



# CHEL TENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Planning Committee

**Thursday, 20 August 2015**  
**6.00 pm**  
**Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Garth Barnes (Chair), Jacky Fletcher (Vice-Chair), Paul Baker, Andrew Chard, Diggory Seacome, Bernard Fisher, Colin Hay, Adam Lillywhite, Helena McCloskey, Andrew McKinlay, Klara Sudbury, Pat Thornton, Louis Savage, Malcolm Stennett and Simon Wheeler

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

### Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 28)
6. **PLANNING APPLICATIONS**
  - a) **14/01125/FUL Tim Fry Land Rovers, King Alfred Way** (Pages 29 - 132)
  - b) **15/00646/FUL Belmont, Hyde Lane, Swindon Village** (Pages 133 - 140)
  - c) **15/00699/FUL 15 Brookway Drive, Charlton Kings** (Pages 141 - 160)
  - d) **15/00899/FUL Sandford Park, College Road** (Pages 161 - 170)
  - e) **15/00928/ADV & LBC Everyman Theatre** (Pages 171 - 178)
  - f) **15/01065/FUL 16 Hewlett Road** (Pages 179 - 182)

g) 16/01126/FUL 2 Peter Pennell Close, Springbank (Pages 183 - 186)

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

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

16<sup>th</sup> July 2015

### DRAFT MINUTES

**Present:**

**Members (15)**

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Baker (PB); Chard (AC); Clucas (FC); Fisher (BF); Colin Hay (CH); Lillywhite (AL); McKinlay (AM); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT).

**Substitutes:** Councillor Walklett (JW)  
Councillor Babbage (MB)

Present as observers: Councillors Coleman, Nelson and Payne.

**Officers**

Tracey Crews, Head of Planning (TC)  
Martin Chandler, Team Leader, Development Management (MC)  
Craig Hemphill, Senior Planner (CH)  
Lucy White, Senior Planner (LW)  
Chris Chavasse, Senior Trees Officer (CC)  
Michael Doust, Trees Officer (MD)  
Cheryl Lester, Legal Officer (CL)

**1. Apologies** Councillors McCloskey and Savage

**2. Declarations of interest**

**15/00517/FUL Hesters Way Baptist Church**

Councillor Fletcher – is Vice-President of Cheltenham YMCA. Will leave the Chamber for this item.

**3. Declarations of independent site visits**

**14/01928/FUL Pittville Campus**

Councillors Fisher and Walklett

**15/00202/FUL 3 Cleavelands Drive**

Councillors Fisher and Lillywhite

**14/01677/FUL Garages adjacent to 11 Rowanfield Road**

Councillor Sudbury

**15/00222/FUL The Acorns, Gloucester Road**

Councillor Fisher

**15/00354/FUL York Place, 47 Swindon Road**  
Councillor Walklett

**15/01086/FUL Garages/Parking at Ullswater Road**  
Councillor Fisher

#### 4. Public Questions

There were none.

#### 5. Minutes of last meeting

Resolved, that the public minutes of the meeting held on 21<sup>st</sup> May 2015 be approved and signed as a correct record *without* corrections. (Note: there was no Planning Committee meeting in June.)

#### 6. Planning applications

Application Number:	<b>15/01078/CONF</b>		
Location:	<b>26 Monica Drive, Cheltenham</b>		
Proposal:	<b>Confirmation of Tree Preservation Order 15/00725/TREEPO Holm oak to the rear of property</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Order is Confirmed</b>		
Committee Decision:	<b>Order is Confirmed</b>		
Letters of Rep:	<b>2</b>	Update Report:	<b>None</b>

#### Officer introduction:

**CC** introduced the application to confirm the TPO at 26 Monica Drive. The nearest adjoining neighbour at 12 Cleavelands Avenue objects to the TPO for the reasons set out in the report. Officer responses to these are also given in the report, and the recommendation is to confirm the TPO.

**Public Speaking:** None.

**Member debate:** None.

#### Vote on officer recommendation to confirm TPO

15 in support – unanimous

**Order is Confirmed**



Application Number:	<b>14/01928/FUL</b>		
Location:	<b>Pittville Campus, Albert Road, Cheltenham</b>		
Proposal:	<b>Erection of a student village incorporating 577 new-build student bedrooms, the refurbishment of the existing media centre (which will include a reception/security desk, a gym, retail facilities, multi-faith area, refectory and bar, quiet study area, laundrette, ancillary office space), and the provision of a mixed use games area. In addition, the proposal involves the demolition of existing teaching facilities and the retention and refurbishment of 214 existing student rooms.</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit, subject to S106 agreements</b>		
Committee Decision:	<b>Permit, subject to S106 agreements</b>		
Letters of Rep:	<b>178</b>	Update Report:	<b>None</b>

**Officer introduction:**

LW introduced the application for a new student village, as above. It was deferred in January to allow the University an opportunity to address the suggested refusal reasons, relating to architectural design and amenity, in particular off-site noise and disturbance during the evening and night-time, as well as the size of the development, number of students, and ability to manage the site effectively. In addition, the legal agreement regarding highway works and travel plan was not complete.

Since January, the University and everyone else has worked hard to address these concerns : new architects were appointed and the University has engaged more directly with local residents through a Residents Liaison Group which has met six times. The meetings have been constructive and focused on detail of the Operational Management Plan, which is now more consolidated and detailed regarding off-site strategies than previously, and no longer based on assumptions and ideas, with no guarantee of delivery. Fundamental to the officer recommendation to permit is the new S106 agreement which would ensure long-term provision of a late-night shuttle bus, volunteer patrol scheme and continuation of a community liaison group. This and the highways legal agreement are signed and ready for issue.

It is disappointing that the University didn't consider reduction in the student numbers proposed for this site, continuing to put forward the economic argument to meet current and increasing shortfall in student accommodation. This is a material consideration, but the appropriate management of the students is critical, whatever the number proposed. There are now defined and clear strategies to manage off-site student behaviour and reduce potential harm to neighbours' amenity, secured long-term via the S106 agreement.

There is still some criticism regarding design and appearance, but the revised scheme is an improvement, more refined and consistent in approach to materials and elevation treatment. There are no objections from consultees.

The application is now sufficiently advanced for officers to understand and assess the merits of the proposal which, on balance, is considered acceptable. With the presumption in favour of development unless the adverse impacts would significantly outweigh the benefits, the recommendation is to permit subject to the two legal agreements relating to amenity and highway works.

Finally, would add that the new drawings on Council's website replace some of the original drawings which were shown at the wrong scale in relation to paper size. These drawings have been submitted for clarification and reference and there is no change to the proposed design or layout to consider. In addition, the annotation was missing from the Media centre, but there is no change in the design of the building.

**GB:** there is a model for Members to look at as a visual representation of the site, but this too is not completely to scale, believes it to be out be a couple of millimetres.

### **Mrs Susan Walker, neighbour, in objection**

For local residents, the issue remains the number of students to be accommodated. In January, Planning Committee members exhorted the University to listen to local residents, but they have been ignored regarding the proposed numbers; in an article in the *Echo*, the University suggested the site had previously accommodated 1000 students, but this is misleading, and refers to the maximum number of work stations. A maximum 660 students have previously been accommodated on the site, for residential and teaching purposes, but this doesn't compare with 800 students living there 24/7. To have any confidence that the student management plan will work, the contractor would need to have a proven track record of managing this number of students, but U-Living does not have any such experience - this is of high concern and should be a show-stopper. The plan will only be as good as the people managing it, and this could well prove an impossible task. The set-up has been compared with UWE's campus at Stoke Bishop, but that site accommodates up to 2000 students on 65 acres and is not situated within walking distance of the town centre, so control of student behaviour is limited to the site. There is no comparable site with the same potential issues as Pittville Campus.

Residents remain concerned about anti-social student behaviour – the University has a poor track record in dealing with this, and the proposed management plan is not sustainable in the long term; about student parking – despite a ban on first-year students having cars, it will cause parking chaos in the surrounding roads; about the design – like a horrible cliff-face, out of keeping with Albert Road; and the adverse impact on the conservation area. All these concerns could be mitigated by reducing the numbers to what the site can reasonably accommodate, and spreading the students across Oxstalls and Park Campus to give a fairer balance.

Urges Members not to accept; the result will be a vast social experiment which will fail, to the detriment of the whole town.

### **Mr Stephen Marston, Vice-Chancellor University of Gloucestershire, in support**

Thanked everyone who has worked with the University over the past six months to develop and improve the revised proposals. Is happy with the officer recommendation and that the S106 agreements on traffic, transport and amenity have now been signed. Objectors' reservations about the earlier proposal have now been addressed as follows: firstly, new architects were appointed after the January meeting, who have developed a new approach to layout, design and materials, with a consensus that the new design is better than the previous and a huge improvement on the old campus buildings; secondly, concern about the numbers – the site is clearly capable of accommodating 791 students, having accommodated 1,300 students and 250 staff as a teaching campus. The University has a large shortfall in accommodation; 15% more students have accepted places this year compared with last year, including 20% more in business and 15% more in computing. There will be a shortfall of 633 beds this autumn, which will rise to over 1,100 beds in two years' time. The NPPF puts responsibility on local planning authorities to plan for sufficient student accommodation.

The third concern is the perceived risk of poor student behaviour. The residents group has agreed a detailed Operational Management Plan for the site, the core elements of which will be made legally binding under the S106 agreement. The University has a good record for managing student behaviour, and police and environmental health officers do not perceive any problems. The decision shouldn't be based on hypothetical fears about what might happen but should rely on clear evidence that the University knows how to manage the site well. In addition, the vast majority of students make a great contribution to the community and the economy.

The proposals will be good for the students and good for Cheltenham, receiving strong support for the Local Enterprise Partnership because it will be key to creating a thriving future for the town. The plans were developed through a rigorous procurement exercise, revised to address previous concerns, and provide well-designed, well-managed accommodation on the right scale.

### **Councillor Payne, in objection**

There have been in excess of 285 letters of representation from local residents who are concerned about this application, but who also support the University, appreciate its economic worth, and want to see the campus developed. These residents are experts, with experience of living close to Pittville Campus; their opinions should carry weight. Noise and anti-social behaviour from the 250 students living at Pittville Campus is already a fact of life for them, and complaining to the University has proved ineffective. The database is inaccurate, and all but the most persistent residents have given up. The police recommended a system to manage it, but the University declined. It is vital that residents should have confidence in the management of students.

The residents group met six times, but the University didn't move on a single issue of concern to residents. Section 3 of the Operational Management Plan states that U-Living has no experience of managing students, and Appendix 7 shows no management structure in place to cover the day-to-day management of the campus – seven part-time cleaners and three security guards, but no 24/7 cover. The proposal also includes ten resident student wardens, performing a *de facto* management role in return for a 30% reduction in their rent. If he was a Pittville resident, would feel very uncomfortable with this arrangement, which sounds unsafe, inconsiderate, and unacceptable.

Student numbers are at the heart of residents' concerns, yet the University refuses to discuss this issue. 790 resident students on this site is excessive. The austere and bland buildings will be replaced by refined and boring ones of underwhelming architectural design, which sets the proposal in conflict with Section 7 of the NPPF Para 56 and with Section 8. The impact on neighbouring amenity will be significant, with an increase in population around the campus of 300%, distorting the demographic profile of the area. Weak car-parking regulations will make the local roads inaccessible. The retail provision in site will threaten the viability of the local shop. Noise, anti-social behaviour and litter will all increase.

The application remains unfit for purpose, omitting sufficient management information. Urges Members to defer their decision again to address these critical issues and concerns of local residents.

### **Member Debate**

**JW:** before any discussion of the building and design, would call into question some of the numbers just mentioned, which were astonishing. To say there will be 791 students on site 24/7 is a gross exaggeration; they are at university to learn, and will attend college during the day. As ward councillor for St Paul's, has experience of this, with 3,000 students living in  $\frac{3}{4}$  of a square mile. It's true that University rules for first-year students can be difficult to monitor and there are periodic complaints, but over the last two or three years, the University has been first class in monitoring new student car ownership. Pittville is adjacent to St Paul's, and is likely to be dealing with the same type of student with the same temptation to bend the rules, but residents shouldn't think that the area will be inundated with cars all at once.

It's been suggested that student numbers could double at weekends, but experience in St Paul's shows the opposite is true, with more students going away to visit family and friends. The University has got the balance right; 791 sounds like an awful lot, especially as only 200 or so have lived on the

campus until now, but the University has worked hard with residents and the S106 agreement enhances the opportunity for students to be well managed.

**JF:** first thought is 'could do better'. Realises that design will always please some and not others; in this case is worried about the design, which is too imposing. Pittville is a residential area. Was born here, has seen the University grow, and understands the need for progress but the numbers given are over the top for this site. Policy CP4 requires safe and sustainable living, with new development not causing unacceptable harm to an area – this will cause harm, due to the huge increase in numbers. Provision is to be made for security of the site, but by amateurs who aren't really qualified – can they do the job? The size, location and lay-out all give cause for concern. The site is outside Cheltenham centre and there will be additional cars parked on residential roads. Pittville Park area is already at saturation point – can it take any more? Policy CP7 requires high architectural design, which this proposal is not.

Everyone wants the University to thrive, and to encourage young people to come here to learn, but it has to be right. This isn't; the locality and numbers are wrong. There is also the question of noise and the impact this will have on the health and quality of life of people living near by – covered by paragraph 123 of the NPPF. It is currently a leafy suburban area.

**CHay:** hopes to allay some of these fears. Regarding the design, the Civic Society's opinion of a proposal is often quoted, and in this case, it is happy with the revised design, considering it a major improvement. Officers take a slightly different view but believe the revised plan is acceptable.

Regarding the numbers, the site housed the art college from the 1960s, with a residential block at Rosehill for 2-300 students, and 1100 using the campus – at peak, many more. This proposal will be a 40% reduction on that, and won't alter the character of the area; college buildings have occupied the site for half a century and are part of the character of the area.

Nearly 800 students are proposed, and the management plan and number of staff devised will work only with this number; any reduction in student numbers will mean a reduction in income and a reduction in the number of staff. The number makes the place sustainable. It allows the students to have a self-contained community which works because of the numbers proposed. And the number is needed because the University is running out of beds.

The Vice-Chancellor spoke about a 15% increase in applications for computing courses and one course is on cyber security. GCHQ is trying to source work locally, which makes this type of course a brilliant idea, but it will be at risk if the University cannot find sufficient accommodation. Diana Savory of Cheltenham LEP has stated that the University supports 2160 jobs in the county, its graduates add £200m to the value of UK economy each year, and its students spend £28.3m annually in Gloucestershire. These are high numbers, and if Cheltenham gives the impression that it doesn't want it, because these are the wrong kind of buildings and not Cheltenham-like, the University will go elsewhere. Cheltenham needs to move its economy on, and the guidance is that we must plan for student accommodation. There is also a letter from Inspector Tim Waterhouse, saying the police have no problem with this application.

Regarding behaviour management, regrets the dismissal of student managers, when it's widely considered OK to take people on for work experience. They will be chosen as the right people for the job, will be managed themselves, and it will be a good example of instilling a sense of community in students at an early stage. It's disappointing that people still have such jaundiced views of students. There has been a lot of talk about the number of complaints about student behaviour - 40 since September 2014, but five the previous year, six the year before that - and we can draw our own

conclusions from this. It's also being said that the management plan is not safe, but this is ill-advised – the University wouldn't put forward a scheme that is not safe.

Highways concerns have been covered by the S106 agreement.

**AC:** asked on Planning View what will happen at the site during the holidays? Will the beds be used for other purposes or left empty – if so, students on site cannot be described as a 24/7 problem.

**BF:** this is a very difficult decision. Regarding the design, officers say it complies with CP7; it is always subjective, but they are the experts. The Conservation Officer is OK with the proposal, so Members should therefore accept that it complies with CP7.

The site has been used for the art college for many years, though having lived in Cheltenham since he was a boy, can remember when it was a field for horses. In the art college days, there was a high population of students and a student union bar which didn't close until late, not 3.30pm. We don't want Cheltenham becoming a retirement town; the University brings many benefits. 18-year-olds can vote and fight for their country; they should have a say in how their campus is run. They are the most intelligent 5% of the country, and if we show no faith in them, they will go somewhere else where they are acceptable. Many students who come to Cheltenham settle here, and the majority are a credit to themselves and their families, recognising that the only way to employment is through hard work. Some people have closed their minds to this, and their letters of objection are shameful, even though Cheltenham people are usually fair and honest. Some neighbours would prefer housing on the site, but at 1.3ha and with the precedent for flats along Evesham Road, sometimes five storeys, the site would lend itself to this kind of development; it will happen one way or another.

The University has gone some way to conceding to neighbours' concerns; it could have gone further, but another deferral won't achieve anything. The proposed student village will be an experiment to some extent, but a managed experiment. The students in St Paul's contribute to the well-being of the area, but Members have to make an objective decision based on planning considerations. Does not actually consider student behaviour to be a planning consideration.

**MS:** economic benefit is not a planning issue either, and should not be used as such to approve an inappropriate development. This proposal is an over-development of the site. Accepts that design is subjective, but to him, this looks like an industrial complex, out of character with the local area. With 600 additional students and minimal outdoor amenity area, this is an issue not just for Pittville but for the town as a whole. It is a recipe for conflict with local residents to have this huge number of students living on the site so soon. In paragraph 5.4 of the report, officers agree that local residents will suffer from the additional noise etc; there were already problems with the existing 214 resident students. We shouldn't allow something which will clearly have such an adverse affect on the local residents and completely change the dynamics of the conservation area.

The management plan would be an experiment, and needs to be proved before the development goes ahead. Would support an additional 200 students, allowing the University to apply to increase the number in two years' time, to give the management team the chance to bed in, and local resident and students a chance to bond. 600 extra students in one fell swoop is wrong, and should be refused.

Regarding the building, it is over-development, with the scale, mass and bulk out of keeping with the local area, in conflict with CP4 and CP7. Will move to refuse on these grounds if no-one else does.

**PB:** congratulates officers on the enormous amount of work and detail, and engaging with the applicant and residents on this significant application. Is not sure which way to go; the decision will be

marginal, as officers could have argued for refusal on amenity and design issues, but it's now up Members to make the final decision, which will be popular with some but not with others.

If this were a new greenfield site, would view the proposal differently. Students inhabited this site before most of the local residents moved to the area, so some degree of noise could have anticipated from the outset. There are different views on the numbers, but no doubt that the area has accommodated 800 students over the years, including the UCAS site across the road, and the site plan shows that the site is capable of supporting this number. Having children of his own at university, recognises that this fantastic development will give new students a great first-year experience with their living accommodation. Student accommodation is a massive problem in the town, with properties being snapped up the moment they become available. There are worries that the students will take over the area, but they have to go somewhere, and it is clearly vital that the University provides more accommodation to ensure its competitiveness. Congratulates the new architect on the improved design; deferment was clearly the right thing to do in January.

However, does have some concerns. A condition allows for refuse and commercial vehicles on site up until 8.00pm – is this necessary? Would have said 6.00pm is late enough. Informative 4 refers to contractors' parking in neighbouring streets during construction – this is unenforceable, as demonstrated at the Cirencester Road development. Can this condition be tightened up, maybe by naming streets where no contractor parking will be permitted?

We have to accept this proposal. It has been described as 'a recipe for conflict' but we should be welcoming students to our town. Two thousand students live in the confined streets of St Paul's without conflict, and the same will apply here. If it can't be accommodated in Cheltenham, the University will move more to Gloucester; would hate to see this happen as we need it to maintain our economy. Continues to have some concerns, but overall feels we should support the application.

**KS:** has a few points to make. Firstly, re-read the comments made at January committee to remind herself of Members' concerns. Some of these have been resolved – the design and appearance, while not likely to win any architectural awards, is not as dismal as it was. Remains concerned about the number of students, and feels Members who say students are not badly-behaved are missing the point. We are all humans and all capable of being noisy at times, and this is a huge increase in the number of young people in this community, far removed from the entertainment of the town centre. How will it be policed? This isn't only an issue for people in the immediate vicinity. Is not saying all students are bad but doesn't feel that this is the right development in this location. If the University was collegiate, with a diverse mix of 300 or so students and fellows, a common room and dedicated infrastructure on the site, it would sit more easily – but it isn't.

Still has a number of concerns with this application, some of which are not within our control. Appreciates all the work since January, but having read the emails from concerned residents, feels these deserve respect – they have invested in their homes and want the best for the town. Is not against the university, but would like to see less students accommodated on this site. This is not unreasonable. It is regrettable that she cannot fully support the application – wants to see something brilliant for Cheltenham but this is not it.

**LW, in response:**

- to AC, over the summer months some international students are likely to remain on site and the buildings would be deep cleaned and maintenance work carried out. A condition has been added which requires that the accommodation can only be used by the University of Gloucestershire for student accommodation and for no other purpose within Class C1. The University could not therefore use the buildings for conferences or as single dwellings without requiring planning permission. As far as I am aware, the University doesn't intend to use the accommodation for

summer schools but if the Council was approached with this suggestion in the future then it could potentially be that the university could use the site for this purpose but the no car policy would still apply alongside all other restrictions for the site.

- to PB, regarding deliveries to 8.00pm, this was suggested by environmental health officers and is the standard time gap for deliveries to sites of this nature. There is a bar, refectory and shop on site which will require deliveries, but there wouldn't be a convoy of delivery vehicles throughout the day, and refuse collections would likely be carried out during normal office hours. This is not a large scale retail or commercial development requiring large numbers of deliveries. Could consider reducing the end time to 6.00pm should Members wish;
- to PB, regarding contractors' vehicles, Condition 3 includes a Construction Method Statement, requiring space to be allocated on site for operatives vehicles, deliveries, storage of materials and parking during the construction and demolition phases. Some overspill is inevitable, particularly for a scheme of this size. An informative has been added and the applicants are advised to avoid this as far as possible. Any further restrictions, requiring vehicles to park in named streets for instance, would probably not comply with the NPPG tests for imposing planning conditions.

**MB:** the officer report is very good; agrees with much of it. The design is not brilliant, but is an improvement on the previous proposal and is OK, but the question over numbers remains, together with lack of absolute clarity as to how many people have used the site previously, what time of day the majority of movements are likely to take place, how many are anticipated, and management of this at night. These are still concerns, and 800 students on this site is too many.

**AL:** is surprised that despite the meetings with residents, there is still such a high level of objection – suggesting that not many concessions were made. It is clear that we are making a business decision. Feels that this is a missed opportunity architecturally – the density is too great and the geography poor. It will result in too many movements in and out, and the management team will have no experience of managing a site of this kind. With no agreement document, who would take responsibility for any failure of student management? The operational management plan has insufficient teeth, putting the burden of responsibility on the students. Responsibility for the number of students on site, and their transport to and from the site must not be deflected from the operators. There have been meetings between U-Living, the University, local residents and planners, but can find no agreement anywhere as to how any problems with the management plan will be dealt with. It is therefore not possible to make a decision tonight which is clearly a business decision.

**FC:** was not sure which way to vote when she arrived this evening, planning to listen to the arguments and make her decision accordingly. The report is good and sets out the case fairly, acknowledging residents' concerns and highlighting everything Members need to take into account. The NPPF focuses on the need for development, clearly put at paragraph 5.14 of the report. There has been much play about the number of students and their behaviour - must take issue here. Students will be the life blood of the town and its future, the difference between economic success or not. The number of students proposed here is not huge; the site itself is big enough to accommodate them. So what is the issue? The problem is the perceived difficulties which may arise from people coming and going at night in term time. A community liaison group has been suggested, so to reduce concerns about what will happen if the management plan breaks down, maybe an appeal group could be set up to settle any problems, but ultimately what happens then?

Having listened to the arguments and the debate and read many of the objections, takes the view that this development should go ahead, and will therefore support it. Cheltenham needs students to enrich its future and help it to grow - that requirement won't go away. Members can make a decision to go forward with this application tonight, or allow it to go to appeal, where it will be granted.

**AM:** FC has stolen his thunder. There has been a lot of talk about the merits of the university, the students and the impact this development will have. The key question tonight is whether this application ticks enough boxes to be approved based on the assumption to approve. It was deferred in January because there wasn't enough information and Members wanted to see some improvements. The officer report sets out the improvements made since January, and members need to ask themselves whether their concerns have been addressed? Maybe not perfectly, but yes, they have been; the applicant has done what we asked, and if the application goes to appeal, it will be lost. So on pragmatic planning grounds, will support the officer recommendation.

**CHay:** for clarity, a Member earlier said that economic impact is not a consideration in planning applications, but it is. Concerns about student behaviour are all conjecture and not a consideration. This scheme won't work if the numbers are reduced – it would not be economically viable and the management plan won't work. Neither would it work to add more students each year – this would be very expensive and impractical, and is not worth considering.

**LW, in response:**

- confirmed that economic considerations are planning matters – the NPPF talks about economic and social aspects when considering sustainable development.

**GB:** MS has said he will move to refuse on CP4 and CP7, but first the vote will be taken on the officer recommendation to permit (subject to s106 agreements) and if that falls will return to MS.

**Vote on officer recommendation to permit subject to s106 agreements**

9 in support

6 in objection

**PERMIT subject to S106 agreements**

Application Number:	<b>15/00202/FUL</b>		
Location:	<b>3 Cleevelands Drive, Cheltenham</b>		
Proposal:	<b>Demolition of existing dwelling and construction of single block containing 9 apartments, alteration to site access and associated hard and soft landscaping</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Refuse</b>		
Committee Decision:	<b>Refuse</b>		
Letters of Rep:	<b>100</b>	Update	<b>None</b>
		Report:	

**Officer introduction:**

**MJC** described the application as above, at Committee at the request of Councillors Prince, Lillywhite and Babbage due to objections about over-development of the site, highways considerations, and amenity issues. The recommendation to refuse is based on contextual analysis of the site and the SPD on garden land development. Officers feel that the proposed building is too large for the site. Members can debate other issues, but they should be aware that the officer recommendation to refuse is based on one issue only.



**Public Speaking:**

**Mr John Gill, neighbour, in objection**

On behalf of 100 objectors to this proposal, urges Members to refuse permission. The proposal is out of character with the surrounding area, which comprises low-scale dwellings in mature and mixed landscapes. It does not complement or respect neighbouring dwellings or the area; the design of the apartment block is uninspiring and of poor quality, its size and massing incongruous with adjacent dwellings, and will have a detrimental impact on neighbours' privacy; it has not been shown to be sustainable, apart from being within walking or cycling distance of the town centre; its size, massing and overbearing nature will severely damage the amenity value of adjacent properties; it will lead to on-street parking along Cleavelands Drive, where the road narrows to 5.5m, and The Chestnuts where on-street parking will reduce the road to a single vehicle width; noise and light pollution will increase due to additional traffic and people movements, which will have a detrimental impact on the amenity of local residents; local services, particularly the drainage system, are already under excessive strain and will be pushed even further; development of the site will impact on the biodiversity of the local environment and erode this valued wildlife corridor; the significant and demonstrable harm of the proposal will outweigh the limited benefit of a small increase in the housing supply. In summary, residents believe the proposal is contrary to the NPPF, the Local Plan and the SPD on garden land. They are not opposed to redevelopment of the site but are against inappropriate development.

**Mr David Jones, of Evans Jones, on behalf of the applicant, in support**

This application is the second at the site – the first, currently at appeal, was for 14 units, and was refused last December on the following grounds: unacceptable over-development of the site; architecturally uninspiring; impact on neighbouring amenity; unacceptable overlooking; and impact on trees. In response, the applicant appointed a new architect who revised the scheme to address concerns. The officer report confirms that the principle of development is acceptable, a contemporary design is appropriate, neighbouring amenity won't be unreasonably impacted, site access and parking provision is acceptable, and protected trees are not harmed by the proposal. The recommendation to refuse is therefore disappointing as the architects have fully addressed concerns, but a finely-balanced judgement based on grounds relating to the design of the proposed building. Members understand that the NPPF requires authorities to boost the housing supply, and where they are unable to demonstrate a five-year supply of housing land, the presumption in favour of sustainable development should apply. This scheme is clearly sustainable, and should therefore trigger the presumption in favour. Regarding the design, the NPPF encourages authorities not to stifle innovation or originality or refuse applications for sustainable developments because of concerns about incompatibility with existing buildings (paragraphs 60 and 65). In conclusion, this proposal is smaller than the refused scheme, and addresses all the points raised by the officer at pre-app and post-submission discussions. In line with the NPPF, any adverse impact in the approval of this scheme would not significantly or demonstrably outweigh the benefits; therefore urges Members to approve.

**Member debate:**

**MB:** understood that Cheltenham now has a five-year supply of housing land, contrary to what the last speaker said.

**MJC, in response:**

- yes, that is correct.

**BF:** the officer is recommending refusal as its contemporary design is contrary to policy CP7, yet Members have just permitted an application with a modern design. How does this scheme not comply with CP7? Design is subjective, but we need consistency when applying the policy. This proposal is in a different location, but the policy is the same. Also, the proposal is being considered as a garden

land development, but once the house has been demolished, won't the site be considered a brownfield site, not a garden?

**KS:** is concerned about parking –it looks like the spaces will be very close to the neighbouring house. Considers the design quite nice, but not in keeping with the area or the neighbouring properties. Is concerned about the gradual erosion of the quality of the area. Agrees with the refusal reasons suggested by the officer, but would expand on them. Many of the objectors mention traffic and parking; the site is close to a junction, and although highways officers have not really objected, remains concerned about traffic, neighbouring amenity, and that the proposal is out of character.

**MS:** agrees with KS - the proposal is out of character with the area, and highways issues unresolved.

**AL:** on Planning View, was shocked by the mass of the proposed building; it is very high, and located right on the corner. Checked today about how cars would get in and out; the previous refusal reason assumed an average road width of 6.5m, but it is in fact only 5.5m and Evesham Road/ Huntsbridge Close is a difficult junction, particularly if cars are parked. Cleavelands Drive was busy with deliveries – the planning view bus had trouble getting past – so highway issues are not resolved.

**PB:** used to live in Cleavelands Close and considers it one of the nicest estates in town, well-designed and maintained;. the houses are well-planned and have stood the test of time. This proposal is inappropriate in scale, the result of the developer's greed, showing little common sense or thought for the people who will be living there. Would suggest potentially adding to the refusal reason suggested by the officer - would say it is not in keeping with the area and will have an adverse impact on neighbouring amenity; it should be thrown out. Accepts that the site will be re-developed at some stage, but would like to see a proposal for three or four dwellings in keeping with the area.

**MJC, in response:**

- to PB, confirmed that officers considered other refusal reasons but did not find them sustainable to advance, but do not want to 'under refuse' this application;
- to BF, policy CP7 is quite wide-ranging, not just about architecture but also about lay-out and context; it is the policy which the garden-land SPD hangs on. It's true that consistency is important in decision-making but CP7 is broad in what it allows planners to consider. He is correct that if the house is demolished, the site would no longer be garden land, but the SPD refers to garden land and infill sites, and officers use the document in this context;
- officers feel that the site can take a bigger building than what is currently there, and have no concerns about the architecture of the proposed building – there is just too much of it.

**GB:** do Members have any additional reasons to refuse?

**PB:** if CP7 covers context, and the proposal is clearly out of context with other houses in the area, is OK to go with that.

**BF:** the design and location of this dwelling are reminiscent of Albert Road and Pittville Crescent Lane, where a post-war house was demolished and replaced by an apartment block which sits very nicely on the site. This design is not dissimilar. Finds it misleading that some things are acceptable under CP7 and others, which are bland and poor, are refused. Modern design won't move forward unless we are more open-minded.

**KS:** can highways and amenity issues be used as refusal reasons as well? Not sure that they would stand up at appeal, but the residents clearly think them important.

**CHay:** isn't over-inspired by this proposal; in lots of ways feels rather neutral about it. It would be useful to have some analysis and understanding of when traffic movements in and out of the proposed development would be expected – they won't all be at 8.30am, but at different times of day, and it's fair to say that Cleavelands Drive isn't always jam-packed. Regarding the size of the proposal, there are apartment blocks further along Evesham Road and on West Approach Drive. The previous application for 14 flats on this site is currently at appeal; the developer has tried to work with officers, appointed new architects, spent a lot of money on the re-design, and there seemed to be a level of agreement that they were working along the right lines. It is a worry if a misunderstanding occurred during pre-application discussions which resulted in the recommendation to refuse.

**AL:** suggests that highways issues would be a valid reason to refuse and should be included.

**MJC, in response:**

- highways issues have been considered by officers; highways officers assessed the application and their clear recommendation is that the proposal is acceptable, that the entry to Cleavelands Drive would retain suitable visibility, and the exit from Cleavelands Drive to Evesham Road would too. They are the experts and planning officers are guided by them;
- it would therefore be a very difficult position to defend at an appeal, with no expert on hand to support our case. Refusing an application against technical advice will be considered as acting unreasonably; without evidence to justify our stance, we would be in a difficult position;
- to BF, it isn't true to say officers have given misleading advice. Each case is judged on its merits, and Pond House sits comfortably on the corner of Albert Road and Pittville Crescent Lane, surrounded by big villas, a very different site from this one. The immediate context of 3 Cleavelands Drive is two-storey detached houses and bungalows with space around them, which led officers to a different conclusion from Pond House. The beauty of the SPD is that it builds on the inherent consistency but allows different conclusions on different sites;
- to CHay, the applicant was advised that this scheme would be unacceptable. It was considered by the Architects' Panel two or three times, and it did not favour it. Planning officers' opinions were split but the overwhelming view was that it was too much for this site. The applicant was informed 3-4 months ago and advised to go back to the drawing board, but chose not to - a commercial decision, and the applicant is understandably frustrated now, but officer advice has not been misleading or inappropriate.

**PB:** it was clear on Planning View that this proposal on the corner of Evesham Road and Cleavelands Drive would have an appalling impact. There are larger developments along Evesham Road, but this proposal would not front Evesham Road – most of the impact would be on the adjacent residential properties and Cleavelands Drive. Supports the recommendation to refuse.

**AC:** agrees with PB. On Planning View, felt that flats on this site would be OK but this proposal is one storey too high. Will also support the refusal.

**PT:** agrees. This proposal is totally inappropriate. There is room for one or two extra houses without altering the fundamental grain of the area, but Cleavelands Drive cannot take a bigger building. There would be no access to Evesham Road, only to Cleavelands Drive, although we are being told that this is not a valid refusal reason. It's a bad design for the area and should be refused.

**KS:** Members must take care not to miss any other possible refusal reasons, apart from highways issue and loss of amenity. Officers say that policy CP4 would not stand up here, but PB said that it was clear on Planning View what a huge impact the proposal would have on neighbouring amenity. Can CP4 not be added for that reason?

**MJC, in response:**

- there are different things to consider when looking at loss of amenity. Regarding privacy, the upper floors of the proposal would be the ones to consider, but these are far away from the boundary; there will be some impact, but not an unacceptable impact;
- the proposal passes the light test;
- if Members want to consider amenity, they should concentrate on the overbearing nature of the proposal. This will always be a subjective judgement, but officers consider it sufficiently far from the boundaries not to have a major impact. It is principally two storeys high, the third storey being set well in, which also helps with the privacy and bulk. Officers consider the building is just too big for the context of the site, not that it will have a negative impact on the amenity of adjacent properties.

**Vote on officer recommendation to refuse**

13 in support

1 in objection

1 abstention

**REFUSE**

Application Number: **14/00209/FUL**  
Location: **24 Horsefair Street, Charlton Kings, Cheltenham**

**This application was DEFERRED pending further investigation of badger activity on the site.  
It will be considered at a later date.**

Application Number: **14/01677/FUL**  
Location: **Garages adjacent to No 11 Rowanfield Road, Cheltenham**  
Proposal: **Demolition of existing garages and erection of a 4 bed house and associated hard and soft landscaping including parking**  
View: **Yes**  
Officer Recommendation: **Permit**  
Committee Decision: **Permit**  
Letters of Rep: **12** Update Report: **Conditions**

**Officer Introduction:**

MJC introduced the application as above, which is at Committee because it is CBC-owned land. The recommendation is to grant planning permission, subject to conditions.

**Public Speaking:** none.

**Member debate:**

**KS:** considers this a good and useful little development, but notes the neighbour's complaint about the chain link fence. The site looks overgrown and unkempt, but is a haven for wildlife. How can existing residents' amenity be maintained and the privacy of the new residents assured? How much greenery will be preserved, and why is a wooden fence not proposed, rather than a chain link fence?

**MJC, in response:**

- the chain link fence will sit inside the vegetation, and is included as a security measure. A close-boarded wooden fence isn't proposed, so that the new residents will also be able to appreciate the vegetation. The on-balance suggestion is to maintain a fence at 1.8m for privacy. It is considered appropriate to the scheme.

**Vote on officer recommendation to permit**

15 in support – unanimous

**PERMIT**

Application Number:	<b>15/00222/FUL</b>
Location:	<b>The Acorns, Gloucester Road, Cheltenham</b>
Proposal:	<b>Two-storey side extension and front entrance porch</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>7</b>
Update Report:	<b>None</b>

**Officer introduction:**

**CH** introduced this householder application to extend a detached bungalow, situated at the end of a narrow drive, with access from Gloucester Road. The finished dwelling will be rendered, and replacement windows and doors will be installed throughout. The existing is one of six bungalows served by the access road. Land levels fall slightly from north to south, resulting in the properties being built at varying levels. The application is at committee at the request of Councillor Holliday.

**Public Speaking:** none.

**Member debate:**

**AL:** if Members are minded to permit this scheme, will there be any restrictions on the size of delivery lorries using the access road? The drive is very tight.

**CH, in response:**

- it is a narrow access, as was made clear on Planning View, but this isn't a planning consideration. It is a householder application, and a balance of reasonableness must prevail. The drive can be accessed by appropriate-sized vehicles.

**Vote on officer recommendation to permit**

15 in support – unanimous

**PERMIT**

Application Number:	<b>15/00354/FUL</b>
Location:	<b>York Place, 47 Swindon Road, Cheltenham</b>
Proposal:	<b>Erection of 10no. residential units comprising 5no. one bed flats, 3no. 2 bed flats and 2no. 2 bed houses following demolition of all existing buildings on land at corner of Swindon Road and Brunswick Street</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit, with further condition added in respect of deterring seagulls</b>
Committee Decision:	<b>Permit, with further condition added in respect of deterring seagulls</b>
Letters of Rep:	<b>5</b>
Update Report:	<b>Conditions</b>

**Officer introduction:**

**CH** described the application as above. The site is in the St Paul's Character Area and is currently vacant; it was previously used by a car mechanic and car wash business. There are a number of buildings to the rear of the site, and the boundary to the highway is defined by a 2.4m brick wall, with access from Swindon Road and Brunswick Street. The site is identified in the Townscape Analysis Map as 'a significant negative building/space'. The application is at Committee because the site is owned by CBH, with a recommendation to permit.

**Public Speaking:** none.

**Member debate:**

**PB:** this is a great scheme and a huge improvement on the area. Would just query the railing on the side, and whether we can be sure that the landscaping is maintained.

**JW:** agrees with these comments - affordable housing on a brownfield site can only be good. Has spoken to some of the objectors, and understands that St Paul's Residents Association, while supporting redevelopment of the site, considers the large size of the block to be out of keeping with the area. In response, would say that there is already a precedent for buildings of this size, with the flats and hotel on the south side of Swindon Road. One neighbour made a complaint about light entry through their window, but officers do not consider this will be the case. We should applaud CBH for making use of this garage site and providing much-needed affordable housing in Cheltenham.

**CHay:** can officers confirm that there will not be spiked railings around the site?

**DS:** notes ten apartments and seven parking spaces are proposed. Will the parking spaces be allocated or free for all? From experience in his ward, knows that unallocated spaces can cause grief.

**CH, in response:**

- to PB, the railings are regarded as a positive element in the scheme, with landscaping retained behind. Condition 10 provides additional information on planting to ensure that it is appropriate;
- to CHay, flat wooden railings are proposed, not spiked;
- to DS, confirmed that parking arrangements are adequate for a sustainable town centre location; the car parking spaces are not allocated, but there are also 10 cycle spaces and car parking available nearby. There have been no objections from the County Highways Officer.

**KS:** has a few concerns about this application but not enough to vote against it. Agrees with local residents that the area could do with fewer HMOs and flats for a better balance, adding that this site would have been ideal for student accommodation. The design is OK, but not particularly in keeping with other designs along the road; it's a shame that no-one planned for them all to match - the area is

a lot better than it was in the 1970s and '80s but it could have been more holistic, rather than defined at the whim of a developer at any time.

**CHay:** homes built by CBH are usually excellent and built to Code 4. Are these Code 4? Didn't notice any photo-voltaic panels on the roof; it would be a missed opportunity not to include them on a new-build, and on this one in particular.

**CH, in response:**

- affordable housing requires a high level of design. Solar panels are an aspiration, but cannot be insisted upon at present - there are limited policies concerning this in the current Local Plan.

**CHay:** these are our buildings. Can we pass on the comment that we would like to see them built with solar panels?

**GB:** we could include an informative if everyone is happy with that.

**PB:** noted that the University application included a condition about keeping seagulls away. Is there a condition to prevent them from nesting on this flat roof? They are a huge problem.

**KS:** agrees that there must be some kind of seagull mitigation, with Matalan and the tip close by.

**PT:** seagulls are more likely to nest on chimneys than on flat rooves. Regarding solar panels, if CBH can install them elsewhere, can't see why they won't install them here.

**CH, in response:**

- confirmed that solar panels are actually included;
- confirmed that a condition to discourage seagulls can be added.

**Vote on officer recommendation to permit, with further condition added in respect of deterring seagulls**

14 in support

0 in objection

1 abstention

**PERMIT**

Application Number:	<b>15/00517/FUL</b>		
Location:	<b>Hesters Way Baptist Church, Ashlands Road, Cheltenham</b>		
Proposal:	<b>Erection of 10 no. YMCA "move on" residential units (revised scheme)</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>7</b>	Update Report:	<b>None</b>

**Councillor Fletcher left the Chamber for the duration of this item.**

**Officer introduction:**

**MJC** introduced the application for the development of ten 'move-on' units. Planning permission already exists for a similar form of development, grouped around a courtyard; this proposal is for two stand-alone buildings, fronting a communal space. It is at Committee not because the Vice-Chair requested it to be as stated in the report; the Architects Panel objected to it and the case officer asked

the Chair and Vice-Chair whether they therefore wanted it to be considered by Committee – which they did. The officer recommendation is to permit.

**Public Speaking:** none.

**Member debate:**

**AC:** considers this a brilliant use of the land, a good piece of work. Fully supports the application.

**PT:** notes that the Architects Panel liked the extant planning proposal better – agrees with them, but will not vote against the current scheme.

**Vote on officer recommendation to permit**

12 in support

0 in objection

2 abstentions

**PERMIT**

Application Number: **15/00840/FUL**  
Location: **Telford House Garages (1 to 25), Princess Elizabeth Way, Cheltenham**  
Proposal: **Demolition of existing garages, re-surfacing of the service road leading to garages and marking of service road to create unallocated open car parking spaces.**  
View: **Yes**  
Officer Recommendation: **Permit**  
Committee Decision: **Permit**  
Letters of Rep: **0** Update Report: **None**

**Officer introduction:**

**CH** introduced the application as above, at the rear of Telford House on Princess Elizabeth Way, to create parking spaces following the demolition of an existing row of garages. It is at Planning Committee because the applicant is, via CBH, CBC. The recommendation is to permit.

**Public Speaking:** none.

**Member debate:**

**BF:** this is a good idea and a good scheme.

**Vote on officer recommendation to permit**

15 in support – unanimous

**PERMIT**



Application Number:	<b>15/00895/FUL</b>
Location:	<b>12 St James Street, Cheltenham</b>
Proposal:	<b>Construction of new single storey extension with flat roof. Creation of small courtyard area and alterations to boundary walls</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**Officer introduction:**

**CH** described the application as above. The property is mid-terrace, and in the Central Conservation Area. It is owned by CBC which is why it is at Committee. The recommendation is to permit.

**Public Speaking:** none.

**Member debate:**

**MB:** noted on Planning View that the building is in a poor state, and is concerned that CBH is renting it out in that condition.

**AC:** was also worried about this. Is the property owned by CBC or CBH? Why should tax-payers' money be spent on a private dwelling?

**JF:** notes the flat roof of the extension – will there be measures to keep seagulls away?

**CH, in response:**

- as regards a condition in respect of measures to deter seagulls here, would not consider it to be reasonable given the scale of the development

**Vote on officer recommendation to permit**

14 in support

0 in objection

1 abstention

**PERMIT**

Application Number:	<b>15/00908/FUL</b>
Location:	<b>57 Little Herberts Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Proposed extension and refurbishment</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**Officer introduction:**

**CH** introduced this application to extend and refurbish a detached house in Charlton Kings parish, adding a front porch, two-storey rear extension, and windows and doors, with pitched roof and facing brick. It is at committee at the request of Councillor McCloskey to consider the design merits of the proposal.

**Public Speaking:** none.

**Member debate:**

**KS:** realises that beauty is in the eye of the beholder but this is the strangest extension she has ever seen. Was surprised when looking at the drawings, not least by the weird-looking concrete roof. Cannot support this scheme – it looks like two different houses stuck together badly, and the whole point of planning is to avoid this kind of thing. Is surprised by the recommendation to permit.

**GB:** there is often complaints about developments of little boxes, but then also complaints when there is something different .

**JF:** agrees that this is really odd, and looks like two separate houses. It doesn't do the area any favours. Agrees that it is in the eye of the beholder, but this proposal is not good, to say the least.

**PT:** doesn't particularly like the scheme but most of the development is at the back – although the front porch also looks a bit odd. Officers have recommended it be permitted, and noted on Planning View that one of the houses close by also looks like it doesn't fit in.

**BF:** the house as proposed doesn't sit with anything else in the street. It uses a poor mix of medias, includes more flat rooves, and is out of place in the area.

**PB:** thinks it's great. The house and plot are capable of supporting the development. The applicant has put in the plans and has to live there. It is radical, but almost all the changes are at the back. Will support the proposal.

**CHay:** agrees that it looks strange but also agrees with PB that in all its oddity, it works. It is unusual; more often we see new bits being added to old houses, but here, modern architecture is to be added to an ordinary house. It is an interesting experiment, but the drawings look good, and hopes that Members get the chance to see it when it's built.

**Vote on officer recommendation to permit:**

11 in support

4 in objection

**PERMIT**

Application Number:	<b>15/01086/FUL</b>
Location:	<b>Garages and Parking, Ullswater Road, Hatherley</b>
Proposal:	<b>Demolition of existing garages and reinstatement of hardstanding to provide car parking (at Ullswater Road, Thirlmere Road, Grasmere Road)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Delegate authority to officers</b>
Committee Decision:	<b>Delegate authority to officers</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>Officer comments and conditions</b>

**Officer introduction:**

**MJC** introduced this application, which builds on schemes considered by Planning Committee a few months ago and is to demolish garage courts, and replace with unallocated car parking spaces. The recommendation is that the final decision be passed back to officers as the statutory consultation period has not yet expired – it will do so in a couple of days – to avoid CBH having to wait another month before they can start work. There have been no complaints or objections to the proposed work to date.

**Public Speaking:** none.

**Member debate:** none.

**Vote on officer recommendation to delegate authority back to officers**

15 in support - unanimous

**DELEGATE AUTHORITY TO OFFICERS**

## **7. LOCAL GOVERNMENT ACT 1972 – Exempt Business**

*Committee was recommended to approve the following resolution:-*

*“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the following agenda item as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5, Part (1) Schedule (12A) Local Government Act 1972, namely:*

*Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

*Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

**Vote to approve the above resolution**

15 in support – unanimous

**Resolution approved**

## **8. Exempt Minutes of last meeting**

Resolved, that the exempt minutes of the meeting held on 21<sup>st</sup> May 2015 be approved and signed as a true record *without* corrections. *(Note: there was no Planning Committee meeting in June.)*

***The meeting ended at 8.35pm.***

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<b>APPLICATION NO:</b> 14/01125/FUL	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 24th June 2014	<b>DATE OF EXPIRY :</b> 23rd September 2014
<b>WARD:</b> Battledown	<b>PARISH:</b> NONE
<b>APPLICANT:</b>	
<b>LOCATION:</b>	Tim Fry Land Rovers, King Alfred Way, Cheltenham
<b>PROPOSAL:</b>	Redevelopment of land at King Alfred Way involving the demolition of the existing buildings and the erection of 86 dwellings, access, landscaping and other associated works

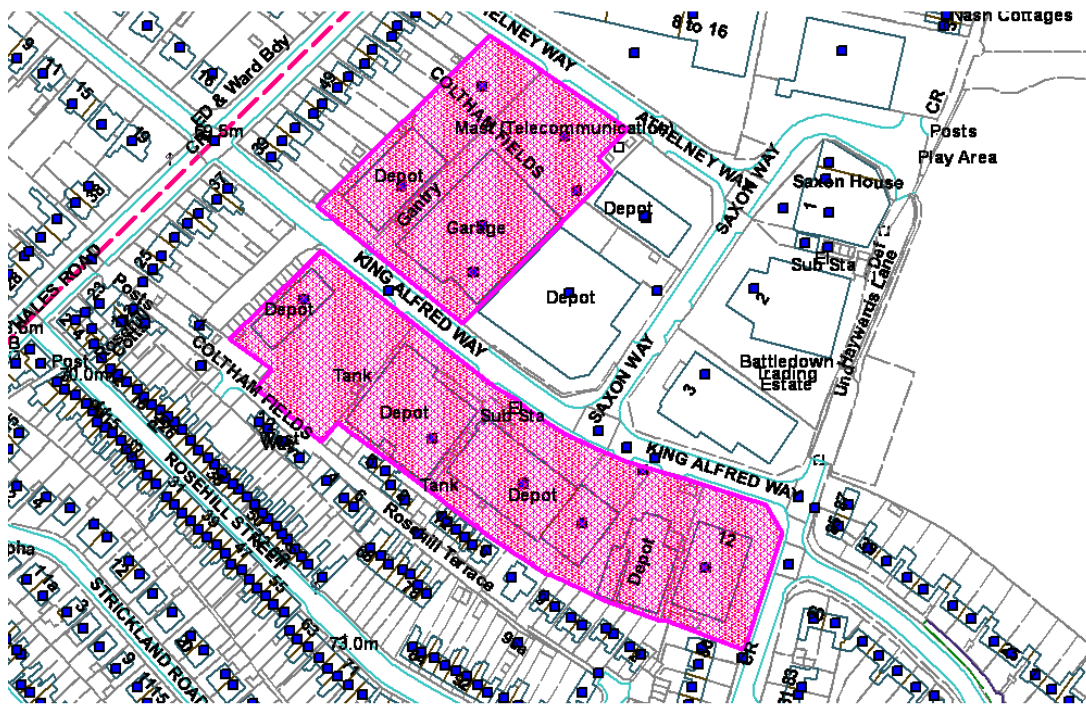
### Report Update

Please find attached the officer report which was prepared in April, when this application was originally scheduled to come to Planning Committee. An update to this will follow.

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<b>APPLICATION NO:</b> 14/01125/FUL		<b>OFFICER:</b> Mr Craig Hemphill	
<b>DATE REGISTERED:</b> 24th June 2014		<b>DATE OF EXPIRY:</b> 23rd September 2014	
<b>WARD:</b> Battledown		<b>PARISH:</b> None	
<b>APPLICANT:</b>	Bovis Homes Ltd		
<b>AGENT:</b>	Hunter Page Planning Ltd		
<b>LOCATION:</b>	Tim Fry Land Rovers, King Alfred Way, Cheltenham		
<b>PROPOSAL:</b>	Redevelopment of land at King Alfred Way involving the demolition of the existing buildings and the erection of 86 dwellings, access, landscaping and other associated works		

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1. The application site is located within the Battledown Industrial Estate which is surrounded predominantly by residential properties, approximately 1.5 miles to the east of the town centre.
- 1.2. The site currently forms part of the wider industrial estate. The application relates to adjacent areas of the estate, one to the north of King Alfred Way and one to the south. These sites currently provides, to the north approximately 0.65ha of land which accommodates two buildings, one occupied by Tim Fry Land Rovers, with the other unit occupied by Mitie. The southern side of the site comprises approximately 1.07ha of land, 3 units are occupied by Tim Fry Land Rovers with the remaining units being occupied as vehicle storage, metal works, kitchen manufacturing, and Challenge Motor Company. The remaining two units are vacant. The existing buildings would appear to have been constructed around the 1960's and 1970.
- 1.3. Access to the site is obtained via Kind Alfred Way which links to Hails Road to the west. Access to the northern part of the site can also be obtained via Athelney Way which also links to Hails Road.
- 1.4. The application proposes to demolish the existing buildings on the site with a residential redevelopment of the site. The scheme originally proposed a development of 106 units with access landscaping and other associated works. Following the submission of revised plans this has been since been reduced to 86 units. The application proposes 40% affordable housing provision (34 units).
- 1.5. The application sets out that the site is outdated and poorly located and does not accommodate a modern work environment of allow free flowing practices and therefore the Tim Fry Land Rovers, along with some of the sites other businesses has identified three alternative sites to relocate to, two of which are in Kingsditch Lane and one at Swindon Lane which would allow the company to grow. The applicant sets out that financially to allow this relocation to take place the residential development of the application site is essential. A full overview of this can be read in the Planning Statement and the Employment Land Report submitted with the application.
- 1.6. In addition to the Planning Statement and the Employment Land Review the application has also been accompanied by design and access statement, statement of community involvement, flood risk assessment, ecological appraisal, noise report, ground investigation report, arboricultural survey, transport assessment and a marketing survey. Members attention is drawn to these documents which are available to read on line.
- 1.7. Members will visit the site on Planning View with proposed layout plans being displayed at the Planning Committee meeting.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Landfill Sites region  
Landfill Sites boundary  
Made-up ground

### **Relevant Planning History:**

**13/00514/PREAPP 15th April 2013 CLO**

Residential re-development as part of the relocation of Tim Fry Land Rover



**02/00997/GDO 23rd August 2002 REF**

Erection of a 12m high telecommunications monopole mast with 3 no. antennae and 1no. transmission dish installed upon it together with an equipment cabin, all within a fenced compound

**84/00279/AI 27th July 1984 PER**

King Alfred Way / Athelney Way Off Hales Road Cheltenham Gloucestershire - Erection Of Projecting Illuminated Name Signs At Front And Rear Of Premises

**87/00515/PF 25th June 1987 PER**

Bristol Street Motors Cheltenham Gloucestershire - Erection Of Paint Store

**91/00719/AI 22nd August 1991 PER**

Display Of Illuminated Advertisemen  
t

**93/00485/PC 24th June 1993 WDN**

Use Of Forecourt Of Premises For Vehicle Display And Sales

**96/00124/PC 14th November 1996 PER**

Use Of Part Of The T.W.Fry Premises For Storage Of Scaffolding And The Erection Of Racking

(As Amended By Revised Plans Received 14 Nov 1996)

**96/00873/PF 20th February 1997 REF**

Proposed Erection Of Seven Industrial Starter Units

**98/00114/PD 9th April 1998 NPRIOR**

Notification Of Proposed Installation Of Telecommunications Equipment: 15m High Tower, Associated Antennae Plus

Equipment Cabinet. Telecom Securicor Cellular Radio Ltd

**04/01035/FUL 15th July 2004 WDN**

Extension of existing 17.8m lattice tower to 20.4m to accommodate Vodafone antennas. Ancillary cabinets within existing compound

**05/00222/FUL 26th April 2005 REF**

5m extension to existing 15m lattice mast and addition of 6no antennas for vodafone and 2no ground based cabinets

**07/01661/CLPUD 10th December 2007 CERTPU**

Installation of vehicle MOT Testing Station

**08/00382/CLPUD 24th April 2008 CERTPU**

Proposed use B2 - and with first floor offices

**08/00383/CLPUD 6th May 2008 CERTPU**

Proposed use B2

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

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living

CP 7 Design

CP 8 Provision of necessary infrastructure and facilities

GE 5 Protection and replacement of trees

GE 6 Trees and development

EM 2 Safeguarding of employment land  
HS 1 Housing development  
HS 4 Affordable Housing  
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

Affordable housing (2004)  
Amenity space (2003)  
Landscaping in new development (2004)  
Planning obligations: transport (2004)  
Play space in residential development (2003)

## National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Comments received on the original submission:**

#### **Contaminated Land Officer**

*3rd July 2014*

Standard Contaminated Land Planning Condition

Unless otherwise agreed by the Local Planning Authority, development shall not commence on site until the following condition has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination until section iv) has been complied with in relation to that contamination.

#### i) Site characterisation

A site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report must include;

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to;
  - human health
  - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
  - adjoining land
  - ecological systems
  - groundwaters and surface water
  - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'

### ii) Submission of a remediation scheme

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be produced and will be subject to the approval of the Local Planning Authority prior to implementation. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

### iii) Implementation of approved remediation scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development, other than that required to carry out remediation. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority.

### iv) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with section i) and a remediation scheme submitted in accordance with section ii). Following completion of measures identified in the approved remediation scheme, a verification report must be produced in accordance with section iii).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and oth

*3rd July 2014* - due to the current and historical uses of the site the standard contaminated land condition should be added to any permission granted. See attached

*3rd July 2014* - due to the current and historical uses of the site the standard contaminated land condition should be added to any permission granted. See attached

## **Social Housing**

*9th July 2014*

This application proposes a total of 106 residential units. In order to be policy compliant, a minimum of 40% of total dwellings must be affordable dwellings on this site. This equates to 42 affordable housing units. The proposed planning application is offering only 16 affordable housing units, which equates to 15% of the total dwellings. This is not policy compliant and this number of dwellings is not acceptable without independent verification of viability, undertaken at the developer's cost.

The latest SHMA that has been commissioned also requires a mix of 75:25 rented to intermediate housing.

### Viability

If it is independently verified that it is not viable to deliver affordable housing to a level that is policy compliant, then there are a number of options the council will consider. These are as follows:

- Altering the unit mix or tenure split to facilitate a more viable scheme, while still addressing the housing needs of the Borough.

- Supporting the injection of public subsidy to achieve the full affordable housing requirement. This could enable the overall scheme to become viable via, for instance, a bid to the Homes & Communities Agency. Any s.106 agreement would therefore need to include a provision to facilitate this.
- Altering the % affordable housing sought on the site to reflect the viable position.

In these cases an overage clause would be included within the s.106 agreement to capture any market improvement value between the time of the viability validation and before completion of the site. The overage clause will seek to secure payments which would provide the equivalent on site affordable housing value via a commuted sum provision, should market conditions improve and the viability of the scheme allow such payment. Any payment would be subject to the ceiling of the equivalent cost to the developer of providing a policy compliant affordable housing contribution.

The s.106 agreement will also include triggers for repeat viability appraisals, if the development hasn't started and completed with reasonable timeframes from when planning permission was given.

We would also expect the value of the affordable housing (as assessed within any viability appraisal) to be detailed within an s.106 agreement and used as the basis for determining what would be a reasonable offer from a Registered Provider.

### Dwelling Mix/Tenure

There is a demand for one bedroom dwellings for persons seeking to downsize due to the under occupation charge that has been imposed from April 2013. In view of this we have proposed a mix that includes 1 bed dwellings

The majority of affordable homes provided in Cheltenham Town Centre in recent years comprise of smaller 1 and 2 bedroom flats. With regard to site specific recommendations the development of this site located outside the main town centre area is an opportunity for the delivery of a greater proportion of larger family sized accommodation whilst including a broad mix of property types and sizes on site. In view of this 4 bedroom houses have also been included in the mix.

The 75:25 split between social rent and intermediate rent is required on this site for the affordable housing provision. The intermediate Housing should be shared ownership and we have proposed a fairly even split between 2 and 3 bed houses to reflect the needs of a broader range of family sizes and would help create a more balanced community.

With regard to 2 bedroom dwellings, our preference is 2 bed houses therefore we would not support the proposal of 10 2 bed flats contained in one block. We would expect the affordable housing to be "pepper-potted" in small clusters throughout the development and indistinguishable from other market dwellings.

### Rents

It should be noted that any 4 bedroom affordable housing should be set at social rent levels to take account of the impact of the Benefit Cap, which would render 4 bedroom accommodation unaffordable for households on a low income, if set at an Affordable Rent of 80% of market rents.

### Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit.

### Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable in accordance with the Council's SPG and having regard to local incomes and house prices.

## Affordable Housing Standards

We would expect all the affordable housing to meet minimum internal floor area size measurements, design and quality standards as described by the Homes and Communities Agency.

All the affordable homes should meet the Code for Sustainable Homes Level 3 or 4 (4 preferred) or equivalent measure.

In the case of affordable housing all ground-floor properties should be designed to meet current Lifetime Homes Standards.

## Registered Providers

All affordable housing should be provided by a Registered Provider who will be expected to enter into a nominations agreement with the Local Authority, providing 100% nominations on first letting/sale and 75% of all subsequent lettings thereafter. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

A list of Register Providers managing accommodation in Cheltenham can be made available if needed.

## **Environmental Health**

*28th July 2014*

I have reviewed the application for this site and offer the following comments:

I have no objection in principal to the re-development of the site for residential purposes, but would recommend the following conditions are applied to any permission for development:

### Control of noise, dust and other nuisances during construction works

Recommended Condition:

Before any works of demolition or construction begin on site, a plan for the control of noise, dust and other nuisances arising from such work must be submitted to and approved by the Local Planning Authority.

Reason:

To prevent loss of amenity affecting nearby residents due to noise, dust and other nuisances arising from construction and demolition work.

Informative:

The recommended hours of work for a site such as this are 7:30AM - 6:00PM Monday - Friday and 8:00AM - 1:00PM on Saturdays. Work producing noise audible at the site boundary will not normally be permitted on Sundays or Bank Holidays. In the event of work being necessary outside these hours the site operator should seek approval under section 60 of the Control of Pollution Act 1974 from the Council's Public Protection Team. Bonfires will not be permitted on site at any time. Any crushers in use must be suitably permitted as required by The Environmental Permitting (England and Wales) Regs 2010, and operated in accordance with that permit.

### Details of windows.

The "Noise exposure assessment" provided by the applicant indicates that mitigation measures will be required for glazing to some rooms, as discussed in the plan. I would therefore recommend the following:

Condition:

Details of glazing and ventilation to all residential properties shall be provided for approval by the Local Planning Authority before works of construction commence on site.

Reason:

To ensure that suitable glazing is provided to mitigate against the effects of noise identified by the "Noise exposure assessment" provided with the application.

*11th July 2014* - The "Noise Exposure Assessment" provided identifies that the principal of residential development at this site is suitable, provided suitable mitigation measures are included. I would therefore recommend that if permission is granted a condition is attached to ensure that the glazing identified in section 5.2 of this report is included in the constructed properties.

A site of this scale has potential to affect nearby premises due to the emission of noise and dust during the demolition and construction process. I must therefore request that if permission is granted a condition is attached on the following lines:

Condition:

Before works of demolition or construction commence on site, a plan for the control of noise dust and other nuisances must be provided for and approved by the Local Planning Authority.

Reason:

To control the impact of nuisance from building works on nearby properties.

## **GCC Highways Planning Liaison Officer**

*7th July 2014*

I have not assessed the development in any great detail, however in order to help expedite the application I have had a quick look through to determine if any additional fundamental information is required. My initial assessment has identified that the following information is required:

- i. Stage F/1 RSA, designers response and exception report to consider the points of access and the layout of each part of the site.
- ii. An NMU context report and NMU audit report.
- iii. Vehicle swept paths of the site access and turning heads. For cul de sacs longer than 20m a turning area should be provided to cater for vehicles that will regularly need to enter the site.
- iv. All carriageway and footway widths to be annotated on plan.
- v. Details of junction and forward visibility from each point of access to be shown on plan, including private drives and individual plots.
- vi. Visitor parking should be provided at one space per five plots, this does not appear to be the case, if visitor parking is proposed on street, indicative locations should be identified.
- vii. It is not clear what the dashed line on the carriageway adjacent to plots 55 and 56 denotes, can this be explained?

It is likely that I will request additional information once I reviewed the TA and TP.

### **Environment Agency**

*14th August 2014*

We've received the consultation for this application but the checklist with it wasn't filled in. I've had a look at it and I don't believe it features within our checklist for consultation as the site is in Flood Zone 1, not near a watercourse and below 2ha (so would not be something we'd make bespoke comment on regarding land contamination).

As such we have no comments to make, but would refer to you our standard advice on flood risk for developments in flood zone 1 and our general developer guidance note for general environmental matters.

### **Tree Officer**

*24th July 2014*

The Tree Section objects to this application as the majority of mature trees within the site are to be removed. More thought should have been given to the retention of these trees as they offer much needed greenery in a relatively tree-less area. Taking all of this into consideration the Tree Section has served a Tree Preservation Order (TPO) to protect the following; 2 x Plane trees, 2 x Birch trees (all along the King Alfred Way boundary) and 1 x Lime tree (on the boundary with 2 Coltham Close).

The reason for the TPO is:

These trees have a high amenity value and contribute significantly to this relatively tree-less area and as such are an important feature in within this location. A planning application has been received within the curtilage of the site and this council wishes to ensure the safe retention of these trees during any demolition works and construction process, should planning be permitted.

The following points also require further consideration/clarification:

- i. The trees within the gardens of properties on Hales Road require root protection areas within the proposed site, to prevent any compaction during the demolition and construction phase.
- ii. The location of the Lime (T1 on the Tree Report/T5 on the TPO) requires amendment on some of the plans. This tree is currently within the development site, yet on Drawing Number 2\_101 Planning Layout (for example), the tree is marked on the boundary. To avoid future ownership issues/disputes this tree should be marked correctly on all plans submitted.
- iii. The proposed landscaping, in respect of trees, is insufficient for this area. Careful thought needs to be given in respect of overall height, ease of establishment and growth rate, so they will contribute to the green infrastructure of this area in the short and longer term. For example, Magnolias are very slow growing and therefore will take a long time to add significantly to greening up this area, as well as the one species selected is ultimately a small-sized tree. The Tree Section accepts that larger, long lived species are not suitable for small gardens, however, space should be created where trees like this can be accommodated into the design.

As the TPO is now in place to protect existing trees on site, the following information is required:

- i. Tree Constraints Plan overlaid onto the proposed development
- ii. Tree Protection Plan
- iii. Arb Method Statement to include: proposed fencing; details of no-dig construction where hard surfaces are proposed near to the protected trees; location of site huts; storage of materials; any access facilitation pruning and any other information required to enable safe retention of the protected trees and trees adjacent to the development.

iv. All of the above to BS 5837:2012

### **Land Drainage Officer**

*24th July 2014*

In terms of surface water runoff, the proposed development significantly reduces the impermeable areas from that which currently exist, and as such can be considered a betterment. The submitted Flood Risk Assessment and Drainage Strategy states that the site is considered unsuitable for soakaway drainage and consequently, an attenuation based strategy has been proposed. Notwithstanding, the findings of the Geotechnical Desk Study, in that approximately one third of the site (north of King Alfred Way) may have a low infiltration potential due to outcrops of cohesive soils and the existence of an old landfill site; the remaining two thirds of the site may be suited to the disposal of surface water via soakaways. This is confirmed by the geotechnical report. I therefore recommend that this be further investigated, and if appropriate, a SuDS scheme be designed in accordance with current best practice and at least up to the draft national standards. Within site constraints, the developer should be looking to achieve as many SuDS benefits as possible.

### **Parish Council**

*29th July 2014*

Although this application does not fall in our parish, it is adjacent and of such scale that we considered it necessary to pass comment. Our main concern is with the potential impact on traffic flow through our parish.

The impact of additional housing, some with direct access onto Haywards Road would inevitably lead to greater use of the traffic light junction at Haywards Road/London Road. This junction already has significant problems with congestion particularly at peak hours, due to turning movement problems including infringement of turning ban and general road layout alignment difficulties. Further significant development would inevitably worsen the situation,. The opportunity should be taken to seek a solution to this important junction and the developer should be required to contribute to such measures.

With 106 additional houses nearby there's likely to be in the region of 200 cars moving around King Alfred Way on a daily basis, entering the development either from Haywards Road/Ewens Farm or from Hales Road. This strikes us as a considerable increase in traffic flow, with all that entails for congestion in the area. However to get a proper assessment a thorough and realistic traffic survey needs to be carried out, together with analysis of the impact of traffic movements. The comments from Gloucestershire Highways indicate that there are a number of question marks over parking, layout etc.

On-street parking is already difficult in the two areas of our parish mentioned above and with so little parking planned for each new house, it's likely that the current situation would be exacerbated by overspill from the new development. With parking on both sides of Haywards Road already, there is little room for passing traffic or any additional on-street parking.

Whereas we welcome the addition of housing particularly in this part of town and measures to redevelop the more run down elements of the estate, we are concerned that no proposals have been included to cater for business and employment needs in an area of town that has few opportunities for sustainable businesses to thrive. Part of the site could be beneficially reserved for business use and better integrated to the warehousing that is to remain; with part of the site given over to new business starter units or new facilities to cater for the potentially displaced viable businesses.



We support the comments made by Social Housing and would wish to see a better mix of housing, with a greater percentage of affordable housing ie 40%, which is planning policy. Finally, a development of this size needs to be considered in the context of the JCS.

### **Cheltenham Civic Society**

*21st August 2014*

We are concerned about the loss of employment land in Cheltenham that this represents. As a housing scheme it is decidedly mediocre.

### **Gloucestershire Centre For Environmental Records**

*9th July 2014*

Report available to view on line.

### **Comments received following the submission of revised plans:**

#### **Strategic Land Use Team**

*19th February 2015*

Planning law requires that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The saved policies of the Cheltenham Borough Local Plan Second Review (2006) comprise the adopted Development Plan.

Material considerations relevant to the application are:

- The emerging JCS and its evidence base;
- The National Planning Policy Framework (NPPF) and national Planning Policy Guidance (nPPG)

The proposal is for the demolition of the existing buildings and the erection of 106 dwellings.

The NPPF states that the presumption in favour of sustainable development should be a golden thread running through both plan making and decision taking (paragraph 14). This presumption in favour of sustainable development places the development plan as the starting point for decision making. (paragraph12).

The NPPF aims to ensure that significant weight is placed on the need to "support economic growth through the planning system" (paragraph 19).

With reference to paragraph 215 of the NPPF, Planning Authorities should give due weight to relevant policies of the development plan according to their degree of consistency with the NPPF.

Policy EM2 of the Local Plan seeks to retain land that is currently or was last in use for employment purposes unless one of the listed exception tests are met.

Policy EM2 of the Local Plan states, in part, that:-

*A change of use of land and buildings in existing employment use, or if unoccupied to a use outside Use Classes B1, B2 or B8 inclusive will not be permitted, except where:  
(b) the retention of the site for employment purposes has been fully explored without success*

(note 1); or

*(d) development of the site for appropriate uses other than B1, B2 or B8 and criteria (c) will facilitate the relocation of an existing firm to a more suitable site within the Borough (note 3); or*

*Mixed use development will be permitted on employment land provided:*

*(f) any loss of existing floorspace would be offset by a gain in the quality of provision through modernisation of the existing site. This should secure or create employment opportunities important to Cheltenham's local economy, and*

*(g) the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites; and*

*(h) the use is appropriate to the location and adds value to the local community and area.*

*Note 1 Evidence will be required to demonstrate demand; this may include details of past advertising, vacancy levels, and rent levels. This list is not exhaustive and further information may be requested.*

*Note 2 Sui generis uses which may require an employment site location include; Car sales, builder's yard; vehicle or tool hire business. This list is not exhaustive and other uses may be relevant.*

*Note 3 Evidence will be required to demonstrate why the existing site is unsuitable for the current use, why the alternative site is more suitable and why other uses are considered necessary in order to facilitate the relocation of the current user elsewhere within the Borough.*

*A change of use under criterion (d) will be subject to a Section 106 agreement.*

The Council considers that policy EM2 is in general conformity with NPPF policy on 'Building a strong, competitive economy'. It is not a policy for the supply of housing and is intended to protect delivery of the Borough's employment needs, which is part of the 'economic role', the first of the three dimensions of sustainability required by paragraph 7 of the NPPF.

The Cheltenham Borough Council Employment Land Review (ELR) 2007 ([http://www.cheltenham.gov.uk/info/1004/planning\\_policy/378/evidence\\_base/3](http://www.cheltenham.gov.uk/info/1004/planning_policy/378/evidence_base/3)) is an evidence base document which was prepared by Nathaniel Lichfield and Partners on behalf of Cheltenham Borough Council. The document is being used to inform the production of employment policies within the forthcoming Gloucester, Cheltenham and Tewkesbury Joint Core Strategy.

The document undertakes a qualitative assessment of existing employment sites in terms of their suitability for employment use and gives an indication of the overall ranking of sites in terms of their location, sustainable development, environment and marketability factors. The ELR ranks the Battledown industrial estate as of Good Quality (main report pg. 61) this is defined in the study as: 'benefiting from buildings and public realms of a good or reasonable quality, with small levels of noise, smell and dirt. The sites included in this section provide a mixture of office accommodation and industrial uses.'

Specifically, the report describes the site (ELR appendices paragraph 1.56 pg. 30) as 'having poor strategic and local road access, due to its location in the eastern outskirts of the town. It is occupied by a number of industrial businesses, housed in a range of average quality warehouses and brick buildings. The state of the public realm, levels of noise and dirt and the parking and servicing provision are all of an average standard. There is little space to expand the existing buildings, but the site is serviced well by public transport.'

The ELR concludes that (pg.71): - Overall, a very high proportion of Cheltenham's existing employment land supply is of at least reasonable quality and should be retained. Even lower quality sites appear to meet local needs of low cost employment space, suggesting they should not be released for other uses. Chapter 4 identified that Cheltenham has a qualitative shortage of employment space, and on that basis, it is essential for the

maintenance of the Borough's economy that all existing employment land should continue to be used for that purpose.

This view concurs with that of the Local Plan Inspector, reporting in March 2005 who concluded that he was in 'no doubt that the plan does not provide enough employment land'. This shortfall in employment land within the town has been exacerbated by an historic loss of existing sites to other uses.

Whilst we are currently in the process of updating this evidence on a Borough wide basis through the Cheltenham Plan evidence base, there is currently no comprehensive assessment evidence of the Borough's employment sites which would alter the view set out in the 2007 report.

Similarly the emerging Joint Core Strategy pre-submission document (available at [www.gct-jcs.org](http://www.gct-jcs.org)) pg.41 in the explanation text for policy SD2 states:

*"because of the constrained supply of employment land in the urban areas, the JCS authorities will wish to evaluate the implications of changes of use. As such, policies on the safeguarding of employment sites will be set out in district plans."*

Because this work has not yet taken place there is no evidence on which to base taking a contrary view to the judgement of the 2007 Employment Land Review and 2005 Local Plan inspector.

Therefore the tests set out in Cheltenham Local Plan policy EM2 are relevant and should be engaged in the consideration of this application.

Criterion (b) of EM2 requires that 'the retention of the site for employment purposes has been fully explored' After considering the applicants own ELR and other supporting Planning Application documents it is clear that the Tim Fry Land Rovers business continues to occupy the site productively - despite, as they state, it being a poor match for their current expanding business.

This fact, and the fact that the applicants state that both Challenge Motor Company came to occupy unit 3 in 2008 for workshop and sales use and a Kitchen Workshop came to occupy unit 5 in 2009 militates against the view that units on the site cannot be retained for employment purposes.

The lack of a demonstration of ongoing marketing of the principal units included in this application fails to demonstrate that the retention of the site for employment uses has been fully explored.

This lack of robust evidence of the sites unsuitability for its current use (perhaps by a smaller or start up company in the B class uses) reinforced by the examples of fairly recent uptake of some of its units, the lack of marketing evidence and because the Cheltenham ELR rates the industrial estates' buildings as "average quality" in Cheltenham, also means that criterion (d) has not been met in the view of the view of the Planning Policy team, because of the requirement in note 3 to "demonstrate why the existing site is unsuitable for the current use".

It is our view that this is a busy and fairly well occupied industrial estate and the buildings are not of particularly poor quality in relation to others across the Borough.

In considering the argument that the proposal represents mixed use development because of the retention of some of the existing industrial units, it is the view of the Planning Policy team that the proposal fails to meet criterion (g) of policy EM2, namely:

the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites

The loss of such a substantial proportion of the industrial estate and the loss of visibility and awareness of the retained units by prospective customers would clearly be detrimental to the continuing operation of these businesses.

As regards NPPF 51:

*'51. Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.'*

The application does not amount to a change of use because most of the buildings as part of the application are not suitable for residential use.

The Cheltenham 2007 ELR and local plan evidence on previous pages demonstrates why there are strong economic reasons such development would be inappropriate. These are that we need to retain current employment floor space even of average quality.

This reason also indicates that the relocation plan erodes our overall employment strategy because there is no clear benefit to the town employment land position through this relocation.

The new premises that TFLR wish to relocate to are already in employment use, the changes they suggest for them are improvements, but not such radical improvements as to offset the loss of the current site, given that the new premises are already suitable for use.

It is the view of the Planning Policy team that approval of the application creates an unacceptable risk of sterilising a working industrial estate and could impact smaller businesses/ start-ups from using the units which TFLR have successfully used to grow (and outgrow) while creating a successful business.

### Marketing Strategy

From a planning policy perspective the information is barely sufficient to cover EM2 for the units covered by the marketing, but doesn't change our wider point that this is insufficient to justify the harm to the area as a whole. The heart of our view is that evidence is required to show that the site as a whole cannot be retained for employment purposes, because the development of the scheme would damage the viability of the remaining employment uses which would be contrary to the economic dimension of sustainable development.

### **Urban Design**

*10th March 2015*

The NPPF is seeking delivery of well-designed places which are pleasant to live in; which work well strategically; and are sustainable.

There have extensive discussion on the design of this proposal over a number of months and there have been significant improvements in terms of layout, landscape and built form. The housing layout is now well designed and where it does not abut retained employment uses it should work well. However, where there is a direct relationship with retained employment uses, there are concerns about the ability of the proposal to provide a decent place to live.

Furthermore, by retaining a mix of uses, including employment uses, distributed throughout the town, there is an opportunity to create the conditions for sustainable patterns of urban development. The site currently lacks aesthetic quality, but does perform an important function as a local employment area, and clearly there are opportunities for improvements. The loss of all or part of it would negatively impact on the delivery of a sustainable pattern of development.

### Context

The site currently forms about half of an existing employment area, with no aesthetic appeal. The employment area is on land rising to the east, surrounded by residential estates, with a large open green space to the east. The King Alfred Way employment area is at a junction between an residential estates of differing eras and character - including a spacious Regency villa estate in streets heavy with tree planting to the west; tighter grained streets (frequently Victorian) with little street planting or front gardens to the south; and mid-20th century Council housing set in generous gardens broken by incidental green space to the east.

### Issues

The NPPF has established a strong basis for sustainable development which involves "...seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including...

- Achieving net gains for nature;
- Replacing poor design with better design;
- Improving the conditions in which people live;
- Widening the choice of high quality homes." (para 9)

Paragraph 56 states that the Government attaches "great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Elsewhere, NPPF requires developments to function well, create a sense of place, respond to local character, be safe and be visually attractive. Specifically in para 61 it states that high quality design goes beyond visual appearance and aesthetics and that planning decisions should address - 'connections between people and places and the integration of new development into the natural, built and historic environment'.

In terms of designing and building places to live these statements mean that the planning system should be creating places which are pleasant to live in and which make a positive contribution to the quality of the local built and natural environment; and that that good design is not only about what proposals look like, but about how towns and neighbourhoods function.

### Analysis

The main urban design issues are:

- i. will the proposal create a decent place to live; and
  - ii. in strategic 'town planning' terms, is it acceptable alter the mix of uses in this part of town by losing employment land.
- i. A decent place to live
- The site is currently an industrial estate, with little aesthetic quality. The proposal is to retain approximately half of the estate and develop the housing on the other; these two uses will effectively form two interlocking 'L'- shapes. The effect is that the residential development has a number of faces to the retained industrial uses. As a starting point, this gives the designer a challenge if a successful place to live is to be created.

This proposal has been through a number of iterations, from pre-application through to the current scheme. Early proposals were heavily criticised on a number of fronts, including layout (frequently cramped, poor relationships between spaces, buildings and streets); over-development; building design (external appearance and impact on passive street surveillance); car parking arrangements; relationship to context; and paucity of landscape. Overall the scheme was poorly thought out.

The current proposal is much more successful in all these elements. The reduction in numbers and a more thoughtful approach to context, layout, landscape, parking, built-form, massing and the internal arrangement of rooms, together address the majority of concerns raised early in the process. Much of the proposal works well and even close to the retained employment, on the main streets, the proposal is a well designed aesthetic improvement.

However, where elements face directly onto or abut the retained industrial areas, there remain serious concerns about the proposal as place to live. The retained employment buildings will dominate views from many of these houses; and the space at the rear of units 15 to 23 where existing buildings are uphill of the proposal will be very unpleasant. There is little, if anything, that can be done to satisfactorily resolve any of these issues.

### ii. Mixed use neighbourhoods

To function successfully town's need a mix of well related uses - places to live, work, relax, shop etc. By mixing uses, whilst addressing amenity concerns, there are opportunities for people to link trips; to reduce travel distances; and to make sustainable travel choices. Local employment opportunities distributed throughout the town can provide jobs for its population in a sustainable manner and support more strategic allocations.

This employment area is well established and although it has little to offer aesthetically and is in parts underused, it is one of the few employment opportunities of this type locally, and has potential for improvement. Loss of all or part of it seems unlikely to be replaced nearby and will not contribute to the potential for creating a well-designed sustainable town.

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

*6th March 2015*

This response is made on the basis of the amended information received:

- 4217-205-Visibility
- 4217-206-Car and Refuse tracking
- 4217-207-Car tracking
- 14111-L-001-H Site Layout
- Travel Plan issue 5 February 2015
- Designer's response to Road Safety Audit

The recommendation of the Highway Authority to Cheltenham Borough Council for the proposed development of up to 86 dwellings accessed via King Alfred Way, Cheltenham is based on the National Planning Policy Framework, the saved policies within the Cheltenham Borough Local Plan and any other material planning considerations. I am aware and have considered the letters of representation.

### Proposed Development

The proposed development is for 86 dwellings, which is accessed via King Alfred on a site currently accommodating a mix of B2/B8 employment and sui generis uses. The development forms a number of short cul-de-sacs to the north and south of King Alfred Way.

### Existing Transport Network

King Alfred Way is subject to a 30mph speed limit, footways are present on both sides of the carriageway, whilst the carriageway is between 7-7.5m in width. To the north west King Alfred Way forms a priority junction with Hales Road, to the south east the road becomes Haywards Road. King Alfred Way currently has high level of on street and on footway parking occurring from the existing employment uses. Existing traffic flows in the AM peak hour on King Alfred Way are 209 vehicles and 232 vehicles in the PM peak. Hales Road currently carries 900 vehicles in the AM peak and 955 vehicles in the PM peak.

### Planning Context

This application has been considered in the light of the National Planning Policy Framework (The Framework) and the policies contained therein, together with the saved policies in the Local Plan where they are consistent with the Framework. The site also has to be considered against the existing use at the site and the traffic movements which could be generated from the extant use.

### Access Points

The site can be described as an 'L' shape parcel, with one development parcel accessed from King Alfred Way to the north and five separate development parcels to the south. In total there are six points of vehicular access to serve the development. A revised plan has been submitted, 4217/205A, demonstrating that 43m junction visibility is available from each point of access, however no speed survey has been submitted to demonstrate that vehicles travelling along this road are travelling at 30mph, therefore a condition to secure 49m visibility splays will be recommended, GCC surveys undertaken on 30mph speed limit roads indicate that there is an 85th%ile speed of 34mph, therefore using the MfS2 formula this equates to splays of 49m.

It is considered reasonable that a 25m splay is applied to Haywards Road, given the geometry of the highway and the existing 20mph speed limit. A condition will be recommended for a pedestrian/cycle link to be provided to Coltham Fields, together with a condition to agree details of bollard specification for the pedestrian link to Athelney Way. As no details of onsite tactile pavings and dropped kerbs have been demonstrated on plan and as there is no certainty that a sc38 agreement will be entered into, a condition for these works will be recommended.

### Assessment of Public Transport, Walking and Cycling Infrastructure

The site is considered to be located in close proximity to a range of amenities and facilities, such as the primary school, secondary school, employment, supermarket, doctors, dentist and bus stops. The majority of facilities are within walking distance, whilst the railway station is within a comfortable cycling distance. Local bus services P and Q currently stop along King Alfred Way, the more regular B service stops on London Road.

A non motorised user context report has been submitted, with the objectives for NMU's to have a safe and suitable access to facilities. The report has also assessed the walking routes from the site to the nearest facilities and has identified a number of offsite improvements, which will be secured by planning condition. These works will include dropped kerbs and tactile paving works at the following locations;

Hales Road/King Alfred Way, Hales Road/Athelney Way, London Road/Keynsham Bank and London Road/Sydenham Villas Road. It is also considered that a dropped kerb and tactile paving across Hales

Road to provide access to London Road and Sydenham Road South.

In order to ensure that the opportunities for sustainable transport modes have been taken up, a condition will be recommended to upgrade the existing bus stops on King Alfred Way and London Road to provide real time passenger information.

### Transport Impact

The trip generation of the development has been estimated using the trip rate information computer system (TRICS), which is a national database which holds actual survey data of residential estates, the trip generation, is consistent with sites of similar sizes and characteristics in Gloucestershire. The impact of the development on the local highway network must be considered against the extant use of the site, this being B2 and B8 industrial uses together with some sui generis uses, an assessment of existing trip rates have therefore been undertaken based on an industrial estate. It can be considered that, based on the derived TRICS data, the existing industrial development could generate 74 two-way vehicle trips during the AM Peak, 62 trips during the PM peak, and some 693 two-way trips between 0700 and 1900.

The proposed residential development is predicted to generate 47 two-way vehicular trips in the AM peak period and 51 two-way vehicular trips in the PM peak period. With regard to 'person' trips, some 88 two-way trips are predicted during the AM peak, 82 two-way trips during the PM peak, and 733 two-way trips between 0700 and 1900. It can therefore be seen that the proposed residential development will facilitate a reduction in vehicular trips when compared with the existing industrial development. A reduction of 27 vehicular trips is predicted during the AM peak hour, a reduction of 11 vehicular trips during the PM peak hour and a reduction of 147 trips between 0700 and 1900. The impact of the development on the local highway network cannot therefore be considered to be severe in the context of NPPF.

### Safety Implications

Personal injury collision data for the past 5 years has been collected and analysed, the data does not demonstrate that there is an existing highway safety issue within the study area. One collision was recorded on Saxon Way and one at the junction of Hales Road and Athelney Way, other collisions within the study area were remote from the development and do not follow any particular trends. It is not considered that this development will increase the risk of collisions, given that there will be an overall reduction in trips when compared against the extant use.

### Layout

The layout comprises 6 cul-de-sacs, tracking demonstrates that a refuse vehicle can safely access and turn in the northern estate road, whilst bin storage points are provided in the remaining access roads to ensure that a refuse vehicle does not have to enter those roads. The southern roads have been tracked using a box van and this can adequately access the site and turn. Vehicle tracking has been submitted to demonstrate that two estate cars can pass each other at the junctions of the new estate roads and King Alfred Way. All of the estate roads are shared surface in nature and are at least 6.8m wide, it has been confirmed that the dotted lines on the plan are not kerbs, but simply imply a pedestrian corridor.

The width of shared surface areas is generally greater than 6.8m and will therefore accommodate on street visitor parking. Junction visibility of 43m is shown on plan, however it is considered that as no speed survey has been submitted that these splays are required to be 49m, an appropriately worded condition will be recommended to secure these splays. A pedestrian link to Athelney Way is proposed, whilst a condition will be recommended for a pedestrian link to Coltham Fields.

GCC has raised concerns regarding the location of some parking spaces which are necessary to serve dwellings fronting King Alfred Way. Much of this parking provision is remote from the dwellings and provided to the rear of the dwellings, therefore it is considered likely that parking will take place on King Alfred Way, as residents will choose to park close to their front entrance. It has been confirmed by the LPA that these rear parking areas are required, as for other planning related reasons, driveways cannot be provided along the frontage of King Alfred Way. GCC does not consider that this constitutes good



design, but accepts that the planning balance needs to be considered and that vehicles parking along King Alfred Way is not in itself a reason to object to the application, especially given the current use of the site and the existing parking issues. The amount of parking provided is consistent with average car ownership levels as set out in 2011 census data, more than two parking spaces are generally provided for each dwelling.

### Travel Plan

The objectives of the Residential Travel Plan are to:

- Establish a management regime for the Residential Travel Plan;
- Reduce the percentage of single occupancy car journeys to and from the development;
- Maximise the potential for pedestrian and cyclist trips to and from the development;
- Actively promote the Residential Travel Plan and sustainable travel options; and
- Monitor the progress and effectiveness of the Residential Travel Plan measures.

The targets of the Travel Plan are as follows:

### Target 1

The first target is to reduce the number of vehicle trips generated by the development over a 12-hour period (weekday) by 10% and achieve a corresponding increase in trips by more sustainable travel modes. The baseline vehicle trips will be based on the number of trips predicted from the TRICS analysis provided within the accompanying Transport Assessment.

### Target 2

The second target is to reduce the number of peak hour vehicular trips generated by the residential development by 10% and achieve a corresponding increase in trips by more sustainable travel modes.

### Interim Targets

In order to monitor progress towards the meeting of the above targets the following interim targets are proposed:

- Year 1 – 3% reduction in car trips
- Year 3 – 6% reduction in car trips

The targets are easily measurable through the use of the annual household travel survey and ATC surveys, and are considered to be attainable within 5 years of the first travel survey; therefore the targets meet the criteria of being SMART. The actual vehicle trip generation will be established by travel surveys 3 months after 50% occupation of the development. Traffic and resident travel surveys will be undertaken annually thereafter, during the same week each year, in order to monitor the progress towards meeting the specified targets. Refer to further detail within Section 7.0 of this Travel Plan.

There are a number of measures to achieve the targets set out above, these are to encourage car sharing, promote walking, cycling and the use of public transport, and a provide a travel information pack with site specific information relating to all of the above, together with free taster tickets and discounts on bikes.

The developer has chosen option 2 as the mechanism for implementing the travel plan, therefore the developer will pay a contribution of £45,960, GCC will therefore implement and monitor the approved travel plan.

### Construction Traffic

Concerns have been raised regarding the construction phase of the development, should planning permission be granted, construction traffic and the impacts of this are an inevitable

consequence of engineering works and cannot be avoided, however the submission of a construction method statement, together with any potential planning conditions which the LPA may deem necessary in terms of works restrictions will mitigate the impact. Largely, the planning system does not consider the impact of the construction phase of a development, except for to ensure that authorities look to mitigate the impact as far as possible.

### RSA

A stage 1 road safety audit, which identified a number of issues with the layout, however these issues are generally down to poor design, such as a plethora of garage parking, poorly related parking and spaces which are difficult to access, however none of these issues would constitute a reason for refusal, given the design constraints on the site previously discussed. The designer's response is not considered acceptable, as it simply states that all issues will be dealt with at detailed stage, however there is no indication that a sc38 agreement will be entered into by the developer.

Some of the issues raised can be dealt with by condition, such as bollards on pedestrian links, tactile paving and dropped kerbs, whilst some of the issues have been resolved through an amended design. As the recommendations of the auditor have not been accepted at this stage and resolved on the amended plan, an exception report should have been submitted, however this is not the case. Overall, despite the issues raised in the audit, these are generally considered of a minor nature and will simply result in a poorly designed scheme, rather than any fundamental safety issues.

### Conclusion

The National Planning Policy Framework states at paragraph 32 that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF states that "safe and suitable access to the site can be achieved for all people", and that "opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure." It is considered that the development proposals will meet these criteria. It is recommended that no highway objection be raised to this application, subject to conditions being attached to any permission granted.

### **GCC Community Infrastructure Team**

*22nd January 2015*

Thank you for the opportunity to comment on the above planning application. This representation affords a formal, technical officer assessment detailing the planning obligations requirements of Gloucestershire County Council (GCC) for the community infrastructure it has a responsibility for.

GCC is a responsible local authority for community infrastructure matters. The representation considers the impact upon, and necessary mitigation, for the provision of pre-school / early years, education and library services.

The assessment has applied established requirements and standards advised elsewhere across Gloucestershire and that which have been supported by GCC through its adopted Gloucestershire Local Developer Guide. The following details set out a thematic review of the county council's community infrastructure requirements: -

### GENERAL

Assessments of GCC requirements comply with CIL Regulations 2010 (section 122 and 123) and National Planning Policy Framework March 2012 (paragraphs 203-206). Planning

obligations will be sought where they are necessary to make the development acceptable in planning terms, directly related and are fair and reasonable in relation to scale and location of development proposed.

Contributions are ring-fenced for capital works specified by GCC, held in independent accounts and are not interchangeable.

GCC will account for unspent contributions, expenditure and accrued interest. Unless programmed or otherwise agreed, unused contributions are returnable, with interest, to the developer.

Any legal agreement will usually be between GCC, the landowner and developer. As a consequence the developer must meet GCC's legal, technical and monitoring costs in preparing the agreement(s).

All contributions will be bonded and indexed. Review clauses are provided to account for change in dwelling numbers.

### EDUCATION

GCC is a Children's Services Authority (CSA). The aim of the CSA is to improve the co-ordination of services that affect children and young people such as:-

- i. Education
- ii. Social services – where they relate to children and young people
- iii. Health services – where the CSA acts for organisations such as the NHS.

New residential development gives rise to new pupils. There are direct links between the number of dwellings and number of pupils. GCC has to ensure sufficient accommodation for new pupils if existing schools do not have spare places or there are insufficient or no schools local to the development. There is justification at national, regional, county and local level for requiring contributions to local pre-school, primary and secondary facilities where evidence indicates and justification shows that that this would be reasonable.

Contributions will indexed to the Department for Education (DfE) annual cost multipliers or any replacement thereof deemed relevant by the Council to maintain the proportionate value of contributions and to ensure payment.

When assessing education contributions GCC's criteria for a 'Qualifying Dwelling' is a house without age or health occupancy restrictions and with 2 or more bedrooms i.e. family accommodation. Flats and one bed houses are therefore excluded as they are occupied by lower number of pupils compared to houses. The number of qualifying dwellings for this calculation is set out in Annex 1, using the information from the planning application. This may vary between the outline and full application stage.

Affordable or social housing contributes to local education infrastructure requirements in the same proportion as open market housing.

The County has reviewed and analysed the number of pupils at different development / dwelling types across the county. This shows that 7 pre-school, 25 primary and 15 (11-18 year olds) secondary pupils arise per 100 dwellings.

### Requirements –

The contributions for pre-school education, primary and secondary education are set out in the annex to this letter. Contributions will be used towards capital works to extend, remodel, upgrade and improve the capacity and suitability of the nearest facility(ies) identified. Any contributions will be payable 6 months after commencement of the development.

### COMMUNITY SERVICES – LIBRARIES

Delivery of a properly resourced and adequate library service to meet the needs of the population arising from the scheme is required.

Based on the scale of scheme and the numbers of new inhabitants, there is a requirement to provide an extension to the local service to meet the new demand and maintain the welfare of the new community.

Contributions for statutory libraries are assessed on the basis of the impact of the increased population in relation to stock, equipment and opening hours requirements and the immediate and long term costs arising over a 10 year period.

Operating costs are primarily staffing and premises costs. Guidance for standards of library provision advise a) 216 items to be purchased annually per 1,000 population and b) publicly available personal computers (0.6 PCs per 1,000 population). The cost of provision includes annual running/maintenance costs.

To deliver a library service to the new community to appropriate standards, contributions will be required based on comparable costs of £196 per dwelling (this includes all flats and houses). This will be used towards any of the following:- new computers, stock, furniture, opening hours or capital works.

Requirements – The requirements are set out in the annex to this letter. Any contributions will be payable 6 months after commencement of development.

#### **Trees Officer**

*23rd December 2014*

It may be possible to remove the smaller twin stemmed TPO'd birch tree as described on the plans (T4 of the TPO) on the assumption that all other planting is undertaken as described.

Mention is made for the justification for this removal in a letter from Guy Wakefield (Hunter Page) but there is no record of it. Please could this be re-sent.

Magnolia species is recommended within the landscaping plan (drawing no 14.212.103). Previous Trees Officer comment recommended that an alternative species is selected. This is a delicate species which takes a long time to mature and flower As such it is considered beneficial to plant an alternative more robust, native small-medium size tree species (eg hawthorn, or cherry spp) may appropriate.

"CC" is referenced as a tree on drawing no 14.212.101. I presume that this is *Corylus collurna* tree species - please confirm.

No Tree Protection Plan has been submitted. It would be useful if the location of storage and office huts could also be described on this plan. Similarly any access facilitation pruning plans need to be described here. Such information needs to be submitted and agreed as a part of the application.

No Method Statement has been submitted for demolition/construction close to trees. Such info is necessary to be agreed prior to permission being determined. Proposed access methods to the site between TPO'd plane trees T1+2 and also the adjacent retaining wall needs to be addressed.

Whilst desirable to be kept where possible and appropriate, no other trees on site are protected and as such can be removed.

## **Landscape Architect**

*31st December 2014*

### Landscape Strategy

#### SuDS

The Design and Access Statement states that the proposed SuDS scheme will consist of sub-surface cellular storage and tanked permeable paving to hold back the restricted flow. Consideration should also be given to including soft landscape SuDS elements, such as rain gardens, within the landscape strategy. (See Pre-submission Joint Core Strategy INF3, para 5.3.7 4th bullet point). Soft landscape SuDS have the advantage of providing visual amenity and increasing the availability of food and habitat for wildlife, as well as fulfilling a functional role in managing storm water runoff.

#### Species Selection

In general, the planting palette for front gardens is acceptable, but see detailed notes below. The Tree Section should be consulted regarding the tree species proposed.

#### Maintenance

- Please could responsibility for long-term maintenance of public and semi-public areas be confirmed.
- A long-term maintenance schedule is required

## **Charlton Kings Parish Council**

*29th December 2014*

We commented on the earlier application in July as this proposed development is adjacent to our parish, is large-scale and has an impact on our residents. We have reviewed the latest scheme for 86 dwellings and have the following comments, in the light of which we request that the application goes before the Borough Council Planning Committee.

We have concerns over the potential for increased traffic flow along an already congested Haywards Road and through Ewens Road/Ewans Farm. Heavier use of Haywards Road towards London Road would also cause additional strain on the junction with London Road and we recommend that strong consideration be given to using Section 106 funds to improve this junction, with the aim of providing a light controlled crossing for pedestrians and enhancing the general layout to ensure compliance with the no right turn sign from Cirencester Road into Haywards Road. It may be that most traffic will enter the new development from Hales Road but this is unknown and we consider it likely that some motorists (new residents and visitors) will choose to use Haywards Road.

We know that these concerns are shared by members of our parish living in this area and therefore would like to see steps taken to mitigate the impact of increased traffic flow. We note that this area is already a 20 mph zone and request that an intelligent sign be installed in Haywards Road to reinforce this. In fact more signage in the whole area emphasising the lower limit would be beneficial. At the same time the current traffic calming measures could be reviewed for their effectiveness and consideration given to improving them.

As well as a likely increase in vehicular traffic travelling along Haywards Road, we also have concern over a potential increase in demand for parking spaces along this already crowded and narrow road. Parking provision for residents of the new dwellings appears adequate, but not over generous and there is limited or no areas for visitor parking. It's likely therefore that there will be parking overspill into Haywards Road and Churchill Drive; these roads are already congested and under pressure from residents' on-street parking.

On a positive note the Council welcomes the increase in affordable homes in the latest scheme (which we note meets 40%, subject to viability testing) and the good mix of apartments, single and multi-bedroom dwellings.

The design and layout of the development sits well with the neighbouring townscape. However while we welcome the addition of housing in this part of town we have some concern over the loss of business and employment space in this part of town. In summary, although we find the scheme acceptable in general we have significant concerns over the impact of extra traffic movements through our parish and hence request that the application is dealt with in committee in order that due consideration be given to this aspect of the scheme.

### **Architects Panel**

*3rd February 2015*

The panel had previously reviewed a scheme on this site. The scheme was well presented and the revised proposals represent a much more robust approach to the analysis of the site and the surrounding area. This, combined with a reduction in density has resulted in a significantly improved scheme. The balance between consistency and variety has been well handled as well as massing, routes and views through the site. Our only slight concern is the elevations to the apartment blocks which are not as successful as the other units. We understand that there are policy issues with regard to the proposal; however, from a design point of view, we would support this scheme.

### **Crime Prevention Design Advisor**

*16th December 2014*

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the material considerations of the planning application within the Tim Fry Land Rovers, King Alfred Way, Cheltenham with reference number 14/01125/FUL.

The following points should be considered in order to improve security and reduce the fear of crime:

- In a few places across the site, the junction between two differing fence heights will offer climbing opportunity and reduce the potential security.
- The garden fences for the existing dwellings will need to be maintained, where the new road network is planned these fences need to be repaired or replaced to ensure security.
- The boundary treatment for each dwelling should define a defensible space, prevent desire lines or short cuts, while creating an area of ownership outside of their home.
- Any internal division to create private garden spaces or alleyways providing access should not exceed 1.5m in height; this will provide natural surveillance from the dwellings and a chance to see who's using the path, encourage neighbour interaction and create a friendlier route.
- A gate should be installed in line with the front façade of the dwelling to prevent unwanted access to the rear garden.
- The communal entrance to any apartment block should create security by controlling and restricting access into the building; followed by various security features leading to the lockable apartments. Each apartment should be supplied with separate utility meters stored outside of the building, also provision for a safe mail drop which would not compromise the building security.
- Passive surveillance through the street scene and landscaping can reassure residents and remove any perceived fear of crime. This can be obtained from the pedestrian and vehicular movement, maintaining landscaped areas, offering

sufficient street lighting and providing sufficient fenestration in the high occupancy rooms.

- The garages should allow for the modern vehicle dimensions, if it's too small it will be used for general storage which will increase the risk of burglary.
- The secure garden shed, garage or apartment cycle store should have a lockable door and window, inside a Sold Secure cycle rack or ground anchor should be installed.

### Crime and Disorder Act

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their Duty to consider crime and disorder implications

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

### Secured by Design

Secured by Design focuses on crime prevention of homes and commercial premises; promoting the use of security standards for a wide range of applications and products. The design principles can reduce crime by 60%; create a positive community interaction; work to reduce the opportunities exploited by potential offenders; remove the various elements that contribute and encourage situational crime; and ensure the long term management and maintenance of communal areas.

### Conclusion

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

### Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

Development will be permitted only where it would:

- (c) make adequate provision for security and the prevention of crime and disorder; and
- (b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety.

Security and personal safety are matters that are generally taken for granted, but crime and the fear of crime has a significant impact on the way we live.

Careful design of the built environment can reduce opportunities for crime and improve feelings of safety. Cheltenham Supplementary Planning Guidance Security and Crime prevention

Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Paragraph 58, National Planning Policy Framework, DCLG 2012

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1. Letters have been sent to local residents on receipt of the original application and following the submission of revised plans. Site notices have also been displayed around the site again both at the time of the original submission and following the submission of revised plans.

**5.2.** In total 31 comments have been received, of which 25 are in objection, 1 are in support and 5 provide general comment. The issues raised in the comments received are summarised as follows:

- Overdevelopment of the site
- Traffic generation/congestion and highway safety
- Lack of parking in the area
- Loss of the employment provision
- Design of the proposed development
- Additional pressure on existing services, such as schools and GP surgeries
- Impact of construction work on residents
- Drainage/sewage
- Impact on wildlife
- Impact on the amenity and overlooking due to the proximity of the development to existing properties

## **6. OFFICER COMMENTS**

### **6.1. Determining Issues**

**6.1.1.** The key considerations in the assessment of this application are the principle of developing the site (with specific reference to the provisions of the National Planning Policy Framework (NPPF) and consideration of policy EM2 of the Local Plan), the design and layout of the proposal, the potential impact on neighbouring amenity and highway considerations.

### **6.2. Principle of Development**

**6.2.1.** The NPPF sets the weight to be attached to existing Local Plan policies. Annex 1 'Implementation' of the NPPF sets out at paragraphs 214 and 215 that for Local Plans which have not been adopted in accordance with the Planning and Compulsory Act 2004, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The Cheltenham Local Plan was adopted in accordance with pre-2004 legislation and therefore only policies which comply with the NPPF carry weight, and where the Local Plan is not in accordance or is silent then the NPPF is the lead document in making planning decisions.

**6.2.2.** Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to date if the local authority cannot demonstrate a 5 year supply of deliverable housing sites. To note that, the recently published Cheltenham Borough Council's Annual Monitoring Report sets out that the Council can demonstrate a 5.2 year supply. Also that with a buffer of plus 5%, as set by the NPPF, a 5.0 year supply can be demonstrated.

**6.2.3.** Paragraph 14 of the NPPF states that a presumption in favour of sustainable development is a golden thread running through both plan making and decision taking. For decision making this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay. The second bullet point says that where the development plan is absent, silent or relevant policies are out of date then the presumption in favour of sustainable development means that permission should be granted unless any adverse impacts of so doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole or specific NPPF policies indicate development should be restricted.

**6.2.4.** The site is located within the built up area of Cheltenham in a sustainable location. In pure terms, the principle of considering a residential use in this location may be acceptable in



isolation however a major consideration for this application is the loss of part of an established employment site and therefore consideration must also be given to NPPF guidance and policy EM2 requirements on this matter.

- 6.2.5.** The NPPF at paragraph 19 aims to ensure that significant weight is placed on the need to support economic growth through the planning system. Policy EM2 of the local plan states that a change of use of land or buildings in existing employment use (i.e. use classes B1, B2 or B8) will not be permitted unless the retention of the site for employment purposes has been fully explored without success or the application will facilitate the relocation of the business to a more suitable location. Notes 1, 2 and 3 provide further clarification on these points as set out in the Policy Officer comments. The Policy Officer offers comments with regard to paragraph 214 and 215 of the NPPF, *'it is considered that policy EM2 is in general conformity with the NPPF policy on building a strong competitive economy. It is not a policy for the supply of housing and is intended to protect delivery of the Borough's employment needs, which is part of the 'economic role', the first of the three dimensions of sustainability required by paragraph 7 of the NPPF.'*
- 6.2.6.** The Borough's Employment Land Review (2007) includes an assessment of the Battledown site ranking its value as Good Quality, although does identify some issues at the site which are reviewed in more detail in the Policy Officer's comments. Policy SD2 of the Joint Core Strategy pre submission also seeks to protect existing employment sites.
- 6.2.7.** The application sets out that due to the condition and location of the site, Tim Fry Land Rover are seeking to relocate to one of three existing employment units which are available within the Borough which are more suited to their needs. To facilitate this move they are seeking to sell the current site for residential redevelopment of 86 dwellings. The application sets out that the cost to refurbish the existing buildings at the site to bring them to modern standards would not be financially viable based on the rents which could be collected after the refurbishment. The application also includes a marketing report for the units proposed to be lost which ran during the second half of last year, June to December 2014. This report sets out that although there has been interest in the site no firm offers had been forthcoming.
- 6.2.8.** The Policy Officer's conclusions are summarised as following:

*'The lack of a demonstration of sufficient ongoing marketing of the principal units included in this application fails to demonstrate that the retention of the site for employment uses has been fully explored.'*

*This lack of robust evidence of the site's unsuitability for its current use (perhaps by a smaller or start-up company in the B class uses) reinforced by the examples of fairly recent uptake of some of its units, the lack of marketing evidence and because the Cheltenham ELR rates the industrial estates' buildings as "average quality" in Cheltenham, also means that criterion (d) has not been met, because of the requirement in note 3 to "demonstrate why the existing site is unsuitable for the current use".*

*In considering the argument that the proposal represents mixed use development because of the retention of some of the existing industrial units. The proposal fails to meet criterion (g) of policy EM2, namely; the loss of part of the site to other uses does not have a detrimental impact on the range of types and sizes of sites for business uses in the area nor the continuing operation of existing business sites. The loss of such a substantial proportion of the industrial estate and the loss of visibility and awareness of the retained units by prospective customers would clearly be detrimental to the continuing operation of these businesses. The Cheltenham 2007 ELR and local plan demonstrate why there are strong economic reasons such development would be inappropriate. These are that we need to retain current employment floor space even of average quality.*

*The relocation plan outlined erodes our overall employment strategy because there is no clear benefit to the town employment land position through this relocation. The new premises that TFLR wish to relocate to are already in employment use, the changes they suggest for them are improvements, but not such radical improvements as to offset the loss of the current site, given that the new premises are already suitable for use. The approval of the application creates an unacceptable risk of sterilising a working industrial estate and could impact smaller businesses/start-ups from using the units which TFLR have successfully used to grow (and outgrow) while creating a successful business.'*

**6.2.9.** Given the above, it is considered that there is not sufficient evidence or justification provided within the application which would justify the loss of part of this employment site and therefore the application is at odds with Policy EM2, the NPPF and the emerging JCS.

### **6.3. Design and layout**

**6.3.1.** Local Plan Policy CP7 (design) states that development will only be permitted where it achieves a high standard of design, adequately reflects principles and complements and respects neighbouring development and character of the locality.

**6.3.2.** The scheme has been significantly revised since its initial submission. The design of the dwellings has been amended along with the layout with the number of units being proposed reduced from 106 to 86. The Council's Urban Design Manager has been involved in the consideration of this application and the changes in layout and external appearance have come about as a result of negotiations.

**6.3.3.** The revised design approach seeks to provide an urban frontage to the existing road frontages. Behind these frontages are a series of smaller scale mews streets and courtyard spaces. Two and a half storey detached villas and town houses are proposed on King Alfred Way and Athelney Way designed to replicate the distinctive form and appearance of existing properties on Sydenham Road North and South on the opposite side of Hayles Road. The units are set back from the road in order to retain TPO trees. At the junction with King Alfred Way and Haywards Road is one of three apartment blocks proposed. It is three storeys high with a render finish with the upper floor being set back and finished in zinc cladding, which will help to break up the mass of the building. The other apartment blocks are to be located on the northern part of the site. These are a mixture of two and three storey buildings to be finished in red brick; the three storey element is located on the corner with the upper floor finished in zinc, again to help reduce the mass of the building. The courtyard buildings are to be two storeys finished in red brick.

**6.3.4.** The revisions provide for a much more successful scheme. The Urban Design Manager has commented *that the reduction in numbers and a more thoughtful approach to context, layout, landscape, parking, built form, massing has addressed the majority of concerns raised to the previous scheme. Much of the proposal works well and even close to the retained employment.*

**6.3.5.** The positioning of units 22 and 23 and the car parking courtyard created to serve units 16 to 30, which would be adjacent to a retained employment building, do remain a concern in terms of the quality of the space created and may provide an unpleasant living area. Based on the high quality proposed for the remainder of the site, upon which the market would ultimately judge the success of these units, it is not considered this concern would provide for a refusal reason on policy CP7 grounds.

**6.3.6.** To note that, following submission of revised plans the Civic Society has not reviewed the application, however the Architects Panel has provided comments in full support of the application.

**6.3.7.** Overall the scheme does provide for a high standard of design, adequately reflects principles and complements and respects neighbouring development and character of the

locality. Moreover, the scheme would improve the appearance of the locality; however this benefit needs to be considered in the context of the loss of the employment land as set out above.

**6.3.8.** The Crime Prevention Design Advisor has provided comments on the layout which are noted. Should the application have been recommended for permission these suggestions could have been picked up by way of conditions.

### **6.4. Impact on neighbouring property**

**6.4.1.** Local Plan Policy CP4 advises that development will only be permitted where it does not cause unacceptable harm to the amenity of adjoining land users and the locality.

**6.4.2.** Local residents have expressed concern regarding overdevelopment of the site and the impact the proposal will have on their existing amenity.

**6.4.3.** The parts of the site which share a boundary with existing residential properties are to the west and south. On these boundaries only two storey units are proposed. To the west the elevation distance between the rears of the existing properties to the rear elevation of the proposed dwellings is over 30 metres, with the distance to the boundary being 11 metres, therefore in compliance with guidance.

**6.4.4.** The southern boundary has a much closer relationship. Regard should be given to the existing relationship between the employment buildings and uses at this boundary with existing properties on Coltham Fields, Rosehill Terrace and Coltham Close. These properties are made up of a row of single storey and two storey detached and terrace dwellings which have small amenity spaces. In places the existing industrial buildings are less than 1 metre away from 5-8 Coltham Fields, with Rosehill Terrace having an average distance of 7.3 metres from the boundary to industrial buildings. The existing industrial buildings range from two to three storeys in height.

**6.4.5.** The proposed development along the southern boundary would provide two storey units, which would be located closer to the boundary than established distances set out in guidance. The proposed layout however, seeks to minimise the impact of the proposed dwellings. The majority of units adjacent to the boundary will be side gable elevations which therefore reduces the need to have windows in the elevations facing the existing dwellings. Any windows proposed here could be obscure glass and secured through conditions. This approach also reduces impact by providing significant gaps between the proposed built form. Two plots are proposed to have rear elevations to rear elevations with existing properties (units 51 and 52). These units will be in close proximity to the boundary, however will be located further back from the position of existing industrial buildings at this point. This would provide for a better relationship than currently exists. Again, any rear windows in the rear elevation could be conditioned to be obscure glass or repositioned in the side elevations.

**6.4.6.** The question of traffic generation and the amount of parking has also been raised. However, it will be noted that the Highway Officer is happy with the scheme, traffic generation is calculated as being lower than that of an industrial unit with two car parking spaces being provided per unit being sufficient.

**6.4.7.** Subject to conditions Officers are satisfied that the proposed development will not compromise amenity and it is therefore in accordance with the provisions of local plan policy CP4.

### **6.5. Access and highway issues**

**6.5.1.** The comments provided by the County Council in relation to highway matters are set out above and conclude that the scheme is acceptable, subject to conditions. It is stated that the

impact of the development on the local highway network must be considered against the extant use of the site. Based on this it is concluded that the residential use of the site for 86 dwellings will facilitate a reduction in vehicular trips when compared with the existing use at the site.

### **6.6. Other considerations**

- 6.6.1.** Members will note that both the Council's Tree Officer and Landscape Officer have raised points with regard to trees and landscaping. It is considered that these matters could have been covered by way of conditions
- 6.6.2.** The revised application proposes to provide 40% of the 86 units proposed as affordable housing which complies with the requirements of Policy HS4. To note, no viability information has been submitted to demonstrate that the site can deliver 40%. This does seem somewhat odd in that the original submission proposed 106 units with an affordable provision of 15%. The original submission stated that 15% was based on abnormal costs associated to the redevelopment of the site and those associated with the relocation of the business; no viability information was submitted to justify this position. It is therefore unclear how the reduction in residential numbers at the site will allow for an increase of 15% to 40% affordable. Furthermore, no viability information or evidence has been submitted to clarify this position. The application is being recommended for refusal on principle grounds and therefore a s106 has not been agreed or signed on this matter. Subsequently, a refusal reason is required on this matter.
- 6.6.3.** Gloucestershire County Council has confirmed that the proposed development would trigger contributions to be paid towards pre-school, primary and secondary school education, libraries and on highway travel plan requirements. Again, as the application is recommended for refusal no S106 has been agreed to ensure delivery of these contributions and therefore a refusal reason is included.
- 6.6.4.** The application site is located within Flood Zone 1, is not near a water course and is therefore at the lowest category of flood risk. The comments provided by the Land Drainage Officer on the SuDs design could be addressed by way of a condition.
- 6.6.5.** Environmental Health and the Contaminated Land Officer have provided no objection subject to conditions being attached. In considering the impact construction would have on the existing residents, both the Highways Officer and Environmental Health team have requested that a construction method statement would be required if permission was granted, which could be secured by way of a condition.
- 6.6.6.** The application has also included an ecological survey which concludes that no protected species have been identified at the site. Conditions could be attached to ensure that the development is carried out in accordance with the recommendations provided in the ecological survey to protect existing wildlife at the site.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1.** In considering design, layout and amenity considerations it could be argued that the submitted scheme would provide betterment opportunities in terms of the visual improvement to the appearance of the locality and better relationship in terms of amenity with a residential to residential relationship instead of the industrial buildings. However, this is an important established and existing employment site and this improvement is not considered to outweigh the loss of the employment land as set out above, furthermore there is not considered to be a shortfall of housing based on 5 year supply plus 5% NPPF requirement.

7.2. Given the above, the application is recommended for refusal on the grounds that no evidence has been provided to justify the loss of this employment land and therefore the application is at odds with the objectives of the NPPF, Policy EM2 of the Local Plan and Policy SD2 of the emerging Joint Core Strategy.

## 8. REFUSAL REASONS

To follow as an update.

### INFORMATIVES

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

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the reason for refusal

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

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<b>APPLICATION NO:</b> 14/01125/FUL		<b>OFFICER:</b> Mr Craig Hemphill	
<b>DATE REGISTERED:</b> 24th June 2014		<b>DATE OF EXPIRY :</b> 23rd September 2014	
<b>WARD:</b> Battledown		<b>PARISH:</b> NONE	
<b>APPLICANT:</b>			
<b>LOCATION:</b>	Tim Fry Land Rovers, King Alfred Way, Cheltenham		
<b>PROPOSAL:</b>	Redevelopment of land at King Alfred Way involving the demolition of the existing buildings and the erection of 86 dwellings, access, landscaping and other associated works		

### REPRESENTATIONS

Number of contributors	<b>47</b>
Number of objections	<b>25</b>
Number of representations	<b>10</b>
Number of supporting	<b>12</b>

16 Rosehill Street  
Cheltenham  
Gloucestershire  
GL52 6SJ

**Comments:** 29th July 2014

I have looked online at the proposed development in King Alfred Way, and wish to log my objections to it.

It seems a rather "greedy" development, with so many properties squeezed onto a relatively small site. Will there be some "shared ownership" properties onsite, or is it solely a privately funded market being catered for? Is this an "affordable housing" scheme, which Cheltenham needs, as house prices have become unattainable for many of us over the last 10 years or so?

If this site offers opportunities for people to buy their own property at a reasonable price, then it could be a sensible proposition. However, the number of dwellings needs to be reduced by at least 25% to ensure the ecology can cope with the extra footfall. I do worry about increasing Cheltenham's population, though, as it is already a small town bursting at the seams with people not able to find employment, businesses closing down each week due to unaffordable town shop rents.

I also have concerns regarding the traffic flow. As many people have already pointed out, these roads around here are already dangerous for vision, speed, are difficult to negotiate due to cars parked on each side of the road, and turning out into Hales Road in the morning can take me over 5 minutes. Multiply that by 106 plus cars from King Alfred Way, and there will be huge "rush hour" delays, and increased air pollution from all the idling car engines.

I live in Rosehill Street, which has become more and more "commuter parking" over the years, as the town has very limited, cheap parking facilities for those who come in from out of town. If the Land Rover site is made into residential dwellings, I suspect that the "out of towners" will start to park there too, resulting in even more overloaded side streets.

Finally, having lived with the noise, dust and traffic pollution of the last 2 years whilst 3 houses are re-built in Rosehill Street, I dread the thought of living with that again at the rear of this property, but multiplied to an unacceptable level.

If planning is approved, when is the re-development likely to start?

I really do hope that this development is re-considered, and if it is approved, has a more sympathetic approach to the existing residents in the affected area.

77 Rosehill Street  
Cheltenham  
Gloucestershire  
GL52 6SQ

**Comments:** 25th December 2014

Traffic is already an issue and with 86 further dwellings proposed it will only increase.

We are particularly concerned about the impact these additional occupants will have on local schools as majority if not all are at maximum capacity.

29 Haywards Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6RQ

**Comments:** 13th July 2014

My main concern is around increased traffic and parking requirements. As someone else has already said, parking in this area is already challenging and with the undoubted increase in cars that 106 extra dwellings will generate, the situation will only get worse. We have seen the plans and do not believe there is nearly enough parking allocation for the proposed number of dwellings. Our road is already used as a 'cut through' to the London/Cirencester roads and with the current parking challenges, the road can already be tricky to navigate at key times of the day. The traffic will only increase given the number of proposed new dwellings on this site. I would be supportive of a smaller number of dwellings on the site or, as someone else has suggested, some investment to tidy it up as an ongoing business park.

7 Sydenham Road North  
Cheltenham  
Gloucestershire  
GL52 6ED

**Comments:** 23rd July 2014

My concern is the potential effect on traffic flow in the neighbourhood. At present many vehicles using the Battledown industrial estate by pass the A 40 and drive along Sydenham Road North and also many others trying to avoid congestion use this road as a 'rat run'. It is too narrow for this and residents have to take great risk to come out of their driveways at busy times-which seem to be much of the day. The proposed development can only make things worse with so many homes being built and I would urge the planners to consider ways of restricting access between Athelney Way and Sydenham road North.



7 Sydenham Road North  
Cheltenham  
Gloucestershire  
GL52 6ED

**Comments:** 23rd July 2014

My objection is that the traffic will increase, particularly, rat runs along Sydenham Road North. This is already a big problem and a safety hazard as coming out of drives along this road cannot be done safely.

If the development goes ahead then traffic from it should be forced along the major roads. It should not be able to cross Hale's Road.

1 Churchill Gardens  
Churchill Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JH

**Comments:** 21st July 2014

Far too many properties proposed for size of site. Reason number of vehicles. Has anybody taken a look at the parking in Haywards Road? At present the proposed site is industrial and those vehicles do not use Haywards Road, their access is via Athelney and King Alfred Way. Once this site becomes residential the owners will be using all available residential roads linking London Road. There is not sufficient parking proposed - as we all know most homes have at least two vehicles, if not more. Churchill Drive already has an excess of vehicles, including motor homes permanently parked because Haywards Road is overflowing.

Obviously so many units will also impact on all other services in the area. Therefore my objection is not a total ban on the re-development but a large reduction in the number. Packing them in like sardines is not conducive to comfortable living.

59 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6SL

**Comments:** 22nd July 2014

Letter attached.

16 Athelney Way  
Cheltenham  
Gloucestershire  
GL52 6RT

**Comments:** 7th July 2014

My company has been based on this trading estate for nearly ten years and have grown the business throughout this time and now employ around 100 personnel with 50% of them working from the yard in Athelney Way.

What I cannot understand is that the industrial estate is a vibrant trading centre and is not run down with many empty premises struggling to survive. I can understand the case for much needed housing stock but you are turning 50% of a industrial estate into a housing complex

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where the other 50% will continue to be used by industry. This will cause conflict with the existing traders who have worked in this area for long period. I could understand it a little better if the whole site was being developed but this is not the case.

I am a big fan of progress and things never stay the same but redeveloping only part of the site does not make sense.

There are many other brown field sites without damaging local businesses which are just as much needed as the new houses.

17 Ewens Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JW

**Comments:** 25th July 2014

Planning to include:

1. Pedestrian crossing on King Alfred Way to enable young people to access the playing fields safely.
2. Cycle safety/ cycle paths.
3. Protection of all trees and enhancement of green spaces.
4. Bus stop and frequent and speedy bus route to & from town centre and local schools.
5. Enough local school places to meet anticipated demand.

**Comments:** 17th December 2014

Ensure traffic calming measures are in place.

20 mile zone Churchill Drive & Ewens Road.

Mini- roundabout at King Alfred Way/Haywards Road

27 Churchill Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JN

**Comments:** 20th July 2014

Although not opposed in principle to the redevelopment of King Alfred Way, the proposal of 106 dwellings is too many given the size of the site and will deliver properties small, cramped and not in keeping with either Ewens Farm or Hales Road.

I am not satisfied the plans address the impact increased traffic congestion will have on either the residential area or the adjacent industrial site. The latter requires access for large vehicles which will become problematic once the road side parking increases and will hinder their ongoing commercial success.

A reduction in the number of proposed dwellings is the sensible solution.

4 Churchill Gardens  
Cheltenham  
Glos  
GL52 6JH

**Comments:** 28th July 2014  
Letter attached.

58 Churchill Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JJ

**Comments:** 28th July 2014  
Letter attached.

39 Churchill Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JN

**Comments:** 22nd July 2014  
Letter attached.

37 Churchill Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JN

**Comments:** 26th July 2014

I live only a few yards from the top end of this proposed development. I object to the planned design on several grounds.

- 1) The number of dwellings on such a compact sight with limited access.
  - 2) The very low provision of visitor parking and also inadequate resident parking.
  - 3) The aesthetically ugly appearance of many of the buildings that are in no way whatsoever in keeping with the surroundings.
- 
- 1) At certain times of day the narrow residential roads of Ewens Farm are already dangerously busy, used as a rat run and short cut, it is already an accident waiting to happen. The junction between Haywards Rd and Churchill Dr is an almost perfect chicane which many take at high speed, competing with children and mums trying to cross the road to get to school. The addition of 300 to 400 extra people and around 200 cars cannot be acceptable without proper scrutiny of what safety measures etc could be taken. Ie Changing this junction or even possibly only having one way access (in the direction of Cheltenham) after all the existing estate is purely residential and was never designed to take through traffic.
  - 2) The parking provision for the new development is based on average vehicle ownership in the area based on census returns. This is a very flawed concept, it is obvious that the demographic of the younger first time buyer, that the new houses are designed for, is very different from the older residents of Churchill Dr and Haywards Rd. I own one of the nearest

houses to the development that does not already have its own drive, because most houses have put drop curbs and drives in visitor or extra parking is very restricted, it is often not possible, even now, to park close to my house. The new development needs to take more account of visitor parking and also flats and houses with insufficient assigned parking with nowhere to park they will end up trying to park outside my house and houses along Haywards Rd and Churchill Drive, potentially it could be a nightmare. I need to be protected from this considerable disadvantage. Perhaps the developers could install a dropped curb out side my house so that i may in the future put a driveway in. If they do not then I almost certainly will have to, i don't see why i should incur personal cost to protest what i already have. I am not sure if this kind of issue falls within the remit of the planning hearing, i hope so.

- 3) The appearance and design of the proposed dwellings will downgrade the area. They look similar to the very ugly and poorly constructed estate built on the GCHQ Oakley site, this even made an appearance on BBC Watchdog consumer program. The design is dictated, I suggest, by the accountants trying to maximize profit and with almost no concession to aesthetics. Tiny three story houses crammed in to extract every last drop of square meterage from the site. I understand the need for lower price housing but I object strongly to the cynical business model that we see in this planning application.

Thank you for reading my comments, I hope that others agree with me.

### **Comments:** 8th December 2014

I live in one of the nearest properties adjacent to the top end of the development. The resubmitted and amended plan for this site has failed to address most of the objections associated with the original plan.

Traffic flow, at peak times and other times, these roads are used by heavy and often fast traffic as a rat run through to the London Rd, the addition of driveways and increased car ownership will impact greatly on residents of Churchill Drive and Haywards Rd, this has to be addressed by the planning authorities. The corner at Churchill Drive/King Alfred Way is particularly fast and dangerous and will be made worse.

Parking, there is not enough provision for parking with the proposed plan. Is there any communal parking at all? Where do visitors etc park? What if a resident has a work and a private vehicle? This cannot be swept under the carpet, it is a major concern for anyone already living in the surrounding streets. I will be FORCED to pay for a drop curb outside my house as it will be the only way for me to park near my home.

Density of housing has been reduced in this resubmitted plan, it does not go anywhere close to what is acceptable and in keeping with the character and quality of the area. It has gone from around 120 to 86, I would respectfully suggest that it need to at least halve again to 43. The open spaces are very small and give the impression of a cheap and crowded housing estate designed by potential profit rather than quality or aesthetics.

Aesthetically this development looks and feels like other similar low cost and badly built housing that has already been built ie, on the ex GCHQ site at Oakley. This, very similar, site is so poor that it has featured on BBC's Watchdog consumer program. Surely we not want to keep making the same mistakes regarding planning issues relating to this kind of development.

The proposed building closest to me and one that would be in my line of sight is three stories, there are no three story houses in the area at all. It is a very ugly building that should not be built. There is no reason for building ugly utilitarian dwellings other than maximizing profit margins, whilst I accept that developers exist to make profits, this should not be done at the expense of the neighbourhood and neighbours and that is surely what the planning process sets out to protect.

The developers, as far as I know, have not put on a public display of there plans this time, it is difficult for many people to access plans online, I know that the objection last time was

overwhelming, I feel that making plans and drawings easily available to neighbours, many of whom are elderly, would have been the least that they could have done.

17 Churchill Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JN

**Comments:** 25th July 2014

Although I am not opposed to this development in principle, I am concerned about the effect it may have on traffic and parking in the local area, as there are already issues with high volumes of traffic and insufficient parking spaces for existing properties. The application states that the proposed housing development will generate less traffic than the existing industrial development and that overall the proposed development will have a positive impact on the local road network, although I don't believe this to be the case as 106 new dwellings will bring a significant increase to the amount of cars using local roads at all times.

I'm also concerned about the pressure that will be put on local services, such as schools, medical services etc by the high number of residents in the new development. It is not clear what provisions will be made by the developer to deal with this.

The development will lead to loss of employment opportunities and potentially damage local businesses, which is an important consideration.

61 Haywards Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6RQ

**Comments:** 18th July 2014

Letter attached.

61 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6SL

**Comments:** 23rd July 2014

Letter attached.

**Comments:** 23rd December 2014

Letter attached.

45 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6SL

**Comments:** 23rd July 2014

Our household of three adults are against this proposal and agree with all of the arguments listed in the comments section on here by other neighbours opposed to the development plans.

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Although we will be listing similar themes to those already on here we feel it is important to add our support to those concerns:

Traffic - there is heavy traffic flow on Hales Road already, which will be made worse by yet more cars and thoroughfare.

Employment - You will be removing employment opportunities in the area only to add 106 more dwellings of people all needing jobs.

Local services - The doctors, hospital and schools are at breaking point already and adding more to their ever growing users is irresponsible. While the developers have said they will be offering you money to compensate for the increase, that will not last forever and you have to seriously think if it is sustainable for the next 20 years, not just 2 years.

Drainage - The systems here are quite old and can they cope with extra sewage and water flow? Hales Road and London Road have flooded regularly over the last few years in heavy rain fall.

Privacy - 3 storey buildings are too high and are not in keeping with the local houses already here. The people who have bedrooms at the rear of the property on Hales Road will have to be aware of being overlooked as would any potential new residents in their property. Plus I find the mix of trading estate and dwellings in such close proximity to be a strange situation to begin with, when you say the properties will be in keeping with the local area, do you mean in keeping with a trading estate or houses?!

Noise - The trading estate is quiet at night and the daytime is perfectly acceptable as the majority of us are at work, I can't see that being the case for 106 dwellings.

Wildlife - We have a bat box in our garden and have seen bats recently in the area. There are also a number of urban foxes here and we have had dens in a number of gardens in Hales Road. Birds use the trees here to nest in. I have also seen badgers, buzzards, hedgehogs and other wildlife in our garden alone, the building process, changing of the landscaping, human interaction and noise will all have an impact on these species, I do not feel that this has been examined thoroughly.

While we feel that some redevelopment in general is acceptable, aren't opposed to progress and that some elements of the trading estate could be looked at, we do question the suitability of the plans for the reasons I have listed.

Thank you for your considerations.

57 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6SL

**Comments:** 23rd July 2014

The 3 members of the household at 57 Hales Road all support the proposal with the the following 2 caveats:

The surrounding area is 2 storeys and the proposed 3-storey buildings would be too high.

3-storey buildings would adversely affect the privacy of residents on Hales Road.

59 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6SL

**Comments:** 21st July 2014

I am writing to object to the planning application King Alfred Way, Battledown ref 14/01125/FUL. There are several reasons for my objection to the proposal.

1. Loss of employment space

The Planning Supporting Statement document fails to mention, or even consider, the 9 other thriving businesses on the site, within the proposed development area, which will be forced to close or relocate should planning permission be granted. The presence of these companies; GS Scaffolding, Norman Cars, Pioneer Cars Sales, MG Scaffolding, Mitie Pest Control, The Kitchen Workshop, Challenge Motor Company, Precision Spark Eroders, Ellas Snack Bar makes the statement on Section 19 of the Planning Application; "Employment, Existing employees on site, full time = 29" incorrect. The loss of these businesses and the related unemployment will outweigh the 6 new jobs Tim Frys relocation may create. For example a single larger company has 50 employees operating from the site. The existence of such a high number of established businesses suggests the statement that the site is "not suitable for commercial use" to be incorrect.

The Planning Application form states "14. Existing Use, is the site currently vacant? Yes". This is incorrect.

An application for conversion of the site (B1/B8 light industry and storage) to D2 (gym) in 2013 (13/00631/COU) was rejected as Battledown Industrial Estate was deemed by the planning officer to be "vibrant and well occupied". It was also stated that due to the lack of marketing for one plot Cheltenham Borough Council "cannot therefore be confident, that there is no longer any future demand for this property". The vacant plots, all owned by the applicant (Tim Fry Landrovers), have not been actively marketed since 2004 as stated in the Employment Land Report. In reality the sign on one plot has only appeared in recent weeks. Therefore the statement by the planning officer is still factual.

The officers report (13/00631/COU) also stated ".. historic levels of losses of employment land to other uses, approximately 11 ha since 1991, with a further predicted loss of 9.1 ha as a result of existing commitments. The councils evidence base shows that there remains a shortage of employment land within the borough and that all existing employment land should continue to be used for that purpose. " The loss of further employment land in a town, which already lacks such space, would encourage more businesses to relocate to other towns with associated impacts on the local economy.

The loss of employment land would be contrary to the Gloucestershire County Council Adopted 2nd Review Structure Plan 1991-2011 Policy E.5, Existing Employment Sites: "Existing employment sites will be safeguarded for employment use except where the site is not required to meet existing or future employment needs, where employment use creates unacceptable environmental or traffic problems, or an alternative use or mixed-use".

Granting of such development would also be against the soon to be adopted Joint Core Strategy (2015 - 2031) which is currently in the pre-submission phase. Ambition 1 - a Thriving Economy, Strategic Objective 1 - building a strong and competitive urban economy states "develop the potential of the JCS area for further economic and commercial investment by: providing the right conditions and sufficient land in appropriate locations to support existing businesses."

2. Detrimental impact upon residential amenities

The proposed dwellings will have an adverse affect on the amenities enjoyed by neighbouring residents;

## 2. 1 Aesthetic

The new houses are not in keeping with the 1890s red-brick Victorian and Regency housing in the adjacent Hales Road (and beyond). The roof pitches, wooden cladding and white frontages do not fit with the local street scene.

## 2. 2 Elevation

The houses are built on elevated land which slopes up towards Haywards Road. The houses are of 2 - 3 storey. The houses in the local area are of 2 storey. The scale and proportions of the houses are not in keeping with the existing houses in the area and would negatively affect the amenities enjoyed by local residents.

## 2. 3 Density

The density of the proposed development is 61 dwellings per hectare. This is 20% higher than the maximum allowed density stated in the Local Plan (Policy H. S2). The houses are of higher density than existing plots in the area and the layout does not fit the existing street plan. The plots have limited outdoor space compared to existing properties.

## 3. Loss of privacy and overlooking

The Council has an obligation under the Human Rights Act, Protocol 1, Article 1. The Act states that a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land. Additionally, Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. Private and family life encompasses the home and its surroundings. (Britton vs SOS).

My property shares a boundary with the proposed development. The development is built on an elevation that slopes up behind our house. There are several three storey plots (41, 42, 43, 44 and 5-10, 11-19, 20). Houses built on such an elevation will appear approximately 2 storeys taller from our properties. We will be directly overlooked by several of these properties. This will result in complete invasion of privacy in our garden and allow new residents to look directly into our windows. The use of obscured glass would not prevent the windows being opened and direct overlooking.

We currently have a well established strip of scrub and palisade fencing at the bottom of our garden. The proposed loss of this habitat and the replacement with a 1.8m fence will not mitigate against our loss of privacy. The planting of sparse trees within the new dwellings gardens will be of limited mitigation to the overlooking as once sold the new owners will be free to "manage" these by clearance as they wish. It will also take at least 20 years for these to reach the size of the current trees which will be lost.

Additionally, an alley will now run behind plots 41, 42, 43. This will increase the risk of antisocial behaviour and crime in the area. We currently benefit from an area of scrub and palisade fencing at the bottom of our plots, therefore preventing rear access to our properties.

## 4. Overshadowing and loss of light

Due to the height of the proposed building and the grading of the land on which they will be constructed there will be overshadowing and loss of light to our gardens.

## 5. Highway safety

The roads and junctions which currently exist; Athelney Way and King Alfred Way are already hazardous. The area is used extensively for on road parking for commuters and residents of Hales Road and of users of the businesses in the industrial estates. The traffic survey conducted suggests that there will be a net decrease in traffic as a result of development. It does not consider the % of the industrial traffic recorded that would still be present visiting the remaining industrial units. It does not also consider the traffic that will continue to try to park in the area. The "heavy goods vehicles that area currently generated by the existing industrial development" will still be present in some numbers as Howdens, UK Select and Rinus Roofing will remain.



## 6. Environmental

Acceptance of the proposal will result in an increase in traffic e.g. 106 cars if each dwelling had 1 car, which in current times is a low estimate. The proposal of an additional crossing on Hales Road would further increase the length of time cars were stationary outside our properties having health implications due to increased exposure to exhaust gases. This would be exacerbated by the increase in vehicle volume if the Boots Corner traffic proposals are adopted.

The loss of the area of scrub adjacent to our properties would see the loss of an important strip of habitat in an urban area. The site has a mixture of well-established trees including a mature willow, which provides nesting sites for birds, which are often lacking in the urban area. The site was dismissed within the ecological assessment and a full survey of the trees and their roosting potential for protected species such as bats was not undertaken. This linear feature may also be a navigation route for commuting bats, without survey this cannot be dismissed.

Although some planting is proposed in the plans this cannot replace well-established scrub and mature trees. Additionally, planting within gardens will not be protected once the properties are sold.

The noise levels will also be increased due to the increase in number of people living in the given area. We currently experience minimal disturbance from the industrial estate due to their operating hours. Antisocial behaviour is likely to increase due to an increase in traffic outside normal working hours and general living noises such as music.

## SUMMARY

Acceptance of the application would:

- Be contrary to recent planning decisions (13/00631/COU)
- Be contrary to the council policies:
  - Gloucestershire County Council Adopted 2nd Review Structure Plan 1991-2011 Policy E.5
  - Joint Core Strategy (2015 - 2031) which is currently in the pre-submission phase. Ambition 1 - a Thriving Economy, Strategic Objective 1
  - Local Plan (Policy H. S2)
- Be contrary to the Human Rights Act, Protocol 1, Article 1 and Article 8
- Detrimently affect highway safety, have environmental impacts and a negative affect on the local residents amenities.

I hope you will consider these points when making your decision regarding the application.

## **Comments:** 30th December 2014

I am writing to object to the revised planning application King Alfred Way, Battledown ref 14/01125/FUL. There are several reasons for my objection to the proposal. My comments should be considered as an addition to the previous reasons for objection.

### 1. LOSS OF EMPLOYMENT SPACE

The Design and Access Statement does not provide an accurate assessment of the thriving businesses that exist on the site currently. There are 9 businesses that will be forced to close or relocate should planning permission be granted. The diagram on page 7 of the statement omits the occupied businesses on Coltham Fields above the Tim Fry Garage.

The vacant plots, all owned by the applicant (Tim Fry Landrovers), have not been "actively marketed unsuccessfully". The majority of plots have only had signs appear following the initial application in July 2014.

The loss of employment land would be contrary to the Gloucestershire County Council Adopted 2nd Review Structure Plan 1991-2011 Policy E.5, Existing Employment Sites: "Existing employment sites will be safeguarded for employment use except where the site is not required

to meet existing or future employment needs, where employment use creates unacceptable environmental or traffic problems, or an alternative use or mixed-use".

Granting of such development would also be against the soon to be adopted Joint Core Strategy (2015 - 2031) which is currently in the pre-submission phase. Ambition 1 - a Thriving Economy, Strategic Objective 1 - building a strong and competitive urban economy states "develop the potential of the JCS area for further economic and commercial investment by: providing the right conditions and sufficient land in appropriate locations to support existing businesses."

### 2. DETRIMENTAL IMPACT UPON RESIDENTIAL AMENITIES

The proposed dwellings will have an adverse affect on the amenities enjoyed by neighbouring residents:

2. 1 Aesthetic Although there has been some modification to the aesthetics of the housing in the revised plans, the new houses are still not in keeping with the Victorian and Regency housing in the locality. The roof pitches, zinc cladding on the blocks of flats, the asymmetric window glazing on the housing, the blue bricks on the flats and garages, do not fit with the local street scene and do not "integrate well" into the surrounding as suggested by the design statement. The new buildings will not "significantly improve the outlook".

2. 2 Elevation The houses are built on elevated land that slopes up towards Haywards Road. The houses are of 2 - 3 storey. The houses in the local area are of 2 storey or 2.5 storey as confirmed in the revised design and access statement. The scale and proportions of the houses are not in keeping with the existing houses in the area and would negatively affect the amenities enjoyed by local residents.

### 3. LOSS OF PRIVACY AND OVERLOOKING

My property shares a boundary with the proposed development. The development is built on an elevation that slopes up behind our house. There are several three storey plots (1, 7-14, flats units 15-30). Houses built on such an elevation will appear taller from our properties. We will be directly overlooked by several of these properties. This elevation will not "minimise the impact of development on the neighbouring residents". This will result in an invasion of privacy in our garden and allow new residents to look directly into our garden and house.

We currently have a well-established strip of scrub and palisade fencing at the bottom of our garden. The mitigation of this habitat loss with a 2.1m fence (included in this height is an open trellis) and the planting of sparse cherry trees are limited. It will also take at least 20 years for these to reach the size of the current trees that will be lost.

Additionally, an alley will now run behind plots 7, 8, 9, 12, 13 and 14. This will increase the risk of antisocial behaviour and crime in the area. We currently benefit from an area of scrub and palisade fencing at the bottom of our plots, therefore preventing rear access to our properties.

### 4. OVERSHADOWING AND LOSS OF LIGHT

Due to the height of the proposed building and the grading of the land on which they will be constructed there will be overshadowing and loss of light to our gardens.

### 5. HIGHWAY SAFETY

The roads and junctions which currently exist; Athelney Way and King Alfred Way are already hazardous. The area is used extensively for on road parking for commuters and residents. The new plan "does not allocate visitor parking". This will increase pressure for on road parking.

### 6. ENVIRONMENTAL

It is unclear how the loss of the established scrub boundary adjacent to our properties including well-established trees including a mature willow, which provides nesting sites for birds, which are often lacking in the urban area, the increase in car numbers could result in an "ecological

enhancement of the site". A full survey of the trees and their roosting potential for protected species such as bats was not undertaken.

Although some planting is proposed in the plans this cannot replace well-established scrub and mature trees. Additionally, planting within gardens will not be protected once the properties are sold.

### 7. CONSULTATION

The summary of the consultation comments suggest that residents only have concerns over increase in congestion. The comments made on the planning consultation website suggest that there are many other reasons for concern.

#### SUMMARY

Acceptance of the application would:

- Be contrary to recent planning decisions (13/00631/COU)
- Be contrary to the council policies:
  - Gloucestershire County Council Adopted 2nd Review Structure Plan 1991-2011 Policy E.5
  - Joint Core Strategy (2015 - 2031) which is currently in the pre-submission phase. Ambition 1 - a Thriving Economy, Strategic Objective 1
  - Local Plan (Policy H. S2)
- Be contrary to the Human Rights Act, Protocol 1, Article 1 and Article 8
- Detrimentally affect highway safety, have environmental impacts and a negative affect on the local residents amenities.

I hope you will consider these points when making your decision regarding the application.

2 Rosehill Cottages  
Coltham Fields  
Cheltenham  
Gloucestershire  
GL52 6SN

#### **Comments:** 7th July 2014

I would be against the proposal to build dwellings upon the property in King Alfred Way.

106 dwellings possibly containing families with at least one vehicle (& more often 2 or more,) means an additional 106 people & cars at minimum.

This area already has critical problems with residents needing parking. Adding perhaps 300 people & 200 vehicles does nothing to help this situation. The reality is that the planned development caters for the barest minimum of increase in vehicle numbers, the rest will be adding to the kerbside chaos. An already busy & dangerous pair of cross-road junctions with poor visibility on Hales Road will obviously suffer further with the proposed additional traffic burden.

What impact do these proposed new residents have on the local infrastructure? Are there sufficient places at local schools, doctors & dentists surgeries for example?

Whilst the current scrapyards are an eyesore, the light industry zone at least has the potential to provide employment. Its removal would mean that potential would be lost.

A scheme to tidy & renovate the area with a view to creating viable businesses would be of far greater benefit to the existing community of the area.

White Lodge  
27 Sydenham Road North  
Cheltenham  
Gloucestershire  
GL52 6ED

**Comments:** 18th July 2014  
Letter attached.

21 Sydenham Road North  
Cheltenham  
Gloucestershire  
GL52 6ED

**Comments:** 24th December 2014

We at our address object to the revised plans for several reasons:

- Developers know this area of town is a good catchment area for schools, however there are not enough places available at the local schools (we work in education and can see this problem is an issue every year despite slight fluctuation in demand)
- Traffic in this area is overly congested already and becoming dangerous to road users and people using private driveways. 86 new dwellings would mean a marked increase in cars, which would further decrease safety
- Currently this site is a trading estate, which if kept as a business area would be able to improve local economy by providing employment just outside the town centre, which is such a valuable and fast disappearing location for businesses
- The proposed buildings are not in keeping with the surrounding area and moreover are set to be three storeys high, which would encroach on their neighbours' privacy. Also the building process will tremendously disrupt the lives and homes of this area as well as local wildlife
- Building so much more housing in this densely populated part of our town will cause yet more strain on the public services eg. Council Services, as well as the Police, Fire and Ambulance services.

Please reconsider these plans. Thank you for your attention.

Ash House  
9 Sydenham Road North  
Cheltenham  
Gloucestershire  
GL52 6ED

**Comments:** 21st July 2014

1. local road infrastructure not adequate for increased traffic with 106 houses and construction traffic. As of Dec2014 Gloucestershire Highways confirmed they had no plans to deal with severe difficulties of Sydenham Road North residents to get in and out of their properties due to parking in this road, no solution to the tight single lane issues during working hours and horn noise due to frustrated drivers, lorries attempting to go down this road, inability to see at junctions etc.
2. there is single car parking for each of these properties only- local area cannot cope with more parking as extremely tight already

**Comments:** 25th December 2014

1. local road infrastructure is currently inadequate (double side of road parking) creating long stretches of single lane roads- this development will increase traffic flow down routes where road is already effective single lane (8:30- 18:30)with difficult visibility and impossible for local residents to exit their properties without 2/3 point turns in road. Frustrated drivers already using horns and road traffic accidents recently at Hales Road/ Sydenham Road North junction. Sydenham Road South same issues with single lane.
2. Still appear to be only one parking space per property in an area where there is huge parking pressures.

36 Rosehill Street  
Cheltenham  
Gloucestershire  
GL52 6SJ

**Comments:** 18th December 2014

Although the change of land use from Business to Residential is welcomed, I do have concerns in regard to volume of traffic and parking.

As long as the following have or will be implemented, I would be in favour for the development to go ahead.

1. There is provision within the development for parking (most family's now have 2 cars).
2. The 20mph limit is extended from Haywards Road down King Alfred Way, Rosehill Street and Athelney Way to where they meet Hales Road.

24 Rosehill Street  
Cheltenham  
Gloucestershire  
GL52 6SJ

**Comments:** 30th July 2014

Having viewed the plans for the proposed new development in King Alfred Way and visited the local exhibition, I cannot help thinking that the whole project is far too ambitious and aimed purely at maximising the profits for the developers. It would appear that little or no thought has gone into the effects that over one hundred new houses will have on the existing home owners in the immediate area. As a resident of Rosehill Street for over 30 years I have watched as the traffic congestion on Hales Road has worsened over time. Adding potentially another 200 cars per day would I feel, result in total chaos, especially at the notoriously busy times of the year such as the Cheltenham Gold Cup Festival.

The layout of the houses also is far too cramped. If planners have learned anything in town planning it must surely be that people like a little space around their homes. While we need new houses in the town, just merely cramming homes onto every inch of available space will have detrimental effects on the society we are trying to help.

Then there is the disruption of the building works themselves to consider and the loss of local employment with the businesses that will have to leave the area. Since the Hewdens Company moved this is a very peaceful quiet area of Cheltenham and the businesses on the site create no noise problems whatsoever.

I would urge you to seriously reconsider these plans and scale back the number of houses allowed.

**Comments:** 30th December 2014

Letter attached.

6 Coltham Fields  
Cheltenham  
Gloucestershire  
GL52 6SP

**Comments:** 23rd July 2014

### Background

My house, 6 Coltham Fields, backs directly on to the redevelopment site. The back wall and windows, (two kitchen windows and one bathroom window), face one of the old units. The gap between the back wall of the house and the wall of the unit is approximately one hundred and thirty-five centimetres. There is no barrier (fence or wall) between the back wall of my house and the wall of the unit.

### Concerns

On the redevelopment plan, a boarded fence 1.8 metres high would run directly across the back of my property.

This would cause two problems:

- a. Infringement of my right of light from my two kitchen windows and the bathroom window.
- b. The fence would cover the outlet/vent (equivalent of a flue) for boiler gases.

During the demolition of the unit behind my house, the close proximity of my house to the unit (approximately one hundred and thirty-five centimetres) will need to be borne in mind in regard to my safety. As I am totally blind and live alone a suitable process will need to be in place to ensure that any safety issues of which I need to be aware during the demolition of the unit are communicated to me in an adequate and timely manner.

**Comments:** 22nd December 2014

Since the objections I raised to the previous plan have not been addressed, my objections to the revised plan remain the same. I have added some further clarification. See below:

### Background

My house, 6 Coltham Fields, backs directly on to the redevelopment site. The back wall and windows, (two kitchen windows and one bathroom window), face one of the old units. The gap between the back wall of the house and the wall of the unit is approximately one hundred and thirty-five centimetres. There is no barrier (fence or wall) between the back wall of my house and the wall of the unit.

### Concerns

On the redevelopment plan, a boarded fence 1.8 metres high would run directly across the back of my property.

This would cause three problems:

- a. Infringement of my right of light from my two kitchen windows and the bathroom window.
- b. My two kitchen windows and the bathroom window would be obstructed from opening.

c. The fence would cover the outlet/vent (equivalent of a flue) for boiler gases.

During the demolition of the unit behind my house, the close proximity of my house to the unit (approximately one hundred and thirty-five centimetres) will need to be borne in mind in regard to my safety. As I am totally blind and live alone a suitable process will need to be in place to ensure that any safety issues of which I need to be aware during the demolition of the unit are communicated to me in an adequate and timely manner.

1 Rosehill Terrace  
Cheltenham  
Gloucestershire  
GL52 6SW

**Comments:** 24th July 2014

My objection is to the number of proposed units contained in the application. Parking and traffic flow are already an issue in the surrounding area. This plan appears to contain only minimal allocated parking and this would force vehicles to be left at the kerbside on already busy roads. Access on to Hales Road is already difficult at times and additional vehicles would any make this even harder and more dangerous for both road users and pedestrians.

I also have concerns about the impact this development would have on my privacy. My property backs on to the proposed site, with the current yard and unit screened by a substantial concrete fence. The proposed plan puts buildings much closer to my boundary than they are at present with the potential for my property to be overlooked. This proposed development and changes to boundary fencing causes the rear of my property which at present is very private to become much more accessible and observable to others.

6 Coltham Close  
Cheltenham  
Gloucestershire  
GL52 6RL

**Comments:** 29th July 2014

Letter attached.

7 Coltham Close  
Cheltenham  
Gloucestershire  
GL52 6RL

**Comments:** 31st July 2014

Letter attached.

12 Haywards Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6RH

**Comments:** 24th December 2014

Unfortunately documents pertaining to this application are not accessible at the time of writing. However, I have serious concerns about the proposed development and in particular the likely

increase of traffic along Haywards Road and through the Ewens Farm Estate that will be generated.

Both routes are already used as shortcuts and speed limits are routinely ignored despite the traffic calming measures in place. Therefore, I would like to understand how disruption to residents will be minimised.

One potential solution would be to block access to both ends of Haywards Road, by closing Haywards road either between Rosehill Street and the bottom of Ewens Farm or alternatively at the top of King Alfred Way - this would allow all existing residents of Haywards Road and Ewens Farm to access Hales Road through Rosehill street as is currently possible. I would like reassurances that the existing resident of Ewens Farm and Haywards Road will not be inconvenienced or endangered by an increased throughput of vehicles results from the proposed redevelopment.

I also have concerns relating to increased flood risk. A number of properties in the area were flooded in 2007 after work had been undertaken to improve drainage. Most of the properties affected in Haywards Road were ones that did not historically flood, but those that did flood historically were unaffected. In particular, I would like reassurances that the proposed redevelopment will not have any impact on the current infrastructure and flood risk will not increase.

Birchfield  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NX

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

Hopwood  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6QE

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

The Eaves  
13 Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PY

**Comments:** 5th June 2015  
Letter attached.



2 St Pauls Walk  
Cheltenham  
Gloucestershire  
GL50 4GG

**Comments:** 10th June 2015  
Letter attached.

66 Granley Road  
Cheltenham  
Gloucestershire  
GL51 6LH

**Comments:** 10th June 2015  
Letter attached.

Tall Timbers  
Ashley Road  
Cheltenham  
Gloucestershire  
GL52 6NS

**Comments:** 10th June 2015  
Letter attached.

3 Coats House  
Cheltenham  
Glos  
GL51 7RP

**Comments:** 14th July 2015  
Letter attached.

9 Bath Parade  
Cheltenham  
Gloucestershire  
GL53 7HL

**Comments:** 26th June 2015  
Letter attached.

24 Bouncers Lane  
Cheltenham  
Gloucestershire  
GL52 5JF

**Comments:** 16th June 2015  
Letter attached.

2 Heron Close  
Cheltenham  
Gloucestershire  
GL51 6HA

**Comments:** 16th June 2015  
Letter attached.

157 Brooklyn Road  
Cheltenham  
Gloucestershire  
GL51 8DX

**Comments:** 16th June 2015  
Letter attached.

Flat 4  
50 Grosvenor Street  
Cheltenham  
Gloucestershire  
GL52 2SG

**Comments:** 3rd July 2015  
Letter attached.

Flat 4  
50 Grosvenor Street  
Cheltenham  
Gloucestershire  
GL52 2SG

**Comments:** 3rd July 2015  
Letter attached.

44 St Georges Street  
Cheltenham  
Gloucestershire  
GL50 4AF

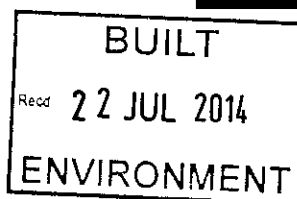
**Comments:** 30th June 2015  
Letter attached.

5 Brooklyn Road  
Cheltenham  
Gloucestershire  
GL51 8DT

**Comments:** 8th June 2015  
Letter attached.

Ravenswood  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6PB

**Comments:** 8th June 2015  
Letter attached.



61, Hales Road,  
Cheltenham,  
Glos..  
GL52 6SL

22<sup>nd</sup> July 2014

F.T.A.O. Mr. M. Redman.  
Director.  
Built Enviroment  
Cheltenham Borough Council.  
PO Box 12  
Municipal Offices,  
The Promenade,  
Cheltenham,  
Glos..  
GL50 1PP

Your Ref.: 14/01125/FUL

Dear Sir,

**Re: Proposed Development at Coltham Fields / King Alfred Way, Cheltenham.**

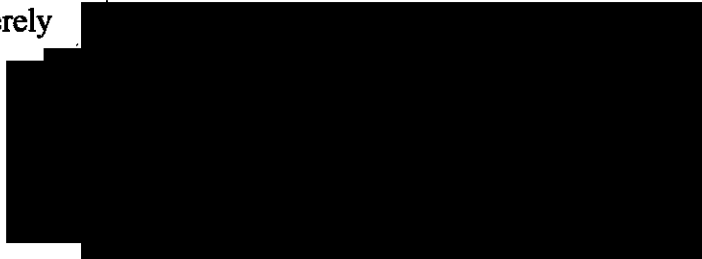
Further to your letter dated the 3<sup>rd</sup> July 2014, and my subsequent visit to your offices to inspect the plans and proposal details, we wish to make the following comments.

- A) We agree in principle with the overall proposal to change the use of this area and believe that it will improve the general appearance of the area
  
- B) We have noted that the current proposal of 1.4 parking spaces per property has been reduced from 1.5 spaces, that were on their original, and feel that both these figures are low with todays lifestyles. We therefor believe that there will be a greater increase in traffic and parking requirements and that this will create a larger impact on local traffic, roads and junctions than has been envisaged.
  
- C) With regard to the scale / height of the proposals we would like it to be noted that the vast majority of houses adjacent to the new buildings are only 2storey and feel that any new house properties should follow this line.
  
- D) We are especially concerned with the 3storey proprties adjacent to N<sup>os</sup> 39 to 63 Hales Road with regard to privacy from top floor windows. It is also noted that some properties may have overlooking windows in their side elevations.
  
- E) We also note with the properties adjacent to N<sup>os</sup> 39 to 63 Hales Road that there are side / rear accesses and found the drawings to not be clear as to wether this will pose any type of security problems to the rear of our properties.

F) Whilst the proposed Landscaping is acceptable, we trust that it will be carried out using mature plants and that it will be properly maintained / replaced for a minimum period of 5years.

We trust that the above clarifies our position with regard to their proposals and would assure you of our best intentions.

Yours Sincerely



14/01125/FUL  
KINS ALFRED WAY

4 CHURCHILL GARDENS  
CHICHESTER  
SUSSEX

27-7-14

DEAR SIR,

REF KINS ALFRED WAY  
HOUSING PLAN.

MY RESPONSE IS TO SAY NO  
TO THIS PLAN, MY MAIN OBJECTION  
IS TO THE AMOUNT OF TRAFFIC  
THIS WILL GENERATE.

THE ENTRANCE INTO CHURCHILL  
DRIVE (LONDON ROAD END) OF HAYWARDS  
ROAD ALWAYS HAS THE OVER SPILL  
OF CARS FROM HAYWARDS ROAD  
PARKED THERE.

IF THERE ARE TRAFFIC QUEUES  
IN THE LONDON ROAD BETWEEN THE  
HOLY APOSTLES TRAFFIC LIGHTS AND  
SIX WAYS WE HAVE EXTRA TRAFFIC  
CUTTING THROUGH CHARLTON COURT ROAD

OAK AVENUE DOWN CHURCHILL  
DRIVE INTO HAYWARDS ROAD, ALSO  
IN THE MORNINGS THE SCHOOL RUN  
CAUSES MORE CHAOS WAITING AT  
THE TRAFFIC LIGHTS INTO LONDON ROAD.

WHEN THE CHEZEVITAM RACES  
ARE ON WE ALSO HAVE EXTRA TRAFFIC  
CUTTING THROUGH THE ESTATE WHICH  
DOES NOT HELP.

THATS WHY I OBJECT TO THIS  
PLAN.



BUILT  
Recd 28 JUL 2014  
ENVIRONMENT

58. Churchill Drive  
Chalton Kings.

Dear Sirs

14/01125/FUL,

Re: King Alfred Way Housing Plans.

With reference to the concerns you mentioned in your recent letter, I, as a homeowner very close to the proposed site, would like to say that, in my opinion.

1. No increase in traffic, as most of the traffic past my house is cutting through from Hordon Road to Hales Road anyway.

2. No increase in speed!  
and most important of all, it would be much less congested in King Alfred Way without all the parking both sides ~~with~~ which occurs now, namely Trade Vehicles.

Yours





Tracy Crews  
Head of Planning  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

Sent by email to [builtenvironment@cheltenham.gov.uk](mailto:builtenvironment@cheltenham.gov.uk)

**REF: 14/01125/FUL**

Monday, July 21, 2014

Dear Ms Crews

**Re: Proposal Redevelopment of land at King Alfred Way REF 14/01125/FUL**

After reviewing all documentation submitted as part of the application, I object to the proposal for the following reasons:

**Noise or disturbance**

I note that a noise report has been submitted with the application, but at no point within this assessment does it address the additional noise for current residents that will be introduced by placing 106 dwellings in the immediate vicinity.

It is stated that the industrial estate has only generated 9 complaints over 9 years (which suggests that few of these are recent). I anticipate that many, if not all of the complaints were due to a faulty alarm in one of the premises, which was not inherently due to the use of the land. I note that no statistics have been produced to show whether this level of complaints is significantly higher than the complaint rate produced by a residential estate of over 100 dwellings.

I live in one of the properties closest to the industrial area and have not found the noise to be an issue, particularly as most activity takes place during the day when I am at work. However, if 106 residential dwellings were introduced I anticipate that the noise levels, particularly during evenings and weekends, would significantly increase and so would the level of complaints. This would also include the significant increase in traffic noise from the development, again particularly during evenings and weekends.

**Traffic**

I am extremely concerned regarding the increase in traffic on an already busy road network that the development will generate. The proposal documentation confirms that there will be an 'increase in traffic movements at weekends' and I would suggest this increase will be seen at all times. The proposal also claims a benefit of a 'reduction in HGV traffic'. This statement ignores the fact that the industrial estate will still exist and will still require HGV traffic, but also ignores the fact that HGV traffic is currently restricted to the industrial estate and not allowed past Hayward's Road. This same restriction will not apply to the 200 plus additional vehicles being introduced to the area.

The only two main routes into the estate (London Road and Hales Road) are already very busy, particularly at peak travel times and adding a further 150+ vehicles to these routes is likely to increase congestion to both our estate and the surrounding areas. The proposal contradicts the claims made in its own Employment Land Report which states that 'Hales Road is also a relatively narrow access road and severe traffic congestion is encountered at many times during the day as traffic feeds into its junction with the A40'.

The fact that the residential travel plan suggests that 'other surrounding roads such as King Alfred Way, Athelney Way and Hayward's Road are relatively lightly trafficked and can be crossed safely' suggests that

proper research and observations (or even reading the applicant's own reports) have not been carried out to accurately assess risks to road users (including pedestrians). The NPPF states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.' The current peak time traffic rate, according to the application, for Hales Road is 900-955 vph and King Alfred Way and Athelney way are both between 200-300vph. The majority of the latter traffic then progresses through the current housing estate via Churchill Drive. The suggestion that 'drivers are likely to drive more cautiously than in the existing industrial situation' clearly demonstrates that no assessment of traffic has been carried out on this residential road and junction which I contend would suffer a severe impact should a further 150+ vehicles be introduced to the area.

The proposal to build 'two private roads' off Haywards Road, dangerously close to the busy junction with Churchill Drive and a blind corner where King Alfred Way meets Haywards Road will be a significant hazard. This will also reduce road parking options for existing residents. It is also completely contrary to the proposal's claim that 'the number of vehicular accesses on to the adjacent roads will be rationalised' as they will be creating two on a road where currently no access to the site exists. Development should be restricted where highway safety would be endangered through the creation of an access without sufficient mitigation. The blind corner at the end of Haywards Road is likely to offer even less visibility should the proposals continue as there are 2- and 3- storey buildings proposed between the corner and the first entrance, which would significantly endanger highway safety.

The junction with Haywards Road and Churchill Drive at the end of King Alfred Way is already very busy and subject to many near misses. The Transport Assessment incorrectly identifies this junction as being with Ewens Road. The fact that, fortunately, no fatality has occurred yet does not give much weight to the conclusion that it is 'safe'.

### **Parking**

I do not believe the parking solution provided in the proposal is sufficient and will cause both current and future residents significant problems. The assumption of 1.4 cars per dwelling is supposedly based on census data, but I am concerned that this does not reflect the reality amongst the existing houses in the area or the experience of other similar developments in the Borough. I would anticipate that most dwellings will have at least 2 vehicles each. Visitor spaces are also inadequately provided for and the assumption that they can park on the road will further impact on local residents. In fact the GCC Highways comments confirm that 1 visitor space per 5 plots is more appropriate

The suggestion to introduce parking restrictions in the form of double yellow lines will further limit road parking options for existing and future residents which will intensify the parking problem in the area. The idealistic assumption that most of the new residents will walk or cycle is naive and does not appear to be supported by any factual evidence from any other development within the Borough.

### **Visual Impact and Privacy**

The Design and Access Statement claims that the proposed development "complements and respects neighbouring development". I disagree with this assertion as currently my property faces only the top of a roof of an industrial unit obscured by a fence and trees. The proposal indicates that there will be several properties facing the road, one of which is a three-storey block of flats. As all the other dwellings within sight of my property are two storey 3-bedroom houses, this is certainly not complementing or respecting neighbouring development and, I believe, will diminish the privacy my property and others currently enjoy.

The suggestion made by the developer that converting the unit to the proposed housing would be a 'better' visual impact gives no consideration to the fact that most of the existing houses do not face onto the industrial estate, but would face houses under the proposals. There is also no consideration to the significant history of the site as an industrial area. It has never been anything other than industrial and the residential area grew around it.

It is disappointing that the history of the site as an industrial area is being ignored, including the planned demolition of one of only 2 of the remaining original buildings from the brickworks. The proposal refers to the NPPF guidance on design stating that development should 'respond to local character and history', so it is even



more disappointing that demolition of an original building and the change in use from industrial is being proposed.

### **Amenity**

The Design and Access Statement claims that the development is 'entirely sustainable' which does not take into consideration the impact on traffic, parking, and more importantly the local amenities. The site is within walking distance of many local amenities, but as other reports and comments have confirmed, those amenities including schools and doctors surgeries are already over capacity and would not be able to serve an additional 106 households. The report provided on the capacity for schools also has to make the assumption that more than half of the proposed dwellings will not have children, which is unlikely, and therefore the detrimental impact of the proposal on local amenities is likely to be much higher in reality. The fact that the local schools are oversubscribed is also likely to increase the traffic problems as more residents will have to drive their children to school.

The area is dominated by family homes and has been for at least the last 40 years. The suggestion that the proposal 'reflects the character of the area in terms of the proposed scale, density, massing and layout' appears to be misguided. Only a few buildings in the area are 3 storeys and the density proposed far exceeds that of the current residential layout.

There appears to be no mention in the application documentation as to what will happen to the phone antennae currently located on the site.

### **Economic**

The application form states that the site is currently vacant, but only 2 units out of 13 on the development site are currently vacant, only one of which has been 'marketed unsuccessfully'. Most of the buildings on the site have not been maintained, but this fact should not necessarily lead to the conclusion that the site itself is unsuitable for commercial purposes. The fact that several businesses currently operate from the site is testament to this. There are in fact many unutilised brown field sites in Cheltenham that would prove much more suitable for residential development without the need to impact on active businesses and local employment.

The developer's own Employment Land Report makes reference to an official report in 2011 that 'concludes that the estate is a good employment site with some strong characteristics'. The proposal itself quotes 'a range of employment opportunities within the Battledown Industrial estate' even though the development would remove half of the current 'employment' land. Furthermore in justification of the Residential Travel Plan it is suggested that 'future residents will have good access to local employment opportunities, with the site being located within an existing employment area'. This would suggest that the land is perfectly suitable for employment and that by changing half of the industrial this would significantly limit the 'local employment opportunities' for residents.

The fact that the site is 6 miles from the motorway does not appear to have been an issue for the industrial estate before now and is in fact referred to by the developers as a positive factor when discussing ease of access to the road networks for the new dwellings. The statement that all traffic has to pass through Cheltenham town centre to connect to the motorway is completely inaccurate and suggests little local knowledge of the Cheltenham road network. The site is actually very close to the A40 which is one of the main routes out of Cheltenham and the Transport Assessment submitted with the application confirms that the 'site offers good access to the local and strategic road network'.

It is also contradictory that one of the justifications for the land not being suitable for future employment is the 'narrow access roads', but those same roads are described as wide and suitable for HGVs as part of the argument that traffic will not be a problem. If there is such a 'poor road network', it is difficult to see how this can be viewed as suitable to support at least another 150 vehicles.

### **Flood risk**

The report refers to a report from 2008 that 'does not record any incidences of fluvial flooding at or near the site, including in 2007'. I am aware of several properties in Churchill Drive that have been flooded on more than one occasion and although not directly adjacent to the site, are close to the area. I am concerned that 'The Surface

Water Management Plan for Gloucestershire advised that parts of the existing public sewer system are old, and can exacerbate surface water flooding if the sewer capacity is exceeded' and by adding an additional 106 dwellings to the system, this could increase the likelihood of flooding in the area.

The proposal suggests that more 'green' areas will help with surface water drainage, but this claim does not seem to address the fact that the same report confirms most of the site is of 'impermeable nature'. This may not make the situation worse, but it is difficult to see how this would offer a 'significant betterment', particularly if the additional usage of the sewer system by 106 dwellings increases the risk of flooding.

### **Biodiversity**

I am concerned that due consideration is not being provided towards the possibility of priority species, particularly bats being disturbed by the proposals. Making planning decisions without due consideration of priority species is contrary to the Natural Environment & Rural Communities (NERC) Act 2006 which applies to all public organisations, including local authorities. s.40 of the Act states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Under s.41 of the Act, bats are listed by Defra as a priority species for the conservation of biodiversity.

Although an ecological report has been provided as part of the application it suggests that the minimum possible survey has been carried out in relation to the risk to the local bat population. Only one visual survey was carried out on one day in March (time of day is not stated), which is at the very start of the recommended period for such surveys. The fact that the development includes a pre-1914 building with gable ends and within 400m of water would require investigation. However, the additional fact that the developers have been informed of regular bat sightings in the area (and it has been confirmed that bats are recorded within 1km of the site) and the survey identified some possible roosting site features (even though "potential for bats is minimal", it is not non-existent), I would hope that a socially responsible developer would conduct more detailed surveys during the optimum period to ensure that the risk is reduced and suitable precautions are taken.

### **SUMMARY**

The current landowner may feel the need to sell and relocate and is able to do so without requiring a change in use or the scale of the proposed redevelopment being necessary. The density of new developments is recommended as between 30 and 50 dwellings per hectare. Therefore for this site the number of dwellings should be 51 and only up to 85 where transport accessibility is good. I therefore disagree that the density is appropriate and, if it were to proceed, should be limited to less than 60.

The proposed development is not sustainable, particularly in respect of traffic and amenities and ultimately would have a detrimental impact on these and other factors for both current and future residents.

I believe that the change of use would be unsuitable and will have a detrimental impact on both the businesses currently occupying the site and those that would remain. However, if it is to proceed, the number of dwellings needs to reduce significantly and the number of parking spaces needs to increase significantly. Any change will need to be exercised with caution so as to avoid harm to flora and fauna.

Yours sincerely





Tracey Crews,  
Head of Planning,  
Municipal Offices  
Cheltenham

Page 94

BUILT

Recd 18 JUL 2014

ENVIRONMENT

61, Haywards Road  
Charlton Kings  
Cheltenham,  
Glos GL52 6RF  
8/7/2014

Thank you for the letter of the 3rd. July,  
regarding the redevelopment at King  
Alfred Way. I am very much against  
this, as most people I know, although a lot of  
people just grumble, and don't take the  
trouble to do anything about the situation.  
Looking ahead I can see many problems,

1 Traffic Already there is a great deal of  
traffic in Haywards Road, which is a  
residential area, already visitors complain  
they cannot, at certain times, park nearby.  
Many people have young children & pets.

2 Six Ways Clinic I am told that this  
group of doctors already have 10,500  
patients, even if they were to have more  
doctors, there is no further room for expansion  
of the premises. We can wait 3 weeks for appo.

3 Schools Children living in this redevelopment  
would be in the catchment of Holy Apostles  
School, not a large school.

4 Buses There is only a 1/2 hr. service, from

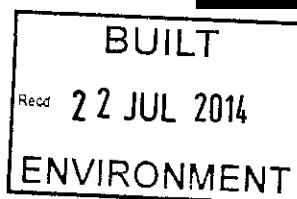
the Town Centre to Charlton Kings, & vice versa. Already at certain times <sup>Page 95</sup> the day, the buses (particularly a.m.) pass full up at Holy Apostles and at the next two bus stops, going into town, this will also increase queues at lunchtime, and evening <sup>in town</sup>. If we had a 10 minute bus service, like so many areas, there would be less problems, but we don't.

Value of Property The value of houses in this road especially will decrease, and would-be buyers would no longer see it as the desirable area it once was.

Yours sincerely







61, Hales Road,  
Cheltenham,  
Glos..  
GL52 6SL

22<sup>nd</sup> July 2014

F.T.A.O. Mr. M. Redman.  
Director.  
Built Enviroment  
Cheltenham Borough Council.  
PO Box 12  
Municipal Offices,  
The Promenade,  
Cheltenham,  
Glos..  
GL50 1PP

Your Ref.: 14/01125/FUL

Dear Sir,

**Re: Proposed Development at Coltham Fields / King Alfred Way, Cheltenham.**

Further to your letter dated the 3<sup>rd</sup> July 2014, and my subsequent visit to your offices to inspect the plans and proposal details, we wish to make the following comments.

A) We agree in principle with the overall proposal to change the use of this area and believe that it will improve the general appearance of the area

B) We have noted that the current proposal of 1.4 parking spaces per property has been reduced from 1.5 spaces, that were on their original, and feel that both these figures are low with todays lifestyles. We therefor believe that there will be a greater increase in traffic and parking requirements and that this will create a larger impact on local traffic, roads and junctions than has been envisaged.

C) With regard to the scale / height of the proposals we would like it to be noted that the vast majority of houses adjacent to the new buildings are only 2storey and feel that any new house properties should follow this line.

D) We are especially concerned with the 3storey proprties adjacent to N<sup>os</sup> 39 to 63 Hales Road with regard to privacy from top floor windows. It is also noted that some properties may have overlooking windows in their side elevations.

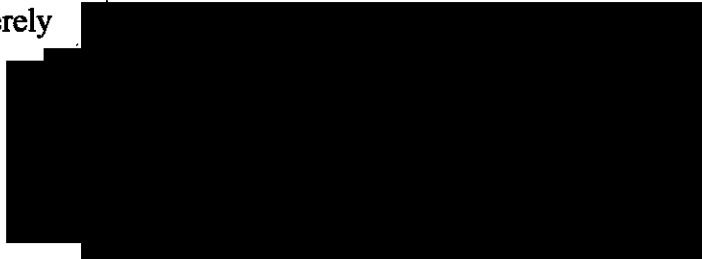
E) We also note with the properties adjacent to N<sup>os</sup> 39 to 63 Hales Road that there are side / rear accesses and found the drawings to not be clear as to wether this will pose any type of security problems to the rear of our properties.

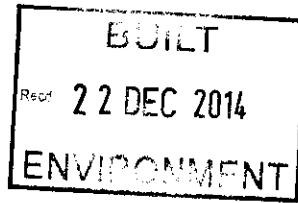


F) Whilst the proposed Landscaping is acceptable, we trust that it will be carried out using mature plants and that it will be properly maintained / replaced for a minimum period of 5years.

We trust that the above clarifies our position with regard to their proposals and would assure you of our best intentions.

Yours Sincerely





61, Hales Road,  
Cheltenham,  
Glos..  
GL52 6SL

19<sup>th</sup> December 2014

F.T.A.O. Mr. M. Redman.  
Director.  
Built Environment  
Cheltenham Borough Council.  
PO Box 12  
Municipal Offices,  
The Promenade,  
Cheltenham,  
Glos..  
GL50 1PP

Your Ref.: 14/01125/FUL - Revised

Dear Sir,

**Re: Proposed Development at Coltham Fields / King Alfred Way, Cheltenham.**

Further to your letter dated the 4<sup>th</sup> December 2014, and my subsequent visit to your offices to inspect the revised plans and proposed details, we wish to make the following comments.

- A) We agree in principle with the overall proposal to change the use of this area and believe that it will improve the general appearance of the area
  
- B) We have noted that the current proposal increases the number of parking spaces per property from 1.4 / 1.5 spaces, that were previously proposed, and feel that it is more in keeping with today's lifestyles. We still believe that there will be a greater increase in traffic and parking requirements and that this will create a larger impact on local traffic, roads and junctions than has been envisaged.
  
- C) With regard to the scale / height of the proposals we would like it to be noted that the vast majority of houses adjacent to the new buildings are only 2storey and feel that any new house properties should follow this line. We also feel that many of the photographs in the proposal could be misleading.
  
- D) We are especially concerned with the 2.5 / 3storey properties adjacent to N<sup>os</sup> 39 to 63 Hales Road with regard to privacy from top floor windows. It is also noted that some properties may have overlooking windows in their side elevations.
  
- E) We also note with the properties adjacent to N<sup>os</sup> 39 to 63 Hales Road that there are side / rear accesses and found the drawings to not be clear as to whether this will pose any type of security problems to the rear of our properties.

F) Whilst the proposed Landscaping is acceptable, we trust that it will be carried out using mature plants and that it will be properly maintained / replaced for a minimum period of 5years.

G) Having inspected the proposed plans for this developement we feel it is not clear with regard to Street Lighting, and wether this will infringe on existing properties.

H) It has also been noted that the proposal is to include rental accommodation – Private, Council or Association ???

We trust that the above clarifies our position with regard to their proposals and would assure you of our best intentions.

Yours Sincerely

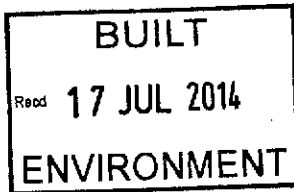
A large black rectangular redaction box covers the signature and name of the sender.

Page 100 The White Lodge.

27, Sydenham Road North,  
Cheltenham GL52 6EJ.

15th July 2014

Your ref. A/01125/FUL



Mrs. Tracey Greves,  
Head of Planning,  
Cheltenham Borough Council,  
Cheltenham.

Dear Mrs. Greves,

Proposal: Redevelopment of land at King  
 Alfred Way to a view to erect 106 dwellings.

I have been living at the White Lodge,  
27 Sydenham Road North corner of Hales Road since  
the beginning of 1968. The traffic has been steadily  
increasing over the years but I dread to think what  
it will be like if such a development should go through.

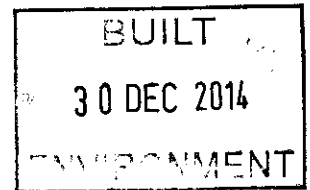
The traffic, the noise and the pollution  
will be unbearable.

Yours sincerely



24 Rosehill Street  
Cheltenham  
Glos  
GL52 6SJ

**Mike Redman**  
Director Built Environment  
Cheltenham Borough Council  
P.O. Box 12  
Municipal offices  
Promenade  
Cheltenham



23 December 2014

Dear Mr Redman

**RE: Redevelopment of land at King Alfred Way**

With regard to the above proposal, while I do not totally agree with the development, I just wondered if you had taken into account other proposed changes in Cheltenham which would also have a serious impact on the same area? I am mainly thinking about the proposed closure of Boots corner to traffic. The current thinking seems to be that this will result in much heavier traffic using Hales Road as a means to get around the town center.

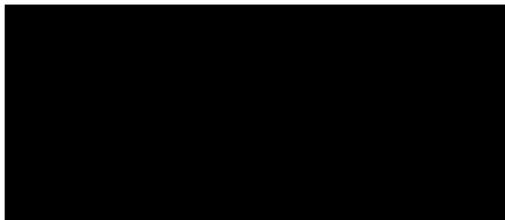
With the proposed development of another 86 new homes this could bring potentially another 160 more vehicles onto a road that is busy at the best of times.

Has anyone considered the total effect of increased traffic from the new road system added to the inevitable increased traffic from 86 new homes, together with even more traffic from new homes at the old GCHQ site? I cannot help but feel we have the recipe for the "perfect storm" for traffic chaos on a daily basis, not forgetting the times of year when the road is at a total standstill because of racing and other large events at the Racecourse.

While each proposal has its advantages, together, they will create misery and frustration for the local residents trying to carry on with heir lives.

I urge you to reconsider the housing plan and the results for this area of the town.

Yours sincerely



BUILT  
Recd 29 JUL 2014  
ENVIRONMENT

6, COLTHAM CROSS  
CHELTENHAM  
GLOS  
GL52 6 RL

SUNDAY 27-07-14

REF 14/01125/FUL KING ALFRED WAY

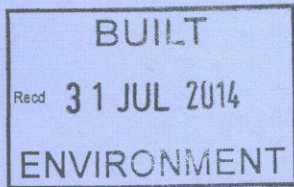
Dear Manager Built Environment.

We had a drafted packet through our letter box on Saturday, regarding the King Alfred Way Housing Plan, the one important point I would like to make is, there is an old minor Sept Building at the back of our property, and if its knocked down it would leave our garden all open with no security at all.

As part of Centre, there was a very thick cable running along the back of our property, if its still there it should be made safe.

Yours sincerely

[Redacted signature area]



7 COLTHAM CLOSE,  
CHELTENHAM  
GLOS.  
GL52 6RL

Dear Sir, I am a resident in  
Coltham Close. I have concerns  
about the proposed development  
in King Alfred Way.

Dirt, dust noise & privacy being  
the main fears.

My low garden wall would be  
no defence against possible intruders.

The Hales Rd. is already a  
traffic blackspot & people  
without cars need a safe place  
to cross for access to town.

I have lived at the above



address for 50yrs!

I am fond of my 2 bedroom semi + hope I can end my days here.

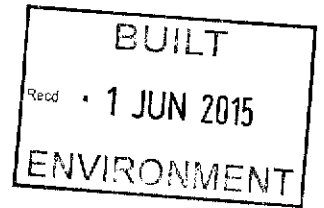
My neighbour [REDACTED] at No. 5 agrees with the points I have raised.

Yours faithfully  
[REDACTED]



**Birchfield, Birchley Road, Cheltenham, GL52 6NX**

**May 31<sup>st</sup> 2015**



**Mr M Redman  
Director Built Environment  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 1PP**

**Dear Sir**

**In the recent General Election there were many debates about the need for more housing in this country and how brownfield development should take priority over the use of greenfield sites. With Cheltenham having an understandable amount of Green Belt around it, I really support this view.**

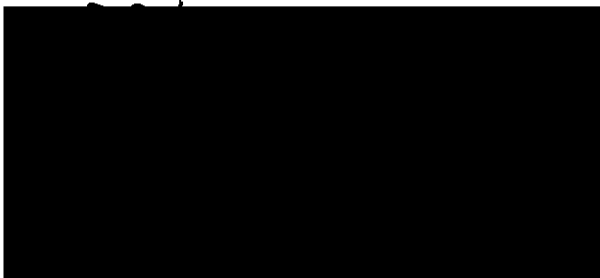
**However, as a businessman I understand that employment is important too so existing employment sites that can meaningfully contribute to employment have to be kept. But if these employment sites are no longer serving their purpose and are actually reducing the prospects of greater employment and prosperity, then they should be considered for housing.**

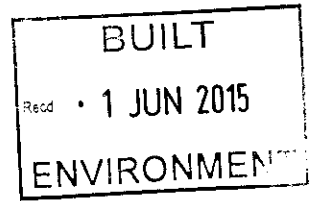
**Therefore, I am writing to support planning application 14/01125/FUL for 86 new homes on brownfield land in King Alfred Way. An earlier application was for 106 homes and this has now been reduced to 86 homes and 34 of these will be affordable properties. There is a strong need for more affordable housing as I only know too well because my sons aged 25 and 27 are having to look outside Cheltenham in order to find sensible rents and property prices.**

**The application has also been revised with a greater number of parking spaces for each home being built, the height of the homes has been reduced and landscaping improved.**

**This site is surrounded by existing residential housing, is close to the town centre and nearby is Queen Elizabeth Playing Field which would be an amenity for new residents. I feel that this proposal represents the kind of regeneration that the Battledown area deserves.**

**Yours faithfully**





Hopwood  
Ashley Road  
Cheltenham  
GL52 6QE

29 May 2015

Mr Mike Redman  
Director Built Environment  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 1PP

Dear Mike

Planning Application 14/01125/FUL New Housing Battledown Industrial Estate

I write to you regarding the above application as someone who has been closely associated in promoting the regeneration of our town. My business involves a portfolio of commercial and residential properties and in the past we have gained a Civic Award for the conversion of an old warehouse in the town centre into 11 apartments. I also served as a member of a regeneration project for the Lower High Street for the upgrading of the frontages to residential and commercial properties.

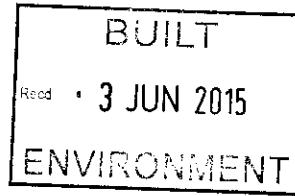
Therefore I have a particular interest in the future economy of Cheltenham and this is especially so regarding the above application as it is closer to home as I live in the Battledown area. This industrial estate is extremely rundown with buildings looking very shabby and I fear these units could attract vandalism. I am not surprised to read on the council's web site that a number of those overlooking the site agree in principle with the overall proposal to change the use of this area and believe that it will improve the general appearance of this part of Cheltenham.

I walk my dog across the Queen Elizabeth Playing Field and around the streets surrounding the site of this proposal. You cannot help but notice that a number of other buildings on the Battledown Industrial Estate are empty and this is not surprising since the units are very outdated and clearly not fit for purpose as far of potential tenants are concerned. In terms of traffic, I find that as a pedestrian it is quite hazardous walking down King Alfred Way with large vehicles reversing into and out of various locations and frequently vehicles are parked on the pavements so you are forced to walk in the road. I note that in the highways report the officer concerned commented that traffic generation would be lower with housing than with an industrial area. I can well believe this view.

Cheltenham is a major employment area but sometimes I feel there is too much "in commuting" to the town. There is a shortage of housing and I feel that this particular site would help provide both mainstream and affordable homes.

Yours sincerely





13 Harp Hill  
Cheltenham  
Gloucestershire  
GL52 6PY

May 30<sup>th</sup> 2015

**FTAO Mr M Redman  
Director  
Built Environment  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
Gloucestershire  
GL50 1PP**

**Dear Sir**

**Planning application for residential housing in King Alfred Way, Cheltenham 14/01125/FUL**

**As a resident of Battledown I would like to support this application for 86 new homes including 40 per cent affordable housing.**

**I am of the opinion that Cheltenham has a shortage of affordable housing, which has been compounded by the fact that a significant number of retirement developments have been allowed and these do not trigger affordable housing, unlike open market housing. I sold a plot of land in Wellesley Road, Cheltenham, which specifically provided three affordable homes.**

**Not only are retirement developments excluded from providing affordable housing but I know that a site of former industrial units, where open market housing is currently being constructed in Leckhampton Road, is not being required to include affordable housing.**

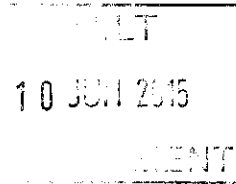
**I am aware by reading the officer's report that the recommendation is refusal for application 14/01125/FUL and yet, in many ways, this is a better site for housing than the Leckhampton Road site since it is closer to town and major facilities, it is more sustainable as it is not on the edge of the town and its impact on the surrounding properties is one of improvement whereas the Leckhampton Road location is largely adjoining open countryside.**

**Whilst it is understandable that the council is keen to keep employment sites for just that purpose, there needs to be a demand for this type of industrial units and the empty units on the Battledown Industrial Estate is testament to the fact that the companies want higher specification commercial premises.**

**I hope your planning committee take these points into account before making a decision on this application which I feel has merits.**

**Yours faithfully**

A large black rectangular redaction box covering the signature area.



2 St Paul's Walk  
Cheltenham  
GL50 4GG

6/6/2015

The Planning Offices  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 1PP

Dear Sir or Madam

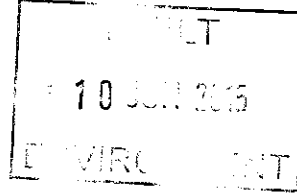
I have never written to the council before but I and I know friends of mine feel that the borough council is not doing enough to provide more affordable housing which hundreds of young people and others need in this town.

I can speak from experience. I am aged 27 and have stable employment and have a partner. When we were first looking to have a home of our own she was on a zero hours contract which made it almost impossible to have a home of our own. I heard about affordable housing and shared ownership. Thankfully we were able to buy a shared ownership three-bedroom property in St Paul's Walk where we live with our daughter. The rent and mortgage we are paying costs £500 a month. If we were renting on the open market such a house would be between £900 or £1,000 and the costs for a 100% mortgage would be even more.

My partner and I count our lucky stars that we were able to get one of these affordable shared ownership homes but others are not so fortunate as many of my friends seem to think they are like gold dust. Everyone always says the housing market is all about supply and demand but the affordable sector seems to have a great shortage in supply but a massive demand. My partner feels that the council should be encouraging more developers to include affordable housing and no new housing should be allowed unless it includes a percentage of affordable housing.

I know that there is an application in for new housing in King Alfred Way (14/01125/FUL) and this would provide a considerable number of affordable homes. Too many young people have to commute to work in Cheltenham from Gloucester and other cheaper towns as they cannot afford to live in Cheltenham. Perhaps, all the people who are whinging about traffic should think about this. I know the area around King Alfred Way and this new development would improve the environment no end.

Yours faithfully



**66 Granley Road  
Cheltenham  
GL51 6LH**

**8 June 2015**

**The Planning Officer  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 1PP**

**Dear Sir or Madam**

**I am interested in the planning application 14/01125/FUL because I believe new housing should be built on brownfield land. Too many of the new developments in Cheltenham are for retired people and I support this application because it will provide a good percentage of affordable housing. We need to help young people because they are the future.**

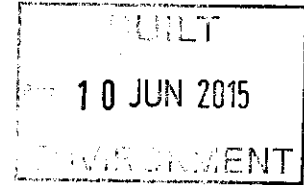
**Jobs are important but the buildings on the Battledown Industrial Estate date back to the 60s and 70s. Many buildings of this era are being demolished to make way for housing and new commercial premises which fit the modern business environment. But the Battledown Industrial Estate is not somewhere where businesses want to relocate as shown by the empty units there.**

**I feel the council has to be flexible in its approach to employment land so that businesses that are handicapped by inefficient premises can expand and produce more jobs which are what everyone wants to see.**

**Yours faithfully**



Tall Timbers  
Ashley Road  
Cheltenham  
GL52 6NS



8 June 2015

Mr M Redman  
Director Built Environment  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 1PP

Dear Mr Redman

**Planning reference 14/01125/FUL**

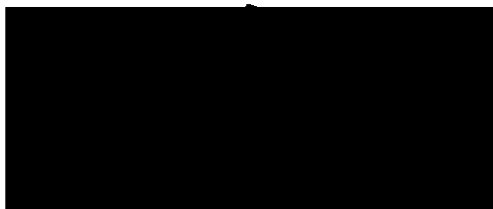
I have had an opportunity to examine the most recent plans to redevelop the Battledown Industrial estate. It would appear to me to make eminent sense as the present use is a small industrial estate in the midst of a residential area of Battledown.

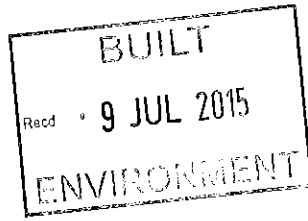
These industrial buildings themselves are out-dated and it is understandable to hear that the businesses currently operating from them find it difficult to expand their work processes thereby hampering further recruitment of staff. This may be why a number of other units have remained unlet. This is basically a brownfield "in fill" site which could provide a number of smaller house, some family housing and provide affordable housing.


Having seen details of the earlier scheme for 106 homes, the revised plan is greatly improved: more space between the properties, less impact on existing neighbouring homes, building heights reduced, parking spaces per home have increased as a result of the reduction of homes to 86.

I would really commend this proposal to the planning committee. I will therefore be sending a copy of this letter to the planning committee.

Yours sincerely





  
3 coats house  
Chelt  
GL51 7RP

6/7/15

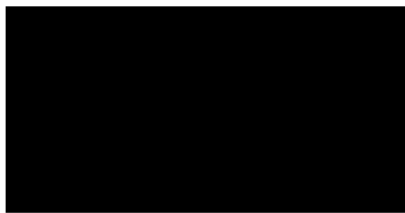
**Planning Reference: 14/01125/FUL**

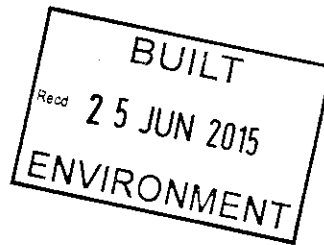
Dear Mr Redman

I would to add my support to the above application. One thing Cheltenham needs is affordable homes so that young people, such as myself, can get a foot on the housing ladder.

This proposal is planning on delivering a good number of these affordable homes on what must be brownfield land instead of eating into Cheltenham's dwindling green fields.

Yours faithfully





23/06/2015

Mr Mike Redman  
Director Built Environment  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 1PP

**RE: Planning Application Ref 14/O1125/FUL**

Dear Mr Redman

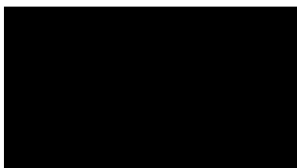
I am writing in support of the planned housing development at King Alfred's Way.

I am currently a student in Bath but am from Cheltenham and would like to live there full time again once my course is over. One thing keeping many young people like myself away from returning to the town is the shortage of affordable homes available to us. This development would help with that as well as replacing a current eyesore.

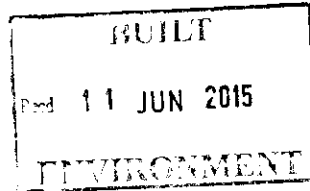
There is too much development being proposed on green fields and in locations around Cheltenham that make no sense, this proposal will be replacing a few tired looking yards and buildings with a sensible looking development of housing.

I hope that my views are considered when it comes to making the decision.

Yours







24 Bouncers Lane  
Cheltenham  
GL52 5JF

June 10 2015

Mr Mike Redman  
Director Built Environment  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 1PP

Dear Mr Redman

Local people desperately need more housing in Cheltenham, as evidenced by the number of construction sites for new homes in the town. I was interested to learn from friends about the council's policy on a planning application which will deliver ordinary housing as well as affordable homes. I refer to planning application 14/01125/FUL for 86 homes to replace very rundown employment units at Battledown Industrial Estate. One of the reasons given was that employment land in the town should be retained for employment.

I was surprised that this should be a reason for suggested refusal, given the circumstances and how the present units are not fit for purpose. Living in Bouncers Lane I have seen how employment land on the west side of Bouncers Lane, previously an employment site of Premier Products, the local company which produces commercial cleaning products, has been used for housing. For years a number of industrial units at the top of Leckhampton Road provided employment with a number of small companies operating from there. These units were just as rundown as those in King Alfred Way and yet planning permission was granted and, again, surprisingly no affordable housing has had to be provided.

Just like the Leckhampton Road site, the proposal in King Alfred Way is in a completely residential area and parts of the site are really a breaker's yard where parts of Land Rovers are removed with the carcasses remaining an eyesore.

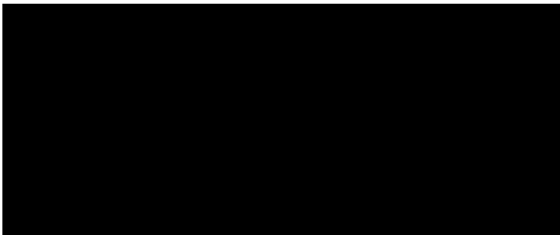
The application going to the planning committee has been amended and the designs are an improvement, the number of homes has been reduced, the quantity of affordable housing has been increased and the number of parking spaces per house has risen.

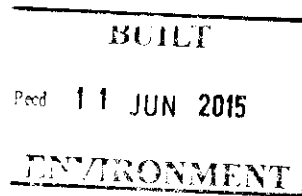
I can understand an employment policy which seeks not only to maintain employment but to help it increase. The current occupiers find that the buildings are not fit for purpose and prevent expansion. If the current occupiers were able to move to a larger site they would be able to increase their repair and sales business quite dramatically and they will move to a new employment site which is currently not creating jobs.

It just seems to me that there is not a level playing field here, allowing houses on employment land in Bouncers Lane and Leckhampton Road (much further from the town centre and facilities than King Alfred Way) and yet wanting to refuse housing on redundant buildings on an industrial estate where there is a history of units not being taken up for employment.

I hope the planning committee consider this very carefully since these could be grounds for success at an appeal which would cost the ratepayers of Cheltenham.

Yours sincerely





2 Heron Close  
Up Hatherley  
Cheltenham  
GL51 6HA

June 9<sup>th</sup> 2015

The Planning Department  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 1PP

Dear Sir or Madam

I am very familiar with the Battledown area as I have worked in this part of town for a number of years. The planning application 14/01125/FUL has a number of very good points as it will improve the area which is heavily residential and not industrial. Certainly if I lived in properties surrounding the present crumbling buildings and was faced with HGVs and other commercial vehicles travelling along residential streets I would be in strong support. I would be especially supportive since the highways officer has said that the amount of traffic generated by the new housing will be less than the current commercial traffic.

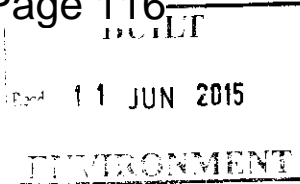
This industrial estate was built in the 1960s at a time when many people did walk to work from the locality but nowadays people travel distances to work. The buildings are not fit for purpose and this can be best illustrated by the fact that two of the industrial units have been empty for a while.

Personally I have always believed that industrial buildings should be on the edge of the town rather in locations close to residential housing. This allows delivery vehicles to have easy access to industrial units and not adding unnecessarily to residential streets. It is fine to have commercial businesses in and around the town centre because this makes the town an attractive shopping destination.

This proposal is a sensible one which will provide new housing for all ages and needs. Importantly it will bring additional affordable housing, something that Cheltenham desperately needs.

Yours faithfully

Cc to planning councillors



**157 Brooklyn Road  
Cheltenham  
GL51 8DX**

**7 June 2015**

**The Planning Offices  
Cheltenham Borough Council  
Town Hall  
The Promenade  
Cheltenham  
GL50 1PP**

**Dear Sir or Madam**

**Please regard this as a letter of support for the planning application for new homes on land off King Alfred Way, Cheltenham (planning application 14/01125/FUL). I have lived for all my 27 years in the town and driving around all you seem to see is so many new developments for retired people. The demographics of our country is showing a big rise in the older generation but what no one seems to realise is that older people generally live in properties that they purchased 20 or 30 years ago and have the ability to buy on the open market. I am not against but if older people want to downsize they can do so to smaller properties without them being in a complex of older people's properties.**

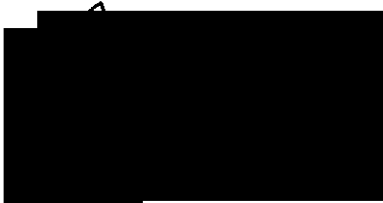
**Young people starting out have no equity and struggle to stand on their own feet. Many young people in Cheltenham, paying high rents in the private sector, cannot afford to put money aside for a deposit because they struggle to pay these exorbitant rents.**

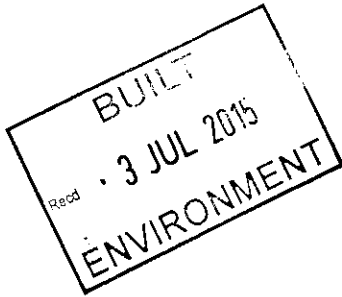
**With Cheltenham being a hot spot for people to retire to the shortage of affordable housing here is made worse because so many retirement developments are being constructed. What is wrong is that the developers of retirement properties do not have to provide ANY affordable housing. This is bad enough in most towns where more open market housing is built but if you have a place like Cheltenham where developers know they will build retirement homes and sell them quickly the problem is made even worse.**


**All local authorities are under pressure to provide more homes. Employment land is important but I know this part of Cheltenham and there are not that many jobs on the site of this proposal and the demand is low for such industrial buildings.**

**For all of the above reasons, I hope planning committee members support this application.**

**Yours faithfully**





  
Flat 4,  
50 Grosvenor Street,  
Cheltenham,  
Glos.  
GL52 2SG

30/06/2015

Mr M Redman  
Director of Built Environment  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 1PP

Dear Mr Redman

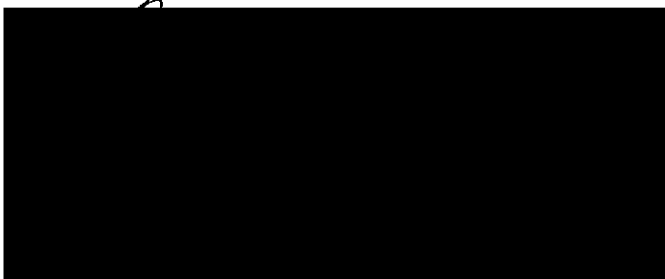
I am writing with regards to the Planning Application Ref 14/01125/FUL, the proposed redevelopment at King Alfred Way.

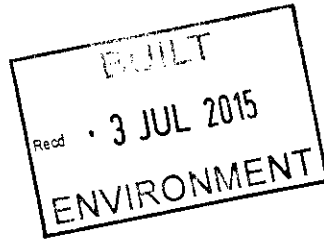
I have looked at this application online and can see no logical reason for it not to be approved at planning committee, it is a proposal on already developed land which, if it makes any impact on the surrounding area will enhance it.


Currently there is a car breaker's on site which is frequently messy, overcrowded with broken cars and quite frankly an eyesore for any neighbours. This application seeks to replace this with a relatively small scale development of housing which seems to be well thought out.

I would like to add my support to this application and hope that you will also.

Yours faithfully





  
Flat 4,  
50 Grosvenor Street,  
Cheltenham,  
Glos.  
GL52 2SG

30/06/2015

Mike Redman  
Director of Built Environment  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 1PP

Dear Mr Redman

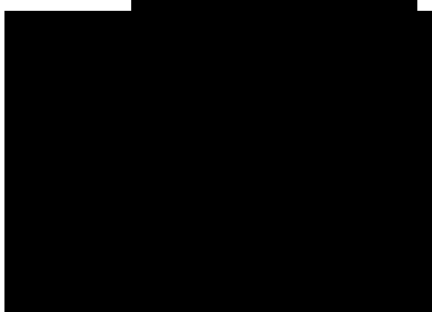
I am writing with regards to the Planning Application Ref 14/01125/FUL, the proposed redevelopment at King Alfred Way.


The fields and green spaces around Cheltenham are already under siege from developers trying to build on them.

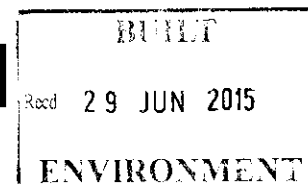
This development is proposing to revamp a run down industrial estate and is offering to provide some much needed affordable housing. In my opinion this is a win win solution to the current housing shortage we have in Cheltenham.

Please consider this letter as one of support for the application.

Yours sincerely



  
44 St George Street  
Cheltenham.  
GL50 4AF



22.06.15

Mr M Redman  
Director Built Environment  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 1PP

**Regarding Planning Application Reference: 14/01125/FUL**

Dear Mr Redman

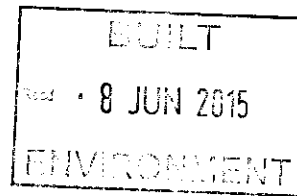
I am writing to add my support to the above planning application.

I have only just been made aware of this application but cant see any problems with it at all, it is going to deliver some much needed affordable housing which will help young people like myself be able to get a foot on the property market. It is also being proposed on land that is already developed on and so will not harm any green fields like other proposed developments.

In short I am in favour of this proposal.

Yours sincerely





5 Brooklyn Road  
Cheltenham  
GL51 8DT

June 3<sup>rd</sup> 2015

The Planning Department  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 1PP

Dear Sir or Madam

Re Planning Application for housing Application Number 14/01125/FUL

As a Cheltenham resident since the 1970s I wish to support this planning application because it will bring new housing to a part of the town that needs regenerating and this housing will be for families, probably single people and also affordable housing where there is a strong demand.

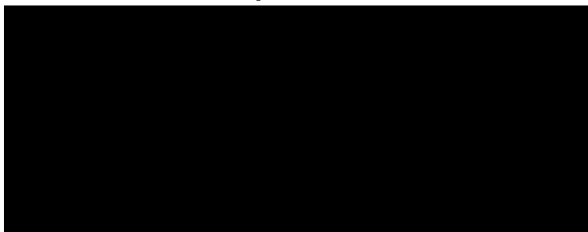
In recent years there has been a tendency to use employment land for a significant number of retirement developments. I would include amongst these the former Chelsea Building Society premises in Thirstaine Road and other commercial developments which have been converted for the over 55s.

I can understand why people looking towards retirement might want to come to live in such a pleasant town as Cheltenham. What concerns me is much of the housing development for retirees is not really local demand. Looking at the retirement sector developments which are currently being developed on employment sites around Cheltenham such as the scheme on the corner of St George's Road and Bayshill Road and on Lansdown Road, I feel that many of these will be taken up by people who have no connection with the town.

Where there is demand in this town at the moment is flats and smaller houses, not so much retirement housing but more affordable housing which is within walking distance of the centre and close to open spaces such as Queen Elizabeth Playing Field and the playing field in Charlton Park.

I know there is a case to be made that employment land should be retained but the buildings which would be demolished are way out of date and other land is basically used as a scrap yard which brings the area down. There is no demand for such industrial buildings as other premises on the industrial estate have remained empty for some time.

Yours faithfully

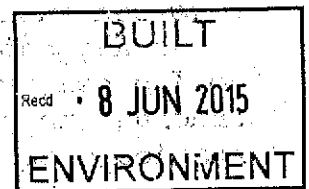




Ravenswood Stanley Road Cheltenham GL52 6PB

June 4<sup>th</sup> 2015

Mr M Redman  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 1PP



Dear Mr Redman

WHY HOUSING IN KING ALFRED WAY IS A REALLY GOOD IDEA.  
Planning Application: 14/01125/FUL

Driving around the Cotswolds as I do I am regularly astounded to see how many of the small villages and smaller towns are losing their individual identity by expansion into the countryside that has remained unspoilt for centuries. Of course, this erosion is not within the boundaries of Cheltenham or the responsibility of the Borough Council.

I thought of this terrible state of affairs again the other day as I walked from my home, down Battledown Approach and cut through Queen Elizabeth Playing Fields and walked along King Alfred Way on my way into town. I was aware of the erosion of the quality of life in this part of Cheltenham and looked at the current use of two parts of this application site which are messy monuments of corrosion with rotting cannibalised Land Rovers which must be a depressing site for residents who overlook them. I say walked but it was rather more zig-zag in King Alfred Way and frequently I had to use the road as so many vehicles were parked on pavements and then you almost felt you were taking your life in your hands with low-loaders reversing into premises and HGVs delivering products. Sometimes I see young mothers having to weave their pushchairs with young infants on board between the vehicles.

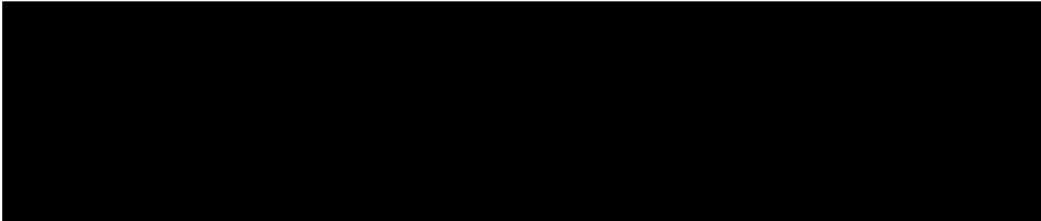
I love walking, even if it is almost an obstacle course such as my description above. Frequently my walk takes me across the QE Playing Fields along Haywards Road as I dine at The Langton Restaurant in Charlton Kings. What strikes me on this road is the relatively heavy amount of HGVs and other commercial traffic such as white vans and other commercial vehicles which are involved in the parts industry. Not surprising therefore that the county council's transport department has said there would be a reduction in traffic if the industrial use of the land ceased and was replaced by housing.

Local councils are under enormous pressure from the Government to deliver more housing whilst at the same time protecting jobs. But the economic vitality of an area like Cheltenham will not dramatically improve if old established firms such as Tim Fry Land Rovers are trapped in out dated buildings which hamper expansion and therefore reduce the chances of a much larger workforce. Most garages in Cheltenham are situated on prominent roadside sites where they enjoy curb appeal for their sales. From my walks over the years, I see little enthusiasm for other firms to occupy the other empty premises on the industrial park.

Far more appealing is the replacement in a predominantly residential area is housing that is on a site, unlike some of those small villages in the Cotswolds, where there is existing infrastructure and adequate schools and open spaces nearby.

In my view, there are very compelling reasons why this proposal should be allowed.

Yours sincerely



<b>APPLICATION NO:</b> 14/01125/FUL	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 24th June 2014	<b>DATE OF EXPIRY:</b> 23rd September 2014
<b>WARD:</b> Battledown	<b>PARISH:</b> None
<b>APPLICANT:</b>	
<b>AGENT:</b>	Mr Guy Wakefield
<b>LOCATION:</b>	Tim Fry Land Rovers, King Alfred Way, Cheltenham
<b>PROPOSAL:</b>	Redevelopment of land at King Alfred Way involving the demolition of the existing buildings and the erection of 86 dwellings, access, landscaping and other associated works

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Members may recall that this application was included in the April Planning Committee agenda, however, it was deferred prior to the Committee meeting to allow further information to be submitted. The application site is made up of mainly B2 and sui generis uses, with the sui generis uses exhibiting characteristics of B2 and B8.

### 2. PUBLIC COMMENTS

- 2.1. Following the deferment, 16 letters have been submitted providing comments in support of the application. The comments are summarised as follows, that there is a need for new housing, especially affordable housing; that it is better to build on a brownfield site rather than green fields; development would revamp a rundown site; the existing site is not fit for purpose; and that the site is more suitable for housing. The letters have been added to the Officer Report.

### 3. ADDITIONAL INFORMATION

- 3.1. The applicant has provided a draft s106 unilateral undertaking. The applicant is aware, as set out in the officer report, that there would be a loss of employment land should the application be permitted, with no alternative suitable sites being identified for a new employment development to offset the loss. The unilateral undertaking offered by the applicant suggests that if the residential redevelopment of part of the King Alfred Way site is allowed, the permission would not be implemented until such time as a suitable alternative new employment site is secured. The applicant has also made reference to an appeal decision from 2008 in a neighbouring Authority. This appeal proposed the redevelopment of a sports field for housing with the Inspector commented that although there was no land identified for the re provision of the sports field, at the time of the appeal, a condition could be attached to ensure the housing development did not start until a suitable new sports pitch was provided. The Inspector allowed the appeal.
- 3.2. In considering this approach, Officers are not of the view that it overcomes the EM2 concerns set out in the officer report. There is still no suitable alternative site identified and therefore there is no certainty that such a site will become available.
- 3.3. The specifics and background behind the appeal decision are not known though it is evident from the decision that new sports pitches application was in progress and there

was expected to be a replacement new sport pitch provision that would be available within a reasonable timeframe – though in the event we are informed that it was not forthcoming and the permission granted on appeal subsequently lapsed. Officers are therefore reluctant to accept that the appeal decision has any bearing in the considerations of this application.

The two scenarios differ, the appeal decision relates to the re-provision of a sports pitch which in theory may be a reasonable prospect due to the cost associated and identification land for this purpose, which may be concluded in a timely period and within the timescale applied to planning permissions.

For this application the identification of a new employment site, rather than sites already allocated for employment use so as to prevent an overall lose to employment provision in the borough, would be a more complex process which will require finding a suitable site, factoring in the cost associated with the purchase of the land, the submission of a planning application and construction costs along with the time it will take to progress this within the timescale of a planning permission.

These costs and timings are not yet know to the applicant, which again raises further questions on viability, covered in paragraph 6.6.2 of the officer report. This approach leads to the legal undertaking being very vague and there is no evidence to demonstrate that the undertaking could deliver or provide any certainty to the re-provision of employment land suggested. Such an undertaking would therefore not justify issuing a permission on this site on that basis. The application in conjunction with the suggested unilateral undertaking as proposed is therefore considered not to comply with objectives of policy EM2 of the Local Plan.

- 3.4. In considering weight to be attached to Policy EM2 in light of the National Planning Policy Framework Members may have read the recently dismissed appeal (27 July 2015) at 62 Alma Road. This was a scheme for the redevelopment of a garage site to provide a residential scheme which was refused by Members on the grounds of EM2 loss of employment land. In that decision, the Inspector stated that EM2 is a saved policy which is broadly consistent with the more recent policy guidance set out in the NPPF and remains part of the adopted Development Plan and therefore that there is no reason to regard it as out of date and that planning law requires that development proposals must be determined in accordance with development plan, unless material considerations indicate otherwise.

In that appeal decision it was noted that there is a quantitative and qualitative shortage of viable employment land within the Borough and in this context the proposed provision of housing would come at the expense of a reduction in employment land, and so not a factor that weighed in favour of granting planning permission.

- 3.5. Further, given that the appeal decision produced by the applicant was from 2008 it is also useful to overview the more recent guidance for conditions and obligations which are set out in the National Planning Policy Framework and the National Planning Practice Guidance. Both these documents set out specific tests and guidance on the appropriate use of conditions and obligations.
- 3.6. Paragraph 203 of the National Planning Policy Framework states “Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition” Paragraph 206 of the National Planning Policy Framework states “Planning conditions should only be imposed where they are: 1. necessary; 2. relevant to planning and; 3. to the development to be permitted; 4. enforceable; 5. precise and; 6.

reasonable in all other respects.” The policy requirement is referred to in guidance as the six tests.

- 3.7. Planning obligations (S106) assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework at paragraph 204.
- 3.8. The approach being suggested by the applicant is akin to a *Grampian* condition – i.e. once prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken. The national Planning Practice Guidance states that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.
- 3.9. In considering these requirements and the unilateral undertaking approach proposed as set out in paragraphs 3.1 to 3.3 above, due the vagueness and lack of any certainty Officers are of the view that the condition/obligation approach would not comply with the tests in at least it is not precise or reasonable to secure compliance with policy EM2 or the NPPF.

#### 4. CONCLUSION

- 4.1. The comments provided by the public in support of the application are understood, however the planning balance set out in the officer report is still considered to stand. The unilateral undertaking/conditioning approach does not provide justifications or other material considerations which would alter the recommendation provided in the officer report.

#### 5. REFUSAL REASONS

1. The proposed development would result in the loss of part of an active employment site which provides a valuable service to the community. The site is afforded protection by local plan policy EM2 which seeks to safeguard employment land with no evidence of justifications being provided for the release of part of the employment site.

In addition the loss of part of the site to other uses would have a detrimental impact on the range of types and sizes of sites for business uses in the area and the continuing operation of existing business sites. The loss of such a substantial proportion of the employment site and the loss of visibility and awareness of the retained units by prospective customers would clearly be detrimental to the continuing operation of these businesses.

The submitted draft unilateral undertaking which seeks to restrict any permission for the redevelopment of this site for residential until such time as a suitable site is identified to provide the re-provision of the employment is not considered acceptable.

The proposal is therefore contrary to Policy EM2 of the Cheltenham Borough Local Plan and paragraphs 19 and 70 of the NPPF which states that “significant weight is placed on the need to support economic growth through the planning system” and that planning policies and decisions should “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".

2. Policy CP8 of the Cheltenham Borough Local Plan states that development will be permitted only where adequate provision has been made for the infrastructure necessary for the development to proceed and for other public services and facilities, the need for which arises directly from the development. The development proposed will lead to:
  - i. An increase in the surrounding highway networks and the development should therefore mitigate its impact in terms of providing commuted payments towards the provision of walking, cycling and the use of public transport for journeys to and from the application site. (Local Plan Policy TP1, Supplementary Planning Guidance - Planning Obligations: Transport, and Section 4 of the NPPF)
  - ii. An increase in demand for playspace provision in the Borough and therefore the development should mitigate its impact in terms of adequate provision for on-site or off-site outdoor playing space. Notwithstanding the above, the LPA would expect to see the playspace on site in a development of this scale, as shown on the indicative master plan. (Supplementary Planning Guidance - Playspace in Residential Development, Local Plan Policy RC6, and Section 8 of the NPPF)
  - iii. A need to provide for the future management (and maintenance) of the common land within the development and therefore the development should make provision to mitigate its impact by providing for the provision a land management plan covering such common areas of land. (Supplementary Planning Guidance - Landscaping in New Development)
  - iv. A need to provide for an element of affordable housing (Local Plan Policy HS4)
  - v. An increase in demand for education and library facilities in the Borough and therefore the development should mitigate its impact in terms of providing on-site or off-site provision or commuted payments towards the provision of new or improved primary and secondary school facilities and new or improved library facilities within the Borough. (Section 8 of the NPPF)

No agreement has been completed to secure payment of the necessary commuted sums, itemised above, along with the provision of affordable housing and a land management plan. The proposal therefore fails to meet the expectations of Local Plan Policy CP8, Supplementary Planning Guidance and the NPPF as referred to above.

<b>APPLICATION NO:</b> 14/01125/FUL	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 24th June 2014	<b>DATE OF EXPIRY:</b> 23rd September 2014
<b>WARD:</b> Battledown	<b>PARISH:</b> None
<b>APPLICANT:</b>	
<b>AGENT:</b>	Mr Guy Wakefield
<b>LOCATION:</b>	Tim Fry Land Rovers, King Alfred Way, Cheltenham
<b>PROPOSAL:</b>	Redevelopment of land at King Alfred Way involving the demolition of the existing buildings and the erection of 86 dwellings, access, landscaping and other associated works

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. The Policy Team has provided the following update on the most recent evidence and review of employment provision in the town. An Economic Strategy Study document has been commissioned to form part of the evidence base to support the emerging Local Plan.
- 1.2. *"CBC published an economic strategy study in 2015 that looked at the role of Cheltenham as a business location. Part of this commission was to reappraise existing employment land within the borough, which included King Alfred Way. The report found there is demand for office and business accommodation across the Borough and businesses recognise Cheltenham's 'quality of life' brand. However, the existing employment stock is under stress with a constant and longstanding net loss office and industrial sites and premises.*
- 1.3. *The report found that "...80% of the stock comprises accommodation which is less than 500 sq m and in particular there are no quality sites or premises for business expansion, relocation or inward investment either within the town centre, edge of centre or greenfield sites. Agents highlight a particularly deficit in the portfolio for those looking for premises or sites that can accommodate in excess of 1,000 sq m."*
- 1.4. *The report establishes a premise typology and SWOT analysis. King Alfred Way would be classified as an Industrial Estate and the report recognises these types of sites/premises have an amber RAG threat. The SWOT analysis concludes, "[the] lack of available alternative employment sites in Cheltenham may undermine business success and ultimately their retention in the town. The loss of this type of employment premises would impact businesses requiring low cost employment space."*
- 1.5. For clarification a SWOT analysis is a structured planning method used to evaluate the strengths, weaknesses, opportunities and threats involved in a project or in this case an existing employment site. RAG stands for Red, Amber and Green and reflects a consideration of the interventions needed to address the critical challenges and threats, the issues that are likely to have the greatest impact and those that should be addressed more immediately.

### 2. REFUSAL REASONS

- 2.1. Refusal Reason 2 at Point 4 has been amended (*in bold below*) to include reference that policy HS4 requires a 40% affordable housing provision, and that no viability assessment

have been submitted to demonstrate that the revised affordable housing offer of 40% can be delivered.

- 2 Policy CP8 of the Cheltenham Borough Local Plan states that development will be permitted only where adequate provision has been made for the infrastructure necessary for the development to proceed and for other public services and facilities, the need for which arises directly from the development. The development proposed will lead to:
  - i. An increase in the surrounding highway networks and the development should therefore mitigate its impact in terms of providing commuted payments towards the provision of walking, cycling and the use of public transport for journeys to and from the application site. (Local Plan Policy TP1, Supplementary Planning Guidance - Planning Obligations: Transport, and Section 4 of the NPPF)
  - ii. An increase in demand for playspace provision in the Borough and therefore the development should mitigate its impact in terms of adequate provision for on-site or off-site outdoor playing space. Notwithstanding the above, the LPA would expect to see the playspace on site in a development of this scale, as shown on the indicative master plan. (Supplementary Planning Guidance - Playspace in Residential Development, Local Plan Policy RC6, and Section 8 of the NPPF)
  - iii. A need to provide for the future management (and maintenance) of the common land within the development and therefore the development should make provision to mitigate its impact by providing for the provision a land management plan covering such common areas of land. (Supplementary Planning Guidance - Landscaping in New Development)
  - iv. **A need to provide for 40% affordable housing (Local Plan Policy HS4). No viability assessment or evidence has been submitted to demonstrate that the 40% affordable provision offered can be provided.**
  - v. An increase in demand for education and library facilities in the Borough and therefore the development should mitigate its impact in terms of providing on-site or off-site provision or commuted payments towards the provision of new or improved primary and secondary school facilities and new or improved library facilities within the Borough. (Section 8 of the NPPF)

No agreement has been completed to secure payment of the necessary commuted sums, itemised above, along with the provision of affordable housing and a land management plan. The proposal therefore fails to meet the expectations of Local Plan Policy CP8, Supplementary Planning Guidance and the NPPF as referred to above.

## **INFORMATIVES :-**

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

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority



publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the reason to refuse the application.

As a consequence, the proposal cannot be considered to be sustainable development and therefore the authority had no option but to refuse planning permission.

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<b>APPLICATION NO:</b> 14/01125/FUL	<b>OFFICER:</b> Mr Craig Hemphill
<b>DATE REGISTERED:</b> 24th June 2014	<b>DATE OF EXPIRY :</b> 23rd September 2014
<b>WARD:</b> Battledown	<b>PARISH:</b> NONE
<b>APPLICANT:</b>	
<b>LOCATION:</b>	Tim Fry Land Rovers, King Alfred Way, Cheltenham
<b>PROPOSAL:</b>	Redevelopment of land at King Alfred Way involving the demolition of the existing buildings and the erection of 86 dwellings, access, landscaping and other associated works

### ADDITIONAL REPRESENTATIONS

1 West Way  
Coltham Fields  
Cheltenham  
Gloucestershire  
GL52 6TH

**Comments:** 15th August 2015

Having lived on Coltham Fields for 6 years I have seen the traffic on Hales Road increase tenfold. If you leave the house for work any time from 8 am until 9.30 you queue from further back than King Alfred Way. There are Keep Clear signs on Hales Road over the junction for Coltham Fields but people rarely take any notice of them making it difficult to get out and get back home on a daily basis. Traffic would increase, yet again, significantly. I cannot see how this development will benefit the neighbourhood in any way. The noise from the industrial estate is minimal and at weekends pretty much non-existent. With houses this would obviously change.

Also having had to deal with the disruption and dirt from the rebuilding of Rosehill Street, the explosion was the house directly behind us, I would be concerned about the building 'site'. At the moment the house is not overlooked and fairly private, would it be guaranteed that we would not have house directly overlooking us. I also think that loss of this industrial site would be a shame for the small businesses that are here and used by many, they provide local employment and services that are obviously needed. I trust all concerns will be taken in to consideration.

Birling  
Eldon Avenue  
Cheltenham  
Gloucestershire  
GL52 6TZ

**Comments:** 19th August 2015

This will put substantial strain on an already over loaded infrastructure. Of course there will be road improvements and drainage improvements but this area is already a nexus for traffic and very noisy for us residents.

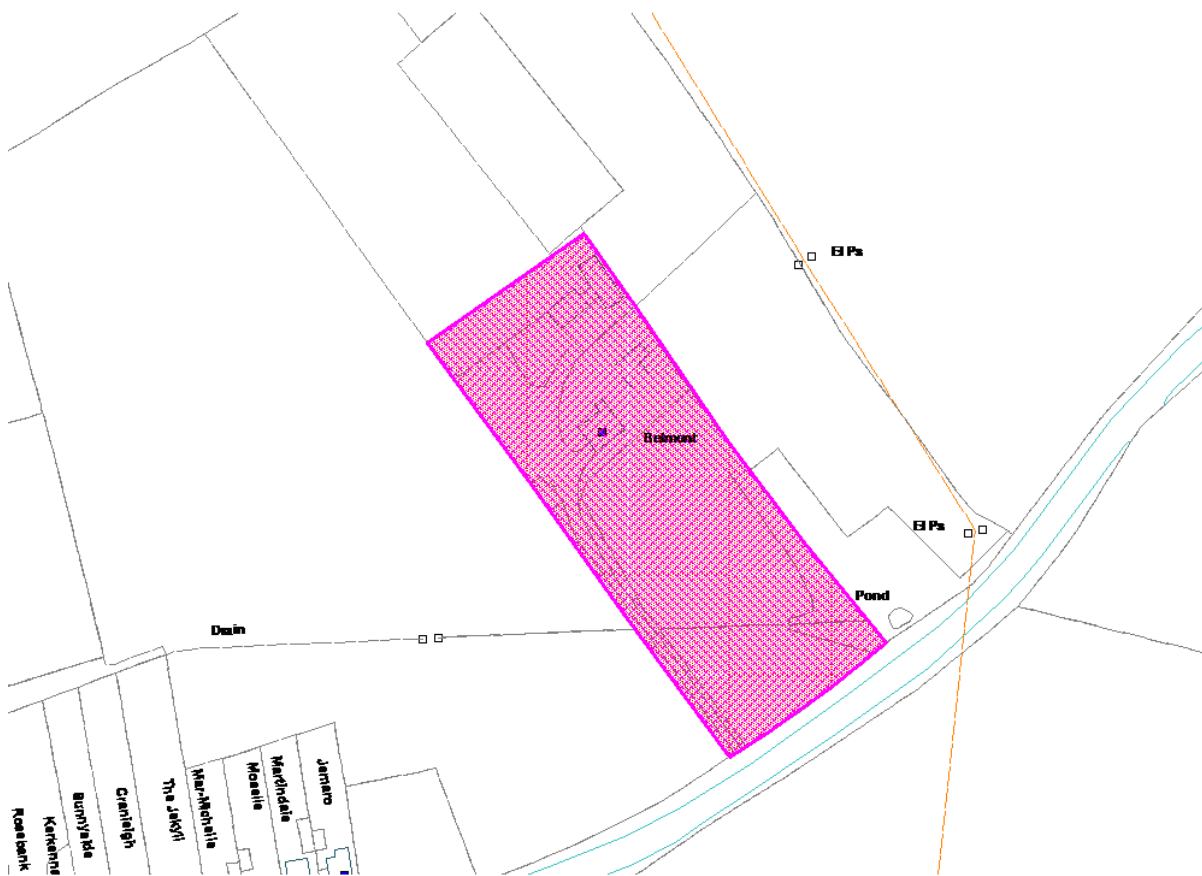
I understand that housing is required but somewhere else which isn't quite so strained and needs development and upgrading.

Where would the existing factory units be displaced to I wonder?

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<b>APPLICATION NO:</b> 15/00646/FUL	<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 8th May 2015	<b>DATE OF EXPIRY:</b> 3rd July 2015
<b>WARD:</b> Swindon Village	<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Mr Daniel Deacon
<b>AGENT:</b>	Steve Mitchell Building Design
<b>LOCATION:</b>	Belmont Hyde Lane Swindon Village
<b>PROPOSAL:</b>	Erection of dwelling (revised scheme following approval of planning permission ref. 13/00854/FUL)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The proposal involves the construction of a revised detached dwelling.
- 1.2 Planning permission was granted for a replacement dwelling on this site in 2013 13/00854/FUL. The building of this approved dwelling has started.
- 1.3 The current application seeks an amendment to 13/00854/FUL. The difference between the current scheme and the approved scheme, comprise:
  - An increase in the first floor height above ground level by 450mm,
  - an increase in the first floor width by 5.1m,
  - an extension to the landing at first floor.
- 1.4 Under the 2013 permission the topography of the site was used so as to allow for a design of replacement dwelling where part of the new dwelling would have been located below natural ground level. The existing vehicular access off Hyde Lane has been used to serve the proposed dwelling.
- 1.5 The site is located in the Green Belt. A Green Belt justification statement has been submitted with the application and this is available to be read on-line.
- 1.6 The application site is sited just beyond a row of detached and semi-detached houses marking the extent of the built-up area of Swindon Village at this point. Immediately surrounding the application site is open farm land. The site initially falls gently from the road and then rises in a northerly direction. The previous dwelling (a bungalow) was located roughly in the centre of the site. The bungalow was rendered on the rear and sides with a brick elevation to the front; the roof was corrugated iron. It had fallen into a state of disrepair and had very little merit, visually. There were a number of breeze block outbuildings on the site that was demolished as part of the overall scheme.
- 1.7 The application is brought to Planning Committee at the request of Cllr Fisher, on the grounds that the revised scheme is a much larger development than the granted permission.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Greenbelt

### Relevant Planning History:

**02/01232/FUL 15th November 2002 REF**

Continued use of building for dog breeding

**03/01222/COU 8th August 2011 DISPOS**

Continued use of building for dog breeding (re-submission)

**08/01378/FUL 21st November 2008 PER**

Replacement dwelling

**11/01108/TIME 4th October 2011 PER**

Application to extend the time limit for implementation of planning permission ref. 08/01378/FUL for the erection of replacement dwelling

**13/00848/FUL REC**

The demolition of the existing dwelling and associated outbuildings and the construction of a single replacement detached dwelling. This is to address the issues and constraints identified in the currently active planning consent ref:08/01378/FUL

**13/00854/FUL 24th July 2013 PER**

The demolition of the existing dwelling and associated outbuildings and the construction of a single replacement detached dwelling. This is to address the issues and constraints identified in the currently active planning consent ref:08/01378/FUL

**14/01221/DISCON 29th August 2014 DISCHA**

Discharge of conditions 6, 7, 9 and 10 (part) on planning permission ref:13/00854/FUL

**15/00476/AMEND 2nd July 2015 PAMEND**

Non material amendment to planning permission 13/01378/FUL - alterations to internal layout and associated windows/external doors

**15/00789/CONDIT INV**

Variation of condition 10 on planning permission 13/00854/FUL - temporary car parking area

**08/01378/FUL 2\_ACTV**

Replacement dwelling

**C14/00001/DEMO REC**

Demolition of property and out buildings.

**15/00789/CONDIT INV**

Variation of condition 10 on planning permission 13/00854/FUL - temporary car parking area

### **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

CO 5 Definition of green belt

CO 6 Development in the green belt

CO 7 Rebuilding or replacement of dwellings in the green belt

CO 8 Extension of dwellings in the green belt

TP 1 Development and highway safety

National Guidance

National Planning Policy Framework

### **4. CONSULTATIONS**

**Parish Council**

*10th June 2015*

The council has no objection to the proposal but is disappointed that changes to the building height have been made by adding notes to the drawing rather than changing the drawing itself (which should be scaled).

**Tree Officer**

16th June 2015

The Tree Section has no objections with regards to this application. Should this application be granted please use the following condition:

Detailed Landscaping

The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The current Landscape Planning Proposals must be modified to also specify species, planting size, root type (it is anticipated that container grown trees will be planted) and protection so as to ensure quick successful establishment. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

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

**GCC Highways Planning Liaison Officer**

15th June 2015

I have reviewed the submitted application, I note that there are no highway considerations submitted in the application.

Therefore I have no further comment to make.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	10
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 10 letters were sent to neighbouring residents. No representations have been received to date.

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

- 6.1.1 The key consideration in relation to this application is if the revised scheme has an impact on the Green Belt. The principle, concept of the design and the suitability of the access have all been approved under the previous consent.

**6.2 The site and its context**

- 6.2.1 Policy CO7 relates to replacement of buildings in the Green Belt. This refers to a limit to the increase in volume of any building by 15% or 70 m<sup>3</sup>. However, given that these restrictions relate to a now superseded General Permitted Development Order (which itself introduces more relaxed means of extending houses) these size limits are now considered to be somewhat date. However criterion c of this policy is still very pertinent to the consideration of any application. This states that “the rebuilding or replacement of existing buildings in the Green Belt will only be permitted where...there is no harm to the openness and visual amenity of, or encroachment upon, the Green Belt.” This is consistent with national policy guidance (NPPF) relating to development within and protection of Green Belt land.



- 6.2.2** The officer's report for the previous application sets out why the approved scheme was acceptable and states: "*The current proposed dwelling has been designed so as to shield the bulk of the house from public view so whilst it is not technically 'underground' the impact on the openness of the green belt is much reduced. When this point is considered in combination with the fact that a fairly extensive range of unsightly outbuildings are to be demolished there would undoubtedly be visual benefits in approving the scheme.*

*That part of the proposed dwelling sited at first floor (i.e. that which is most visible within the Green Belt and therefore affecting its openness) is significantly less than that of the existing house and its outbuildings; 88.5m<sup>2</sup> as compared to the current 304m<sup>2</sup>. Looking at the volume, the existing cubic capacity will be reduced from 543 m<sup>3</sup> to just 221 m<sup>3</sup>. Furthermore, the most prominent element of the proposed dwelling is a predominately glazed pavilion. It is this one element of built form which will be most visible from public vantage points. It is agreed that the replacement dwelling should in fact offer a reduction in the perceived volume in the Green Belt and should therefore result in a positive impact upon the openness of the area."*

- 6.2.3** The revised design of the dwelling proposes an increase in the first floor width by 5.1m, which will enclose part of the approved roof terrace. This will increase the first floor from 88 m<sup>2</sup> to approximately 128 m<sup>2</sup>. This is still significantly less than the 304 m<sup>2</sup> that previously stood on the site. The first floor landing will be increased in size and the height of the dwelling will be increase above ground level by 450mm compared to the approved dwelling.
- 6.2.4** The Green Belt Justification states, "*The scheme as approved (ref. 13/00854/FUL) does not have the requisite head height. This means that the overall height of the dwelling will increase to 6.3 metres. However, the ground floor level has also been lowered as much as possible (by 150mm) in order to minimise the increased height. The dwelling cannot be dropped into the ground any further due to the outfall levels in connection with the surface water drainage.*"
- 6.2.5** The revised dwelling will not have a demonstrably greater impact on the Green Belt than the approved dwelling. It is unfortunate the approved plans did not have the requisite head height, but it is unlikely that the increase in height by 450mm will be perceptible and will have any greater impact on the openness of the Green Belt.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** It is considered that permission should be granted. The revised dwelling would satisfy the aim of the policies seeking to preserve the openness of the Green Belt and hence the intrinsic character and appearance of the countryside.

## **8. CONDITIONS / INFORMATIVES**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 978.08B, 15081.103, 12.113.104, 12.113.110 received 28/07/15 and 05/08/15.

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

- 3 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.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no 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.

- 5 There shall be no variation to the information in respect of the existing ground levels and the proposed building levels shown on the submitted, approved drawings. The development shall be implemented strictly in accordance with those approved levels.

Reason: To ensure that the relationship of the proposed development to the topography within which it is to be constructed is acceptable. It is important to protect and maintain the character and appearance of the area and the openness of the Green Belt in which this development is located

- 6 The facing Cotswold stone and timber cladding and details of the proposed green roof shall be in accordance with the submitted details received 28/07/15.

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

- 7 The maintenance regime for the green (turfed) roofs shall be in accordance with the submitted details received 28/07/15 and thereafter the green roofs shall be retained as such and maintained in accordance with the maintenance regime so approved.

Reason: To ensure that the external appearance of the dwelling hereby approved is maintained as proposed and that the character, appearance and openness of the site is maintained in accordance with Policy CO7 and GP7 of the Cheltenham Borough Local Plan

- 8 The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 9 The drainage details shall be in accordance with the submitted details received 05/08/15 and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to reducing the risk of pollution.

- 10 The temporary car parking area for site operatives and construction traffic shall be in accordance with the submitted details received 05/08/15 and the area shall be retained available for that purpose for the duration of building operations.

Reason: To ensure that the access roads in the vicinity of the site are kept free from construction traffic in the interests of highway safety.

- 11 Prior to the commencement of development wheel washing facilities shall be provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The wheel washing facilities shall be used and maintained in good working condition through out the construction works and for as long afterwards as considered necessary by the Local Planning Authority.

Reason: To prevent the development works resulting in mud on the road which would not be in the interests of highway safety.

- 12 Prior to the occupation of the proposed dwelling the access, car parking and manoeuvring facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

Reason: In the interests of highway safety.

Reason: To ensure that adequate turning space is provided within the curtilage of the site to enable vehicles to enter and leave the site in forward gear in accordance with Local Plan Policy TP1 relating to development and highway safety.

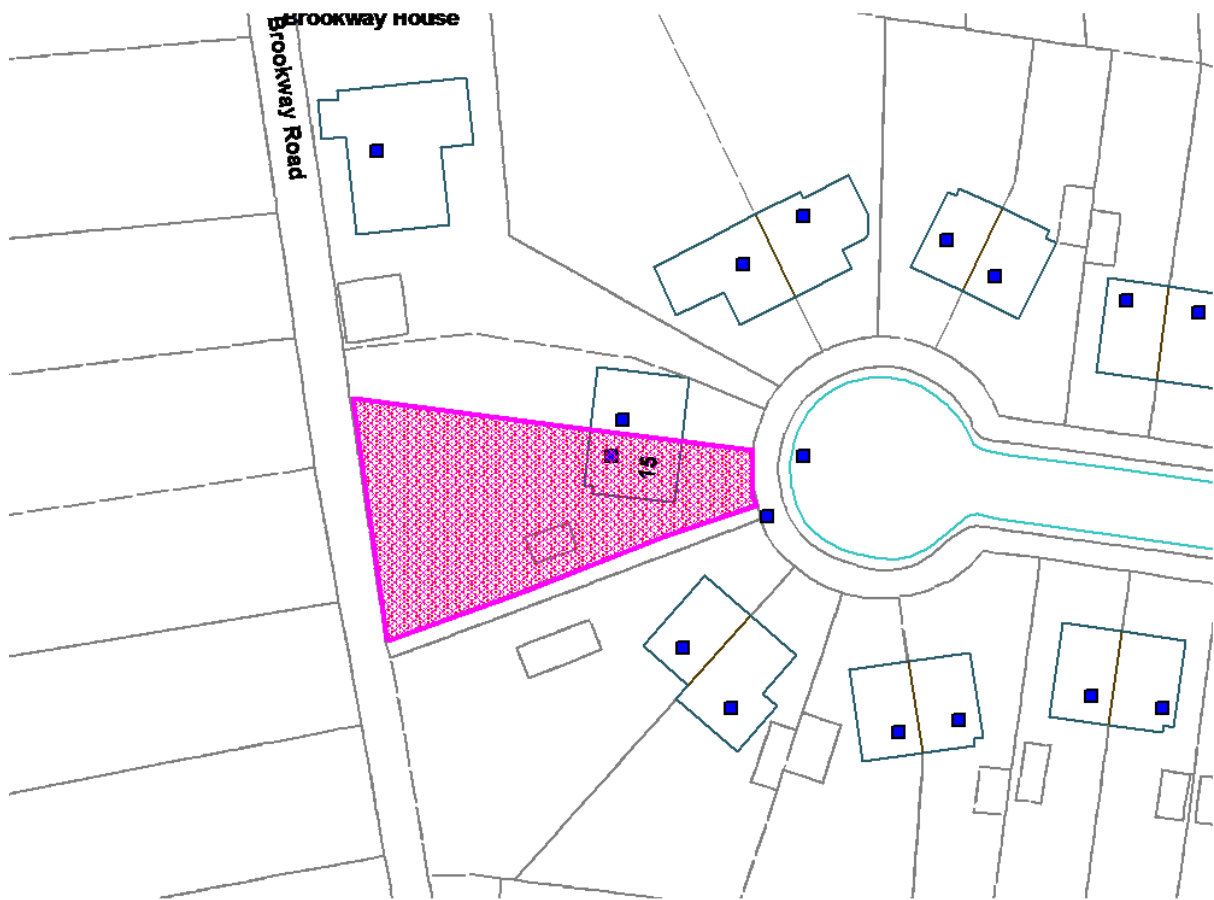
- 13 The development shall not be occupied until details for any external lighting proposed, particularly within the parking/circulation area, has been approved in writing by the Local Planning Authority,

Reason: To ensure whilst lighting may be required in the interests of safety and designing out crime it does not have any adverse impact on the visual amenity of this rural area.

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<b>APPLICATION NO:</b> 15/00699/FUL	<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 23rd April 2015	<b>DATE OF EXPIRY:</b> 18th June 2015
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr Chris Foulkes
<b>AGENT:</b>	Agent
<b>LOCATION:</b>	15 Brookway Drive, Charlton Kings, Cheltenham
<b>PROPOSAL:</b>	Single and two storey extensions to side and rear of existing dwelling

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes the erection of a two-storey side and rear extension and single storey side and rear extensions.
- 1.2 The scheme has been revised a number of times, trying to address officers concerns relating to design, impact on neighbouring amenity and impact to the public footpath to the side.
- 1.3 The application is brought to Planning Committee at the request of Cllr Reid, on the grounds that the extension is not subservient, will result in overdevelopment and would dominate the adjacent property. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

Smoke Control Order

**Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Parish Council**

*19th May 2015*

OBJECTION. The Parish Council considers the scale of the proposed extensions to be overbearing on neighbouring properties and not to be subservient to the base property. Another key aspect is the loss of light to number 16, which could be considerable. In terms of amenity there is concern over potential loss of sunlight for number 16 and overlooking from the proposed rear extension. All told the proposed extra build would dominate its surroundings and in addition have the potential to negatively impact on the well-used public footpath which runs between numbers 14 and 15 and into Brookway Road, in the sense of 'closing' in on it (or bearing down) and reducing natural light. On this point we suggest that Highways should survey and then report on the implications for the footpath in terms of public safety. Two members of our Planning Committee carried out a site visit in order to better understand the scale and impact of the proposed development. We recommend that the case officer also visits to gauge the potential effect of the application, especially to number 16.

**Parish Council**

*10th June 2015*

Objection. While we welcome the increase in the separation between the extension and the public footpath, the fact that the footprint of the extension has remained almost the same means it is still not subservient to the main structure. The lengthening the extension westwards increases the overbearing nature of the extension in relation to No.16. Any loss of light to No.16 will be exacerbated by this.

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>5</b>
Total comments received	<b>6</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** 5 letters were originally sent out to notify neighbouring properties of this application and subsequently the neighbouring properties were notified a further 2 times following revised plans.
- 5.2** In response to this publicity, 6 objection letters has been received; the objections relate to:
- Loss of neighbouring amenity,
  - Out of character,
  - Not subservient,
  - Impact on the public footpath,
  - 2 parking spaces required

**6. OFFICER COMMENTS**

**6.1 Determining Issues**

**6.2** The key considerations in relation to this application are the design of the proposal and impact that it will have on the existing building and character of the locality, and the potential impact on neighbouring amenity.

**6.3 The site and its context**

**6.4** The application site is a semi-detached, hipped roof, brick and rendered property located within Charlton Kings. A number of neighbouring properties have been extended including the adjacent neighbour at 14 Brookway Drive.

**6.5 Design**

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

**6.7** The proposal has been revised 2 times following officers objections. The original scheme was considered excessive in size, would have dominated the property to an unacceptable

level and clearly failed to achieve the desired level of subservience to the parent dwelling. In addition it had an overbearing and oppressive impact on the public footpath. The second scheme moved the extension away from the public footpath but increased the depth of the two storey extension. In the opinion of officers, the extension still failed to achieve the desired level of subservience to the existing dwelling and had an overbearing impact on the neighbour at 16 Brookway Drive. In the revised scheme the width of the two storey extension has been reduced by 700mm, the depth reduced by 600mm and the two storey extension set back from the side boundary by a further 600mm. Also 2 windows in the side elevations have been removed.

- 6.8** Local plan policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality. Paragraph 4.18 of the Cheltenham Borough Local Plan advises that 'extensions to existing buildings need to be carefully designed to respect the character and scale of the existing building. The most important consideration is that an extension should not detract from the original'.
- 6.9** Expanding upon local plan policy CP7, this Authority has adopted design guidance relating to householder extensions. It is stated within the introduction to the guide that its purpose is "to ensure that the character of each of the residential areas within the Borough is not eroded through un-neighbourly, poorly-designed extensions and alterations to residential properties". One of the five basic design principles set out within this Supplementary Planning Document 'Residential Alterations and Extensions' is subservience. The document advises that an "extension should not dominate or detract from the original building, but play a 'supporting role'".
- 6.10** The single storey side extension is set back from the front elevation by 700mm, the two storey side extension is set back 2.8m from the front elevation and the rear two storey extension extends 4.8m from the rear elevation. All will have a hipped roof and be finished in render and brick to match existing.
- 6.11** The single storey rear extension extends 2.9m and will have a lean to roof.
- 6.12** The two storey extension is a large addition but it has a good set back from the front elevation, the ridge height is lower than existing and the proposal will not mask the original form of the building. All these elements in combination, results in an extension that respects the character and scale of the existing building, and does not detract from the original.
- 6.13** The proposed extension is slightly smaller but very similar to the adjacent neighbour's extension at 14 Brookway Drive. Officers acknowledge that the proposal is large but following the revisions that have been secured, it does not harm the existing dwelling or the character of the locality and is considered to achieve a suitable level of subservience.
- 6.14** The overall design of the extension is considered to be a suitable form of development in accordance with Local Plan Policy CP7.
- 6.15 Impact on neighbouring property**
- 6.16** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.17** The attached neighbour at 16 Brookway Drive has concerns that the two storey extension would be overbearing and result in overshadowing and a loss of light to their house, patio and garden.
- 6.18** To assess whether the development would lead to a loss of daylight the 45° daylight test as referred to within Local Plan Policy CP4, has been completed. The proposal passes



this test which suggests that the neighbouring property would not lose daylight to the windows to an unacceptable degree.

- 6.19** With regards to potential overshadowing and the perceived overbearing impact caused by the extension, it is worth noting that whilst the two storey extension will project 4.9m beyond the rear elevation, it is set in from the shared side boundary by 3.9m.
- 6.20** The amount of sunlight received by a specific property is dependent on the season, aspect, and time of day, and it is therefore very difficult to substantiate. The application site is south of the adjoining neighbour and will undoubtedly cause an element of overshadowing. The test is whether this impact is to an unacceptable degree and given that the garden and windows will not be cast in shadow all day, officers do not consider it to be unacceptable. The neighbouring garden benefits from a westerly aspect, and is also 19.5m long. From mid-afternoon, the proposed extension will have little impact on the neighbouring property and morning light is already compromised by the existing pair of houses. With this in mind, it is sunlight in the middle of the day that could be affected, but of course this is when the sun is at its highest point, limiting any shadows that are cast. It is the view of your officers that it would be very difficult to justify the withholding of planning permission based on a limited loss of sunlight. The relationship between buildings that would result from the proposed extension is common place within a built up environment and is considered to be acceptable.
- 6.21** In relation to the potential overbearing impact, a similar conclusion has been arrived at by officers. Given the distance between the two storey extension and the depth of the garden, the proposal will not be overly overbearing when viewed from the adjoining site and is considered to be compliant with the provisions of local plan policy CP4
- 6.22** One window is proposed in the south side elevation. If members were to permit this application a condition is recommended that will ensure the window was glazed with obscure glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level. Also, it is recommended that the permitted development rights for further windows within the extension are removed to further safeguard the amenity of neighbouring properties.
- 6.23** The development as proposed is not considered to cause harm to neighbouring amenity and is in accordance with Local Plan Policy CP4.
- 6.24 Access and highway issues**
- 6.25** Local Plan Policy TP1 requires development to not endanger highway safety, directly or indirectly.
- 6.26** A neighbour is concerned that only one off street parking space is provided on site and two should be provided given that the site will go from a three to a four bed dwelling. Two spaces would be preferable but sufficient off street and on street parking is available to ensure highway safety is not endangered.
- 6.27 Other considerations**
- 6.28** The extension has been moved away from the public footpath with its closer point 1m away. The extension will no longer harm public amenity.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 The extension is large but does not harm the existing dwelling or the character of the locality in accordance with the guidance within the council's adopted SPD: Residential Alterations and Extensions (Adopted 2008).
- 7.2 The proposal would not cause unacceptable harm to neighbouring amenity and the design is in keeping with the parent building. Overall the development is considered to be in accordance with Local Plan Policies CP4 and CP7.
- 7.3 The recommendation is to permit this application subject to conditions.

## 8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 144.2005C, 144.210C, 144.220C, 144.230C received 10/07/15.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no 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.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that order) the ensuite window to the south side elevation shall be glazed with obscure glass and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level. The window 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.

<b>APPLICATION NO:</b> 15/00699/FUL		<b>OFFICER:</b> Mrs Victoria Harris	
<b>DATE REGISTERED:</b> 23rd April 2015		<b>DATE OF EXPIRY :</b> 18th June 2015	
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Mr Chris Foulkes		
<b>LOCATION:</b>	15 Brookway Drive, Charlton Kings, Cheltenham		
<b>PROPOSAL:</b>	Single and two storey extensions to side and rear of existing dwelling		

### REPRESENTATIONS

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

61 Cirencester Road  
 Charlton Kings  
 Cheltenham  
 Gloucestershire  
 GL53 8EX

**Comments:** 14th May 2015

We have looked at the proposed application for the extension and alterations of 15 Brookway Drive, Cheltenham GL53 8AJ and we **STRONGLY OBJECT**.

The magnitude of the proposed extension would not only be unsightly and affect light levels, but will be an invasion of privacy into our property, especially the juliette balcony on the second storey.

16 Brookway Drive  
 Charlton Kings  
 Cheltenham  
 Gloucestershire  
 GL53 8AJ

**Comments:** 28th April 2015

As the owner of the adjoining semi-detached property (16 Brookway Drive) I would like to object to the above proposal for a single and two-storey extension to 15 Brookway Drive on the following grounds:

My property is located to the northerly-side of 15 Brookway Drive and the rear faces west. This means that for six months of the year daylight entering the rear of my property and garden would be obstructed by the building of a two-storey extension to the rear of 15 Brookway Drive.

There would significant loss of light to my dining room as the window is the primary source of light to that room.

There would significant loss of light to my master bedroom as the window is the primary source of light to that room.

The plans that have been submitted show an external wall for the proposed extension being built on my property.

My sole patio to the rear of my property would be rendered damp and unusable as it would be overshadowed by the extension

The conservatory that the extension will be replacing is significantly smaller than the proposed extension and is of all-glass construction.

Annex A of Planning Policy Statement 7 (Addendum) A35 states: 'Significant problems of sunlight or daylight loss are most likely to occur in terraced or semi-detached housing situations and it is here that most care needs to be taken. An extension should be kept as far as possible from neighbouring windows and boundaries to minimise impact.' - The proposed extension is just 50cm from my dining room window.

Annex A of Planning Policy Statement 7 (Addendum) A36 states: 'To help assess the loss of light as a result of a proposed development to the front or rear of a residential property, the 60 degree and 45 degree lines, as shown in Figure 1 for single storey and two storey extensions respectively, will be employed. These lines will be taken from the centre of the closest neighbouring window'. The proposed extension exceeds a 60 degree line from the mid-point of my dining room window.

Annex A of Planning Policy Statement 7 (Addendum) A37 considers relevant factors such as: 'The existing form and type of extension prevalent in the area. For example, where the majority of dwellings in a terrace have already been extended in a similar way to the application proposal this matter will be balanced against any adverse impact on neighbouring properties.' It should be noted that with the exception of one house on Brookway Drive, no other property has been extended with a two-storey extension to the rear. Furthermore, the only property that has (No. 14) is south-facing, so this extension has no effect on their neighbour.

I voiced my concerns to Mr Foulkes during an informal chat on my property. He seemed to agree that the extension would have a markedly adverse impact on my property and assured me that he would consult the architect to modify the plans. This never happened. As Mr Foulkes and his family purchased their property a year ago, but have never lived in it, I feel that they have not fully understood the impact that such a large extension would have on me.

I do hope you will take the above points into consideration when making your decision. I have absolutely no objection to a single storey rear extension and a double storey side extension, as featured by many other properties on Brookway Drive and do not feel that my objection to the proposed plan is unreasonable.

### **Comments:** 6th June 2015

I have had a chance to review the revised plans submitted by 15 Brookway Drive for their proposed 2-storey extension and was absolutely stunned to see that they have kept an almost identical footprint (59.17m<sup>2</sup> revised versus 59.7m<sup>2</sup> initial), but in order to move the structure away from the southern boundary slightly, they have increased the distance it extends into the rear garden by over 30% in comparison with the initial plans.

The two-storey rear extension is now proposed to extend past the rear of their house by 5.25m instead of the previous 4m. Furthermore, they have kept the overall height to 6.9m which means the new proposed development will enclose us even more, and block out even more of our sunlight! Under the new proposed development they will have 27m<sup>2</sup> of solid wall on show to us (rather than 20m<sup>2</sup> in the initial proposal). This is an enormous, imposing wall for us to look out on to!

Whilst they have modified the design of the roof slightly (Hip versus open gable), it is negated by the fact that the rear extension would now protrude by an additional 30%. Their revised plans are even more overbearing.

It is apparent from these aggressive revised plans that Mr Foulkes has not listened to the comments of local residents and has not compromised on a single aspect of his development.

I hope that you agree that the revised plans do in no way address our concerns about the overbearing nature of the extension, light levels and privacy and will encourage Mr and Mrs Fawkes to re-think their plans.

**Comments:** 26th July 2015

I have had a chance to look at the latest revision to No. 15's plans and object on the grounds that the size of the proposed extension is too large (55.4m<sup>2</sup>) and not subservient to the original property that is at present, modest in size and well contained.

The 2-storey component of the extension remains particularly overbearing. The uniquely prominent position of my property, at the head of Brookway Drive means that there will be significant overshadowing and loss of light to my house, patio and garden due to the large, double storey, south-facing extension.

I have compared all three versions and whilst plan number 3 (the most recent) is marginally improved compared to plan number 2 (the 2-storey component protrudes slightly less), it still protrudes over 50cm MORE than in the original plan. The overbearing nature of the proposed development would mean that I would look out onto an enormous 23m<sup>2</sup> plain wall (compared to 20m<sup>2</sup> cited on the original proposed design).

I really hope that you take on board our comments when making your decision. The proposed development will significantly affect the enjoyment we get from our patio and garden, and set a dangerous precedent for future large-scale developments in our neighborhood.

14 Brookway Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AJ

**Comments:** 13th May 2015

We object to the planning application made on a number of grounds.

Substantial adverse effect on the character, appearance and setting of the properties on Brookway Drive

The National Planning Policy Framework (NPPF), at paragraph 58, places explicit emphasis on retaining local character and history, and applications should reflect the identity of local surroundings.

Immediately, the proposed development appears incongruous in nature and will be very damaging to the character, appearance and setting of both the adjacent properties by virtue of its design. Therefore it is substantially out of character for the road with a first floor overhang that is incongruous.

To further support this view, paragraph 64 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving

the character and quality of an area and the way it functions. In doing this, the scheme must reflect the form of development that is already in existence within the area and relate to it.

In terms of the proposal relating to the wider area the current proposal has no regard to the building line, skyline, set-back or window lines currently present. The patterns of building is markedly different and contrasts significantly with the neighbouring properties. A softening of development proposed along the western boundary against the public footpath would mitigate greatly the issues of unrelated character and the adverse effect on the appearance of the wider area.

### Substantial overlooking/privacy issues

The effects of poor character and appearance in the design and layout of the proposed development is further compounded by having a significant adverse effect on the living conditions currently enjoyed at 16 Brookway Drive in particular and on our property to a lesser extent.

One of the Core Principles of the NPPF makes it clear that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. That is, in our view, the negative effect the current design and proposal will have on the living conditions currently enjoyed by 16 Brookway Drive, with particular reference to impact on privacy, overbearing dominance and outlook.

We feel that the property at 16 Brookway Drive will be severely overlooked by this proposal, which will cause substantial privacy issues, especially as the design is oriented in such a way that the rear windows of the new extended property will be looking directly onto their garden. We do not believe the proposed separation distance is adequate and our perception is that neither we nor the neighbour at 16 will be comfortable using our own private amenity space in the event that the proposal abuts both boundaries. It will provide a sense of enclosure and give rise to a claustrophobic effect that is a departure to the outlook that is currently enjoyed. This creates a significant and oppressive impact, more so at number 16.

Our concerns regarding privacy are particularly heightened due to the fact both the properties are family homes.

### Daylight and Sunlight

We are very concerned regarding the effect the proposal will have on the daylight and sunlight currently enjoyed by number 16, and are concerned that the current proposed design and configuration may be in conflict with the Building Research Establishment (BRE) Site layout planning for daylight and sunlight a guide to good practice.

The resultant change, we feel, will impact on the enjoyment of the garden to the degree it will appear darker, gloomy and less pleasant, which will be below the standard that could be reasonably expected for the enjoyment of outside amenity space.

### Parking

While we appreciate that there are no policies in place currently that govern parking standards in the event that there is no loss of parking. However, the rule of thumb in masterplanning (on strategic development) is for every 2 bedrooms (or three people) there ought to be 1.5 spaces available. Therefore for a 4 bedroom house there ought to be two to three spaces. The car parking in the bell of this cul de sac can easily become restricted and the current occupants often park two cars in line out into the road, restricting the turning circle and making exit from our own drive (which can by contrast accommodate three vehicles) extremely difficult. This development will make this occurrence much more likely and the blocking of the highway will cause friction between us and our neighbours.

We feel that parking space off road for at least two cars should be provided.

### Crime Prevention

Finally, the footpath between our property and the proposed development site currently benefits from open and natural surveillance. The design proposed includes a tightening of the space between the existing boundary and the current built form. This could provide unwarranted narrowing of the footpath, fostering a sense of enclosure and overbearing dominance. The Public footpath is well used and the sense of security through openness and a channel of daylight during daytime hours is essential for the perception of the safe use of this alleyway. In the evening light can enter the footpath from a street light but the proposed development will cut that right down making the footpath a dark and intimidating space and increase the opportunity for criminals to feel unobserved in scaling fences into the gardens either side of it.

Carrying on the principles of 'Secured by Design', which no longer exists, The Planning Urban Design and Management For Crime Prevention Handbook produced by the EU considers this type of proposal to encourage the loss of safe public rights of way and goes against good planning principles. Making places safe and accessible for all people is a core principle within the NPPF. Visibility is critical in achieving this and natural surveillance in well-lit areas avoiding physical barriers or a sense of overbearing development is how this is achieved. The development, as proposed, will cause overshadowing, an overbearing dominating second floor and will as a consequence cause a loss of attractiveness for users of this public footpath. This should not be encouraged in our view.

### **Comments:** 10th June 2015

We have reviewed the re-submitted plans and the comments made by the applicant's architect in their letter accompanying them.

We appreciate the movement of the extension away from the footpath and the reduction in the overbearing effect that had on that public right of way.

However we note that the overall footprint of the extension has not reduced significantly with the floor space merely being pushed backwards with the extension becoming deeper.

The architect's accompanying letter included a plan seeking to reassure the Council, consultees and neighbours as to the effect on the light to the adjoining property number 16. Hopefully the Council officers and consultees will have noted that the plan is not actually the revised plan at all but shows the shading from the previous now withdrawn layout. The fact that the building is now deeper will have a greater shading effect on no 16. This mistake is extremely regrettable and the error may have meant that those who might have objected have not now done so. We contend that the correct plan should be drawn up and circulated before a decision on the application is made.

Intuitively however there is no doubt in our minds that the deeper extension will have a greater effect on no 16 than the previous application.

Number 16 occupies the smallest plot in this part of the road. The orientation of the house means that it is always going to be significantly effected by an extension of no 15 and that extension needs to be particularly sensitive to this situation. The re-submitted plans show less sensitivity to no 16 than the original ones and are simply an attempt to retain the enlarged floor space in a different layout.

We urge the planning authority to refuse the application as a result of its effect on the neighbouring property.

Finally, the question of parking is not addressed. This point was made in our original objection to which we refer you. More than one off street parking space should be provided.

**Comments:** 17th July 2015

The reduction in scale is appreciated. Our only remaining objection relates to the need to provide more than one of street parking space to prevent the dangerous congestion that occurs with cars backed out into the cu de sac when they are unable to park within the curtilage as per my original objection.

Evans Jones  
Royal Mews  
St Georges Road  
Cheltenham  
Glos

**Comments:** 10th June 2015

Letter attached.

Brookway House  
Brookway Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AJ

**Comments:** 6th May 2015

Letter attached.

**Comments:** 16th June 2015

Letter attached.

**Comments:** 27th July 2015

Letter attached.

16 Haywards Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6RH

**Comments:** 14th May 2015

I write as POA for my mother, of 59 Cirencester Road GL538EX.

We object strongly to this application on the grounds of scale leading to loss of light and views to surrounding properties. There is also a concern for privacy. Further to this the proposal assumes no regard for the scale, grain and proportions of the properties in this quiet street. Please give careful thought to allowing such a vast extension.



Our Ref: PP5111

5 June 2015

Mrs Victoria Harris  
Planning Officer  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 9SA

Dear Mrs Harris,

**Town and Country Planning Act 1990**  
**15/00699/FUL Single and two storey extensions to side and rear of existing dwelling at**  
**15 Brookway Drive Charlton Kings Cheltenham GL53 8AJ**

I am writing on behalf of my client who resides at number 16 Brookway Drive, Charlton Kings. I wish to raise the following objections regarding this application.

I have had regard to the Council's saved Local Plan policies and Supplementary Planning Document – Residential Alterations and Extensions Adopted February 2008.

I have had regard to section 7 of the National Planning Policy Framework (NPPF) which makes clear that good design is indivisible from good planning and a key part of sustainable development. Paragraph 64 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

## Design

Brookway Drive is a pleasant residential area, characterised by semi-detached dwellings under hipped roofs. Some of the properties near to 15 Brookway Drive have side extensions, however these are well set back and inconspicuous due to their simplistic design. This gives all of the properties facing the road a visually pleasing appearance

By contrast, the proposed side and rear extensions to number 15 show a complex roof arrangement, which when viewed from the front will comprise a double hipped roof structure cascading outwards from the side of the original dwelling.

I consider that the effect will result in an overcomplicated and uncoordinated extension which would be out of keeping with the original property and the pleasant street facade.

### **Proportion, Scale and Bulk**

A key element of a well-designed extension is that it should be subservient in size to the main property. This is referred to in the House Extensions SPD. An overly large extension will dominate the main house, resulting in a loss of character.

In this case, the extension proposed will appear very large compared to what is at present a relatively modest and well contained property. The amount of new floor space created appears similar in size to the existing. In these circumstances I consider that this amount of space has a detrimental effect on the character of the host property.

### **Street Scene**

One of the key issues for side extensions to semi-detached houses identified in the House Extensions SPD is the importance of retaining the space between semi-detached houses to preserve the character of the street scene.

As stated in the SPD *"the sense of space can be completely lost when adjacent owners decide to create two storey extensions"*. This creates a terracing appearance by *"closing off the important space between buildings and giving formerly symmetrical houses a lopsided appearance"*.

Accordingly the SPD states that *"The Council may refuse permission for a proposed extension if an existing adjacent extension would make it impossible to achieve a visual gap between houses."* I consider that in this case the Council have every justification to do so.

At Brookway Drive the gap between semi-detached properties is fairly consistent, and very important. Even though side extensions have been added to certain properties, this has not diminished the sense of space because they are proportionate to the host dwelling in each case. It would not be so for this application due to the size of the side extension proposed.

Furthermore, Numbers 15 and 16 Brookway Drive are positioned at the head of the cul-de-sac, facing directly down the road thereby in a highly prominent position. The extensions at the side of number 15 will close the gap with number 14 (which has also been extended at the side) resulting in a terracing effect.

The extensions will enclose and overshadow an existing footpath which is currently a pleasant walkway. The new extension will create a more enclosed and less enticing environment for pedestrians.



### **Overbearing Impact**

My client remains very concerned about the overbearing impact the proposed extension will have on his property, number 16 Brookway Drive. The two storey rear extension at number 15 will appear prominent and visually dominant when viewed from my client's rear garden.

A single first floor landing window will look directly onto my client's west facing rear garden resulting in a loss of privacy. Any additional windows in this north elevation at first floor level would further increase the sense of overlooking into my clients garden.

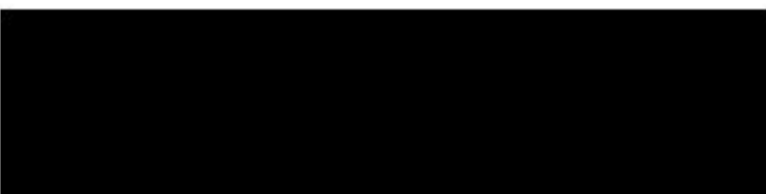
The result is that no other windows have been installed in this elevation, thereby having the effect of a length of blank rendered wall which will appear unattractive to my client and detract from the enjoyment of his garden.

The proposed extension will be directly south of my client's garden where the most sunlight originates during the course of the day and where any loss of sunlight and overshadowing will have its greatest effect.

In conclusion I maintain that this application will have a number of negative impacts. To my mind the siting, design, and scale of it will be detrimental to the original dwelling, to the adjoining property, and to the overall character and appearance of the street scene. For these reasons I respectfully request that the Council refuse this application

Yours sincerely

**For and on behalf of Evans Jones Ltd**



**Daniel Drayton BSc (Hons) MA MRTPI  
Chartered Town Planner  
DDI Number 01242 531412**

Planning Officer

Cheltenham Council

7-5-15

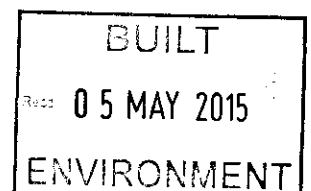
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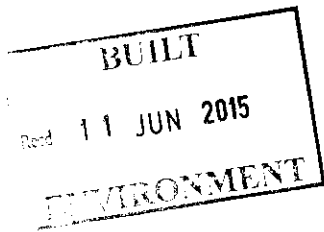
Brookway House  
Brookway Drive  
Charlton Kings  
GL53 8AJ

Dear Mrs Harris

Please excuse free hand note but we have only just received the information. A two storey extension towering down the garden would block our light, invade our privacy, ruining what little seclusion we have in our bungalow. Buying small houses then applying for planning to double the space solely to get into local schools is unfair and unneighbourly

Yours



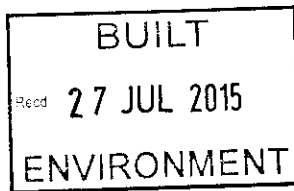


Brookway House  
Charlton Kings  
Cheltenham  
GL53 8AJ

Dear Mrs Harris

When I read R.E. Single and two story development my first impression was that our views and that of the parish council had been taken into account. On viewing the plans I can see they have not. When this bungalow was built great care was ordered so as not to block views for neighbours. Doubling the size and height of this proposed structure will completely over look us. Therefore for the reasons I listed in the last letter I most humbly ask you to reject this plan

Your Sincerely



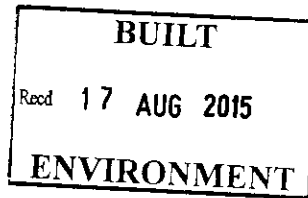
Brookway House  
Brookway Drive  
Charlton Kings  
GL53 8AJ

Dear Mrs Harris

I write again to disagree with the proposal for the development of no's 15 Brookway Drive. This Huge extension is totally out of balance with the rest of the house and not in keeping with the tastful extensions others have achieved. It will enclose us and restrict the light, This sort of development, if ~~is~~ allowed would set a presedent for others to follow with more two story monuments marching down the garden.

Yours Sincerely





16 Brookway Drive  
Cheltenham  
GL53 8AJ

12<sup>th</sup> August 2015

**Re Planning application 15/00699/FUL (15 Brookway Drive, Charlton Kings)**

Dear Borough Councillors,

I would have liked to have attended the planning meeting on 20th August but unfortunately, having only received 9 days notice, [REDACTED] was hoping that this letter could be considered in my absence.

I have observed that the borough planning officers have recommended the approval of the above extension. Unfortunately, I remain of the opinion that even the modest reduction in floor area seen in the third revision of the plans will result in an extension that is too large, not subservient to the existing, small, semi-detached property and will cause an unacceptable degree of overshadowing of my garden. It should be noted that in the third revision of the plans the extension actually protrudes 500mm more to the rear of the existing property than in the initial plans thus obstructing more sunlight.

The proposed increased ground floor area of the extension is 55.4m<sup>2</sup> compared to the ground floor area the existing property of 63.4m<sup>2</sup>. I feel that an extension of this magnitude (an 87% increase) cannot be subservient to the existing property.

The planning officers acknowledge that the double story extension will "undoubtedly cause overshadowing" of my garden but they feel that this is to an acceptable level as my garden will still receive some sunlight from mid-afternoon onwards. Currently, my garden and patio receives sunlight from 10:45am so I find it difficult to agree that the loss of 4 or 5 hours of sunlight each day is acceptable and this will only be exacerbated during the autumn and spring months.

Planning officers rejected the second plans submitted on the basis that it had an "overbearing impact on the neighbour at 16 Brookway Drive". The third version of the plans still shows an extension measuring 4.9m beyond the rear elevation since the reductions only measured 0.7m in width and 0.6m in depth. I would still look out onto an enormous 23m<sup>2</sup> plain wall (compared to 20m<sup>2</sup> cited on the original proposed design).

I believe that local planning policy guidance makes provision "to ensure that the character of each of the residential areas within the Borough is not eroded through un-neighbourly, poorly-designed extensions and alterations to residential properties". Given the size, design and fact that all adjoining neighbours have objected to these proposals, I feel that the application, in its current form is extremely un-neighbourly and has sought to gain the maximum size possible with little thought as to the impact on the local residents.

I am not alone in my objection to this huge extension, as neighbours on all sides of 15 Brookway Drive have expressed their objection to such a large development. In fact, every one of the five other comments submitted to the council have been opposed to the development as has the parish council. Surely this is proof enough that our neighbourhood deem this extension to be too large to be in keeping with our community and hopefully our councillors will represent us in our right to enjoy the properties we have lived in for many years.

Yours faithfully,

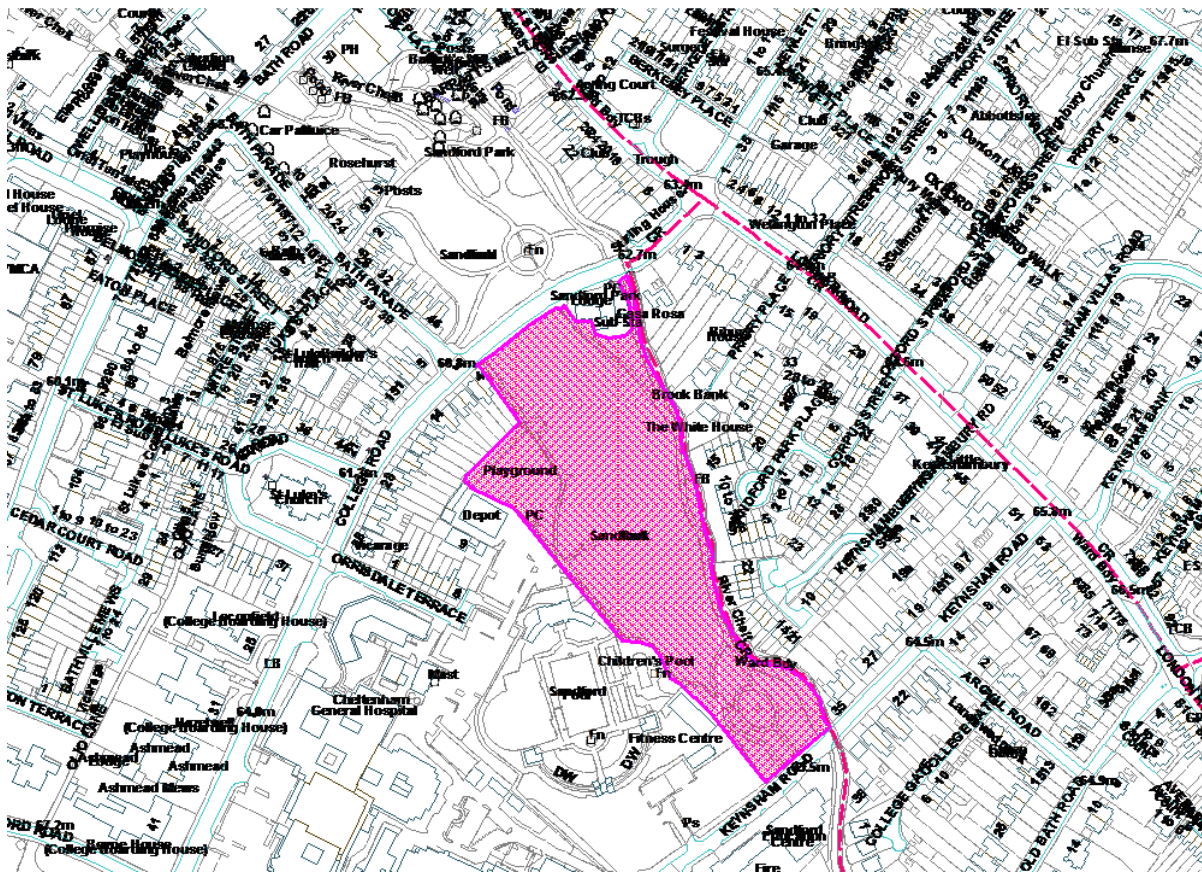
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<b>APPLICATION NO:</b> 15/00899/FUL	<b>OFFICER:</b> Mrs Victoria Harris
<b>DATE REGISTERED:</b> 26th May 2015	<b>DATE OF EXPIRY:</b> 25th August 2015
<b>WARD:</b> College	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	n/a
<b>LOCATION:</b>	Sandford Park ,College Road, Cheltenham
<b>PROPOSAL:</b>	Construction of three self-binding gravel petanque courts, new tarmac path, picnic table areas, planting and the removal of an existing tarmac path

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is Sandford Park which is located within the Central Conservation Area.
- 1.2 The proposal is for 3 gravel petanque courts, new tarmac path, picnic table areas, planting and the removal of an existing tarmac path.
- 1.3 The site for the new works are in the southern open section adjacent to the Lido café and close to the locally listed 1935 Lido Swimming Pool.
- 1.4 The application is brought to Planning Committee because the applicant and owner is Cheltenham Borough Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Flood Zone 2  
Flood Zone 3  
Public Green Space (GE36)  
Smoke Control Order

### Relevant Planning History:

**03/00706/LBC 31st July 2003 GRANT**

Dismantling of deteriorating structure for investigation and reconstruction with replacement sections and fittings

**81/00348/PF 11th September 1981 PER**

Sandford Park Off Cheltenham Gloucestershire - Erection Of New Stores Building (CBC Parks Dept. Application - No Observations)

**83/00324/PF 20th September 1983 PER**

Sandford Park Off Cheltenham Gloucestershire - New Stores Building For Parks Department

**87/01396/PF 21st January 1988 PER**

Sandford Park Depot Cheltenham Gloucestershire - Erection Of Mess Room

**87/01490/PF 25th February 1988 REF**

Sandford Park/College Road Cheltenham Gloucestershire - Relocation Of Existing 2.4m High Security Fence And Re-Alignment Of Existing Footpath

**88/01516/RZ 15th December 1988 PER**

Renewal Of Temporary Permission Cb.16972/05 For A Further Twelve Months

**89/01595/PR 18th January 1990 PER**

Renewal Of Planning Permission For Three Portacabin Units

**90/01190/PC 13th December 1990 PER**

Temporary Use As Office And Storage Compound For Sewer Construction (For A Period Of 12 Months)

**91/00074/PR 21st March 1991 REF**

Renewal Of Planning Permission For Three Portacabin Units

**91/01149/AN 19th December 1991 WDN**  
Erection Of Hoarding For Temporary Period From November 1991 To March 1992

**92/00568/PF 30th July 1992 PER**  
Proposed Erection Of Circle Of Friendship At Sandford Park

**92/01068/PF 21st January 1993 PER**  
Development Of Twinning Garden With Alteration And Addition Of Features In Park

**92/01140/PC 21st January 1993 PER**  
Cheltenham Borough Council Gardens Dept Depot - Continued Use Of Warehouse Store and Change Of Use Of Land To Provide Approx 55 Car Parking Spaces And Associated Lighting

**93/00150/PC 29th April 1993 PER**  
Former Parks Department Yard And Office - Change Of Use To Children's Recreational Facilities In Connection With The Cheltenham Holiday Recreation Programme

**96/00272/PC 21st May 1996 UNDET**  
Change Of Use To Hospital Car Park With Access Through General Hospital. Demolition Of Buildings

**98/00189/PC 23rd April 1998 PER**  
Use As Landing Site For Air Ambulance

**98/00698/PF 10th September 1998 PER**  
Former Council Depot - Change Of Use From B8 (Warehousing/Storage) Of Council Grounds Machinery To B1 - Offices and Maintenance Base For Hospital Tradesmen. Insertion Of New Doors and Windows. F

**08/00222/CACN 11th March 2008 NOOBJ**  
Norway maple - remove braches overhanging boundary to Barratts Mill

**09/00303/FUL 11th May 2009 WDN**  
Installation of railings at Upper Sandford Park to surround the drainage inlet structure (The Plughole).

**10/01915/FUL 2nd February 2011 PER**  
Enlargement of existing Flood Attenuation Reservoir, as part of the Cheltenham Flood Alleviation Scheme, involving raising height of embankment adjacent to College Road, increasing height of existing walls on the south western edge of the Park and construction of additional low flood walls

**11/00970/AMEND 6th March 2013 DISPOS**  
Non-material amendment to ref: 10/01915/FUL (Enlargement of existing Flood Attenuation Reservoir, as part of the Cheltenham Flood Alleviation Scheme, involving raising height of embankment adjacent to College Road, increasing height of existing walls on the south western edge of the Park and construction of additional low flood walls) to allow for disabled access to The Lodge

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

#### Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design  
GE 1 Public green space  
GE 5 Protection and replacement of trees  
GE 6 Trees and development

Supplementary Planning Guidance/Documents

Central conservation area: St. Luke's Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

#### 4. CONSULTATIONS

##### **Wales And West Utilities**

*8th June 2015*

Wales & West Utilities acknowledge receipt of your notice received on 29.05.2015. advising us at the planning application and proposals at Sandford Park, College Road, Cheltenham, Gloucestershire, GL53 7HZ.

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities have no objections to these proposals however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

##### **Landscape Architect**

*1st July 2015*

Principle

The proposal is acceptable in principle. The petanque courts should be an interesting addition to the activities available in Cheltenham's parks.

Design

The picnic tables/petanque court area and the new path should be considered as elements of a single coherent design.

As currently proposed, the design of the picnic tables/petanque court area lacks a definite shape. In addition, access to this area from the Lido seems somewhat constrained and awkward. Consider realigning this area with the access to the Lido and creating a smoother curve to the new path.

Given that the new path will extend further out into the open space of the park, a more sympathetic material than tarmac should be considered e.g. resin bound aggregate. This is especially a concern in the area of the temporary art space. It is appreciated that there can

be maintenance problems with resin bound aggregate so suggest laying it sections to make maintenance easier.

### Planting

A planting plan will be required showing species, size, number and spacing of proposed plants.

There appear to be some awkward areas of grass between the proposed path and new shrubbery. A mown grass strip between shrubberies and paths is generally recommended for increased security and to prevent plants overhanging footpaths. However, in this case the design would be improved if this practical consideration was achieved by shaping the grass into a more definite form. This would probably result from realigning the picnic table/petanque court area as suggested above.

### Conditions Required

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

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

### **Heritage And Conservation**

*30th June 2015*

Further to: Application and site visit

### Analysis of Site:

Sandford Park is a large green area near the centre of town partially landscaped and partially open. The site is in the southern open section adjacent to the Lido café and close to the locally listed 1935 Lido Swimming Pool.

### Comments:

1. The principle of the proposal is acceptable and the additional amenities within the Park will no doubt be widely welcomed. However, there are some concerns regarding the design and layout of the courts, pathways and picnic area.
2. The removal of the existing path and replacement with shrubbery will help to conceal the ugly palisade security fencing that forms the boundary between the park and the swimming pool but if this is the intention it is to be guessed at, as there is no rationale or justification submitted with the application. The fencing is not shown on the plans so it is unclear whether it is to be retained behind the planting.
3. In my opinion the proposed new tarmac path will divide up the open space in an arbitrary way creating an irregular space that lacks a coherent design and is not sensitive to the existing site.
4. The increased use of tarmac will be visually quite intrusive and does not offer any enhancement to the park which could be achieved by using a more sympathetic material like a resin bound gravel surface.

Conservation and Heritage summary: support for the principle but consider that the submitted scheme does not offer the enhancement that could be achieved with a more coherent design.

### **Tree Officer**

*16th June 2015*

The Tree Section has no objections with regards to this application, however there are concerns with with the Norway Maple to the south east side of the proposed site. The Norway Maple is situated just north of the proposed new tarmac path. Without adequate protection there is potential for the Norway Maple to get damaged during construction.

Should this application be granted please use the following condition:

## Protective fencing

Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

## **Cheltenham Civic Society**

*15th June 2015*

Bienvenue!

## **Landscape Architect**

*31st July 2015*

Ref: 15/00899/FUL Sandford Park Petanque Court and Landscape Improvements

Drawing Title: Design layout; Drawing No: SP-1 Version 2

The design would benefit from adjustment in the layout of the picnic tables to provide better access from the new tarmac path to the entrance to the Lido café.

During discussion with the applicant regarding the previous layout, Townscape officers expressed concern about the lack of a path to the Lido café when approaching from the Keynsham Road entrance to Sandford Park. The route to the café was between picnic tables. The creation of an identifiable path to the café was one of the amendments requested.

In this latest version the picnic tables have a more regular arrangement, with the spacing between them being approximately 2m which is standard path width. However, one of the picnic table/planting bed combinations is directly between the entrance to the Lido café and the new tarmac path. The tables will be fixed to the ground so it is important that the layout is correct from the start, as it will not be practical to move them once they are in place. Amending the layout, as shown in the attached scan, creates a more obvious main route between the café entrance and the new tarmac path. No reduction in the number of picnic tables is required.

Drawing Title: 2 metre wide path and picnic table paved area construction detailing;

Drawing Title: Petanque court and furniture construction detailing

In addition to the timber edging, the timber pegs should also be specified e.g. treated timber, minimum cross-section 40x40mm or 50x50mm, approximately 450-600mm in length, pointed at one end.

The sub-base should be extended underneath the concrete haunching at the path edge.

The type of concrete required for the foundation should be specified.

## 5. PUBLICITY AND REPRESENTATIONS

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

A Site Notice was displayed on site and a publication was made on the Gloucestershire Echo. No representations have been received to date.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The key considerations in relation to this application are the design of the proposal and impact that it will have on Sandford Park.

### 6.3 Design

6.4 The Design and access statement confirms that following discussions with the Friends of Sandford Park, councillors and the Lido café, it was identified that there was a need for more facilities for adults and families to socialize and be active.

6.5 The gravel petanque courts, picnic table areas and planting will be located in front of the entrance to the Lido Café. The layout has been revised following the Conservation Officer and Landscape Architect comments. The picnic tables have been moved to allow an unobstructed route between the café entrance and new path.

6.6 The new facilities will enhance the use of the park and is a welcome addition.

6.7 The existing foot path will be removed and a new tarmac path is proposed. The Design and access statement states, *“The current tarmac path along the Lido boundary is not fit for purpose with increased usage of the park and café. The path has poor sightlines, encroaching trees and shrubs, a lack of natural light and an unsightly palisade fence along the edge. The new path deals with these issues and enables shrubs to be planted to mask the palisade fence boundary and enhance biodiversity.”*

6.8 The layout of the new path has been amended so that the curves have been smoothed out more to reflect the natural formations in Sandford Park. The Conservation Officer and Landscape Architect have both raised concerns with the proposed material of tarmac and have suggested resin bound gravel surface. The applicant has confirmed that resin bound gravel surface would not be consistent with other paths in the park, more costly and harder to maintain.

6.9 It is unfortunate that the new path will be tarmac but given that the existing path is tarmac and shrubbery is proposed in front of the existing palisade fence boundary the harm is outweighed by the visual enhancement to the park by concealing the palisade fence.

6.10 Landscaping conditions are proposed to ensure the proposed planting achieves the visual enhancements.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 It is considered that permission should be granted. The revised scheme will enhance the visual amenity and facilities of the park to the benefit of the users of Sandford Park and Central Conservation Area.

## 8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers SP-1V3, SP-2V3 and SP-3V3 received 03/08/15.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 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.
- 4 The landscaping proposals hereby approved shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for 5 years after planting and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within this period shall be replaced with others of similar size and species to those originally required to be planted.  
Reason: To ensure that the planting becomes established and thereby achieves the objectives of Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 5 Tree protective fencing shall be installed around the Norway Maple in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.  
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

## INFORMATIVES

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



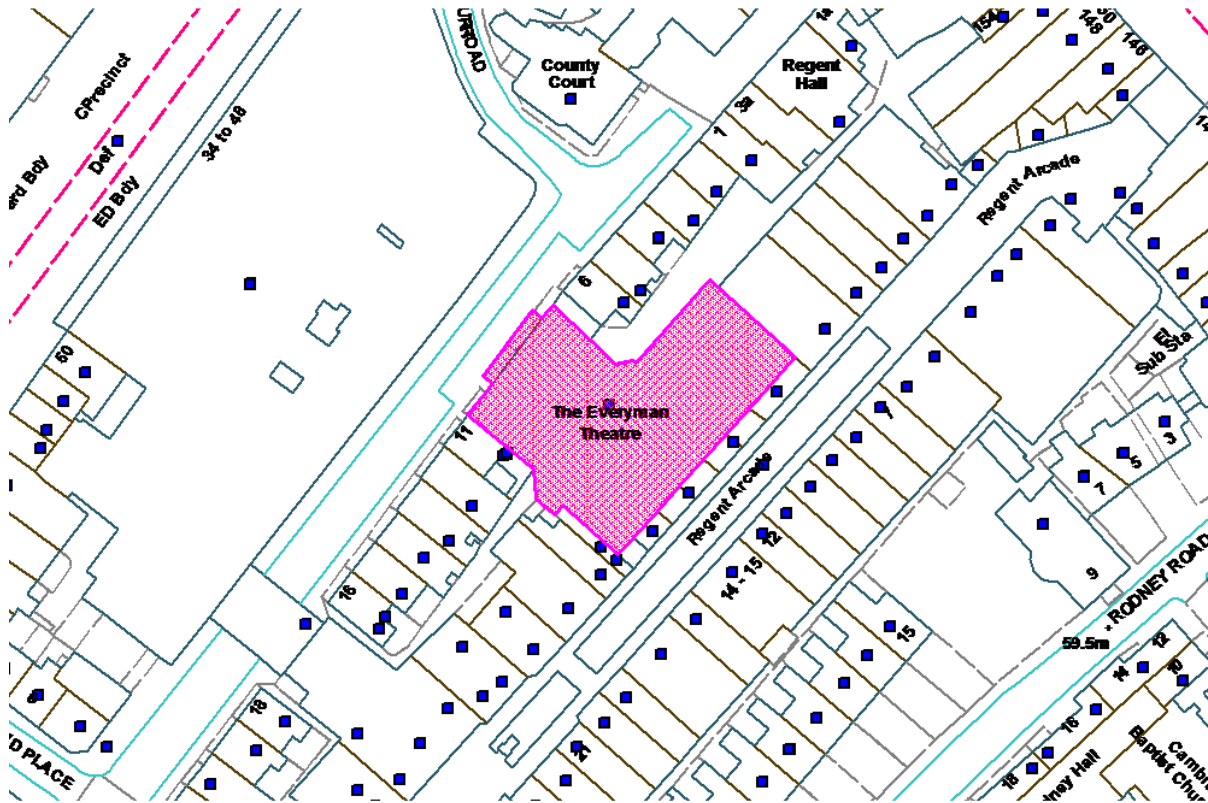
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

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

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<b>APPLICATION NO:</b> 15/00928/ADV and LBC	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 13th June 2015	<b>DATE OF EXPIRY:</b> 8th August 2015
<b>WARD:</b> College	<b>PARISH:</b>
<b>APPLICANT:</b>	Everyman Theatre
<b>AGENT:</b>	
<b>LOCATION:</b>	Everyman Theatre, 7 - 10 Regent Street, Cheltenham
<b>PROPOSAL:</b>	15/00928/ADV: Erection of two internally illuminated matrix display signs 15/00928/LBC: Two 'Messagemaker' display units to ends of canopy at front of theatre

**RECOMMENDATION:** Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to the Everyman Theatre on Regent Street which is a grade II listed building within the Montpellier Character Area of the Central Conservation Area.
- 1.2 The applicant seeks both listed building consent and advertisement consent for the installation of a 'messagemaker' display unit at either end of the canopy to the front of the building. The front elevation of the canopy would remain unaltered. The proposed screens would fit within the sides of the existing canopy and would therefore have a height of 320mm, a width of 1920mm and would project 70mm beyond the face of the canopy.
- 1.3 The proposal is effectively a visual screen which will display a series of messages relating to the theatre. The applicant anticipates a series of 4 to 6 messages would be displayed alternately. Photomontages have been submitted to provide examples of messages which might be displayed on the screens, although this may vary.
- 1.4 The application is before planning committee as Cheltenham Borough Council own the application site.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Core Commercial Area  
Listed Buildings Grade 2  
Central Shopping Area  
Smoke Control Order

### Relevant Planning History:

**95/00981/AN 18th January 1996 PER**  
2 Banners With The Word Everyman On Both Sides

**95/00982/LA 18th January 1996 PER**  
2 Banners With The Word Everyman On Both Sides

**98/00700/PF 10th September 1998 PER**  
Installation Of Satellite Dish And Antenna

**98/00708/LA 10th September 1998 PER**  
Installation Of Satellite Dish And Antenna

**99/00486/AI 29th July 1999 GRANT**  
Illuminated Wall Mounted Fascia Signs and Double Sided Illuminated Projecting Screen

**99/00490/LA 17th June 1999 PER**  
Display Of Illuminated Wall Mounted Fascia Signs

**99/00491/LA 17th June 1999 PER**  
Replacement Of Existing Auditorium Chairs - 17 No

**99/50103/FUL 26th April 2000 PER**  
Internal alterations to create equipment room, erection of three wall mounted antennae and two A/C condensers

**99/50104/LBC 26th April 2000 GRANT**

Interior alteration to create equipment room, three wall-mounted antennae and two A/C condensers

**99/50407/LBC 26th April 2000 GRANT**

Interior alterations to create equipment room, three wall-mounted antennae, two A/C condensers

**99/50408/FUL 26th April 2000 PER**

Internal alterations to create equipment room, erection of three wall mounted antennae and two A/C condensers

**01/00857/LBC 24th August 2001 GRANT**

Refurbishment and renewal of seats and carpet in auditorium

**02/00727/LBC 15th July 2002 GRANT**

Internal alterations to facilitate modification of auditorium air conditioning system

**04/01159/LBC 1st September 2004 GRANT**

Internal alterations including refurbishment of front of house toilets (window alterations omitted following agents letter received on 31 August 2004)

**11/01269/LBC 24th October 2011 GRANT**

Installation of new external door

**12/00743/FUL 18th July 2012 PER**

Installation of new external door on Regent Street with a solid timber and glass door

**12/00743/LBC 18th July 2012 GRANT**

Installation of new external door on Regent Street with a solid timber and glass door

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

#### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

BE 9 Alteration of listed buildings

BE 13 Advertisements and signs in conservation areas

#### Supplementary Planning Guidance/Documents

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

#### National Guidance

National Planning Policy Framework

### **4. CONSULTATIONS**

#### **Heritage And Conservation**

*29th June 2015*

Further to: Application and site visit

Analysis of Site: late 19th C theatre with re-built frontage c.1980s and added glass and ironwork canopy dating from this time. Prominent position on busy back street.

Comments:

1. The principle of installing these signs was discussed at the pre-app stage and the major concern was that the illumination and changing text of the display signs wasn't too intrusive whilst still providing the required service of alerting passers-by to the programme and that the café and theatre were open even when the doors weren't open or lit as it is at night.
2. The proposed usage of the display signs by the applicant is acceptable and will not result in any adverse harm to the building: bright lights and bold displays are part of the character of historic theatre frontages and in my opinion the restrained use of a digital display sign is compatible with the building's function and historic interest.
3. The signs will be fixed to a recent addition to the building so there will be no enduring harm to the historic fabric.
4. A planning condition specifying the acceptable usage of the illuminated signs seems a sensible approach.

Conservation and Heritage summary: support this scheme.

Suggested conditions relating to Conservation and Heritage matters:

No wires, pipe work, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and maintain the character and appearance of the area in which this development is located in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. Careful consideration has been given to the detailed design of this development and its relationship with neighbouring properties.

**GCC Highways Planning Liaison Officer**

*6th July 2015*

The site plan is not very accurate in illustrating the location of the proposed signs, however from the photographs attachment the internally illuminated signs are shown to be attached to the underside of the existing canopy on the frontage over facing pedestrians over the footway approaching the theatre in either direction. The site is situated on Regent Street a class 4 road subject to a 30mph speed limit in the centre of Cheltenham. I have no objection to these two displays built into the existing canopy over the footway, with sufficient clearance from pedestrians passing underneath at 3m from the bottom edge of the signage to the footway. The signs additionally do not unduly affect highway safety for drivers not located adjacent to any traffic signals on a narrowed section of highway set back from the carriageway therefore will not be overly distracting.

I refer to the above planning application received on 25th June 2015, with to which no Highway objection is raised.

Note: The proposed signage is above the footway on Regent Street and therefore may be subject require an oversailing licence separate from planning permission.

## 5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 A site notice has been displayed at the site to advertise the proposals. No letters of representation have been received.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The main considerations in relation to this proposal are the impact of the proposal on the listed building and highway safety.

### 6.3 Design and amenity

- 6.4 Local Plan Policy BE12 advises that advertisements will only be permitted where they do not harm visual amenity and public safety. Local Plan Policy BE13 requires advertisements and signs in conservation areas to be appropriate in type, size, colour, illumination, material, design and location.

- 6.5 The proposed signs will be displayed within the existing canopy at the front of the building. Due to the nature of the application, the Council's Conservation Officer has been consulted to consider the impact of the proposal on the listed building.

- 6.6 Overall, the proposed signs are considered acceptable in terms of visual amenity and their impact on the listed building. Bold displays are a feature synonymous with theatre frontages and therefore the illumination of the signs is considered acceptable. The size of the signs is also appropriate, being positioned within the existing canopy at the front of the building.

- 6.7 The Conservation Officer has suggested a condition to ensure the signs are non-flashing albeit the display will change. The applicant has confirmed a maximum of six messages will be displayed, with each message changing every few seconds. Officers do not consider it necessary to attach a condition limiting the number of messages displayed, however a condition has been attached requiring the message to be non-flashing.

- 6.8 The signs are entirely appropriate and compatible with the buildings historic function and interest. As such, the proposal is in accordance with Local Plan Policies BE12 and BE13, together with Local Plan Policy BE9.

### 6.9 Access and highway issues

- 6.10 Highway safety is a relevant consideration for advertisements. Gloucestershire County Council Highways has raised no objection and the proposed signs, which are not considered to present any highway danger.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Having considered all of the above, the recommendation is to grant both advertisement consent and listed building consent subject to the conditions set out below.

## 8. CONDITIONS / INFORMATIVES

### 15/00928/ADV

- 1 This consent shall be restricted to a period of five years from the date of the consent.  
Reason: This condition is specified by The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 00928:1, 00928:2 and 00928:4 received 26th May and 12th June 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3
  - (a) No advertisement shall be displayed without the permission of the owner of the site (including land or buildings where the advertisement is displayed), or any other person with an interest in the site entitled to give permission.
  - (b) No advertisement shall be sited or displayed where it would endanger anyone using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); or would obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or would hinder the operation of any device used for the purpose of security or surveillance (such as closed circuit television cameras) or for measuring the speed of any vehicle (speed cameras or other speed-measuring device).
  - (c) The advertisement and any land or building used for the purpose of its display or shall be maintained in a reasonably clean and tidy condition so that it does not impair the visual amenity of the site.
  - (d) Any structure or hoarding used for the display of advertisements shall be maintained in a safe condition that does not endanger the public.
  - (e) Where an advertisement is required to be removed, the site shall be left in a safe condition that does not endanger the public and in a reasonably clean and tidy condition so that it does not impair the visual amenity of the site.

Reason: These conditions are specified in Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 4 The illumination of the signs hereby permitted shall be static and shall be permanently maintained as such thereafter.  
Reason: In the interests of the visual amenities of the area in accordance with Local Plan Policy BE12 relating to advertisements and signs.

### INFORMATIVES

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



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

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

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

- 2 The applicant is reminded that the proposed signage is above the footway on Regent Street and therefore may be subject to a separate licence from Gloucestershire County Council Highways.

### **CONDITIONS / INFORMATIVES**

#### 15/00928/LBC

- 1 The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.  
Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 00928:1, 00928:2 and 00928:4 received 26th May and 12th June 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 No wires, pipe work, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To protect and maintain the character and appearance of the area in which this development is located in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. Careful consideration has been given to the detailed design of this development and its relationship with neighbouring properties.

### **INFORMATIVES**

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

<b>APPLICATION NO:</b> 15/01065/FUL		<b>OFFICER:</b> Miss Chloe Smart	
<b>DATE REGISTERED:</b> 18th June 2015		<b>DATE OF EXPIRY:</b> 13th August 2015	
<b>WARD:</b> All Saints		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr Paul Baker		
<b>AGENT:</b>	RRA Architects		
<b>LOCATION:</b>	16 Hewlett Road, Cheltenham		
<b>PROPOSAL:</b>	Refurbishment and Alteration to workshop at the rear of 16 Hewlett Road		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to an existing workshop at the rear of no. 16 Hewlett Road which is currently in use as an A2 (Financial and Professional Services) use. The application site lies within the Central Conservation Area.
- 1.2 The proposal seeks planning permission for amendments to the existing workshop which include the insertion of a side window and the replacement of a garage door with a window. The applicant intends to use the office in association with the existing use on the ground floor of no. 16.
- 1.3 The works require the benefit of planning permission as they represent a material change to the appearance of the building.
- 1.4 The application is before planning committee as the applicant is Councillor Baker.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Core Commercial Area  
Smoke Control Order

### Relevant Planning History:

**85/00905/PF 26th September 1985 PER**  
Alteration To Access

**89/00176/AI 30th March 1989 PER**  
Display Of Illuminated Projecting Sign

**96/00568/PC 12th September 1996 REF**  
Change Of Use From Shop To Dwelling  
Including The Retention Of Existing Workshops At Rear And Provision Of  
3 Parking Spaces As Amended By Letter Received On 12 Sep 96

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

N/A

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>6</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1 Six letters have been sent to neighbouring properties and no responses have been received. A site notice has also been displayed at the site.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The key considerations in relation to this application are the design and the impact of the proposal on the Central Conservation Area.

### 6.3 Design/Impact on conservation area

- 6.4 Local Plan Policy CP7 requires development to be of a high standard of architectural design and to respect the character of the surrounding area.

- 6.5 In addition, section 72 (1) requires that when considering development within a conservation area, special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

- 6.6 The proposed works will not alter the overall scale and footprint of the building, but will alter the external appearance of the building. The insertion of a window in the side elevation and the replacement of the garage door with a window are considered appropriate and will respect the character of the original building and the conservation area.

- 6.7 In terms of the materials proposed, the applicant proposes a render finish to ensure the appropriate infill of the garage door. A condition has been attached to ensure this is the case.

- 6.8 Overall, the proposed works are considered entirely acceptable and will seek to preserve the character of the conservation area.

### 6.9 Impact on neighbouring property

- 6.10 There will be no unacceptable impact on neighbouring amenity as a result of this proposal. There will be no increase in overlooking, with the additional window facing towards the car park and a blank wall.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 In light of the above, the recommendation is to approve this application subject to the conditions set out below.

**8. CONDITIONS / INFORMATIVES**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 1884-01 and 1884-02 received 17th June 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

**INFORMATIVES**

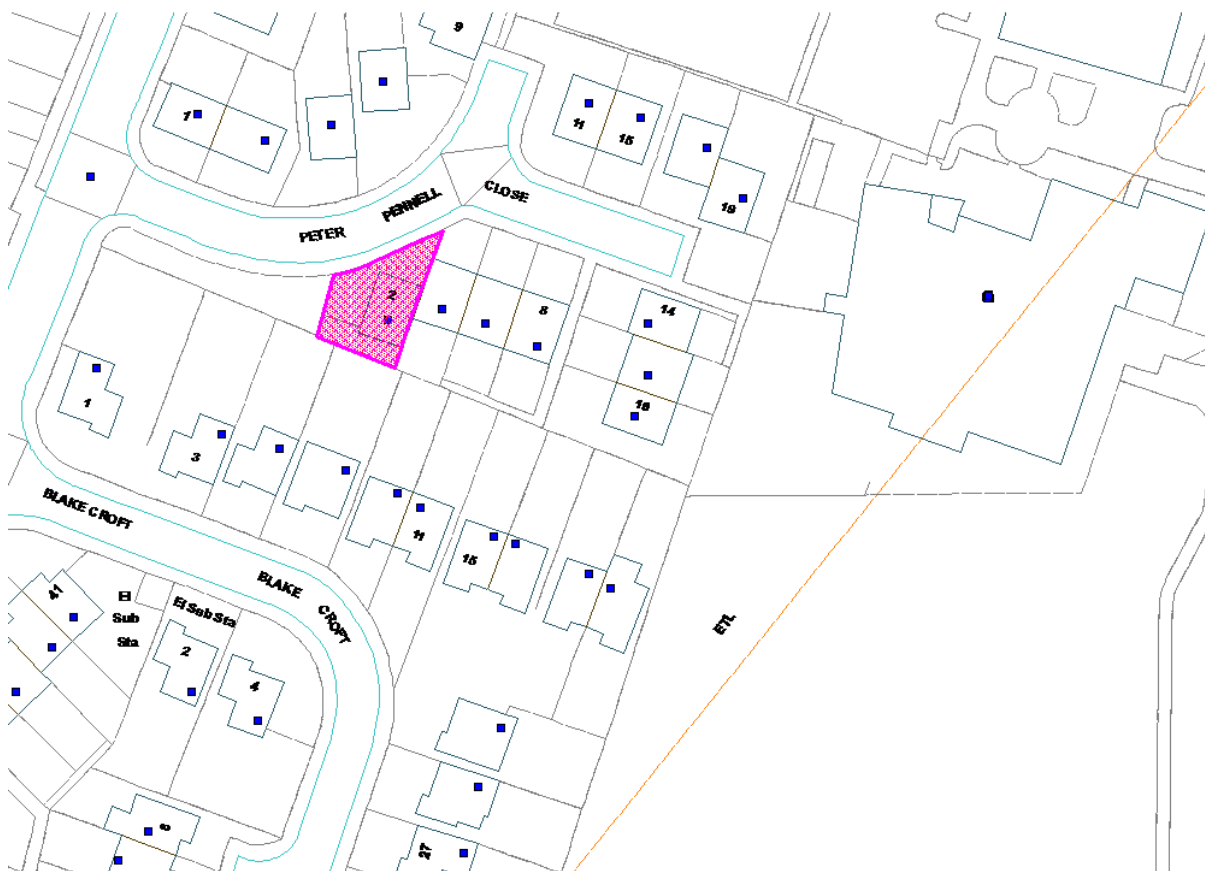
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, 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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

<b>APPLICATION NO:</b> 15/01126/FUL	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 2nd July 2015	<b>DATE OF EXPIRY:</b> 27th August 2015
<b>WARD:</b> Springbank	<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Bingham
<b>AGENT:</b>	The Surveying Practice
<b>LOCATION:</b>	2 Peter Pennell Close, Cheltenham
<b>PROPOSAL:</b>	Single storey front/side extension

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is an end of terrace bungalow located in Peter Pennell Close.
- 1.2 The applicant is seeking planning permission for the erection of a single storey side extension.
- 1.3 The application is for consideration by planning committee as the site is owned by Cheltenham Borough Homes.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Residents Associations  
Smoke Control Order

### Relevant Planning History:

**88/00318/PF 31st March 1988 PER**  
Construction Of 17 Bungalows

**88/01734/PF 19th January 1989 PER**

Land Off Springbank Way Cheltenham Gloucestershire, Erection Of Single Storey Doctors Surgery For General Practitioner Services

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### Building Control

13th July 2015 - no comment

## 5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 Seven letters were sent to neighbouring properties with no letters of objection received.



## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

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

### **6.3 Design**

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

**6.5** The proposed extension is of an acceptable design that matches the character and materials of the existing building and would sit comfortably as an addition in the street scene.

**6.6** The proposed extension has a minimal set back from the front elevation however is set in from the rear elevation of the property by approximately 4.3 metres and has a ridge height that is much lower than the existing bungalow; this therefore creates a suitable level of subservience required for an extension of this nature.

**6.7** The guidance set out in the Supplementary Planning Document: Residential Alterations and Extensions (Adopted 2008) requires extensions to play a supporting role, to read as a subservient addition and should not detract from the character of the existing dwelling. The proposal accords with this guidance.

**6.8** Local Plan policy CP7 requires development to be of a high standard of architectural design and to compliment and respect its surroundings. The proposal is considered to meet this requirement and is therefore compliant in terms of policy CP7.

### **6.9 Impact on neighbouring property**

**6.10** Initial concerns were raised whilst on site regarding the loss of the off street parking. The proposed width of the extension will result in a loss of parking, albeit there will be a 2.2 metre wide space remaining. Although the loss of the parking is regrettable, the nature of the area still allows for on street parking and this would not result in any highway safety issues or have a harmful impact on the surroundings. Additional unallocated off street spaces are also available adjacent to the application site.

**6.11** The proposal is a small scale single storey addition that would not cause a loss of light or a loss of privacy to any neighbouring land users.

**6.12** Local Plan policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality. The proposal is not considered to have a harmful impact on neighbouring amenity.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** For the reasons discussed above it is considered that the proposal is in accordance with policy CP7 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 five years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers SP670/10/14 REV 2 received 11th July 2015.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.  
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to 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.

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