PREAPP 4th December 2013 CLO
New dwelling - Construction of new dwelling

01/00182/FUL 22nd March 2001 PER
Construction of 3 storey rear extension

14/01623/FUL 6th November 2014 PER
Construction of new dwelling to side of existing property.

15/00711/FUL 19th June 2015 PER
Erection of dwelling to side of existing property (re-submission of approval 14/01623/FUL with adjusted red line boundary)

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
RC 6 Play space in residential development
UI 1 Development in flood zones
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Cheltenham Civic Society

27th June 2016

We like this scheme, which we think this is an attractive way of filling the gap between the two existing houses here

Architects Panel

2nd June 2016

Design Concept

The panel had no objection to the principle of building a new dwelling on this site and had previously supported an earlier appointed scheme.

The introduction of a further storey so the building is visible from London Road was acceptable but the panel had reservations over certain matters of details.

Design Detail

Concerns were raised over the relationship of the new building with adjoining properties. A less wide footprint could be more appropriate although it was acknowledged the position of the Severn Trent sewer could influence the design. The panel did not like the fenestration details but felt a contemporary design approach was appropriate.

Recommendation

Submit revised drawings.

6th July 2016

Design Concept

This application was reviewed at the 25th May 2016 panel meeting when the principle of development was accepted but design modifications were recommended.

Design Detail

The panel did not like the way the new revised scheme broke down the London Road elevation with varying parapet heights and unsatisfactory window proportions. (Not showing the view from the street hindered the presentation).

A simpler contemporary design solution would be more successful.

Recommendation

Submit revised design

[Please note the scheme was subsequently amended before the second round of consultation took place]

Parish Council

1st August 2016

Objection: We note the changes to the window design, but our view continues to be that the proposed dwelling does not fit in with the street scene and lacks complementarity with houses either side. Its contemporary style would also jar when viewed from Glenfall Way opposite.

7th June 2016

Objection: (1) In our view the design of this dwelling fails to respect its neighbours and the street scene. Its contemporary design is ill at ease with houses either side and would particularly jar when viewed from Glenfall Way opposite. (2) We are concerned that the flying first floor will severely limit the plant required to access the Severn Trent sewer for any future maintenance or other work. There appears to be insufficient space for mechanical plant.

Environment Agency

26th July 2016

We welcome that the Flood Risk Assessment (FRA) has been submitted in support of the application (undertaken by Katherine Colby Consultants, dated 30 June 2016). We also welcome that it has included an assessment of climate change in line with the new climate change guidance. We would advise that the recommendations within the FRA are carried out by the applicant, and in particular note the recommendation in section 3.1.15 re setting finished floor levels above 75.63 metres Above Ordnance Datum. You may wish to attach a 'compliance' type condition to any permission granted to ensure this.

To conclude, we have no objections to the proposed development.

19th May 2016

Thank you for referring the above application, which we received on 18 May 2016.

We commented on planning approval 14/01623/FUL at the above site on 9 October 2014 (our letter reference SV/2014/108010/01-L01, copy enclosed). We also commented on the resubmission application reference 15/00711/FUL (our letter reference SV/2015/108451/01-L01, dated 06 May 2015), where we reiterated the same advice as that given for the 2014 application.

Page 59

Based on the nature of the proposed development and the information submitted we have no objections in principle to the current application. We would re-iterate the comments made within our 9 October 2014 response. However we note the original Flood Risk Assessment (FRA) from the 14/01623/FUL application has not been submitted with this application. The FRA should be submitted as part of the application documents.

Furthermore, since the FRA was undertaken climate change guidance has been revised. (The National Planning Practice Guidance - NPPG - was changed on 19 February 2016 - follow link in the FRA Checklist, section 4 on climate change, available at: <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/site-specific-flood-risk-assessment-checklist/>)

The previous FRA used a 20% figure for climate change allowance, as per the previous guidance. The new guidance now has a range of figures that may be applicable for climate change allowance. In our Area we have produced a local guidance note for climate change allowances and I have enclosed it here. We would advise that the 35% climate change figure be reviewed as well as assessing the impacts of the 70% figure. Ideally the applicant/FRA Consultant should review this new guidance and update the FRA accordingly. This is so that the development is in accordance with the latest planning guidance and to ensure that the development is appropriate taking climate change into account.

Having said the above, we recognise that the site is fairly steeply sloping down to the River Chelt. As such it might be reasonable to assume the additional flows (i.e. 35% or 70% instead of 20%) would not materially impact the development. We would nevertheless expect the developer to revise the FRA to acknowledge the revised design flow for the watercourse and as a minimum should highlight the changes. It may well be that there are no material impacts on the development, but this should ideally be made clear.

Informative: Permit for flood risk activity:

The proposed works within 8 metres of the top of the bank of the designated main river (River Chelt) will require a permit from us under the Environmental Permitting (England and Wales) Regulations 2010. This would have formerly been called a Flood Defence Consent. For more advice please ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. Also go to: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

GCC Highways Planning Liaison Officer

18th July 2016

I refer to the above planning application received on the 2nd June 2016, submitted with application form, design and access statement and drawing refs. PL001, PL002, PL003, PL004, PL005, PL006, PL007, PL008, PL009, PL010 and PL011.

Proposal

The proposal for the erection of a new dwelling is located at 267 London Road, Charlton Kings, Cheltenham.

History

In 2014 planning ref. 15/00711/FUL for the construction of a new dwelling to the side of an existing property at this site was submitted and granted permission.

In 2015 planning ref. 14/01623/FUL for the erection of a dwelling to side of an existing property (re-submission of approval 14/01623/FUL with adjusted red line boundary) at this site was submitted and granted permission. The highways authority raised no objection subject to conditions for both of the above.

Access & Visibility

The proposal outlines a singular gated access point. The gated access slides parallel with the boundary wall so will cause no safety concerns to pedestrians or the highway. As London Road is subject to a 40mph speed limit the requirements deemed to satisfy visibility standards require emerging splays of 120m both to the right for south-easterly traffic and to the left for north-westerly traffic at a 2.4m set back from the centre line. The required 120m minimum visibility splays can comfortably be achieved in both directions. Therefore the proposed development has adequate levels of visibility and will not cause any detrimental effects to highway safety.

Parking & Turning

The applicant proposes the creation of two parking spaces within the development. Two parking spaces are adequate for the type of dwelling in question and its locality. Turning provisions should be available to allow for vehicles to enter and exit through the access in forward gear, this is recommended due to the nature of the adjacent highway and the volume of traffic using it.

Vehicular Trip Generation

The additional residential dwelling would generate approximately 5 vehicle trips within a 24hour period, 2 of which occurring at peak hours. Therefore the trip generations from the proposed dwelling would not generate a significant or material increase in trips.

Highway Safety

There have been no personal injury collisions recorded in association with the access within the past 3 years.

Summary

The Highway Authority recommend that no highway objection be raised subject to the following conditions being satisfied:

Condition #1 Access

Prior to the occupation of the development hereby permitted, details of the vehicular access shall be submitted too and approved in writing by the LPA; those details once approved shall be completed in all respects and maintained as such thereafter.

Reason: - To reduce potential highway impact by ensuring the access is suitably laid out and constructed in accordance with paragraph 35 of the NPPF.

Condition #2 Visibility

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

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

Note: The proposed development will require the provision of a footway/verge crossing and the Applicant/Developer is required to obtain the permission of the County Council before commencing any works on the highway.

Note: A BT telegraph pole may require relocation in order to construct the vehicle access.

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	18
Total comments received	4
Number of objections	4
Number of supporting	0
General comment	0

The application was publicised by way of letters to 18 neighbouring properties. Further consultation letters were sent on receipt of revised plans. Objections were received from 4 properties.

5.1 Comments Received

The main issues raised were as follows:

- Poor Design
- Out of keeping with street scene
- Addition of third storey unacceptable/imposing
- Overlooking/loss of privacy especially in winter
- Too much glazing on rear
- Concerns about visibility and highway safety
- Contrary to policy

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.2 Principle

As mentioned above there have been two approved planning applications at this site for a single dwelling. The site is within the Principal Urban Area and comprises an infill site between two existing dwellings. As such the principle of a dwelling in this location is supported.

6.3 Design and layout

There is a drain which runs across the northern corner of the site and there is an easement on either side of this. The approved scheme responded to this by keeping the building to one storey on the street side and angling the front elevation to respect the easement. The majority of the accommodation was at ground floor level. This proposal is very similar at ground and first floor level, however a first floor has been added which is square with the road frontage of the site.

In terms of mass a two storey building is more in keeping with the streetscene than the approved scheme. Objections have been raised to the flat roof and modern nature of the building from neighbours, although the civic society and architects panel are supportive of the approach. Officers have sought amendments in order to reduce the width of the building at first floor and it is now considered that the design has an acceptable impact on the street scene. It is set back from its neighbours and gaps of 3 – 4m have been retained on either side. As such the proposal does not appear cramped on its plot or to jar awkwardly with the neighbouring properties. Whilst the roof form and fenestration are contrasting, the eaves line is respected and the materials proposed are in keeping with surrounding properties.

The site is not within a conservation area, there is no prevailing character to the area and as such it is considered that there is scope for a more imaginative approach. The design is considered to be a good quality and appropriate response to the constraints of the site.

For these reasons the proposal is considered to comply with policy CP7, advice contained within the Development on garden land and infill sites in Cheltenham SPD and the NPPF.

6.4 Impact on neighbouring property

The lower ground floor projects back into the site leaving approximately 6m of garden to the rear. Beyond this is the River Chelt. The rear elevation of the lower ground floor is glazed and this is the same as the approved scheme. The ground floor element has a similar footprint to the approved scheme. It has more glazing on the rear elevation however this serves a lobby and stairwell. The new first floor is also glazed to the rear with windows serving a bedroom and a stairwell. The site is in an elevated position compared to the buildings to the south and as such it is important to consider the impact on these properties. The windows in question are 11.4m from the back of the plot and 14m from the nearest curtilage which is that of 267d London Road. The front section of this property comprises a large driveway and front garden with the more private amenity areas being located to the west. This property is at an oblique angle to the site and there are no directly facing windows. As such the impact on this property is considered to be acceptable. The remainder of the properties in this group (267a, b and c) are all over 30m from the first floor window. As such it is not considered that any adverse overlooking would occur.

The proposed dwelling is set back on the site and as such the impact on the adjacent neighbours must be carefully considered. The lower ground and ground floor accommodation are largely as proposed and as such is acceptable. The main change at this level is the provision of a side facing window. It is recommended that this be obscure glazed. As originally submitted the first floor resulted in a loss of light to the rear windows of 265 London Road, however the amended scheme complies with the light test and has an acceptable impact upon both neighbouring properties.

For these reasons the proposal is considered to comply with policy CP4 of the Local Plan and advice contained within the Development on garden land and infill sites in Cheltenham SPD.

6.5 Access and highway issues

The access point is as agreed through previous schemes and highways have no objections to this. The proposal provides for sufficient parking and turning within the site. A condition has been requested requiring the boundary wall to be set back to achieve the visibility splays. However during the previous applications a compromise was agreed that the wall could be lowered to 600mm (perhaps with railings on top), which would provide the required visibility splay whilst maintaining an attractive boundary wall.

As such the proposal complies with policies TP1, TP2 and TP6 of the Local Plan and the NPPF.

6.6 Flooding

The very bottom of the site is in flood zones 2 and 3 where it adjoins the river Chelt. An updated flood risk assessment has been prepared and the Environment Agency raise no objections subject to the implementation of the recommendations contained within the Flood Risk Assessment and conditions are recommended accordingly. As such the proposal is considered to comply with policies UI1 and UI2 of the Local Plan and advice contained in the NPPF.

6.7 Trees and Landscaping

The site was previously in use as a garden to 267 London Road and as such accommodates a variety of trees and shrubs. However none of these are significant and as such no objection is raised to the clearing of the site, however a condition is recommended to ensure that the site is appropriately landscaped upon completion.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Planning permission exists for the development of this site. The main change is the provision of a first floor. Officers consider this to be acceptable for the reasons outlined above and consider the proposal to be acceptable in all other respects. As such the application is recommended for approval.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The dwelling hereby approved shall not be occupied until the means of vehicular access and parking and turning area have been provided in accordance with the approved plans (as amended by condition 4). The means of vehicular access shall and parking and turning area shall be retained for such purposes at all times.

Reason: To ensure adequate vehicular access and parking provision in accordance with Local Plan Policies TP1, TP2 and TP6 and paragraph 35 of the NPPF relating to development and highway safety.

- 4 Notwithstanding the submitted details, prior to the first occupation of the dwelling hereby approved, details of the front boundary of the site, which shall provide for pedestrian visibility by way of a reduction in the height of the wall to 600mm above the adjacent footway level, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the dwelling and shall be retained as such at all times.

Reason: To reduce the potential highway impact by ensuring adequate pedestrian visibility is provided and maintained in accordance with paragraph 35 of the NPPF and Policy TP1 of the Adopted Local Plan.

- 5 Prior to the first occupation of the dwelling hereby approved, a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall incorporate the recommendations of the Flood Risk Assessment by Katherine Colby dated 30/6/2016.

Reason: To ensure that adequate measures are in place should the site flood, in accordance with policy UI2 of the Adopted Local Plan and advice contained in the NPPF.

- 6 Prior to commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:

- a) the proposed finished floor level of the building
- b) cross section drawings showing the proposed finished floor and eaves levels of all the building

This shall demonstrate that the finished floor levels will be set above 75.63, as recommended in the Flood Risk Assessment by Katherine Colby dated 30/06/2016.

The development shall be implemented in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the accommodation is safe in the event of a flood, in accordance with policy UI2 of the Adopted Local Plan and advice contained in the NPPF.

- 7 No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (2006). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 9 Prior to the commencement of development, a schedule of materials and samples of the proposed brick, cladding facing materials, render, gates, shall be submitted to and approved in writing by the Local Planning Authority and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 10 The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without express planning permission.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no buildings, structures, fences, gates, or walls shall be erected within 8 metres of the bank of the River Chelt without planning permission.
Reason: To minimise the impact of the development on flood risk, in accordance with policy UI2 of the Adopted Local Plan and advice contained in the NPPF.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order) the window shown as serving a staircase/lobby on the approved plans in the south east elevation shall be non-opening and glazed with obscure glass and shall be maintained as such thereafter.
Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the north west or south east elevations of the dwelling hereby approved without express planning permission.
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

INFORMATIVES

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

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

In this instance, the authority sought amendments in order to make the scheme acceptable.

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

APPLICATION NO: 16/00849/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 11th May 2016		DATE OF EXPIRY : 6th July 2016	
WARD: Charlton Kings		PARISH: CHARLK	
APPLICANT:	Mr Lee Bales		
LOCATION:	267 London Road, Charlton Kings, Cheltenham		
PROPOSAL:	Development of a new dwelling		

REPRESENTATIONS

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

267A London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YG

Comments: 1st June 2016

It would appear that two of the drawings have been incorrectly labelled. I believe that the NW elevation should be SE and the SE should be NW!

I also understand that planning approval already exists for a 2-storey house on this site. The new 3-storey proposal would mean that the structure would be well above the boundary walls of number 267 and thus highly visible from all aspects. Apart from the visual impact compromising the existing street scene on London Road -the simplistic and severe design contrasting unfavourably with the road's traditional housing stock, the windows (of which there are many) at the rear would have direct line of sight to the fronts of adjacent properties 267a,b and c (especially the upstairs bedrooms when the trees are without leaves, thus significantly reducing privacy for existing residents.

For these reasons, I am opposed to the proposed application as it stands.

Comments: 23rd July 2016

The small revisions to the window designs to the front upper storey are so minimal as to have no real improvement to the building's appearance within the existing street scene. The addition of a third storey to the original, approved plan is totally out of keeping with the locality. Also, and more importantly, the increased window area of the top floor on the rear elevation is even more of an intrusion on the privacy of residents in properties 267a,b and c whose front bedrooms, in particular, are overlooked. In conclusion, therefore, the proposed revised plan is even less acceptable.

Page 68

267C London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YG

Comments: 27th May 2016

We are writing to express our objection of the addition of the 3rd storey to the above planning application.

With the ground floor and first floor foot print being increased passed the existing rear building lines of the adjacent properties, to have a 3rd storey is extremely over imposing. The windows, some of which are almost flooring to ceiling will look directly in to our bedroom windows to which we strongly object as it impinges on our privacy.

As you may be aware the trees are deciduous and in the winter will give no privacy.

With the lower ground floor being extended to come within approximately 5 meters of the river i.e. closer to our property was just acceptable with the knowledge that it would only be two storeys, but to increase this to a three storey building by a further floor we feel is deemed to be unacceptable.

We appreciate that this land would inevitable be developed at some point, but do not welcome a three storey property that is projecting further backwards than that of the properties either side, with large windows that are an intrusion of our privacy especially that of our bedroom windows.

Comments: 7th June 2016

Letter attached.

Comments: 19th July 2016

We strongly object to the amended planning application. The windows to the rear elevation are not acceptable, no reduction in glazing has been made whatsoever from that of the previous application. There is no need for so many floor to ceiling windows which dominate the rear elevation of this new dwelling, it is a complete intrusion of our privacy and i would like to hear your justification in allowing such a resubmission without this being addressed. The large number of windows are in direct sight of our bedroom windows and with the trees being deciduous offer no protection.

The 3rd storey plans have reduced in floor area but the glazing has not been reduced to reflect this.

255 London Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YG

Comments: 31st May 2016

I would like to object firstly on the grounds of the street scene that is applied, in any type of planning application when there are adjoining properties. I believe that the previous planning application was centred around the property being single storey, which was hidden behind the existing 6ft wall. Thus having no real impact on what was there before, neatly hidden away. I believe the reason for this was solely because the house wasn't in keeping with the street scene, so hiding it behind the wall was very clever and I like the design and whole aspect around it.

Page 69

As a developer myself, I understand this process and materials used to make new properties blend in. With the addition of another storey, the house will stand out like a sore thumb, and is a typical way of increasing the footprint of an existing application. So if this is granted, we will have a street scene of rendered terraced houses, with hipped roofs, and a two storey, flat roof house slap bang in the middle of it all.

I also currently have planning permission to build a house next to mine, which is terraced, hipped roofed, etc., blending in with the row. If this gets passed, does this give me the opportunity to develop a detached flat roofed ultra modern designed house based on this precedent if this is given permission? I'm pretty sure that the low level aspect of the current design is what helped to gain permission on this property. I would rather it stay ground floor or a house of two storey design and matching in with the others around it on the London Road.

Secondly I'd like to question how the council have dealt with the highways aspect in relation to this property. Like my house, it will have a drive and entrance way to it. Currently the existing houses, numbers 265, 263, 261, 259, and 257 all park their cars outside on the road/footpath. These houses are also opposite Glenfall Way, which is a very busy junction. The reason for dragging this issue up is that any new development has to be viewed from the highways aspect, such as visibility, etc., but after living here some 8 years the parking has become worse and worse. Given the fact that currently people have been parking outside this new site, and now this parking space has gone, it will increase the parking problems and visibility dramatically. This will force people to park on top of my entrance as well as 267c. I myself have had many near misses given people parking on top of my drive, on both sides, restricting my sight so badly that I have to get half my car in the road before I can see.

This road is also 40 mph outside our houses on this section, and given on a school day the access to Glenfall Way is really busy due to school traffic and also towards the other end of Charlton Kings, plus the foot traffic of children walking this busy road. I've seen too many accidents on this junction, it's too fast, it's a main route in from the A40 with lorries, school traffic etc., and someone is going to be seriously hurt, because of all the cars parked on this rd., added to that people pulling out of 267c have restricted visibility due to parking. Maybe the highways will give some thought into traffic calming, double yellow lines to stop the speed and parking issues along here.

There is also the added pressure of the construction workers parking here to carry out works, last Friday a van parked right on top of my entrance yet again restricting me access to my drive. I'm solely up for new development which is why I thought the current decided application was great, but there has been no thought into the highways and parking issues that have been here for years, hopefully you will see this just by visiting the road on a school day and seeing there is NO visibility when cars are parked all along this stretch and the speed in which traffic does flow, and to be sure, they all don't stick to the 40 mph, if a traffic survey was done, you'd find the traffic approaching Cheltenham from the A40, would be far greater than that of 40 mph.

Comments: 25th July 2016

This planning application is a joke! My previous email objection was relating to the two storey house which I find on this application for a third storey. NO evidence of following a street scene at all on this application which makes a total mockery of the planning system.

This clear evidence of a developer working the system trying to get more each time on every planning application, otherwise they would have submitted this application in the first place and avoided the other two previously.

Can Emma Pickering show evidence or justification in her decision when granting permission based on a house that falls directly in between a street scene that is totally different in design.

This house stands out like a sore thumb, and doesn't meet planning policy when considering its surrounding area/street scene.

[REDACTED]

From: Emma Pickernell
Sent: 07 June 2016 09:53
To: Internet - Planning Comments
Subject: FW: 16/00849/ful
Attachments: IMG_3635.JPG; ATT00001.txt

Emma Pickernell
Senior Planning Officer
Cheltenham Borough Council
emma.pickernell@cheltenham.gov.uk
Tel: 01242 264248
Working Days: Tuesday, Wednesday & Thursday

-----Original Message-----

From: [REDACTED]
Sent: 06 June 2016 09:47
To: Emma Pickernell
Subject: 16/00849/ful

Hi Emma

Please see attached photo of London rd, relating to 267c, erection of a new dwelling. I made one objection over highways, and I'd just like to show you the problem it's causing as residents. Not only has the parking become an issue on the right of the photo, but you can see on the left, a tractor and trailer, plus a car parked on the slip rd to glenfall way, waiting to access the building plot. All this congestion because of the new building works, surely there should be some planning condition to allow and ease this problem with this kind of works? I have no vision from my driveway which is the house in the photo if I want to exit, not to mention tractors and trailers blocking the slip rd to a busy junction directly opposite my entrance.

In Friday last week, there was the same car and trailer parked all day on the exit of glenfall ways slip rd. This area is a 40 mph zone, with excess school traffic in cars and on foot.

Regards
[REDACTED]



**REF: 16/00849/FUL | Development of a new dwelling | 267 London Road
Charlton Kings Cheltenham GL52 6YG**

FAO. Mrs Emma Pickernell

Dear Mrs Pickernell,

I am writing to lodge my concern at the proposed plans for the above new build.

I live at No. 257 London Road, only a few metres away from the proposed house. My wife and I both think that the look of the design is far too modern and does not fit in or complement the existing street scene at all. The original plan I understand was only a 2 storey build which couldn't be seen at street level. We do not object to this original lower version, but since the plans have now changed this is a completely different matter...

The main issues we have with the current design are with the roof line and the windows. If a 3 storey design was granted planning permission, we would like to see it fit in much more sympathetically with the neighboring Georgian/Victorian properties, ie. have a traditional pitched roof of similar height & design rather than a flat roof, and also less modern asymmetric front windows without external metal-cased boxes.

We believe a more traditional design would look much better between the existing houses, and think the current proposed design will detract from the desirability of the surrounding properties. It will simply stand out like an ugly sore thumb.

I hope that the planning committee will take my comments on board and reconsider granting planning permission for this proposed design in its current form.

Yours sincerely,

257 London Road, Charlton Kings GL52 6YG

APPLICATION NO: 16/01088/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 21st June 2016	DATE OF EXPIRY: 16th August 2016
WARD: Battledown	PARISH: Charlton Kings
APPLICANT: DavMay30Ltd	
AGENT: Evans Jones Ltd	
LOCATION: Ryeworth Inn, 60 Ryeworth Road, Charlton Kings	
PROPOSAL: Redevelopment of former public house comprising conversion of existing building (part) to form single dwelling, and erection of two new dwellings.	

RECOMMENDATION: Permit



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

1. DESCRIPTION ANN BACKGROUND OF PROPOSAL

- 1.1 Members will recall that in May 2016 the Planning Committee determined to refuse planning permission for the redevelopment of the Ryeworth Inn. The previous application (16/00166/FUL) was refused for the following reasons:-

The Ryeworth Inn is listed as an Asset of Community Value and as such its potential role in facilitating opportunities for social interaction and recreation within the community and enhancing a sustainable local community is recognised. The proposed conversion of the public house and redevelopment of the site for residential purposes would therefore result in the loss of a valued community facility reducing the community's ability to meet its day-to-day needs. Further, there is a lack of alternative facilities elsewhere within the locality which could adequately meet the day-to-day needs of the community; any alternative facilities are not located within an acceptable walking distance of the application site. The proposed development fails therefore, to comply with the aims and objectives of Policy RC1 of the Cheltenham Borough Local Plan (adopted 2006) and guidance set out in paragraphs 69 and 70 of the NPPF.

- 1.2 The applicant has subsequently submitted an identical planning application for alterations and conversion of the existing public house to form a single dwelling and the erection of two new dwellings on land currently used as the pub car park.
- 1.3 This report will focus on any change in circumstances since May and material considerations relevant to the current application. In summary, there are no changes to the proposals in terms of built form, design, layout scale or materials. However, on 7th June 2016 the Ryeworth Inn was removed from the Council's register of Assets of Community Value; the owner having completed the disposal/sale of the Ryeworth Inn. This has implications in terms of permitted development and demolition both which are outlined in more detail later in the report. The applicant has also provided additional information in support of the application and discusses a recent appeal decision which raises issues in similarity with this proposal.
- 1.4 For ease of reference, the Officer report relating to the previous refused application is attached as an appendix, including all third party representations. It provides the background and detail of officers' consideration of the proposed development and should be read in conjunction with this report.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Relevant Planning History:

15/00716/PREAPP 6th May 2015 CLO

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

99/50067/FUL 14th September 1999 PER

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

14/01215/TPO 4th August 2014 PER

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

16/00166/FUL 2nd June 2016 REF

Alterations and conversion of existing public house (part) to form a single dwelling and erection of two new dwellings

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 1 Existing community facilities
RC 6 Play space in residential development
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Campaign for Real Ale

4th July 2016

On behalf of Cheltenham CAMRA and also living in the local area, I wish to object to this planning application to the potential loss of the Ryeworth pub which, for many years, has been a valued local community hub and which, until a few years ago, also drew custom from a wider area due to its reputation for the good value quality food menu, booking was essential for meals, especially for the Sunday lunch. The last few tenants have not promoted the food side so much and have therefore not maintained the previous custom, hence the perceived non-viability of the pub. Whether this was a definite ploy to run down the pub by Enterprise as it may be worth more as a development opportunity, due to the garden and car park as potential building land is arguable, but in the right hands, this could revert to the thriving local pub that it used to be.

The current application is very similar to the recent one which was refused due to the loss of an Asset of Community Value (ACV). This ACV has regrettably been rescinded because no local community group came forward to purchase the pub in the time framework, however, as the current potential developer had already put in an offer to purchase the pub at the time, it was technically not on the market.

Since the recent planning refusal, to our knowledge, no attempt has been made to re-market the pub as a pub business, the developer has simply 'sat on it' until the ACV had been rescinded. This is regrettable, as we understand an ACV, once confirmed, should be in place until a change of use is approved by a planning consent, not simply by a change of ownership. In this scenario, any developer could purchase any pub and just wait for the ACV to be rescinded.

We know that, when originally put on the market, a local brewery (within 30miles), offered to purchase the pub at full asking price but was out-bid by this developer. This is the same scenario which led to the loss of the Little Owl a couple of years ago, which had a large garden and a large car park so the site value for housing far exceeded that of a pub business. We feel that, before this proposal be given a go-ahead, the pub should be put back on the market as a 'pub business' rather than a 'development opportunity' for at least 6 months, at a realistic 'pub business' price, to give this brewery or any other interested parties the opportunity to purchase and restore this pub to its former glory.

As an example, the Pelican in Gloucester, under Enterprise, changed tenants several times unsuccessfully before being purchased by Wye Valley brewery and is now thriving and has been voted CAMRA Gloucester Pub of the Year for the last few years. (this is not to imply that Wye Valley were the brewery interested in purchasing the Ryeworth).

Although it can be argued that other pubs, London Inn or the Langton, are within walking distance from this pub, from the other direction there are none, so for residents around Battledown and Ham the walking distance to a pub is at least doubled so it is essential to maintain this valued local amenity, so we would appeal to the planning committee that they will stick to their previous decision and refuse this application.

GCC Highways Planning Liaison Officer

8th July 2016

Location:

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

Personal Injury Collisions:

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

Access and Visibility:

The development has proposed 3 accesses to serve the development. The existing public house which is to be converted to a residential dwelling will make use of an existing off-street parking area parallel to Ryeworth Road to the west of the site. The central dwelling will make use of a new vehicle dropped kerb frontage access which according to drawing P004 D can achieve the required emerging visibility of 2.4m x 54m in either direction. It can achieve the visibility with a 500mm off set from the kerb-line; this is acceptable in accordance with MfS2 guidance.

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

Page 79

the proposed vehicle access is less intensive than the previous access to the pub car park and in this instance would be deemed acceptable.

I refer to the above planning application received on 23rd June 2016 with Plan(s) Nos: P001, P002, P003B, P004-D, P005, P006-C, P007-A, P008, Design and Access Statement, Planning Statement and Transport Statement.

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

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

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

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan P004 D, 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.

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

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
28th June 2016

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

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

Gloucestershire Centre for Environmental Records
6th July 2016

Report available to view on line.

Cheltenham Civic Society
7th July 2016

No comments.

Building Control
1st July 2016

No comment.

Parish Council
5th July 2016

No objection, comments as before

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	18
Total comments received	9
Number of objections	6
Number of supporting	3
General comment	1

5.1 A total of 18 local residents in neighbouring streets have been notified of the proposals. As a result of the public notification exercises and at the time of writing, a total of 12 comments have been received (9 in objection and 3 in support/general comment).

5.2 The comments received relate primarily to the following matters (albeit comments received in respect of the previous application should also be considered, given that the two proposals are identical in terms of built form) :-

In Objection

- Existing and anticipated problems with on street parking/congestion and access/visibility issues at road junctions
- Loss of public house and community facility

Page 81

- Failure of pub due to poor management by brewery/landlord
- Number, height and appearance of new dwellings in street scene
- Neighbour amenity – overlooking and loss of privacy
- Site should be viable as a public house and should remain as a local asset/community facility

In Support

- Proposed residential development would result in a reduction in noise and disturbance to local residents associated with a pub in a residential area.
- A successful pub would have a negative impact on traffic
- Other good pubs within walking distance of site
- Redevelopment would improve the area and visual character of the road

Letters are attached to this report

5.3 OFFICER COMMENTS

5.4 Asset of Community Value

5.5 The Ryeworth Inn was first listed as an Asset of Community Value (ACV) on 23rd April 2015. On 18th November 2015 the owner of the Ryeworth Inn notified Cheltenham Borough Council of its intention to dispose of the property. In accordance with procedures CBC then gave notice of the owner's intention to dispose of the Asset and invited CAMRA or any eligible community interest group to express an interest as a potential bidder for the Asset. That initial 6 week period of formal notification/consultation ended on 8th January 2016 during which there was no interest in the Asset lodged by any party and no party registered for classification as a 'Registered Bidder'. As such, the six month moratorium on the sale of the property was not required.

5.6 Since May, the owner has completed the disposal/sale of the Ryeworth Inn. In accordance with ACV regulations, the Council was notified of the relevant disposal and the property was removed from the ACV register. The Ryeworth Inn is therefore no longer a registered asset of community value. To clarify, once notified of a disposal, the Council has no option but to remove the property from the register.

5.7 Additional supporting information

5.8 The applicant has provided additional information in support of the application and raises a number of issues and change in circumstances since the previous refusal.

5.9 The applicant argues that, because the property is no longer an ACV any reference to such is no longer relevant in the determination of the current application and cannot be relied upon as a refusal reason in relation to the current application. Officers must agree with the applicant on this point since the property is no longer a registered ACV.

5.10 The applicant also refers to officers' opinion that Policy RC1 of the Local Plan does not strictly apply to public houses and that appeal inspectors have supported this argument in determining appeals in Cheltenham that resulted in the loss of a public house. The

relevant policy background and planning appeal history are outlined in more detail within the previous officer report, attached.

- 5.11** The applicant also cites another recent appeal decision (ref 3004081 1 Amity Place, Plymouth, Devon) which relates to the loss of a public house and its conversion to three flats. This public house was also registered as an ACV and located within a residential area. It had been marketed for two years with no viable offer made to purchase the property; the Inspector concluding that there was nothing to demonstrate that the use of the building as a public house would be viable.
- 5.12** In this case the Inspector considered the main issue to be the effect upon the social well-being of the local community; the availability of alternative premises and the lack of any expression of interest from community groups being key considerations. The Inspector commented that by definition an ACV is considered to be of value to the local community. However, when considering whether the loss of the ACV would have a harmful impact upon the social well-being of the local community, he considered the provision of additional housing also performed a social role in achieving sustainable development. He reached the conclusion that with the availability of alternative facilities nearby to serve the needs of the community and the provision of new housing, the proposed development would not harm the social well-being of the local community and the appeal was subsequently allowed. The appeal decision is attached as an appendix.
- 5.13** There are clear similarities between the appeal decision and the current application for Ryeworth Inn. There has been no expression of interest from community groups, there are considered to be adequate alternative facilities within walking distance of the application site which would meet the every-day needs of the community and new housing is provided. Having also considered the individual merits of the current application for the Ryeworth Inn, it follows that there should be no harm to the social well-being of the local community; the current proposal is considered to constitute sustainable development.
- 5.14** Background to Pub Closure
- 5.15** Notwithstanding the above, officers maintain the view that the loss of the pub is regrettable and are aware that the Ryeworth Inn has in recent years been a popular and valued local facility. In this respect, officers understand fully the concerns and sadness felt by both Members and local residents about its potential loss to the community. However, officers consider that there are still insufficient grounds to resist the proposed change of use under current planning policy; the removal of the property from the list of Assets of Community Value adding more weight to that argument.
- 5.16** Members will be acutely aware that, pub closures are unfortunately, taking place all too frequently. In Cheltenham a number of public houses have closed and these include the Cat and Fiddle, Whaddon Road, The Duke of York, London Road, The Best Mate Inn, The Bass House, Alma Road, The Sherborne Arms, Sherborne Road and the Fox and Hounds Prestbury Road. This is evidence perhaps of a recent shift in drinking patterns and entertainment generally with out of town pubs under the greatest pressure to remain viable since they tend to rely more on local trade.
- 5.17** The Ryeworth Inn ceased trading in the summer of 2013 and reopened in September that year following refurbishment works. However, this tenant plus two further vacated the premises due to the pub's poor trade and viability issues. The Ryeworth Inn provided a bar and restaurant and did not have the capacity to accommodate other entertainment facilities or function rooms which may have boosted income. Officers are not in a position to dispute the difficulties in trade experienced by the owners/tenants of the pub and acknowledge that given its location within an out of town residential street it would tend to rely more on local trade. Neither are officers attaching weight to comments made by some local residents about the poor management of the pub leading to its failure. From

the information provided, it would seem that reasonable attempts have been made by the owner to retain the building as a public house since 2013 but with no long term success.

5.18 Putting aside the question as to whether Policy RC1 is relevant in this case, the applicant is not required to demonstrate that the Ryeworth Inn is unviable as a business and neither does a full marketing report need to accompany the application. That said, the property was actively marketed after it closed in 2013.

5.19 With the above in mind, officers question whether it reasonable to expect property owners to retain empty and unviable public houses in the hope that business will improve at some point in the future or that an alternative buyer is found and willing to take on the proposition. In addition, local community organisations were given the opportunity to express an interest in the property through the ACV procedures previously outlined, but no interested party came forward during the statutory notification period. To some extent this does raise the question as to the demand locally and/or popularity of this public house. Further, whilst there have been a number of objections received from local residents in respect of the current and previous applications, not all raise concerns about the loss of the pub and the number and nature of objections received do not indicate that the loss of the Ryeworth Inn would be a significant community wide concern. Nonetheless, the concerns of local residents and Members in respect of the loss of the pub are real and a material consideration.

5.20 Local Plan Policy/Relevance of Policy RC1

5.21 The desire to retain the public house is understood and shared but officers are mindful that it is not the purpose of the planning system to restrict commercial operations or land use in this way. Planning decisions should not be made on the basis of a preferred use or a desirable retention of the current use of land or buildings unless there are sound and robust planning reasons for doing so, having regard to local and national planning policy guidance.

5.22 Members are aware of the wording of the explanatory text under the heading of "Community Venues" for Policy RC1 which refers only to evening classes and club meetings for which suitable venues are essential and any existing facilities should be protected from redevelopment. This type of venue is normally expected to include church halls and community centres, for example. Whilst many public houses do offer functions rooms in which evening classes and meetings could be held, it is not their primary purpose and in any event, the Ryeworth Inn does not have the capacity to offer this type of facility to the wider community; it is a pub and restaurant only. In this respect, officers can only reaffirm their view that Policy RC1 is not relevant to the considerations of this application. Even if it was considered to be relevant, it has been demonstrated that there are other options available locally with a number of alternative eating and drinking establishments available within walking distance of the site (The Langton (600m) and London Inn (500mm)). Both of these pubs offer similar facilities to the Ryeworth Inn and whilst not necessarily identical to the Ryeworth Inn in terms of size and provision, they do provide adequate and alternative venues and could otherwise be considered to comply with the objectives of Policy RC1(c).

5.23 Officers are aware that Members have consistently expressed a different view on the relevance of Policy RC1 to public houses and this is understood. As the Cheltenham Plan progresses, there may be scope to introduce a local plan policy which seeks to protect public houses and other community facilities. This could be similar to current local plan policy EM2 (loss of employment land) which requires developers to demonstrate that a use is no longer viable through marketing exercises etc. In officers' opinion there is currently no local plan policy which specifically protects public houses in this way. It is

therefore unlikely that reference to Policy RC1 in any reason for refusal would be supported at appeal, as has been evident following recent appeal decisions.

5.24 Other Considerations

- 5.25** Members should also be aware that under permitted development rights there is a permitted change from public house/drinking establishment (A4) to either retail (A1), restaurant (A3) or financial or professional services (A2) without the need for planning permission. There is also scope within the regulations for a temporary flexible use falling within use classes A1, A2, A3 or B1. These permitted changes of use do not apply in the case of a building which is listed as a community asset but now that the Ryeworth Inn is no longer a registered ACV, officers are mindful that any of these uses could now be implemented without requiring planning permission and without any requirement to include community facilities. The Fox and Hounds on Prestbury Road and the Double Barrel on Salisbury Avenue are recent examples of a where a public house has been converted into a small supermarket without requiring planning permission.
- 5.26** Permitted development is now a material consideration in the determination of this planning application and Members should be aware of the extent and range of alternative uses for this property as 'permitted development'.
- 5.27** The Ryeworth Inn could also be demolished but this would be subject to the applicant receiving written approval of the Council's determination that prior approval is not required as to the method of demolition and any proposed restoration of the site. Note that, the prior notification procedure is intended to protect local amenity during demolition; there could be no consideration of the merits of the loss of a public house to the local community.
- 5.28** In the case of a building which is not a community asset but used for a purpose falling within Class A4, there are some additional prior notification procedures. Firstly, the developer must send a written request to the local planning authority as to whether the building has been nominated as a community asset. Since the Ryeworth is now removed from the list of community assets demolition could take place but not before the expiry of 56 days following the date of the request to the Council as to whether the building has been nominated. Demolition must also be completed within 1 year of the date of that request.

6. CONCLUSION AND RECOMMENDATION

- 6.1** Whilst the loss of the Ryeworth Inn is regrettable, there are limited grounds on which to resist the proposed redevelopment of the site for residential purposes. There is no Local Plan policy which relates specifically to the loss of a public house and whilst the NPPF includes public houses within the context of community facilities, officers still consider that there are adequate alternative facilities available within reasonable walking distance of the application site to meet the everyday needs of the community in accordance with paragraph 70 of the NPPF.
- 6.2** Following confirmation of the disposal of the property, the Ryeworth Inn has been removed from the Council's register of Assets of Community Value. Furthermore, as part of the previous application, the required period of notice was given to enable any eligible and interested community group to come forward as a potential bidder for the site. Subsequently, there was no interest in the Asset lodged and therefore no party registered for classification as a 'Registered Bidder'.

- 6.3** Now that the Ryeworth Inn is no longer a registered ACV permitted development is a material consideration in the determination of this planning application and Members should be aware of the extent and range of alternative uses for this property as 'permitted development'. The property could also be demolished without express planning permission but subject to the developer/applicant carrying out all prior approval notifications.
- 6.4** There are no concerns in relation to highway safety and parking congestion; the proposed development should not worsen the current difficulties in parking experienced by local residents. Off road parking for seven vehicles is proposed which is considered adequate for the size and location of development. Despite the pub car park facility, the proposed development would generate considerably less daily vehicular movements to and from the site; three dwellings being a less intensive use of the site generally.
- 6.5** There should be no significant harm to the amenities of occupiers of neighbouring properties in terms of overlooking and loss of privacy. It is acknowledged that some distances to boundaries with neighbouring properties fall a little short of the separation which should ideally be provided. However, Officers have looked at the garden lengths and character of surrounding development, particularly those in Hambrook Street and Ryeworth Close and consider that the proposed dwellings would not have a dissimilar relationship to neighbouring properties and that an adequate degree of separation is achieved. All first floor, rear facing, clear glazed windows have been kept to a minimum and achieve the required distances to first floor clear glazed openings of neighbouring properties in Hambrook Street.
- 6.6** The design, scale and appearance of the proposed development are in keeping with the character of surrounding development and the retention of the original pub building (in its proposed altered form) is welcomed.
- 6.7** Furthermore, there are advantages to a residential use in this location, not least that it would contribute to the 5 year supply of housing land.
- 6.8** In light of all the above considerations and change in circumstances since the previous application, officers must reach the same conclusion that, the advantages of the proposal outweigh any of the concerns raised. The recommendation is therefore to permit subject to the following conditions.

7. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No gates shall be erected at any time for use across the proposed access unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that use of the drive does not result in an obstruction to the carriageway in accordance with Local Plan Policy TP1 relating to development and highway safety.

Page 86

- 4 Prior to the first occupation of the approved development, the access driveway shall be surfaced for at least the first 4.5m from the carriageway with permeable hard surfacing (unless provision is made to direct run-off from the hard surface to a permeable area) and shall be retained as such thereafter.
Reason: To prevent loose material being carried onto the highway in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 5 Prior to the first occupation of the development, the car parking areas shall be completed and marked out in accordance with the approved plan(s). The car parking areas shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.
Reason: To ensure adequate car parking within the curtilage of each residential unit in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 6 The cycle parking provision shown on the approved plans shall be completed prior to the first occupation of the development and thereafter kept free of obstruction and available for the parking of cycles only.
Reason: To ensure adequate provision and availability of cycle parking in accordance with Local Plan Policy TP6 relating to parking provision in development.
- 7 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.
Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.
- 8 Unless otherwise agreed in writing by the Local Planning Authority, the exterior of the approved development shall be rendered and painted in either a white or cream colour and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 9 No bargeboards or eaves fascias shall be used unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.
Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the dwellings hereby approved without express planning permission.
Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 12 The dwelling(s) shall not be occupied until a scheme for the provision or improvement of local play space to serve the proposed dwelling has been submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To ensure appropriate levels of local play provision for the development, having regard to Policy RC6 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.

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

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

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

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

15/00716/PREAPP 6th May 2015 CLO

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

99/50067/FUL 14th September 1999 PER

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

14/01215/TPO 4th August 2014 PER

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

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 1 Existing community facilities
RC 6 Play space in residential development
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Highways

17th May 2016

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

Location:

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

Personal Injury Collisions:

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

Access and Visibility:

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

Page 92

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

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

Statement of Due Regard:

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

I recommend that no highway objection be raised.

Architects Panel

2nd March 2016

Design Concept

The panel had no objections to the development in principle.

Design Detail

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

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

Recommendation: Submit revised drawings.

11th May 2016

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

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

Recommendation: Support.

Cheltenham Civic Society

18th February 2016

These fit in well with their surroundings

Gloucestershire Centre for Environmental Records

22nd February 2016

Report available to view online.

Building Control

12th February 2016

No comment

Parish Council

23rd February 2016

No objection.

Tree Officer

1st March 2016

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

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

5. PUBLICITY AND REPRESENTATIONS

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

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

In Objection

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

In Support

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

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 Loss of Public House and Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 6.20** Housing Development

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

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

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

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

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No gates shall be erected at any time for use across the proposed access unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that use of the drive does not result in an obstruction to the carriageway in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 4 Prior to the first occupation of the approved development, the access driveway shall be surfaced for at least the first 4.5m from the carriageway with permeable hard surfacing

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

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

- 5 Prior to the first occupation of the development, the car parking area shall be completed and marked out in accordance with the approved plan(s). The car parking area shall thereafter be retained in accordance with the approved plans and kept available for use as car parking.

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

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

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

- 7 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.

- 8 Unless otherwise agreed in writing by the Local Planning Authority, the exterior of the approved development shall be rendered and painted in either a white or cream colour and maintained as such thereafter.

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

- 9 No bargeboards or eaves fascias shall be used in the approved development unless otherwise agreed in writing by the Local Planning Authority.

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.

Reason: Any further extension or alteration requires detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.

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

- 12 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be

submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.

- 13 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.

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

INFORMATIVES

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

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

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

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

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

REPRESENTATIONS

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

49C Ryeworth Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL52 6LS

Comments: 1st March 2016

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

I object to the application for the following reasons.

1. Parking.

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

2. Density.

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

3. Height of the proposed dwellings.

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

The Villa
Hambrook Street
Charlton Kings Cheltenham
Gloucestershire
GL52 6LP

Comments: 26th February 2016

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

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

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

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

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

Comments: 18th April 2016

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

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

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

11 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 1st March 2016

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

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

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

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

Comments: 25th April 2016

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

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

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

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

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

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

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

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

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

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

82B Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 26th February 2016

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

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

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

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

Hillview House
Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 15th April 2016

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

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

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

Comments: 29th February 2016

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

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

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

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

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

Please take this into consideration.

4 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 2nd March 2016

Letter attached.

6 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 23rd February 2016

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

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

Comments: 25th April 2016

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

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

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

62 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 22nd February 2016

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

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

84 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 1st March 2016

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

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

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

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

Comments: 18th April 2016

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

Page 110

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

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

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

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

Comments: 2nd March 2016
Letter attached.

The Haven
Hambrook Street
Charlton Kings Cheltenham
Gloucestershire
GL52 6LP

Comments: 21st March 2016

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

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

I therefore wish to object to the proposed housing development.

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

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



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

To Whom It May Concern,

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

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

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

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

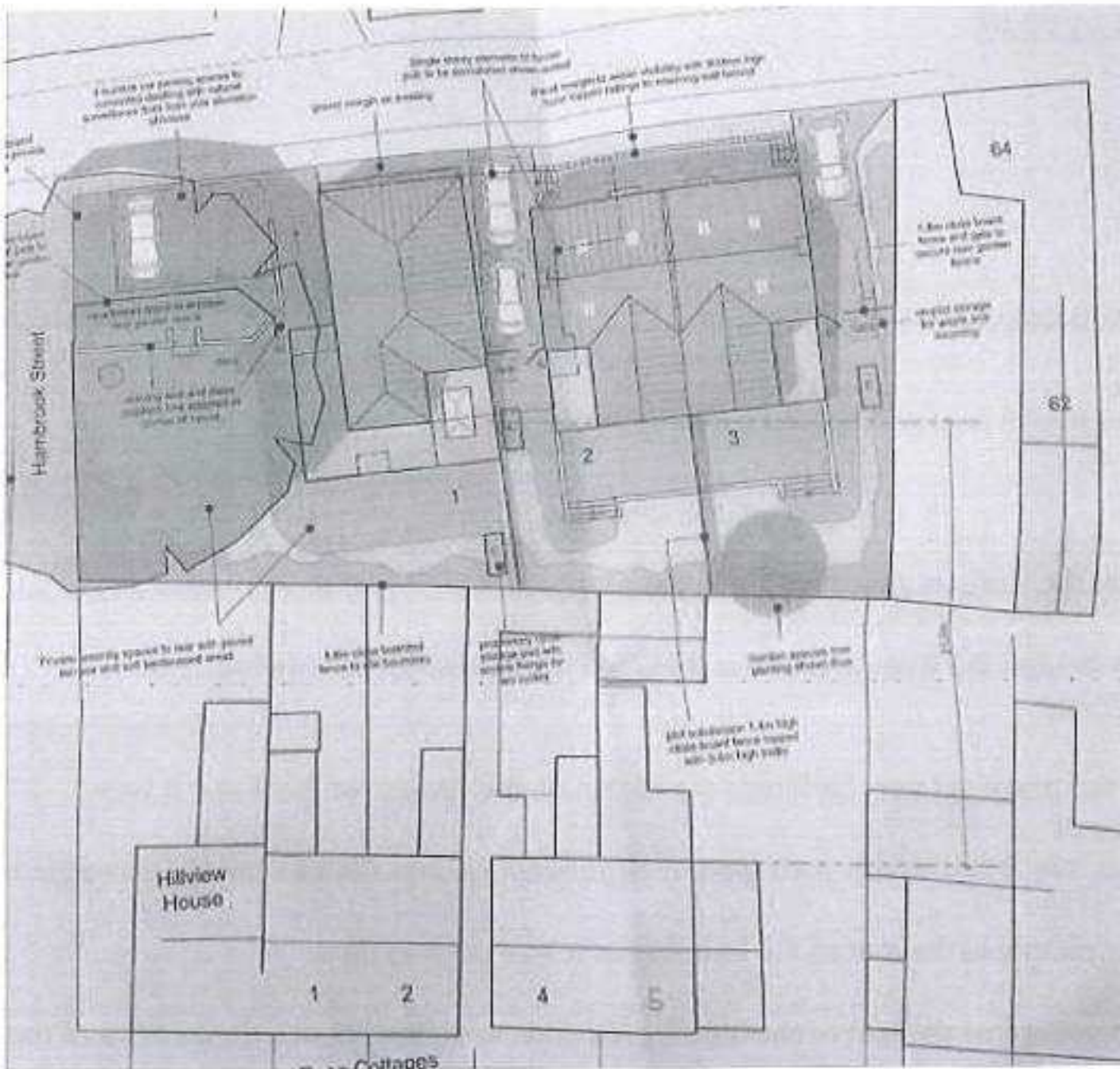
As a courtesy, I have also informed Coombes:Everitt who verified my observations by looking at Google Earth. They are apparently intending to address this inaccuracy by submitting an amended plan to you.

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

Yours sincerely,



4 Hambrook Street,
Cheltenham
GL52 6LW



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

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



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

To Whom It May Concern,

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

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

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

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

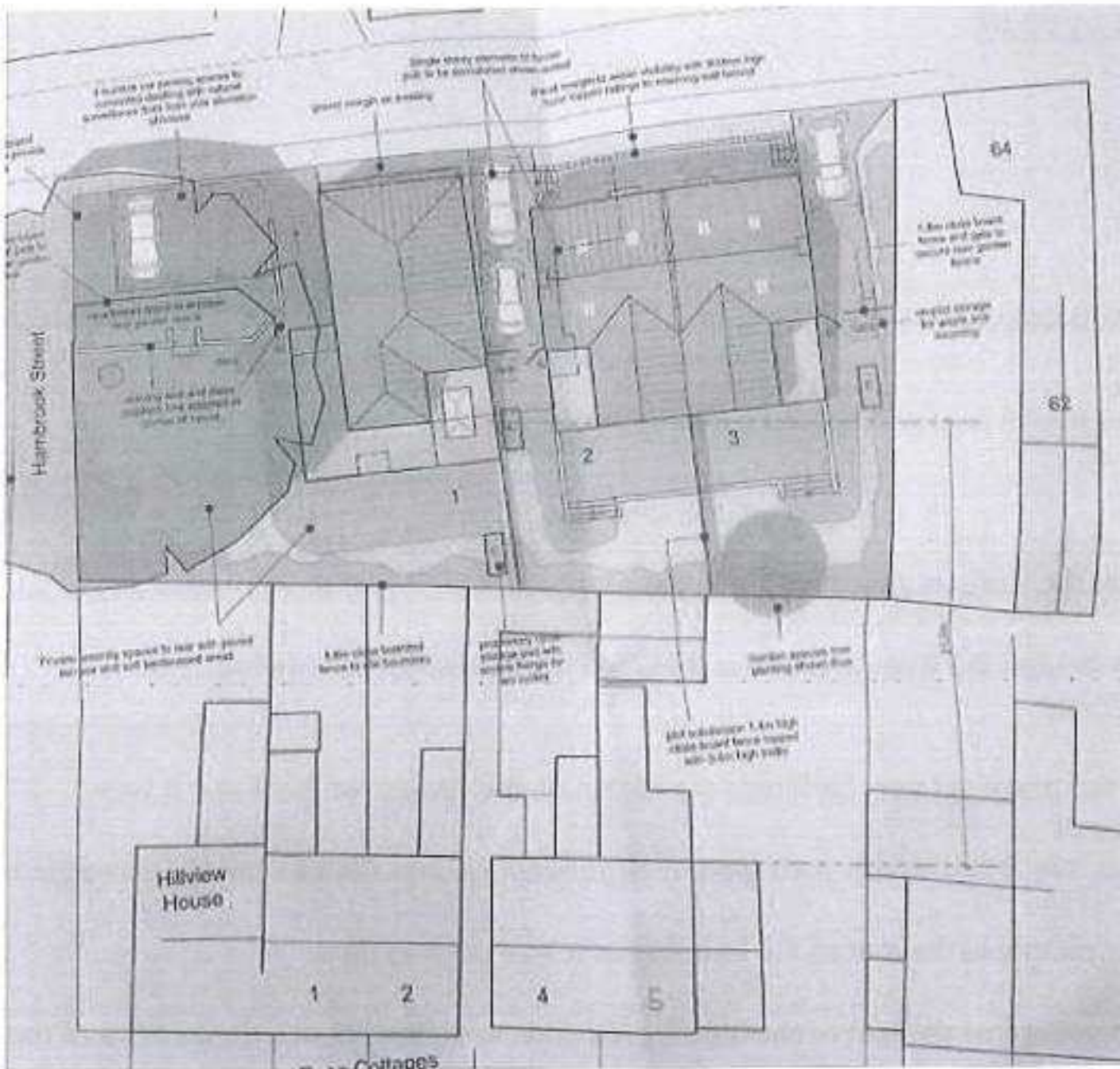
As a courtesy, I have also informed Coombes:Everitt who verified my observations by looking at Google Earth. They are apparently intending to address this inaccuracy by submitting an amended plan to you.

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

Yours sincerely,



4 Hambrook Street,
Cheltenham
GL52 6LW





Appeal Decision

Site visit made on 27 January 2009

by **RN Parry BA DipTP MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
2 February 2009

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

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

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

Decision

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

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

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

Procedural matter

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

Main issue(s)

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

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

Reasons

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

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

R n Parry

Inspector

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

ADDITIONAL REPRESENTATIONS

15 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LG

Comments: 23rd May 2016

Just read Conservative leaflet re plans for Ryeworth Inn. I request that more consideration is given to the road safety with this proposal. Access and egress at the corner to and from Hambrook Street into Ryeworth Road is a known risk on good days. Ambulances fire vehicles and suchlike will find negotiating that corner with proposed works an increased and significant hazard. Vehicles meet with incoming and outgoing traffic along Hambrook. This is a single Lane at this part of Hambrook. Safe passage from either end of Ryeworth Road will be impacted too if vehicles need to reverse back as they frequently do to negotiate access.

What thought has gone into the congested Road parking issue in this location, from the multi occupancy property opposite and single dwelling terraced properties and not forgetting the regular bus service and delivery lorries hogging the single Lane traffic flow along Ryeworth. Not a pleasant experience when meeting vehicles head on and the frequent stand off that then occurs

5 Wesley Road
Leonard Stanley
Stonehouse
Gloucestershire
GL10 3PF

Comments: 25th May 2016

I have been made aware of the planning application for the Ryeworth Inn. Reading these plans concerns me greatly.

As a person who visits Ryeworth road every week and enjoys seeing friends from the Charlton Kings area I have been able to appreciate what the Ryeworth Inn has to offer. I am personally friends with ex land lady Tina Hoban and used to go into the Ryeworth once, twice maybe three times a week depending on when I was in the area. The Ryeworth has so much to offer as a local pub with great history, a charming county interior and beautiful pub garden. The pub offers great parking for those visiting. However when the pub was taken over by the next two land lords the pub fell into disrepair and wasn't popular due to the ways of which the land lord decided to run the pub.

I think with keeping the Ryeworth as a pub is extremely vital for the area as a traditional piece of history and as a local pub which the pubs locally do not offer i.e. parking and the general charm of a country pub. Making sure a suitable owner for the pub is a vital necessity as i think the pub is a hidden gem and could be made extremely popular if in the right hands!

Also, as I am visiting friends in Ryeworth road I am aware of current situation with the appalling lack of parking. The friend whom I visit is a resident without a driveway resulting in parking on the road therefore having his car smashed into on Boxing Day due to the narrowness of the road. If the pub was turned into a houses, flats etc this would cause further problems for local residents which is unneeded. Leaving the Ryeworth as a pub would give more room for turning round in the road as it boats two large car parks and spaces for visitors to park with the permission of the pub owner (which I have asked before and have been more than accepting for me to park in their car park).

To conclude I think the Ryeworth should remain as a pub which would be ideal for locals and passing trade and help boost the popularity of the area. I oppose the idea of turning it into houses/flats as this would cause further disruption to a already bad situation.

I hope you take this letter into consideration and the many more you receive as we are on the receiving end of what plans you have to come ! If you would like to call me and discuss this further I would be more than happy to.

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

ADDITIONAL REPRESENTATIONS

15 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LG

Comments: 23rd May 2016

Just read Conservative leaflet re plans for Ryeworth Inn. I request that more consideration is given to the road safety with this proposal. Access and egress at the corner to and from Hambrook Street into Ryeworth Road is a known risk on good days. Ambulances fire vehicles and suchlike will find negotiating that corner with proposed works an increased and significant hazard. Vehicles meet with incoming and outgoing traffic along Hambrook. This is a single Lane at this part of Hambrook. Safe passage from either end of Ryeworth Road will be impacted too if vehicles need to reverse back as they frequently do to negotiate access.

What thought has gone into the congested Road parking issue in this location, from the multi occupancy property opposite and single dwelling terraced properties and not forgetting the regular bus service and delivery lorries hogging the single Lane traffic flow along Ryeworth. Not a pleasant experience when meeting vehicles head on and the frequent stand off that then occurs

5 Wesley Road
Leonard Stanley
Stonehouse
Gloucestershire
GL10 3PF

Comments: 25th May 2016

I have been made aware of the planning application for the Ryeworth Inn. Reading these plans concerns me greatly.

As a person who visits Ryeworth road every week and enjoys seeing friends from the Charlton Kings area I have been able to appreciate what the Ryeworth Inn has to offer. I am personally friends with ex land lady [REDACTED] and used to go into the Ryeworth once, twice maybe three times a week depending on when I was in the area. The Ryeworth has so much to offer as a local pub with great history, a charming county interior and beautiful pub garden. The pub offers great parking for those visiting. However when the pub was taken over by the next two land lords the pub fell into disrepair and wasn't popular due to the ways of which the land lord decided to run the pub.

Page 122

I think with keeping the Ryeworth as a pub is extremely vital for the area as a traditional piece of history and as a local pub which the pubs locally do not offer i.e. parking and the general charm of a country pub. Making sure a suitable owner for the pub is a vital necessity as i think the pub is a hidden gem and could be made extremely popular if in the right hands!

Also, as I am visiting friends in Ryeworth road I am aware of current situation with the appalling lack of parking. The friend whom I visit is a resident without a driveway resulting in parking on the road therefore having his car smashed into on Boxing Day due to the narrowness of the road. If the pub was turned into a houses, flats etc. this would cause further problems for local residents which is unneeded. Leaving the Ryeworth as a pub would give more room for turning round in the road as it boasts two large car parks and spaces for visitors to park with the permission of the pub owner (which I have asked before and have been more than accepting for me to park in their car park).

To conclude I think the Ryeworth should remain as a pub which would be ideal for locals and passing trade and help boost the popularity of the area. I oppose the idea of turning it into houses/flats as this would cause further disruption to a already bad situation.

I hope you take this letter into consideration and the many more you receive as we are on the receiving end of what plans you have to come ! If you would like to call me and discuss this further I would be more than happy to.

Ryeworth Road
GL52 6LT

Comments: 26th May 2016

I would like to make it known, as a resident of Ryeworth Road, my objection to the proposed conversion of the pub into residential property.

There seems to be systematic approach by Enterprise Inns to run pubs into the ground by employing unsuitable managers and not offering the support needed in order to help pubs thrive. Pubs are often the centre of community as well as being our living heritage and we are losing much of it at an alarming rate.

I can easily think of at least 30 pubs in Cheltenham which have closed. Terrible.

I hope that you, the planning committee, will consider what an asset Ryeworth is to our community and reject the development proposals.

14 Carisbrooke Drive
Charlton Kings
Cheltenham
GL52 6YA

Comments: 26th May 2016

We wish to object to the planning proposal for The Ryeworth Inn.

We have used the pub regularly for over 20 years and my wife worked there while [REDACTED] was landlord.

We find it very upsetting that yet another local, community pub is being closed, and another community resource given to the developers, due in part to inept management by the brewery/landlord. All of the long history of the pub is being lost to yet more modern houses.

Page 123

We live just behind Ryeworth road and use the road frequently. It is an absolute nightmare for parking already and during school hours traffic is utter chaos so adding more housing and therefore more cars, this already poor situation will worsen, especially considering the width of the road, and the required access for emergency services and the local bus route.

We urge you to think carefully before yet more history is lost forever, and an already over-congested road is worsened.

I would dread to be a wheelchair user having to navigate my way down the road as it is, with cars parked all along the pavement, and an un-navigable raised section of narrow pavement.

Appeal Decision

Site visit made on 4 May 2015

by Neil Pope BA (Hons) MRTPI

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

Decision date: 02 June 2015

Appeal Ref: APP/N1160/W/15/3004081
1, Amity Place, Plymouth, Devon, PL4 8LX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Fellows against the decision of Plymouth City Council.
 - The application Ref. 14/01656/FUL, dated 29 August 2014, was refused by notice dated 24 October 2014.
 - The development proposed is the conversion of a public house (Use Class A4) to three residential apartments (Use Class C3), extension to rear tenement, construction of roof dormer and rooflights and construction of low level boundary screening to the front.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of a public house (Use Class A4) to three residential apartments (Use Class C3), extension to rear tenement, construction of roof dormer and rooflights and construction of low level boundary screening to the front at 1, Amity Place, Plymouth, Devon, PL4 8LX. The permission is granted in accordance with the terms of the application Ref. 14/01656/FUL, dated 29 August 2014, subject to the conditions set out in the Schedule below.

Preliminary Matters

2. In December 2014 planning permission was granted for the conversion of the upper floor of the appeal premises into two apartments (Ref. 14/02210/FUL).
3. The Council has not refuted the appellant's claim that it is unable to demonstrate a five year supply of housing land.

Main Issue

4. The effect upon the social well-being of the local community.

Reasons

5. The appeal site lies within a predominantly residential area close to the main campus of the University of Plymouth. This area includes a mix of accommodation including some housing occupied by students.
6. I understand that the appeal site ceased operating as a public house (the Friendship Inn) in June 2014. It has been identified as an Asset of Community Value (ACV) under the provisions of the Localism Act 2011.
7. The development plan includes the Plymouth Core Strategy 2006-2021, which was adopted in 2007. My attention has been drawn to policies CS02 (design)

and CS34 (general planning considerations). The Council has not identified any conflict with these policies. Instead, it has argued that the proposal would be at odds with the strategic objective of promoting local culture and leisure venues, as well as strategic objectives for safeguarding the leisure and recreational needs of the whole community and safeguarding key community infrastructure, including community meeting places.

8. The social dimension/role to sustainable development¹ includes supporting strong, vibrant and healthy communities by providing a supply of housing to meet the needs of present and future generations with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Pubs fall within this remit of local services and can be important in supporting the social well-being of communities. In this regard, I note the opposition to the proposals from some members of the local community and the concerns of the Plymouth Branch of the Campaign for Real Ale.
9. I understand that the last commercial operator of this pub went into administration in 2012. I have been informed that it was placed on the open market for two years between July 2012 and July 2014. No viable offer was made to purchase the premises and no community interest group expressed any bid to buy the pub. There is nothing to demonstrate that the use of this building as a public house or other drinking establishment would be viable.
10. During my visit, I noted a number of drinking establishments within the surrounding area, including some clubs. I appreciate that some of these are likely to be very popular with students and that some longer-standing residents may consider such facilities unsuitable for their needs. However, many of these establishments are available for use by all adults living within the area. Moreover, even if there was evidence before me to demonstrate that the appeal premises could be viable as a pub it is very far from certain that it would provide the type of facilities that have been referred to by some of those who oppose the appeal scheme. Any reuse could be popular with students.
11. Whilst an ACV is, by definition, considered to be of value to the local community there is no cogent evidence to support concerns that the appeal scheme would have a harmful impact upon the social well-being of the local community. The proposal would add to the stock of housing within the city and would contribute towards addressing the shortfall in supply. It would also add to the choice and mix of housing in this part of Plymouth. As I have noted above, meeting the housing needs of local communities is also part of the social role to achieving sustainable development. The proposal would not harm the social well-being of the local community and would not offend any of the provisions of the development plan. It would also secure a very modest enhancement to the appearance of the building.
12. I do not set aside lightly the concerns of some members of the local community. However, there is greater force in the appellant's argument for granting permission. I note that the Council's officers reached a similar conclusion when they considered the merits of the proposed development.
13. For the avoidance of doubt and in the interests of proper planning it would be necessary to attach a planning condition to any permission requiring the development to be undertaken in accordance with the approved plans. To

¹ As set out in the National Planning Policy Framework (the Framework).

safeguard the living conditions of neighbouring residents a condition would be necessary restricting the hours of construction. Such conditions would accord with the provisions of paragraph 206 of the Framework.

14. Given the above and having regard to all other matters raised, I conclude that the appeal should succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall be commenced within three years of the date of this decision.
2. The development shall be undertaken in accordance with the following approved plans: i) 1:500 scale block plan (drawing no. DB0719/BSP); ii) 1:100 scale ground and first floor plans, elevations and section (drawing no. DBD0719/05 Rev B).
3. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays (inclusive) and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Public Holidays.

APPLICATION NO: 16/01088/FUL	OFFICER: Mrs Lucy White
DATE REGISTERED: 21st June 2016	DATE OF EXPIRY : 16th August 2016
WARD: Battledown	PARISH: CHARLK
APPLICANT:	DavMay30Ltd
LOCATION:	Ryeworth Inn 60 Ryeworth Road Charlton Kings
PROPOSAL:	Redevelopment of former public house comprising conversion of existing building (part) to form single dwelling, and erection of two new dwellings.

REPRESENTATIONS

Number of contributors	13
Number of objections	9
Number of representations	1
Number of supporting	3

71 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LS

Comments: 5th July 2016

This is an excellent and attractive scheme which will hopefully now be accepted. It is unlikely to be retained as a public house having been unsuccessfully marketed as such and is in a run down condition and likely to deteriorate further.

6 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 15th July 2016

I object to this development on grounds of loss of privacy caused by the first floor rear extension window of plot 3. Residential Alterations Guideline CP4 specifies that, in order to maintain a reasonable degree of privacy between facing windows of adjoining dwellings, there should be a gap of at least 21 metres. I have calculated that there would be gap of only 19 metres between the window on plot 3 and my facing bi-fold doors. I understand that a 10.5 metre distance from window to boundary is also stipulated. However, in plot 3 this distance will be only 9 metres.

The Ryeworth Inn plot is elevated to the neighbouring properties in Hambrook Street magnifying the issue even further!

Page 130

Please note in January 2016 I gained planning permission for a 2 storey side and rear extension(reference 15/01907/FUL this includes 4 metre glass bi-fold door, which would be overlooked by the window on plot 3.

I have checked all properties in the immediate area and it would appear that they all fall within the Residential Alterations guidelines CP4. The plans for the Ryeworth Inn should not be an exception to the area!!

5 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 1st August 2016
Letter available to view in Documents Tab

Hillview House
Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 13th July 2016

I think the planned development of the Ryeworth Inn would enhance the area. The last 10 years have seen the Ryeworth Inn fall into neglect which has meant we have had to endure bad landlords who have played loud music in the middle of the night, put up bouncy castles and marquees, a smoking shelter next to our garden wall where smoke blows over and a rat infestation. I am concerned that if the Ryeworth were to be transformed into a successful pub it would also have a negative impact on traffic and noise in this quiet residential area. The Ryeworth is currently an eye sore and this development would greatly improve that and there are several pubs within a 10 minute walk that are in far more suitable locations.

84 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 14th July 2016
To Whom It May Concern

I have objected before and I know I am probably wasting my time as developers always get the planning in the end, but anyway here I go

I have been the landlord of this pub for 7 years 2001-2008. I know it can work if run right and in the right hands, and I have lived in the road for 42 years, all my life, And if the pub is allowed to be changed it would be like taking St Mary's Church from the heart of the village... it would never be the same.

The pub has been in this road since 1836 when it was built. When will it ever stop all these pubs closing and getting planning we need to step up and save some of these old pubs before there are none left to enjoy? I went to the meeting in June and sat in the gallery and was so pleased to see and hear Councillors stand up for saving this pub, I think it was 9 votes against 7 to save it as a pub, but there was a comment saying there needs to be more stronger reasons for the next meeting. Many people objected online which if they where to be read out at the next meeting and this letter then there should be enough good reasons for it to be stopped.

Here are my reasons...

The Asset of Community that has been removed was not any good to a lot of people because you had to be a group to show an interest in buying it and taking it on IF the developer was to sell. I know I could personally get a massive petition signed to keep this pub... Yes, build in the car park if the developer really wants to, a nice bungalow, but without touching our local heritage - the hub of the Ryeworth , Ham , Glenfall, & Battledown area.

Also this road has so many houses in it now due to over developing. The one sided parking throughout the whole road with side streets of it makes this road difficult ..one being Hambrook Street to the side of the pub which has always been difficult to pull out with having blind spots with so many car parked, There is a bus route, a school rat run twice a day, there are not enough give way points in the road now for oncoming traffic ,most houses have 2 or more cars per house ...there is just not enough room for more developing !

I think that there should be a chance for the locals of the the area to have there say on a petition and then you'll see that the pub is in demand and then you'll see what they want, the people who live here!

Thank you for taking the time to read my objection. I must add that this will no dout be the only objection as I only got the letter through my door from the Conservatives Matt Babbage on the 13th July, but pubic comments closes 14th July.

10 Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LW

Comments: 14th July 2016

We live on Hambrook Street and strongly object to that lovely old pub being turned into yet more houses.

So many of us in the area really miss having a local pub to go to.

2 Hambrook Terrace
Hambrook Street
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LL

Comments: 6th August 2016

I wish to object to the redevelopment of The Ryeworth Inn, parking is already a problem and the addition of 3 houses will only add to the problem. The Ryeworth was once a thriving part of the community and under the right management could again be so

The Villa
Hambrook Street
Charlton Kings Cheltenham
Gloucestershire
GL52 6LP

Comments: 22nd July 2016

I have 2 objections.

I have 2 objections.

Firstly, these properties are undoubtedly going to exacerbate the already significant traffic problems on Ryeworth Road. Irrespective of what the submitted traffic report states - the councillors or council traffic officer only needs to come here at 8.30am any weekday to see for themselves. Cars park on both sides of the street and Ryeworth Road is effectively single track for most of its length. There are often blockages at the junction with Sixways with cars either having to wait to enter / exit Ryeworth Road, or having to reverse to let oncoming traffic pass. The traffic associated with local schools (St. Edwards at one end and Glenfall Primary at the other) adds to the problem. There is limited off-road parking so most houses park on the street, and overnight that typically means at least 2 vehicles per house. And Ryeworth Road is pretty densely developed.

Hambrook Street is a particular problem. The parked cars cause significant blind spots, and often park vehicles even partially block Hambrook Street as local residents struggle to find parking. Motorists, cyclists and pedestrians are all at risk of unseen oncoming traffic. And the cars that accelerate to get past parked cars before traffic coming the other way are probably the most dangerous of all. I am certain that additional residents, and their vehicles, will compound the existing problems.

I appreciate that the proposed properties have off-road parking but they will still increase the amount of traffic and on-road parking (visitors, additional family members, deliveries etc.). And they will inevitably often use available on-street parking in the first instance so as to "save" their off-street parking for visitors etc. Particularly as both the new properties have end to end parking spaces, requiring one car to be moved to let the other out - a real faff!

Secondly, I object on the basis that the only reason that the ACV status was removed was because only existing organisations could apply. I feel certain that had the question been put to the community as a whole (e.g. a petition) then there would have been overwhelming support. And that there would also be a will, determination and funding to make it work. I was actually considering myself the possibility of it becoming a local café and bar. It's lack of financial success in recent years was, like many pubs, the economics of being tied to a brewery - as a free house with community backing it would be a very different proposition. I for one would be happy to contribute towards funding it if done in the right way.

82 Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LT

Comments: 4th August 2016

I am writing to strongly object to the development of the Ryeworth Inn into residential use of three dwellings. On a practical note, the addition of 3 new dwellings could mean 6 more cars in an already very crowded street. Presently, spaces are like gold dust and cars regularly use my private drive as if it were a public space by parking, turning or hanging over if parked on the street. As the pub is just doors down, this would only get worse.

On a community basis, the pub has been very successful until only the last few years where it seems that Enterprise Inns deliberately installed staff with no experience and made no effort in supporting the place with refurbishment and investment such as they did with the Merry Fellow of Charlton Kings. The Merry is now a thriving little pub which the residents of that area can now enjoy. The Ryeworth can equally be such a place. I have noticed that since the council's last refusal, the developer who has bought the Ryeworth, has now completely stripped the pub bare of its fixtures and fittings. Perhaps as an attempt to strengthen his case? In my view it can only aid in the reopening of the pub by fitting it with much needed new fittings should the council once again refuse development. This pub is our local heritage and we need to stop the destruction of our community fabric.

2 Whitefriars Court
Ryeworth Road
Charlton Kings
Cheltenham
Gloucestershire
GL52 6LG

Comments: 3rd August 2016

I think the planned development of the Ryeworth Inn would definitely improve the area. It has not been run successfully as a pub for so many years and has now been just left to deteriorate

There are several good pubs within walking distance of Ryeworth road.

i would think it can only improve the road and tidy up what is a current eye sore.

Flat 1

Suffolk House East
Suffolk Square
Cheltenham
Gloucestershire
GL50 2HN

Comments: 4th August 2016

I would respectfully ask that the planning committee reject this application. I have been a caterer and hotelier in this town for nearly forty years and I have watched the gradual decimation of many of our public houses. It would appear that nearly all of these shut down pubs are turned into housing developments. But these old inns - by their very name should be protected and preserved for the public as was their intention.

The excuse that the pub trade is in decline is nonsense. I see a great many pubs flourish through offering good food and good ale served in a friendly manner by landlords who become part of the local community. Cheltenham has lost so many of its pubs - our town cannot just be about housing developments, it has to offer local amenities like pubs, post offices and recreational facilities as well.

Please think twice about letting go of another bit of our old and historic Cheltenham

14 Carisbrooke Drive
Charlton Kings
Cheltenham
Gloucestershire
GL52 6YA

Comments: 15th July 2016

We wish to strongly object to the new planning proposal for The Ryeworth Inn.

We have used the pub regularly for over 20 years and my wife worked there while Mr Andrew Heseltine was landlord for 7 years.

We find it very upsetting that yet another local, community pub is being closed, and another community resource given to the developers, due in part to inept management by the brewery/landlord. The pub had been there for 180 years and has a very long history and we really don't want this to be lost to yet more modern houses in an already over developed road.

We live just behind Ryeworth Road and use the road daily. It is an absolute nightmare for parking and passing already and during school hours traffic is utter chaos so adding more housing and therefore many more cars, this already poor situation will worsen, especially considering the width of the road, and the required access for emergency services and the local bus route. I have personally seen the bus hit cars and the raised wall part of the road.

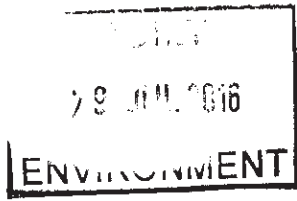
We urge you to think extremely carefully before allowing more building and yet more history is lost forever, and an already over-congested road is worsened.

We would certainly support the pub in the future and what to see it given a new lease of life.

1 Brook Vale
Charlton Kings
Cheltenham
Gloucestershire
GL52 6JD

Comments: 4th August 2016

This has been a pub for generations and was used by myself on a regular basis. Buildings of local importance must be saved to help keep our heritage and landscape. Public houses are an important part of the community that offer a support network to the people and businesses surrounding them. Since I have lived in Cheltenham (20 years) I have seen a large number of community buildings disappear and I believe that it is to of great detriment to the town.



5 Haubrook St
Charlton Kings
QL52 6LW

Re.

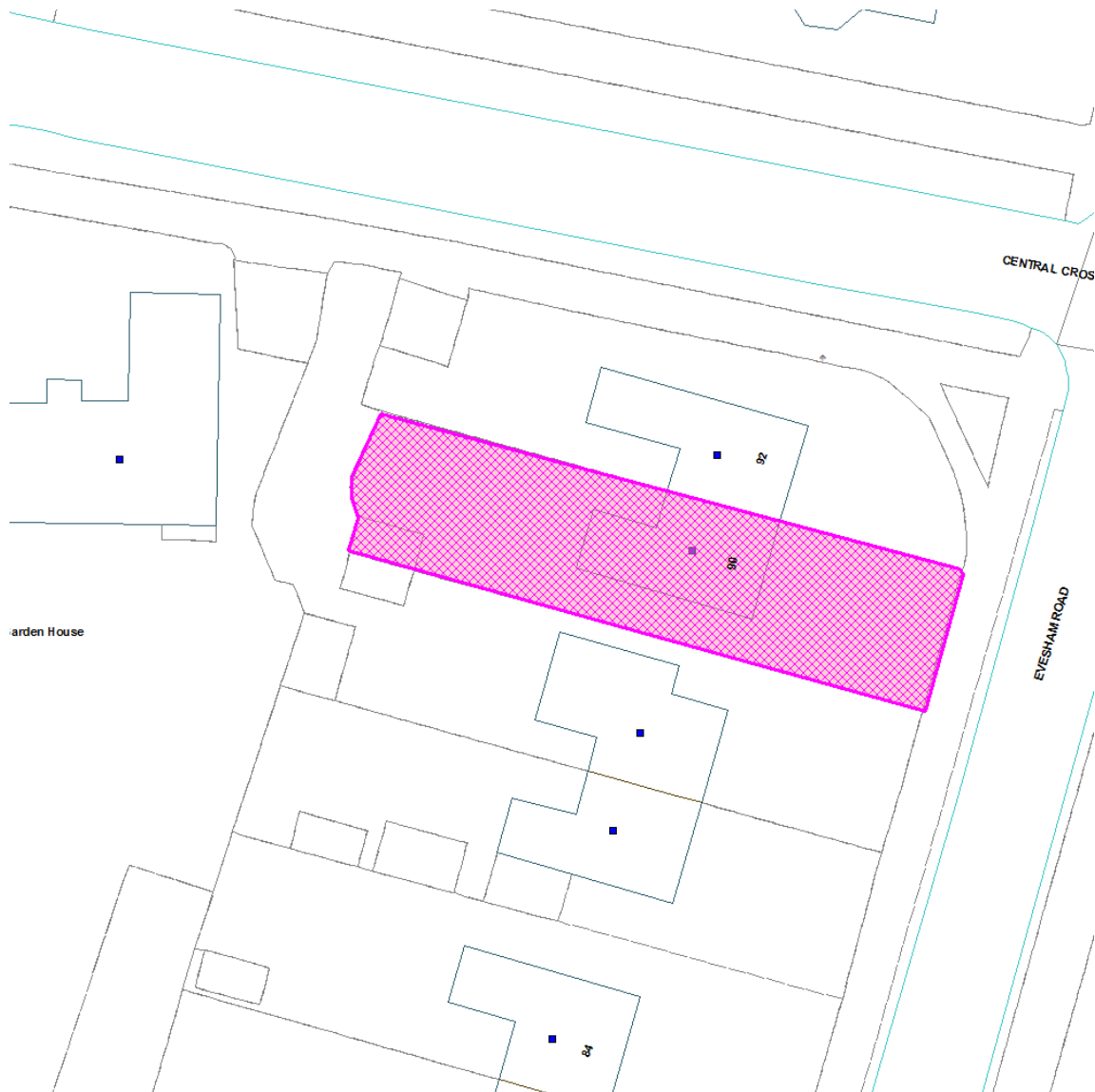
Ryeworth Inn Plans

We have noted that Plot 2 has its
rear window blanked - But not Plot 3
since both plots overlook 5 Haubrook
St - We feel that both plot 2. & 3
should have blank windows



APPLICATION NO: 16/01105/FUL	OFFICER: Mr Ben Hawkes
DATE REGISTERED: 23rd June 2016	DATE OF EXPIRY: 18th August 2016
WARD: Pittville	PARISH:
APPLICANT:	Mrs Christine Grady
AGENT:	Agent
LOCATION:	90 Evesham Road, Cheltenham
PROPOSAL:	To erect a block and render wall to a height of 2300mm above ground level. Retention of raised patio and retaining wall (retrospective)

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a semi-detached property on Evesham Road, which is located within the central conservation area.
- 1.2 The applicant is seeking planning permission for the erection of a boundary wall at a height of 2.3 metres above ground level and for the retention of a raised patio area and associated retaining wall which at its highest measures 450mm from ground level.
- 1.3 The application is to be considered at planning committee at the request of Councillor Lillywhite who wishes councillors to consider the impact of the development on neighbouring amenity.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Residents Associations

Relevant Planning History:

15/01292/FUL 26th October 2015 PER

In-fill extension to rear of property

15/02104/AMEND 11th December 2015 PAMEND

Non material amendment to planning permission ref: 15/01292/FUL - block up rear entrance door, replace kitchen window (rear elevation) with bi fold or sliding doors, install like bi fold or sliding doors to new build

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

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

26th June 2016

No comments received.

5. PUBLICITY AND REPRESENTATIONS

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

5.1 Three letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo; two letters of representation (attached) have been received, one of which raises an objection to the application and relates to impact on amenity in terms of a loss of light, over bearing impact and loss of privacy.

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 Design

6.4 The proposed boundary wall is to be a white rendered design that matches the appearance of the recently constructed single storey rear extension (application number 15/01292/FUL) which is considered to be acceptable and in keeping with character of the existing building and its surroundings.

6.5 The proposed boundary wall and raised platform is considered to be appropriate for its context and its relationship with the existing residential properties and therefore is considered to preserve the character and appearance of the conservation area.

6.6 The proposal is compliant with the requirements of the local plan policy CP7 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008)

6.7 Impact on neighbouring property

6.8 Following receipt of the neighbouring property’s letter of objection, a site visit was carried out to 92 Evesham Road. When visiting the site it was evident that the applicant has erected a temporary timber structure at the same height as the proposed boundary wall which helped officers to consider its full impact.

6.9 The temporary structure has been viewed from both within the neighbouring property and from the garden area. The two rooms that could be affected by a loss of light are a dining room and a kitchen; the dining room benefits from a large patio door which faces down the garden and the kitchen has windows on two opposite elevations; there are windows that face the proposed boundary wall and windows that are on the opposite side of the room which provide additional light and would be unaffected by the proposed development. The proposal does not fail the relevant light tests and therefore officers do not consider that a boundary wall at the proposed height of 2.3 metres would have an unacceptable impact on the neighbouring property in terms of a loss of light.

6.10 With regard to an overbearing impact, officers are mindful of a fallback position whereby a boundary in this location can be erected by the applicant up to 2 metres in height without the need for planning permission; the key consideration of this application is therefore the

additional height of 300mm. The majority of the neighbouring property's amenity space is to the rear of the building and will not be affected by the proposal; the small patio area that is located adjacent to the proposed development area will be impacted but given the otherwise relatively open space of the garden, officers do not consider that an additional 300mm would result in any overbearing impact.

- 6.11** In terms of any potential loss of privacy as a result of the proposed raised platform and boundary wall, officers are again mindful of the fallback position and what can be erected without the need for planning permission. Under permitted development a raised platform can be erected at a height of 300mm and a boundary wall at a height of 2 metres therefore creating a privacy screen from the top of the platform to the top of the boundary treatment of 1.7 metres. This application, which seeks the retention of a raised patio at 450mm and proposes a boundary height of 2.3 metres, would create a privacy screen of 1.85 metres in height; this therefore indicates that in terms of privacy the proposal will result in less potential for overlooking than what could be carried out without any formal application or consultation.
- 6.12** The proposal is considered by officers to be compliant with Local Plan policy CP4 which requires development to protect the existing amenity of neighbouring land users and the locality.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons discussed above and having considered the allowances within permitted development it is considered that the proposal is in accordance with policy CP7 and CP4 in terms of achieving an acceptable standard of design and would not have an unacceptable impact on neighbouring amenity.
- 7.2** As such, the recommendation is to permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

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

Page 141

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

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

APPLICATION NO: 16/01105/FUL	OFFICER: Mr Ben Hawkes
DATE REGISTERED: 23rd June 2016	DATE OF EXPIRY : 18th August 2016
WARD: Pittville	PARISH:
APPLICANT:	Mrs Christine Grady
LOCATION:	90 Evesham Road Cheltenham Gloucestershire
PROPOSAL:	To erect a block and render wall to a height of 2300mm above ground level. Retention of raised patio and retaining wall (retrospective)

REPRESENTATIONS

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

92 Evesham Road
 Cheltenham
 Gloucestershire
 GL52 2AH

Comments: 22nd July 2016
 Letter available to view in Documents Tab

Comments: 15th August 2016
 Regarding the upcoming committee meeting on application 15-01292-FUL.

This review of the application has been organised during the holiday season, and as a result we are unable to attend. However, we have updated the document that we would like to be considered as part of our objection to the application. As noted in the document, our primary objection is the overall height of the proposed wall given that it will sit on top of a raised patio that is already well above ground level and was never part of the original planning application.

In addition, we consider the overall height of the extension to roof level to be over the height that was originally granted, so we fear that the new wall will be similarly above what is granted.

We would also ask that true ground level is established. There is currently a layer of stones covering the adjacent ground of the adjoining property which can be moved at any time to reveal the true ground level.

Comments: 15th August 2016
 Document 2 available to view in documents tab

88 Evesham Road
 Cheltenham
 Gloucestershire
 GL52 2AH

Comments: 19th July 2016

Letter available to view in Documents Tab

92 Evesham Road,
Cheltenham,
GL52 2AH.

26th July 2016.

Reference: Planning Application 15/01292/FUL

Sir,

Regarding the recent planning application referenced above, the applicant has now almost completed the works, and we need to relay to you several issues that have arisen as a result.

Patio and Garden Wall

The applicant has built a raised patio, which has a maximum height of 640mm from ground level (see Figure 1.) This contravenes planning regulations that require raised platforms to be no more than 300mm from ground level. The applicant has indicated that a further planning application for retrospective permission will be submitted, against which we will object.

Further, the applicant has erected a temporary fence (Figure 2) between the properties, which sits on top of the new raised platform to a total height of 2440mm above ground level. This also contravenes planning regulations. In order to make this feature permanent, the applicant has indicated that new planning will be submitted. This, coupled with the incorrect height of the patio (which is the cause of the excessive height of the wall,) mean we will also object to this application.

The original application (15/01292/FUL) showed that the patio level adjacent to the adjoining property would be at ground level.

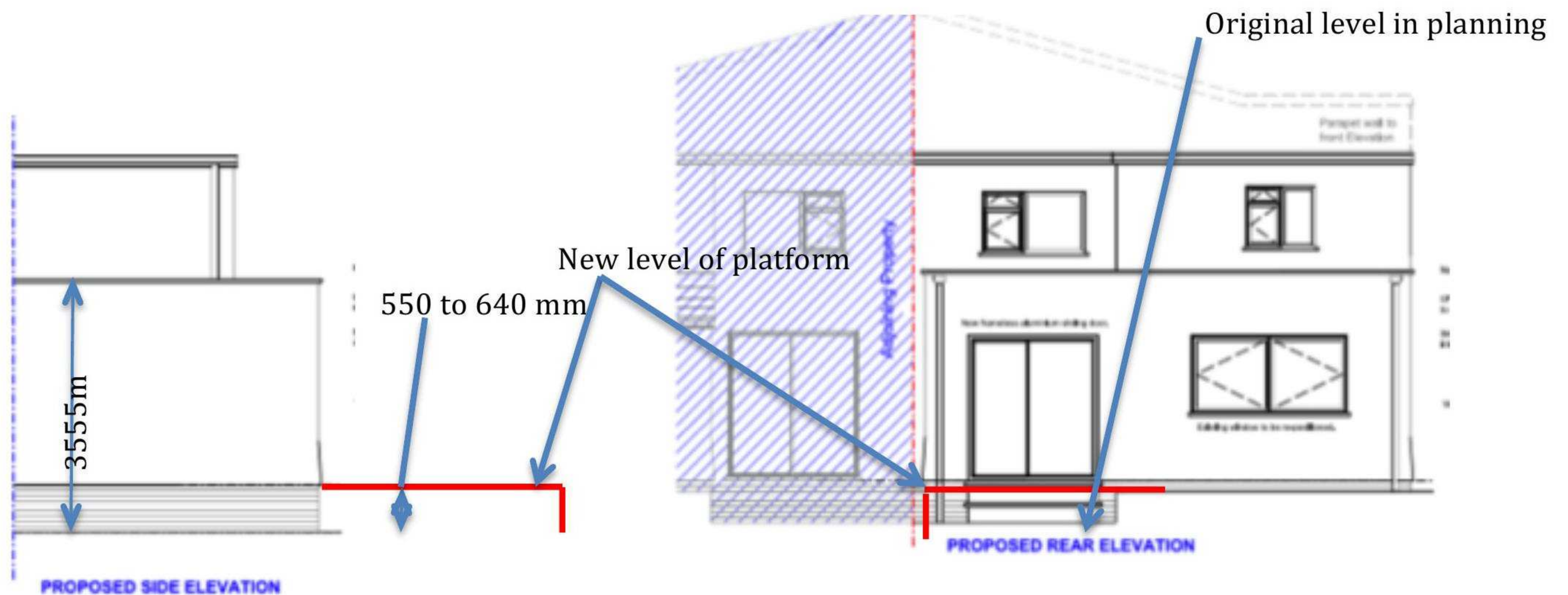


Figure 1

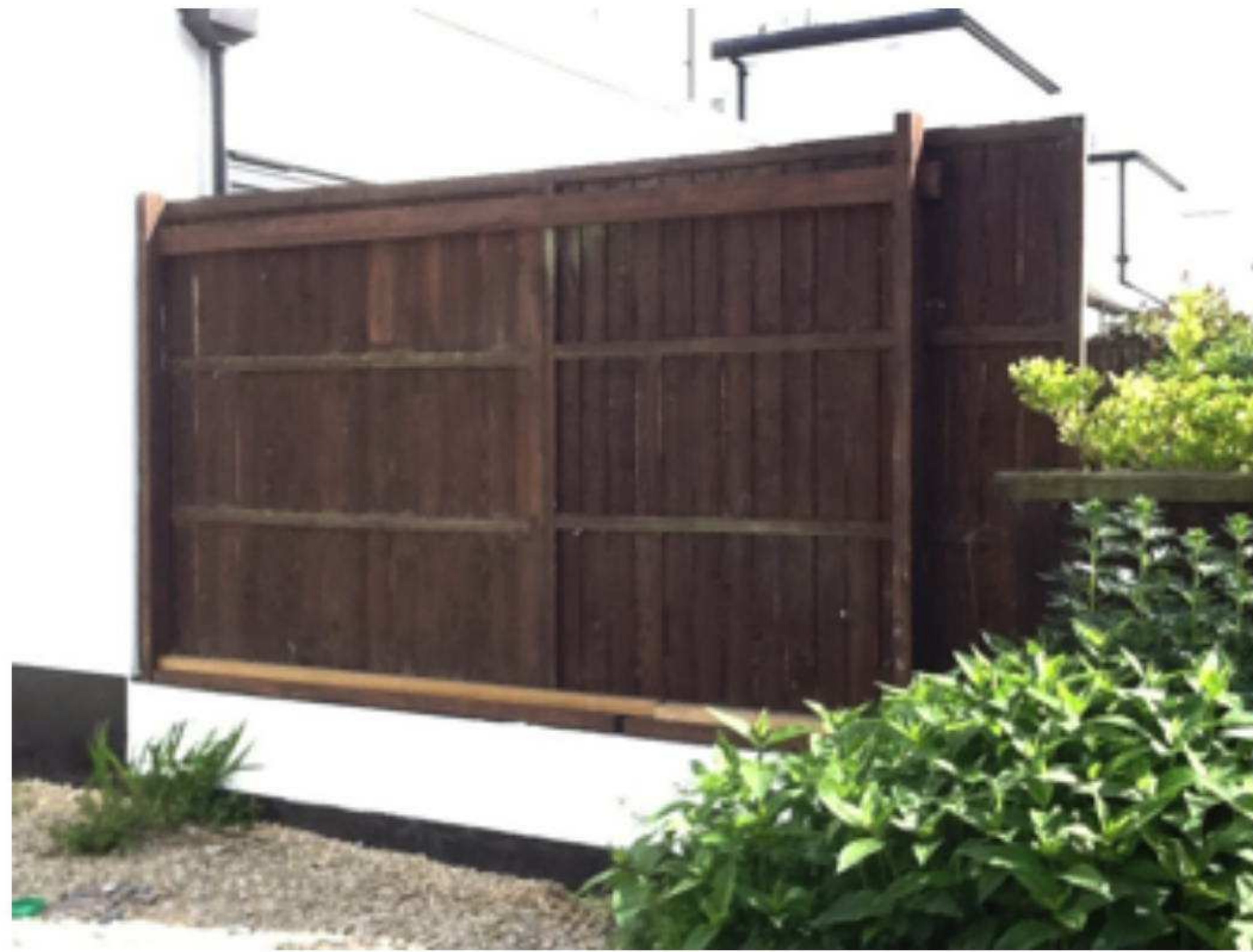


Figure 2

Effects on guttering with adjoining property

In order to renew the roof (not part of the planning) and replace the fascias, the applicant has replaced the original cast iron guttering with plastic. Where the guttering originally ran continuously between the two properties, the guttering has been cut and there is now an overlapping section as shown in Figure 3. This is aesthetically poor. Further, now that the guttering has been altered, we are finding that during heavy rain, water can overflow the guttering and has caused dirty marks on the wall below (Figure 4.) This never happened in the 9 years prior to the guttering being altered that we have lived at number 92.



Figure 3: Changes to guttering between two properties



Figure 4: Dirt from guttering on wall

Extension Height

The total height of the new extension, as shown in figure 1, is 3555mm. This is taller than originally allowed (3454mm) by the planning permission.

Fit and Finish

We consider the fit and finish of the works to date to be below par. Examples can be seen in Figure 3 for the facias and guttering, and Figures 5 through 7 for general standards.



Figure 5



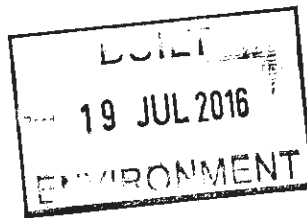
Figure 6



Figure 7

Yours faithfully,

[Redacted signature]



88Evesham Road
Cheltenham
Glos GL52 2AH

16th July 2016

Cheltenham Borough Council
POBox 12
Municipal Offices
Cheltenham GL50 1PP

Planning Officer Mr Ben Hawkes
Your ref: 16/01105/FUL

Dear Sirs

90 Evesham Road, Cheltenham
Proposal to erect a block and render wall; retention of raised patio and retaining wall
(retrospective)

Thank you for your letter of the 27th June 2016 regarding the retention of a raised patio and retaining wall on the above property. Since conception of the project to build an extension on the property, Mr Potter has ensured that parties affected by the work have been kept **fully informed**. Initial plans were discussed and I was invited to raise queries which might result from these. At all stages of the development the builder has answered any queries, I have been invited to inspect the building work and have been fully informed about deliveries of goods which might cause temporary inconvenience. The team involved with the building work have been polite and respectful and have tried to ensure that disruption was kept to a minimum or contained.

Having viewed the completed development I have no objection to the retrospective proposal for a raised patio and retaining wall.

Yours faithfully

92 Evesham Road,
Cheltenham,
GL52 2AH.

26th July 2016.

Reference: Planning Application 15/01292/FUL

Sir,

Regarding the recent planning application referenced above, the applicant has now almost completed the works, and we need to relay to you several issues that have arisen as a result.

Patio and Garden Wall

The applicant has built a raised patio, which has a maximum height of 640mm from ground level (see Figure 1.) This contravenes planning regulations that require raised platforms to be no more than 300mm from ground level. The applicant has indicated that a further planning application for retrospective permission will be submitted, against which we will object.

Further, the applicant has erected a temporary fence (Figure 2) between the properties, which sits on top of the new raised platform to a total height of 2440mm above ground level. This also contravenes planning regulations. In order to make this feature permanent, the applicant has indicated that new planning will be submitted. This, coupled with the incorrect height of the patio (which is the cause of the excessive height of the wall,) mean we will also object to this application. Additionally, measurement of the wall from the existing stone covered area of the adjoining property is misleading; the height should be measured from the ground beneath the stones.

The original application (15/01292/FUL) showed that the patio level adjacent to the adjoining property would be at ground level.

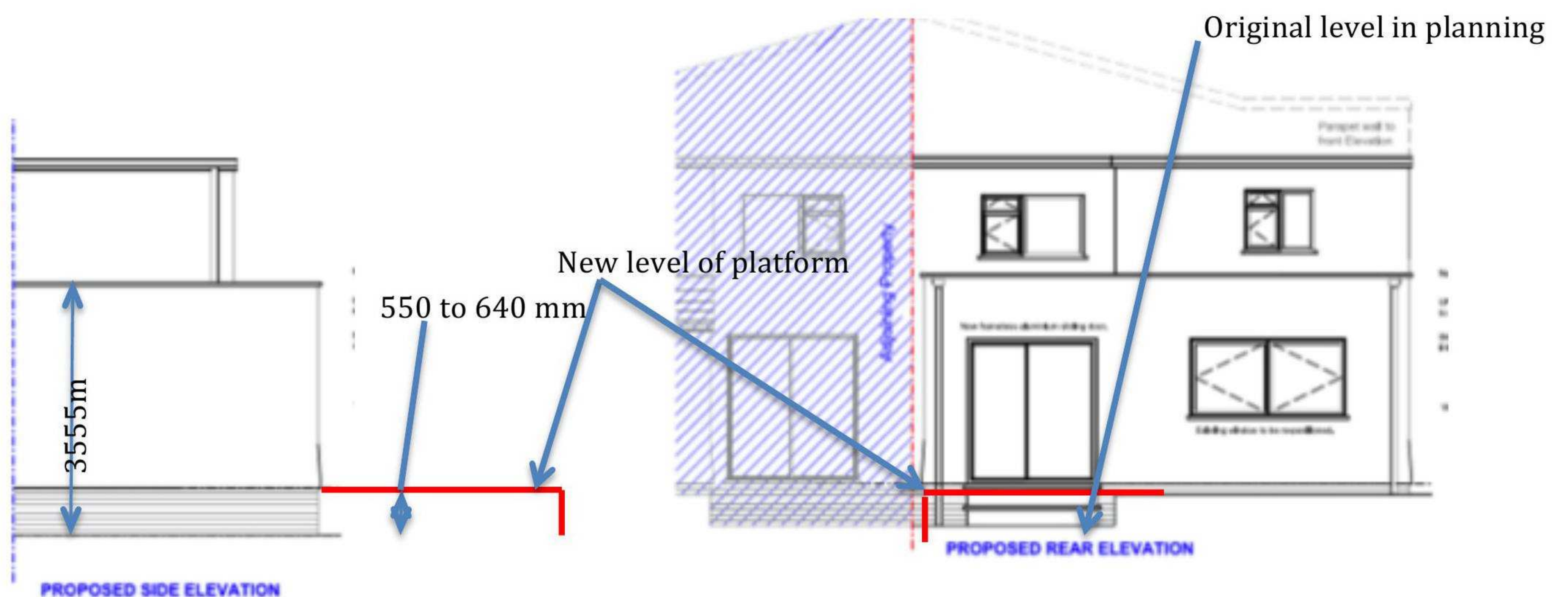


Figure 1

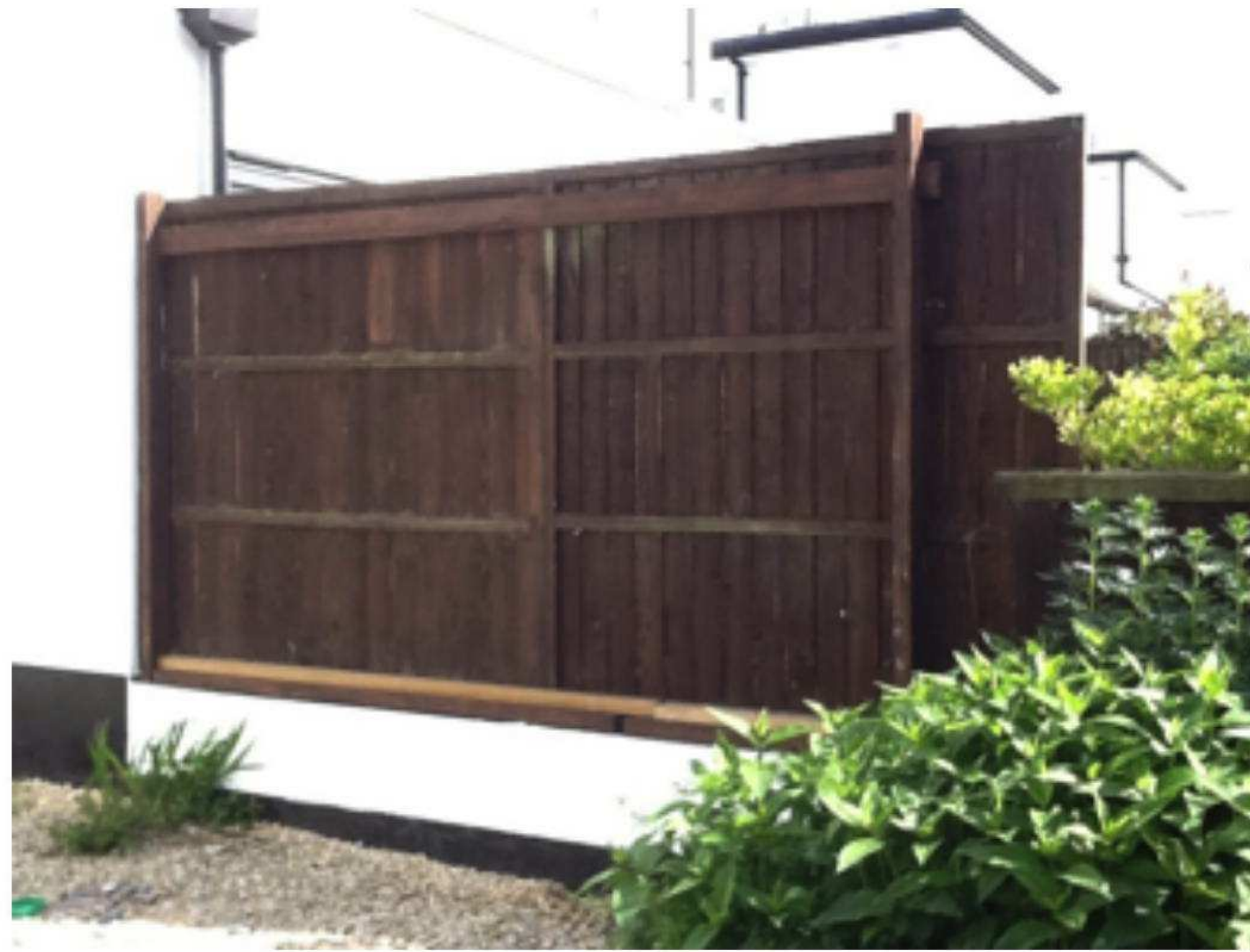


Figure 2

Effects on guttering with adjoining property

In order to renew the roof (not part of the planning) and replace the fascias, the applicant has replaced the original cast iron guttering with plastic. Where the guttering originally ran continuously between the two properties, the guttering has been cut and there is now an overlapping section as shown in Figure 3. This is aesthetically poor. Further, now that the guttering has been altered, we are finding that during heavy rain, water can overflow the guttering and has caused dirty marks on the wall below (Figure 4.) This never happened in the 9 years prior to the guttering being altered that we have lived at number 92.



Figure 3: Changes to guttering between two properties



Figure 4: Dirt from guttering on wall

Extension Height

The total height of the new extension, as shown in figure 1, is 3555mm. This is taller than originally allowed (3454mm) by the planning permission. Measurement of the height should take into account the stone-covered area of the

adjoining property. Should the stones be removed to reveal the true ground level, the extension height will be further over the height allowed in the original planning application.

Fit and Finish

We consider the fit and finish of the works to date to be below par. Examples can be seen in Figure 3 for the facias and guttering, and Figures 5 through 7 for general standards.



Figure 5



Figure 6



Figure 7

Yours faithfully,

[Redacted signature]

