



## Notice of a meeting of Planning Committee

**Thursday, 22 September 2016  
6.00 pm  
Council Chamber - Municipal Offices**

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

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

## Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 16)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS**
  - a) **16/01149/FUL 15 Greenhills Road - DEFERRED**
  - b) **16/01203/FUL 332 London Road** (Pages 17 - 32)
  - c) **16/01283/FUL 45 Whitethorn Drive - DEFERRED**
  - d) **16/00276/FUL Stables, Hyde Lane** (Pages 33 - 52)
  - e) **16/01414/FUL 30 Glebe Road** (Pages 53 - 62)
  - f) **16/01402/FUL 64 Church Road** (Pages 63 - 72)

g) 16/01290/LBC Cenotaph, Promenade (Pages 73 - 78)

h) 16/01291/LBC Pittville Pump Room (Pages 79 - 84)

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

**Contact Officer:** Judith Baker, Planning Committee Co-ordinator,  
**Email:** [builtenvironment@cheltenham.gov.uk](mailto:builtenvironment@cheltenham.gov.uk)









## Planning Committee 18<sup>th</sup> August 2016

### Present:

#### Members (15)

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

**Substitutes:** Councillor John Payne (JP)

#### Officers

Martin Chandler, Team Leader, Development Management (MJC)  
Emma Pickernell, Senior Planning Officer (EP)  
Ben Hawkes, Planning Officer (BH)  
Nick Jonathan, Legal Officer (NJ)  
Helen Thomas, Planning Services Manager (HT)

#### 1. Apologies

Councillor Lillywhite.

#### 2. Declarations of interest

There were none.

#### 3. Declarations of independent site visits

**16/01088/FUL** Ryeworth Inn – Councillor Savage

#### 4. Public Questions

There were none.

#### 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 21<sup>st</sup> July 2016 be approved and signed as a correct record *without corrections*

## 6. Planning applications

Application Number:	16/00243/FUL
Location:	259 Gloucester Road, Cheltenham
Proposal:	Erection of four dwellings on land adjacent 259 Gloucester Road Cheltenham
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep: 17	Update Report: None

**MJC** introduced application for four dwellings in two buildings, one to the front of the site and one to the rear, advising Members that the application had been amended to include an additional parking space – there are now four. The application is before committee at the request of Councillors Coleman and Holliday due to the history of the site and the level of public interest.

### Public speaking:

#### Mr Frank Cowen, agent, in support

This site has been the subject of considerable discussion since the refusal of planning permission in February 2014; a revised scheme was submitted as a pre-app, and the officer report was used as a design brief for the submission in February this year. No off-street parking was originally proposed and the pre-app report included guidance from Highways ‘that there would be no significant concerns’ in this regard. The proposal submitted in February included two parking spaces but following comments from the Architects’ Panel and Roman Road residents, the agents requested a deferral, even though the new case officer was content that it would not have a detrimental impact on neighbouring houses. Taking account of the pre-app report and Architects Panel comments, the scheme has been completely redesigned and now incorporates one parking space for each of the four dwellings, a higher level of provision than currently exists in Roman Road. The applicant is mindful of the problem for residents caused by ‘rogue’ parking by people using the railway station, but this should not be a consideration here, rather a case for a resident parking scheme as in other congested parts of the town. None of the residents in the existing building have cars and the revised scheme provides four spaces; many objections relate to earlier submissions with just two parking spaces. The recommendation is to permit, and would respectfully suggest that objections on parking grounds be dismissed and the application permitted.

#### Cllr Holliday, ward councillor, in objection

Thanked members for the opportunity to speak, saying that local residents have made their concerns known through their representations. Development of the site may be a good thing but it needs careful thought in terms of parking and access arrangements. There are problems with parking in Roman Road by people using the railway station and this application will compound matters. Is staggered that there is no comment from the County Highways team given the perceived highway safety matters in relation to access and egress. The proposal would also impact unbearably on No. 2 Roman Road whose front door faces the access road. Finally, it was questioned how the delivery and service vehicles would access the site?

### Member debate:

**CH:** asked for legal advice, having entered the chamber slightly late.



**NJ, in response:**

- the decision lies with him, and whether he feels that his decision making has been compromised?

**CH:** will opt out of the debate.

**DS:** is the road adopted or private? If adopted, could there be double yellow lines? Roman Road would be easier to park in if parking permits are introduced.

**BF:** is concerned about where construction vehicles and contractors will park, and whether they will they take residents' parking spaces?. There should be a condition not to use Roman Road.

**KH:** is happy to support the proposal at the moment, knowing the road well and understanding the issues, but suggests that developer should consider the introduction of two more spaces.

**KS:** has a couple concerns. Firstly relating to the design which is uninspiring and too domestic in scale; and secondly, that the proposal is an overdevelopment of the site - if there were less units there would be more parking space. Also has concerns in relation to the proposed access.

**JP:** has no great concerns with the development to the front of the site which is fit for purpose and makes good use of space. The design could be better but it is an honest building. Is more concerned with the two flats to the rear, which are small with small windows and will provide poor living conditions. Is also concerned about parking congestion; what conditions can be imposed to stop overspill to Roman Road?

**PT:** is concerned about this application; lives nearby and knows the site well. On Planning View, there were cars parked on the site; where will those displaced cars go? Currently the site provides access to the shops which front onto Gloucester Road; where will owners of these park now? Construction access will be poor and hazardous to residents. Has any application been made to access the site by turning left in to Roman Road from Gloucester Road? Could access to the site be gained from Gloucester Road by taking down the railings? The proposal is not a viable proposition in its current form.

**SW:** agrees with others in relation to highway considerations. Is access from Gloucester Road a possibility? How will commercial vehicles get to the site? Has no real concerns with development, just with the practicalities of the build.

**MC:** is also concerned with the design; there are a lot of blank walls and it is unattractive. Four parking spaces may be compliant with policy but it is not enough. The access is difficult and the road appears wider on the plan than it is in reality. Is concerned that car parking will restrict Ubico lorries from entering the site without causing damage to cars and kerbstones.

**MJC, in response:**

- the road will not be adopted;
- the key concerns seems to be the construction period and parking implications. In relation to construction, this site brings with it the usual challenges and Condition 7, relating to a construction method statement, is detailed for an application of this nature. The site is large and construction could be phased in a manner that won't necessarily impact on Roman Road. Advises caution over refusing the application on these grounds, as this is not a sound planning

reason. Existing cars will be displaced but not necessarily to Roman Road and the development meets its own needs in terms of the four spaces proposed;

- Ubico has looked at the proposal and considers that the site can be serviced in an adequate way; it is difficult to challenge their expert advice;
- the design may not be inspiring but the site is a challenging one and the proposal needs to straddle the gap between the neighbouring buildings. It is an on-balance recommendation.

**PT:** agrees with Condition 7 but wants to know how applicants will resolve the construction access issue before making a decision. Will Libertus Court fencing remain or could construction traffic use this access?

**SW:** could a condition be put on to stop all construction vehicles from parking on Roman Road?

**BF:** Condition 7 would apply to the main contractor; could it be ignored by sub-contractors? It should be enforced that all contractors remain within the site because otherwise residents lose their parking spaces.

**PT:** is still waiting for an answer on whether traffic can come from top of road?

**MJC, in response:**

- there has been no request to access Gloucester Road from Roman Road but this would be a county matter;
- in relation to Condition 7, it would be unreasonable to state that construction traffic could not park on public highway. The committee could strengthen the condition to provide some context and add an informative but can't do more;
- the condition would apply to sub-contractors as well as the main developer.

**NJ, in response:**

- advised caution on refusal on highways grounds as GCC has not objected;
- construction work is also not a planning consideration.

**PB:** the applicant has worked hard and access will always challenge. Has no concerns in relation to car parking but officers have expressed concerns in report about the poor design - we should demand better.

**HM:** is pleased that Condition 7 can be strengthened. This is a prominent site but is currently an eyesore; considers the design to be clever, sitting well between adjacent buildings.

**KS:** is concerned about Condition 8 and the provision of parking and turning facilities – who enforces this? Reduced density would overcome a number of the concerns; it would enable a better design, more amenity space more parking and would make construction easier. Won't be supporting this application despite the efforts to overcome the concerns; it is a better scheme than before but not there yet.

**PT:** will move to refuse on policies CP7 and CP1 due to the site not providing safe and sustainable living environment, particularly in relation to the small windows. The Architects Panel and Civic Society do not support it and consider a landmark building would be more appropriate.

**MJC, in response:**

- the small windows are bathroom ones;
- is not convinced about a landmark building although agrees that the design could be improved. That said, it straddles the gap between the two buildings well;
- Condition 8 is standard and guarantees the provision of four parking spaces. Refusal on CP7 may be justifiable and officers have a reasonable understanding of the concerns expressed by members.

**Vote on officer recommendation to permit:**

7 in support

7 in objection

1 abstention

**PERMIT with Chairman's casting vote**

Application Number:	<b>16/00849/FUL</b>
Location:	<b>267 London Road, Charlton Kings, Cheltenham</b>
Proposal:	<b>Development of a new dwelling</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>4</b>
Update Report:	<b>Additional representation</b>

**EP** introduced the application as above. Planning permission has already been granted for a dwelling on this site which is single-storey on to London Road and two-storey at the rear due to the change in levels. This application proposes an additional storey on top of this. The building has a contemporary flat roof design which officers consider appropriate in this context bearing in mind the constraints of the site and the setback position of the dwelling in the plot. The application is at Committee due to the objection from the parish council.

**Public speaking:**

**Mr Everitt, agent, in support**

Construction of the approved two-storey dwelling commenced earlier this year; the proposed new floor will sit above the approved scheme footprint and have no greater impact with regards flooding than the consented scheme, which was accepted by the Environment Agency. There is a mains drain running through the site which has informed the lower ground floor and ground floor plan form, and a build-over agreement has been reached with Severn Trent for the proposed first floor. The initial design responded to the opportunities and constraints of the site and was later refined to address the initial comments made by the Local Authority, Parish Council and the Architects Panel. To be subservient within the street scene, the property has been set back from the pavement, with eaves level below that of the adjoining properties and the existing red brick boundary wall retained so only the proposed first floor will be visible from London Road. As a simple built form with a flat roof, the elevation facing London Road has a similar ratio of glazing to solid wall as adjacent buildings. His company has completed many infill projects within Cheltenham - contemporary dwellings within traditional/historic street scenes - a number of which have received Civic Society awards. The Civic Society considers this scheme an attractive way of infilling the gap between the two existing houses. The width of the proposed first floor has been reduced to ensure a gap of 3 to 4 meters between the new dwelling and the properties on either side, and the elevations refined to

provide a simpler form and cleaner lines. By setting the proposal back from the building line and ensuring the gaps to either side, the current break within the street scene can still be clearly read. Materials used will reflect those within the locality, with the ground floor walls finished in red brick and the first floor rendered. The officer recommendation is to approve; hopes that members will also support this subtle and considered scheme.

**Member debate:**

**JP:** Visited the site on planning view and feels that congratulations are in order to the developer and architect for a quality design on a site with frightening terrain. Aware of the views raised by objectors in relation to the front façade having an adverse impact on London Road but does not share this view. The proposal will add a level of contrast that will enhance the street scene. Fully supports the application.

**MC:** This is a very interesting site and a good design. Does not agree with the objectors in terms of overlooking as there are just as many windows in adjacent properties which are more likely to be bedroom windows. The neighbours to the rear will not be affected and is happy to support officer recommendation.

**Vote on officer recommendation to permit:**

15 in support – unanimous

Application Number:	16/01088/FUL
Location:	<b>Ryeworth Inn, Ryeworth Road, Charlton Kings</b>
Proposal:	<b>Redevelopment of former public house comprising conversion of existing building (part) to form single dwelling, and erection of two new dwellings.</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>13</b>
Update Report:	<b>None</b>

**MJC** introduced the application as above, identical to the previous application which was refused on policy RC1 and the building being an Asset of Community Value. This situation has changed and the pub is no longer community asset list bringing with it important fall-back positions which were less relevant when considering the previous scheme.

**Public speaking**

**Mr Rowles, neighbour, in objection**

Speaking as owner of 7 Hambrook Street which backs onto the application site, is concerned about the loss of privacy, particularly from the first floor window of Plot 3. This window only achieves a distance of 19m between facing windows and 9m to the sites boundary - less than the 10.5 stated in the Local Plan. All other properties in close proximity to the application site meet these distances.

**David Jones, agent, in support**

This application seeks full planning permission for alterations and conversion of existing public house to form a single dwelling and erection of two new dwellings. Officers having weighed the

planning balance recommend that the application be permitted. The proposal generated 18 public comments, summarised as follows: traffic impacts and parking; overlooking and loss of privacy; number, height and appearance of new dwellings; impact upon TPO Oak tree; loss of public house. Those in support commented that a residential development would result in less noise and disturbance to local residents than a pub. Neither the highways authority or tree officers raise any objection. An identical scheme was refused at the May committee because the building was listed as an Asset of Community Value and the scheme contravened Local Plan Policy RC1; an appeal has been lodged to the Planning. In the intervening period the property has been removed from the asset of community value list, and details of decided appeals have been submitted which demonstrate RC1 does not prohibit the redevelopment of public houses, as confirmed by the officer report. Furthermore, the property could now be demolished or converted to a shop or office without planning permission. Those writing on behalf of CAMRA allege that the property was not on the market, but ACV regulations require that any community group simply make an expression of interest in bidding for the property within the initial six-week moratorium period, with a further six months to formulate a bid. No such expression of interest was forthcoming and thus quite rightly the property has been removed from the ACV list. Subject to committee approval of this proposal, the appeal against the earlier refusal will be withdrawn; therefore urges committee to support the officer recommendation and approve this application

**Member debate:**

**LS:** would like some initial advice on the relevance of attached appeal in Devon.

**MJC, in response:**

- the appeal is relevant as the Inspector has assessed a similar proposal and has allowed it.

**LS:** But is it nationally significant or just for context?

**MJC, in response:**

- it is just for context.

**BF:** as this is an identical resubmission and the previous application was only refused because the pub was an asset of community value but has now been removed from the list, does this remove the original refusal reason? Are we able to introduce new refusal reasons?

**CH:** the attached appeal decision shows an allowed decision but are there any comparable appeals that refuse?

**MC:** is disappointed that the trees officer has provided the same comment as before and that no tree protection details have been received. The scheme may be the same as before but it should still be assessed independently. Was not at previous meeting and will therefore vote as sees fit.

**HM:** the public speaker in objection raised a point on the distance of the development to his property not being in compliance with regulations. Is this correct?

**MJC, in response:**

- to BF, the total refusal reason doesn't fall away, only the fact that the pub is no longer an asset of community value. The role of the pub in the community and the relevance of policy RC1 is still relevant but removal from the asset list brings with it other important considerations, such as permitted development, under which the building could become a shop, for example. There are also now demolition rights.
- to CH, there may be other appeals that support the Committee's decision to refuse but officers are not aware of any. The appeal decisions provide context but the report mainly seeks to outline the important change in circumstances.
- to MC, tree protection was not considered necessary prior to determination because due to the location of the tree, it will not be affected by this proposal. There is a condition that requires the tree to be protected and this is a reasonable approach.
- to HM, the comment from the neighbour in objection is a valid comment and the local plan advises that first floor windows should achieve a distance of 10.5m to the boundary. This is covered in original report with reference to a recent appeal decision on St. Luke's Place. This brought with it a similar issue in relation to dimensions but the Inspector did not consider that the proposal caused an unacceptable harm and was comparable with the surroundings. Would advise against refusal on this point as it was raised previously and was not challenged.

**PT:** is puzzled by this advice because if there is a discrepancy in the dimensions, it should have been brought to members attention.

**MJC, in response**

- this issue was set out in detail in the original officer report.

**CH:** cannot support as a matter of principle and is disappointed that no work has been done to create a building that has a community value; this is happening in Hewlett Road following a previous committee decision. Also disappointed about the appeal decisions that have been provided only giving decisions that support the officer recommendation. Reports should provide appeals in objection as well as support so that members are presented with balanced information. Feels that appeals are only produced to support officers' views and requests we have both sides in the future. We should also take the concerns of the neighbour on board.

**GB:** officer reports are well balanced and whilst we may not always agree with their content and recommendations, officers always produce reports that assess the merits of particular applications in a balanced way. Members are of course entitled to vote as they consider appropriate.

**Vote on officer recommendation to permit:**

8 in support

5 in objection

2 abstentions



**PERMIT**

Application Number:	<b>16/01105/FUL</b>
Location:	<b>90 Evesham Road, Cheltenham</b>
Proposal:	<b>To erect a block and render wall to a height of 2300mm above ground level. Retention of raised patio and retaining wall (retrospective)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>2</b>
Update Report:	<b>None</b>

**BH** introduced it as an application that seeks consent for the erection of a boundary wall measuring 2.3 metres in height located at the rear of the property between the pair of semi-detached houses, the applicant is also seeking retrospective permission for the retention of a raised patio measuring 450mm in height. The application has been called to committee at the request of Councillor Lillywhite who would like members to consider the impact of the development on neighboring amenity.

**Public speaking:**

**Mr Potter, applicant, in support**

Speaks as a retired Police Officer and a Friend of Pittville and doesn't flout rules as a matter of course; simply had no idea that the raised patio would require planning permission. Has made a number of improvements to the property, and it is the sloping nature of the site that has resulted in the raised patio and the desire to have a level threshold. Most of the patio is less than 300mm in height and the proposal is considered to have a negligible impact on neighbouring amenity and light. The proposed wall is only 300mm higher than the fallback position but 2m would still allow for invasive views. Made reference to unreasonableness, stating that they were reasonable people acting reasonably.

**Member debate:**

**KS:** does not feel able to vote on this application as she did not attend the site visit and doesn't fully understand the application.

**BF:** saw the site on planning view and considers a rendered wall will be both attractive and provide the necessary privacy. Will support the proposal.

**MC:** Considers that the height of the raised patio is greater than the 450mm being applied for. Would therefore like further clarification on actual height and whether or not it has been measured and where it was measured from? Is disappointed that the report provides dimensions in millimetres and metres; dimensions should not be mixed.

**JP:** the applicant is looking to correct an error that stems from building the patio too high which disadvantages the neighbour. The two pictures used in the documents produced by the applicant are from different perspectives which is misleading but fully understands reason for wanting privacy. Feels that the patio is too high but that it would be unreasonable to seek its removal. Questions should be asked of the architect as to why the need for planning permission was not brought to the

attention of the applicant - the error should not have happened in the first place. Will be supporting the application.

**CH:** advised committee that standard measurements should be in millimetres and metres and not in centimetres. The patio is not an issue, but the height of the wall is slightly more troubling. Is not prepared to object to the proposal on these grounds however.

**BH, in response:**

- The wall has been measured from within the applicant's site and the measurements are correct. In terms of correcting the error of the height of the patio, advises members that there is no obligation from applicant to put up any form of boundary enclosure.

**Vote on officer recommendation to permit:**

12 in support

2 in objection

1 abstention

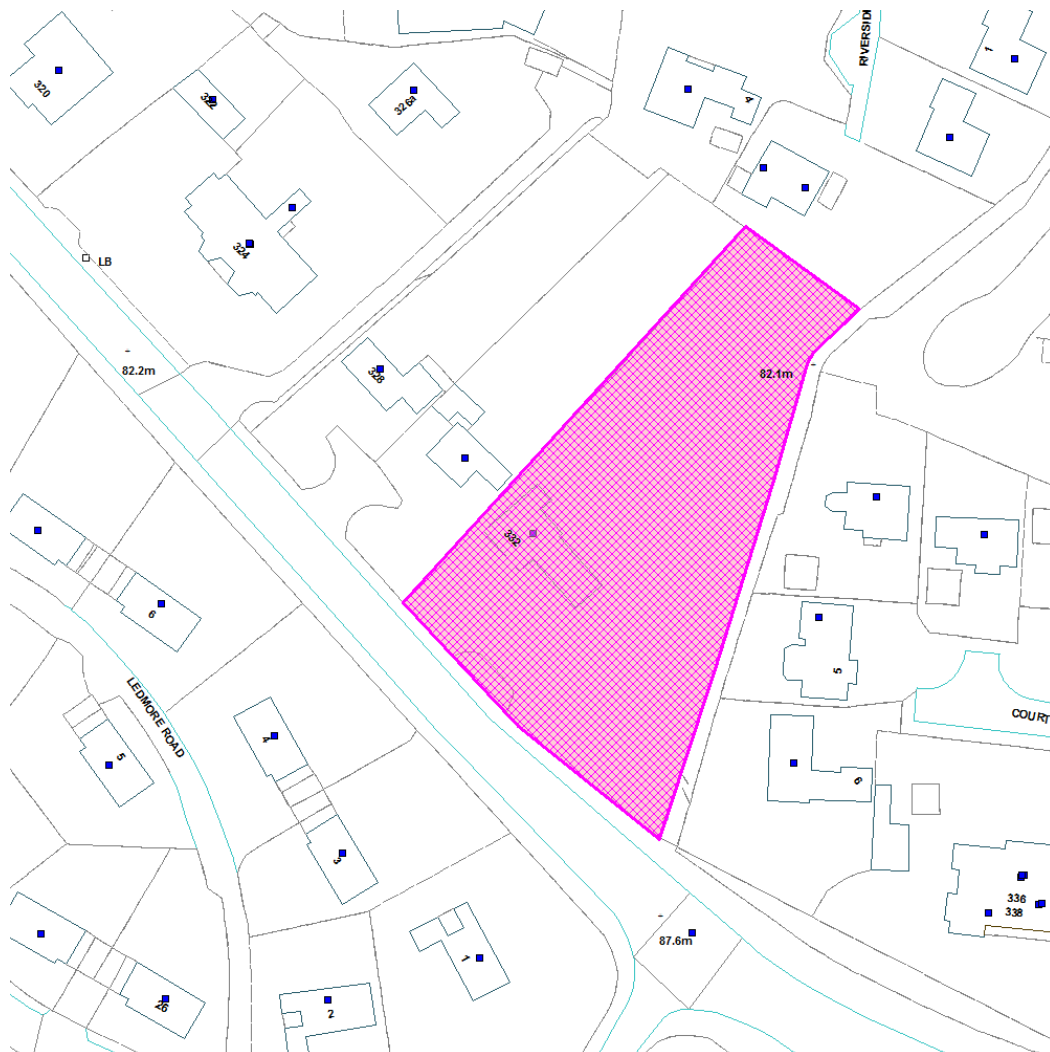
**PERMIT**

**The meeting ended at 8.00pm**



<b>APPLICATION NO:</b> 16/01203/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 12th July 2016		<b>DATE OF EXPIRY:</b> 6th September 2016
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr & Mrs N Jobson	
<b>AGENT:</b>	Void Projects	
<b>LOCATION:</b>	332 London Road, Charlton Kings, Cheltenham	
<b>PROPOSAL:</b>	Single storey rear extension and new detached annexe building to side (resubmission of withdrawn application ref. 16/00776/FUL)	

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a detached dwelling located on the northern side of London Road within the Principal Urban Area (PUA). The property sits within a substantial, irregular shaped plot and has been significantly extended in recent years.
- 1.2 A public footpath runs alongside the site to the east with residential properties in Courtfield Drive beyond. To the north and west the site is bounded by residential properties in Riverside Close and London Road, with residential properties in Ledmore Road backing onto the London Road opposite the site. Property types in the area vary but the majority of houses are two storeys and faced in brick or render with hipped and pitched tiled roofs.
- 1.3 Two trees at the front of the site adjacent to London Road, a Copper Beech and Lime, have recently been subject to a Tree Preservation Order (TPO) due to their high amenity value.
- 1.4 The application is seeking planning permission for the erection of a single storey rear extension to the existing property and the erection of a new detached annexe building to the side.
- 1.5 The application has been submitted following the recent withdrawal of two previous applications; one for the erection of a chalet bungalow in this location and, more recently, an application for the same development as that now proposed.
- 1.6 The application is before the planning committee at the request of Cllr Paul McCloskey to enable the application to be determined by the committee. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

None

### Relevant Planning History:

<b>CB18058/00</b>	<b>26th March 1987</b>	<b>PERMIT</b>
Erection of two storey side extension		
<b>04/00839/FUL</b>	<b>21st June 2004</b>	<b>PERMIT</b>
Conservatory		
<b>11/01874/FUL</b>	<b>29th February 2012</b>	<b>PERMIT</b>
Two storey side extension and single storey front extension		
<b>12/00824/FUL</b>	<b>1st August 2012</b>	<b>PERMIT</b>
Extension, alterations and erection of a detached garage		
<b>12/01729/AMEND</b>	<b>29th November 2012</b>	<b>PERMIT</b>
Non-material amendment to planning permission 12/00824/FUL to add a canopy to porch		
<b>15/01321/FUL</b>	<b>25th August 2015</b>	<b>WITHDRAWN</b>
Erection of chalet bungalow (on land adjacent to 332 London Rd)		
<b>16/00776/FUL</b>	<b>6th July 2016</b>	<b>WITHDRAWN</b>
Single storey rear extension and new detached annexe building to side		

### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
HS 1 Housing development  
RC 6 Play space in residential development  
UI 2 Development and flooding  
UI 3 Sustainable Drainage Systems  
TP 1 Development and highway safety

#### Supplementary Planning Guidance/Documents

Play space in residential development (2003)  
Residential Alterations and Extensions (2008)  
Development on garden land and infill sites in Cheltenham (2009)

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATION RESPONSES

#### **GCC Highways Development Management**

*25th July 2016*

I refer to the above planning application received on 20th July 2016. With regards to the above site, under our Highway's Standing advice criteria, we do not need to be consulted on this application and this can be dealt with by yourselves with the aid of our guidance.

#### **GCC Highways Development Management**

*5th September 2016*

On the basis that the application is for as annex and stated in the D&A statement as subsidiary to the existing dwelling I would consider there to be no notable intensification in use of the site and access, and recommend a condition that is ancillary.

If it is considered the proposal to be for a new self-contained dwelling that will operate independently, then I would recommend re-consultation with the applicant to apply for the appropriate permission which we can provide further comments.

If a separate dwelling is applied evidence should be provided demonstrating suitable access visibility splays either based on recorded speeds from DMRB 22/81 compliant surveys or splays based on speed limits of 2.4m x 120m are provided according to Manual for Gloucestershire Streets and Manual for Streets Guidance can be provided/maintained which currently is unclear. Internally sufficient space is considered available for parking / turning for an additional dwelling if confirmed as such.

#### **GCC Highways Development Management**

*5th September 2016*

If it is now being determined as a separate dwelling and not an ancillary annex as per the documents then it would be considered on the grounds of an intensified shared access to require visibility standards to be demonstrated can be suitably met as per my previous email and shared access with width demonstrated for two-way passing of the associated regular vehicle types. According to the D&A statement the access is remaining unaltered apart from a new gate which is not illustrated on the block plan, but according to the design and access statement would be positioned further back than the previous arrangement and realigned fences to improve visibility in both directions. It is considered sufficient width

could be provided for two-way shared access, with gates set back suitably for vehicles to stop clear of the carriageway.

Based on limited information currently submitted it appears 2.4m x 120m visibility splays particularly to the southeast may be unattainable and restricted by third party land/boundaries, however further evidence based on recorded speeds may illustrate suitable visibility can be attained. However currently I have insufficient evidence demonstrating suitable visibility splays can be provided and maintained for a shared access if being determined as a separate dwelling.

### **Tree Officer**

*3rd August 2016*

The Tree Section objects to this application, and it is disappointing that the comments the Tree Section made in previous applications (15/01321/FUL and 16/00776/FUL) have been ignored. No information has been submitted to show how the trees on site will be protected during and after construction. Following the first application the Tree Section put a Tree Preservation Order on the Copper Beech and Lime adjacent to London Road as the trees have high amenity value and they are important features in the location. If the development was not carried out sensitively it would have a negative impact on these significant trees.

If there is to be another application it is important that an Arboricultural Report to BS5837:2012 is submitted right from the start. The report must have a method statement showing how the trees on site will be protected during and after the development.

### Revised Comments

*6th September 2016*

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

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

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

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

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

3) All paths, parking areas and other forms of hard landscaping that fall within the Root Protection Area(s) shall be constructed using a no-dig method. Prior to the commencement of development, full details of the proposed no-dig method shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the details so approved.

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

4) Tree protection shall be installed in accordance with the specifications set out within the Arboricultural Report reference TKC Ref: 36.24 and the Tree Protection Plan Drawing Number 36.24.02 dated September 2016. The tree protection shall be erected/installed,

## Page 21

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.

5) Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

### **Parish Council**

*9th August 2016*

No Objection, but comment: We note the Tree Officer's continuing frustration with the absence of a tree assessment and we agree with his comments.

## **5. PUBLICITY AND REPRESENTATIONS**

5.1 Letters of notification were sent out to 12 neighbouring properties. In response to the publicity, seven representations have been received; 4 in objection and 3 in support. The representations have been circulated in full to Members but, in brief, the objections relate to:

- Overdevelopment
- Visual impact/out of character
- Loss of trees
- Highway safety
- Loss of privacy

5.2 The letters received in support of the application generally suggest that the site is large enough to accommodate the annexe; there is a varied mix of house styles in the area; and the building would appear as an attractive and interesting addition.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

6.1.1 The main considerations when determining this application are the principle of the proposed development, design and layout, impact on the amenity of neighbouring properties, and highway safety.

### **6.2 Principle of development**

6.2.1 Annexe accommodation is normally expected to have some dependency on the host dwelling; however, this application proposes the erection of a detached building which would have no reliance on the existing property and is tantamount to a separate dwelling. The new building would accommodate a large living/dining room, kitchen, separate utility, two bedrooms, large family bathroom, WC, and raised patio to the rear.

6.2.2 Whilst the Design and Access Statement states that if the proposed building would be used by family members or guests, it would be very difficult to prevent its independent occupation even by way of a condition; no information has been submitted in relation to

the family circumstances. Furthermore, if permitted, any future application to subdivide the plot would be difficult to resist. Additionally, there would be no realistic opportunity to integrate the building into the host dwelling at a later date. The proposal should therefore be determined on the basis of a new dwelling.

6.2.3 In this respect, paragraph 49 of the NPPF advises that when determining applications for housing they “*should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”; as it stands, the Council is currently unable to demonstrate such a five year supply.

6.2.4 Where housing policies are not considered to be up-to-date, the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies indicate that development should be restricted.

6.2.5 In addition to the above, paragraph 53 of the NPPF suggests that local planning authorities should set out policies to resist inappropriate development of residential gardens and this is what the Council’s adopted SPD relating to ‘Development of Garden Land and Infill Sites in Cheltenham’ seeks to achieve. The document is therefore a material consideration when determining this application.

6.2.6 It is however important to remember that the aim of the Garden Land SPD is not to prevent development on garden land but to ensure that development proposals are based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.

6.2.7 In this instance, the application site is located within the built up area of Cheltenham in a sustainable location and therefore there is no fundamental reason to suggest that the principle of developing this site for a single dwelling is unacceptable, subject to other material considerations set out below.

### 6.3 Design and layout

6.3.1 Local plan policy CP7 (design) requires all new development to be a high standard of architectural design and to complement and respect neighbouring development. Additionally, part 7 of the NPPF highlights the need to secure high quality and inclusive design for all development.

6.3.2 The application proposes a substantial detached building with a floor area of some 91.550m<sup>2</sup>. The building would be located alongside the host building on higher ground albeit nominally set back from its principal elevation. As previously mentioned, the existing dwelling has been significantly extended to the side in recent years, and as a result, a gap of just 3m would be maintained between the new building and the existing dwelling, whilst to the rear, the building would be within approximately 2m of the side boundary, requiring part of the existing hedge screen to be removed. Officers therefore consider that the building would appear shoehorned into the site despite the generous overall site area.

6.3.3 The Design and Access Statement makes reference to a detached double garage granted planning permission in this location in 2012, which remains extant; however, the approved garage was considerably smaller with a footprint of approximately 36m<sup>2</sup>, and was traditional in form with rendered elevations and a hipped tiled roof. As such, the approved garage would have read as an appropriately scaled ancillary building to the host dwelling.



6.3.4 The detached building now proposed would be clad in timber and stained to match the grey/green render of the existing dwelling, with a grey brick plinth and dark grey windows and doors, resulting a 'barn' like appearance. Half of the building would have a pitched tiled roof whilst, in order to reduce the overall scale and massing of the building, the other half would have a dark grey, almost flat roof. Officers consider such a design approach to be wholly inappropriate in this location, and this view was shared by the Architects Panel who previously commented "*The panel questioned the need for such a large annexe on this site and considered the proposal more like a separate dwelling. The design was not considered appropriate for its location*". The resultant building would be completely at odds with surrounding development, appearing as an incongruous addition within the locality, thereby failing to accord with the requirements of local plan policy CP7, the garden land SPD, and the general design advice set out within the NPPF.

6.3.5 The single storey 'orangerie' style extension to the rear of the existing dwelling, whilst a sizeable further addition to the original dwelling is considered, on balance, to be acceptable.

### 6.4 Impact on neighbouring amenity

6.4.1 Local plan policy CP4 (safe and sustainable living) requires all new development to avoid causing unacceptable harm to the amenity of adjoining land users and the locality.

6.4.2 The neighbouring properties that would be most affected by the erection of the new detached building would be nos. 5 & 6 Courtfield Drive; at its closest point, the building would be approximately 12m from the rear of no.5. However, whilst the building would undoubtedly be seen from these neighbouring properties, given its single storey form, it is not considered that any impact on the amenity of these adjoining land users would be so significant as to warrant a refusal of planning on these grounds. Indeed a letter of support has been received from the current owner/occupiers of no.5 Courtfield Drive. The proposal would not result in any loss of privacy or overlooking.

6.4.3 In addition, the single rear extension to the existing property would not result in any harm to neighbouring amenity.

### 6.5 Trees

6.5.1 Local plan policy GE6 (trees and development) advises that development which would cause permanent damage to trees of high value will not be permitted.

6.5.2 As previously stated, two trees at the front of the site adjacent to London Road, a Copper Beech and Lime, have recently been subject to a Tree Preservation Order (TPO) due to their high amenity value.

6.5.3 As originally submitted, the application failed to provide sufficient detail relating to the protection of these trees during and after the construction, despite this information having being previously requested by the Tree Officer.

6.5.4 During the course of the application, a full Arboricultural Survey, Impact Assessment and Method Statement has now been forwarded. In response, the Tree Officer has lifted their objection to the proposal subject to a number of conditions being imposed should permission be granted.

### 6.6 Access and highway issues

6.6.1 Local plan policy TP1 (development and highway safety) sets out that development will not be permitted where it would endanger highway safety by altering or increasing the use of an existing access on to the main highway network.

6.6.2 The application proposes alterations to the existing access to include the realignment of the existing close boarded fence and the provision of new gates set back from the carriageway. The proposal also includes an extended driveway to provide additional car parking within the site.

6.6.3 The GCC Highways Development Management Team have reviewed the proposal and suggest that if the proposed building is considered to be an annexe, then subject to a condition that it is ancillary to the existing dwelling, no Highway objection is raised.

6.6.4 However, if it is considered to be a separate dwelling, and members are advised that it should be, then it would need to be considered on the grounds of an intensified shared access and adequate visibility standards would need to be demonstrated. Currently, insufficient evidence to show that suitable visibility splays can be provided is available, and as it stands, the Highways Officer suggests that adequate visibility southeast may be unattainable.

### 6.7 Conclusion and recommendation

6.7.1 Whilst the application seeks permission for an annexe, the proposed building would be wholly self-contained with no reliance on the existing property, and is tantamount to a separate dwelling; the proposal should therefore be determined on this basis.

6.7.2 In this instance, the application site is located within the built up area of Cheltenham in a sustainable location and therefore there is no fundamental reason to suggest that the principle of developing this site for a single dwelling is unacceptable. However, the massing, scale, footprint and design of the proposal in this location, in combination with the substantial previous extensions to the existing dwelling, would result in a building which would appear shoehorned into the site and completely at odds with surrounding development, thereby appearing as an incongruous addition within the locality, contrary to the requirements of local plan policy CP7, the garden land SPD, and the general design advice set out within the NPPF.

6.7.3 Officers consider that there may be scope to achieve annexed accommodation within a modestly scaled single storey extension to the existing building as such a proposal could more reasonably be re-incorporated into the host dwelling in the future. Alternatively, if the applicant wishes to pursue the provision of a detached dwelling in this location, officers feel that it would be necessary to remove some, if not all, of the recent extension, and that a more traditional design approach should be undertaken.

6.7.4 With all of the above in mind, the recommendation is to refuse planning permission for the following reasons:

## 7. REFUSAL REASONS

- 1 The proposal represents an unacceptable overdevelopment of the site that fails to adequately respond to its context.

The proposed detached building, by virtue of its scale, mass, bulk, footprint and overall design would appear shoehorned into the site and read as an incongruous addition to the locality, at odds with the surrounding development.

Accordingly, the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan (Adopted 2006), advice contained within the Council's adopted SPD on 'Development on garden land and infill sites in Cheltenham' (2009) and guidance set out within the NPPF, particularly in Section 7 - Requiring good design.



- 2 Insufficient information has been submitted to enable the Local Planning Authority to demonstrate that suitable visibility splays can be provided so as to satisfactorily determine the highway safety implications associated with the proposed development.

Accordingly, in the absence of such information, the proposal fails to meet the requirements of Local Plan Policy TP1 (parking and highway safety) and national guidance set out within the NPPF at Section 4.

### **INFORMATIVE**

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

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the reasons for refusal set out above.

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



<b>APPLICATION NO: 16/01203/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED:</b> 12th July 2016		<b>DATE OF EXPIRY :</b> 6th September 2016
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Mr & Mrs N Jobson	
<b>LOCATION:</b>	332 London Road, Charlton Kings, Cheltenham	
<b>PROPOSAL:</b>	Single storey rear extension and new detached annexe building to side (resubmission of withdrawn application ref. 16/00776/FUL)	

## REPRESENTATIONS

Number of contributors	<b>7</b>
Number of objections	<b>4</b>
Number of representations	<b>0</b>
Number of supporting	<b>3</b>

330 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YJ

### Comments: 9th August 2016

As previously advised, we fully support this application. The house and grounds are large enough to accommodate the annexe which is to be built where they already have planning for the erection of a detached double garage of a similar design.

3 Courtfield Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6XW

### Comments: 9th August 2016

I live nearby the proposed planning application Ref: 16/01203/FUL and have previously objected to the prior applications Ref: 16/00776/FUL and 15/01321/FUL that were subsequently withdrawn. I am generally concerned regarding the over-development of properties in London Road and in particular the impact of this proposed development as follows:

1. The visual impact of the proposed annex does not maintain the integrity of the present house and is at variance with other local properties with a negative impact to adjacent properties. This has a bad impact on the general character of the neighbourhood.
2. The further threat of demolition of significant healthy trees in the neighbourhood, in particular two birch trees has a negative impact on the visual amenity of the local community. Trees have a positive affect on the local habitat and air quality.

I am disappointed by persistent applications for unnecessary development of this site and request that you reject this proposal.

328 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YJ

**Comments:** 9th August 2016

I feel the barn style annex adds an attractive element to the site and an interesting addition to the house.

The frontage of this plot is extremely wide and the annex will sit quite comfortably within the plot and would benefit the setting.

Historically large houses used to have an annex or outbuilding and so the addition of an annex would be appropriate for this house.

The house styles on this part of London road vary enormously and the timber clad design of the annex can only add more character to the area which I would welcome.

3 Ledmore Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8RA

**Comments:** 10th August 2016

The previous owner had this property extended and the present owner has had the property extended and I have not made any comment in the past, it is now the size of an elderly care home and is unoccupied this is investment property so why do they need any further extensions also there is enough congestion on the London road with all the new developments so why do we need any further unnecessary access

Cedar House  
6 Courtfield Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6XW

**Comments:** 10th August 2016

Thank you for informing me of the above planning application. I write again to object as my wife and I are immediate neighbours and our house is the only house due east of any point on the proposed new dwelling. We emphasize this as other nearby houses to 332 London Rd have a view on other bearings and any changes since the Chalet style house proposed under application 15/01321/FUL have a different visual impact.

I note this proposal revises the design statement in respect a comparison of an earlier approved double garage in terms of area width and height and that a statement is made on the proposed method of drive construction aimed at protection of roots of TPO'd trees but I am not aware of any other changes.

There have been many changes and revisions to the original proposal put forward for public consultation under application 11/01874/FUL., making a full understanding of where the final design is going to is frustrating and time consuming. We have lived in our present house for 18

years and have been advised of building proposals on the site of 332 London Road over the last 5 years -each one being progressively more ambitious.

We found the proposal of 12/0082/FUL broadly acceptable and resultant build an overall enhancement to the existing local environment. We do not feel the same way about more recent proposals and have previously commented on 15/01321/FUL and 16/00776/FUL. I have edited my previous comments to cover the main points on the new dwelling described as an "annex" and which have not been fully addressed.

### Character and Appearance (new dwelling)

My comments on the previous proposal are based on the both the drawings and the 3D images which have been omitted from this submission. As the description of the design remains unchanged, I assume they are still considered representative. Looking again at the elevations and block plans and images the design looks far from "subservient" to the main building." I also question the harmony with the main house. Although there has been a notable reduction in the visible area from the north and south aspects and lays further from the road compared to the chalet style house (15/01321/FUL), it remains a substantial self contained single storey building with considerable erosion of space and together with loss of healthy trees, is I believe, detrimental to the character of this part of London Road. The majority of properties facing directly onto this part of London Road are substantial, well spaced and set in pleasant grounds of which 338/336 and 332 London Road (as it is) are examples with more dense development has largely being restricted to side roads or recessed closes.

By removing the level containing dormer windows, I am very disappointed that the consequent reduction in area of the north and south elevation, does little or nothing for the eastern aspects. Adjustments in location and overall height have relatively little impact when seen from our picture/patio windows (loss of small triangular peak formed by the east-west ridge joining the north-south ridge, Drg. No. 582/03 ). Our personal visual amenity remains significantly degraded by the proposal. The pleasant vista we currently enjoy to the west with the a varied treescape beyond our boundary which complements our own garden, would be replaced by a large area of monotone grey rising to approximately to the eaves of the existing house at 332. Rev. A of the design statement makes play of the difference in width between previously proposed double garage and the new dwelling and is largely irrelevant as far as our visual amenity is concerned since all that would be potentially visible would be the triangular peak of a double garage but largely hidden by the trees which in this case would not have needed removal. The length of the new dwelling is significantly longer at (~14m cf 6.5m) and visible roof area many times greater than that of the garage (~47 sq m cf 5.8sq.m). and therefore comparisons are not meaningful from our personal perspective. Figures were scaled from from Drgs. 1442-15A and 584/06. It therefore remains an unpleasant addition to our current environment.

The extract of the drawing showing the disposition of the garage (584/DA/rev A) is not the same as the original revised design with garage 12/00824/FUL which we were asked to comment on. I believe this changed with a revision to the Porch 15/019767/FUL. In any case, it was never built - its area scaled from the above drawing is about 39 sq m. Where is the remainder of the previously approved ~140sq m (584/DA/rev A) but not implemented come from? If it is referring to the new and existing garage (the latter is rebuilding) it appears well short of ~140 sq m.

### Protection of the Development Site Tree Population.

The proposal does not make an adequate assessment and their value to the environment. The revised Design statement 534/DA/rev A does however give additional information on tree root protection. Notably, the proposal involves the felling of 2 trees and possibly moving a third. The larger of these trees is a mature silver birch. I and others consider it to be a grand specimen which complements other trees on the site. There is no need for it to be felled as it doesn't block access as viewed on the plan. If the foundation works impact on the root ball the new dwelling could be repositioned to avoid it. There is room in the plot. That could be the basis of an amenity

## Page 30

compromise. If the younger silver birch tree needs to be moved, (a big if), and can be undertaken without terminal damage ( a big if), as suggested, it may be sensible to relocate it near to the fence, provide addition amenity and become a natural successor to the mature silver birch.

### Vehicular Access to A40 trunk Road

My previous comments regarding the safety issues in the proximity of the pedestrian crossing remain a concern and perhaps needs fuller consideration in a wider arena. However, if the highway authority's previous concerns over visibility of the earlier design have been resolved or have been solved by reverting to the single access further west and the present level of traffic ingress/egress from the site remaining the same, I have no further comment.

### Privacy

The eastern elevations of the proposal are very close to my boundary and some loss of privacy will result. It is acknowledged the east facing roof lights overlooking our property are now repositioned on the west side of the roof thus removing that possibility. It's difficult to determine if the full sized (east facing) picture window is a threat to privacy or not.

We are also concerned at the number of numerous revisions of the previous plans, withdrawals and resubmissions which significantly extended 332 London Road in our direction, have detrimentally evolved from our perspective with each change. A new garage permitted with the main house extension has been repositioned with another minor revision and has now manifested itself as a substantial dwelling and "garden grab" with the original garage to 332 on the west side retained. This is clear evidence of ratcheting of what was once a broadly acceptable property enhancement.

My wife and I remain devastated by this intrusion and loss of visual amenity caused by unwarranted removal of healthy trees and the ugly substitute introduced by this development. Would you please reject this proposal on the above grounds?

5 Courtfield Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6XW

### **Comments:** 10th August 2016

Our support of this application remains unchanged since the last plans were submitted.

Our property sits exactly east of the proposed annexe building and our property boundaries are separated by a public footpath. Houses in the immediate area are built in a variety of styles namely Mock Tudor, Cotswold Stone, Regency, Rendered and Brick. Therefore we have no objection to the proposed appearance or style of the annexe as it will just add to the unique, varied mix of house styles in the area.

We have reviewed the previous plans and new plans extensively. By reducing the height to single storey, installing low-level windows, installing skylights overlooking their existing property and only removing necessary trees in order to build, we do not think this will have any impact on our lives.

We are therefore still in support of this application.

3 Riverside Close  
Cheltenham  
Gloucestershire  
GL52 6NW

**Comments:** 26th July 2016

This must be one of the greatest amount of planning applications I have seen. How it differs from 16/00776/FUL I am unable to work out. I do see however that there is to be a Juliette Balcony to the rear plus Lantern Roof Lights which will over look my 3 and 3a properties. Also in the Annexe there will be more rear high windows

Have the tree problem been solved? Another worry is the possibility of water from the enlarged roofs flooding my properties. I am unable to work out the drainage system as part of the drainage for 300 228 are in the sewer on my land if the sewer goes forward to London Rd ok

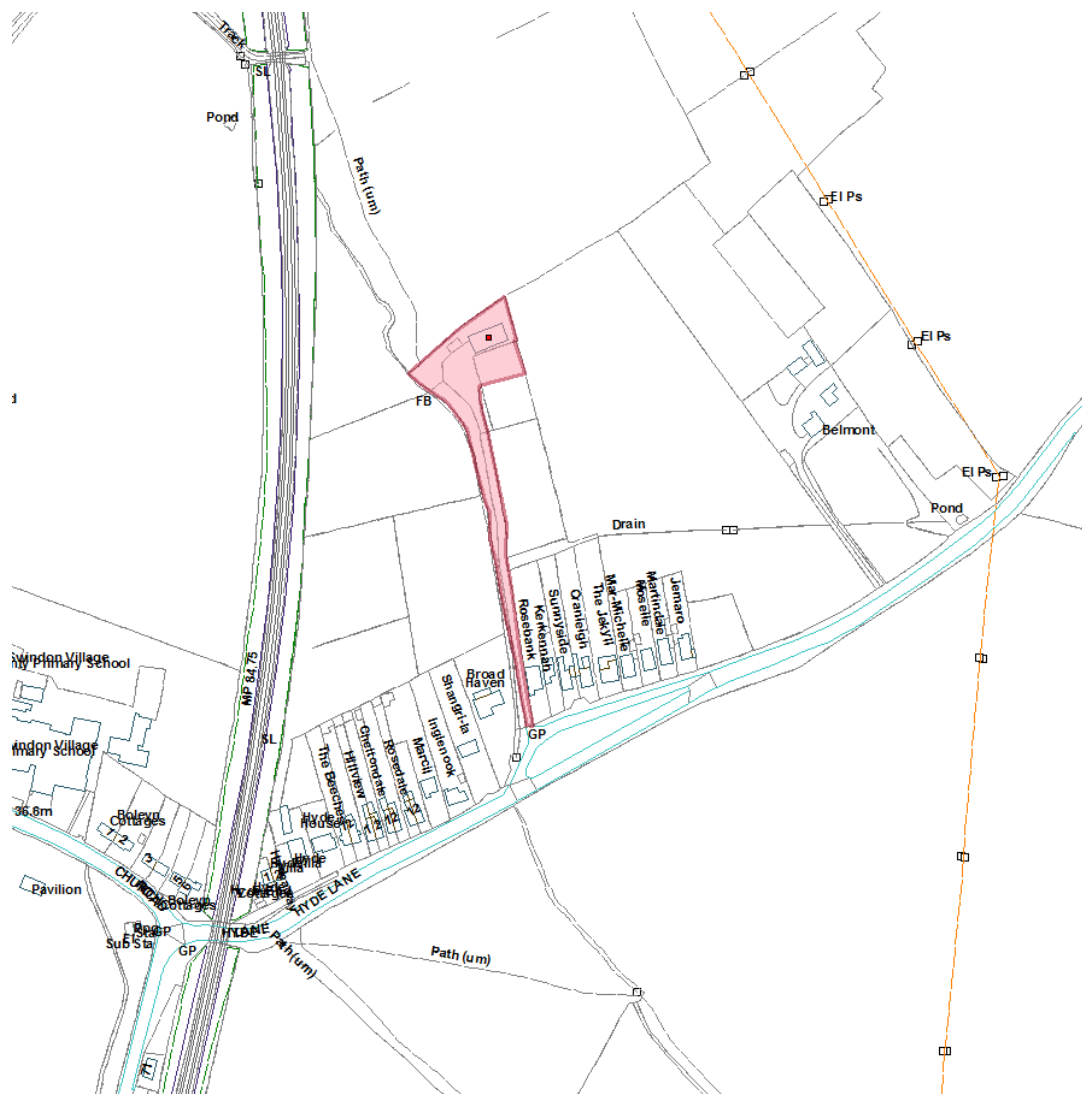
Please can you tell me what is the difference between a house and an ANNEXE When I asked a few years ago the ANNEXE did not have a Kitchen. This is a HOUSE





<b>APPLICATION NO:</b> 16/00276/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 19th February 2016	<b>DATE OF EXPIRY:</b> 15th April 2016
<b>WARD:</b> Swindon Village	<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Mr C McAlary
<b>AGENT:</b>	PSK Architect
<b>LOCATION:</b>	Stables, Hyde Lane, Swindon Village
<b>PROPOSAL:</b>	Conversion of existing stable block to provide 2no. dwellings with associated change of use of land to residential

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a site to the north of Cheltenham within Swindon parish. The site is located just outside of the Principal Urban Area (PUA) on Green Belt land.
- 1.2 The site is accessed via an unmade track from Hyde Lane and currently accommodates a large stable block.
- 1.3 The application is seeking planning permission for the conversion of the existing stable building to provide 2no. dwellings together with an associated change of use of the land to residential.
- 1.4 The application is before the planning committee due to an objection raised by the parish council. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

Greenbelt

**Relevant Planning History:**

None of any particular relevance to this application

## 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 6 Trees and development  
CO 1 Landscape character  
CO 6 Development in the green belt  
CO 13 Conversion of rural buildings  
HS 1 Housing development  
RC 6 Play space in residential development  
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Play space in residential development (2003)

National Guidance

National Planning Policy Framework (NPPF)

## 4. CONSULTATION RESPONSES

**Building Control**

*26th February 2016*

Access road to be a minimum of 3.7m wide and provide a turning circle for fire service vehicles

**Tree Officer**

*2nd March 2016*

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

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.

**Joint Waste Team**

*4th March 2016*

The two properties to be built will have to present their waste at the end of the private drive as we will not be able to access with a RCV.

**Gloucestershire Centre for Environmental Records**

*10th March 2016*

Biodiversity Report available to view on line.

**Parish Council**

*10th March 2016*

The Parish Council objects to this proposal.

The land is in the greenbelt and this would be inappropriate development within the Green Belt. Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. This proposal does not fulfil any of these criteria.

The proposal is to provide two houses that would not support the existing use of the land as grazing, stables, or agriculture.

The proposed buildings are not in the same use class.

As confirmed by the applicant's response to section 14 of the application form this proposal will not enhance or conserve the biodiversity and geological conservation of the site.

Regarding drainage, the application includes soakaways as the means of surface water drainage which may not be appropriate considering its proximity to a water course and the nature of the ground. Similarly the application proposes a septic tank as a solution for the

## Page 36

foul drainage but as this is likely to rely on a combination of a porous drainage system and possibly an outfall to the existing water course we believe that a full investigation of the ground, its permeability and its flood history should be requested to support this application.

Regarding flood risk, in our discussions with local residents they have said that this land is known to have a high water table and has been subject to flood. This problem is not dealt with in the engineer's report or elsewhere and we believe that the floor levels of any buildings constructed for residential purposes would need to take this into account.

We are concerned that in order to construct two habitable dwellings that it will be necessary to construct buildings that would need to be materially larger than the existing stables.

Regarding the Engineer's Report, we note the content of the Engineer's report and in particular point out the following:

### Preamble

Page 1, Paragraph 3: The engineer states that 'At this stage trial pits have not been excavated to expose foundations'. The comments following this statement suggest that the blue lias clay is susceptible to moderate volumetric change in response to variations in moisture content.

### Inspection Notes

Page 2, Paragraph 6: The engineer states that the right flank wall contains a significant fracture and suggests that this may be due to the proximity of Hawthorn but confirms that the cracking is most likely due to a temporary loss of support at foundation level caused by clay shrinkage.

Page 3, Paragraph 1: The engineer makes reference to the asbestos/cement roof finish and timber roof structure. The engineer notes that there has been deflection which has been dealt with by the introduction of additional timbers attached side-by-side.

Page 3, Paragraph 2: The fracture in the right flank wall is noted.

Page 3, Paragraph 3: The engineer provides a loose description of the existing slab and concludes by saying such floor construction is generally serviceable. What isn't known from the supplied description is whether the floor is serviceable for residential purposes without substantial improvement. However the first paragraph on page 4 does require that the floor will need to be upgraded by the provision of a screed and a damp proof membrane.

### Conversion Proposals

Page 3, Conversion Proposals - Paragraph 2: The engineer states that he has not been provided with precise details of the proposal on which to comment.

Page 3, Conversion Proposals - Paragraph 3: The engineer acknowledges that the existing structure will be thermally unsuitable for residential purposes and will therefore require additional timber framed walls and a moisture barrier.

Page 3, Conversion Proposals – Paragraph 3: The engineer implies that it is important that any proposals should not result in any significant increase on the existing foundations.

Page 4, Concluding Remarks: The engineer concludes by stating that:

- The right hand flank wall can be dealt with by stitch bonded repairs
- His report is based on the assumption that a fully detailed set of structural drawings will be prepared.

- Additional bracing is required for the existing roof or a new roof structure will be required.

We do not believe that the contents of the Engineer's report is robust enough to confirm that this building could be converted to residential dwellings without significant structural work or by limited replacement of the existing structure and fabric.

The foundations have not been inspected and the engineer's report requires that full structural engineers drawings and details should be provided which we believe should be available with the planning submission as it is necessary for the applicant to be able to demonstrate that the existing building is sufficiently structurally substantial enough for the proposed conversion; this can only be demonstrated with a complete structural proposal including foundations in order that we can see the degree of work that will actually need to be undertaken.

In our discussions with local residents they have said that this land is known to have a high water table and has been subject to flood. This problem is not dealt with in the engineer's report or elsewhere and we believe that the floor levels of any buildings constructed for residential purposes would need to take this into account.

We would like to state that it is yet to be proven that the existing stable building meets the requirement of being a sufficiently substantial construction which could be converted or adapted for residential use.

### **Cheltenham Civic Society**

21st March 2016

We would have liked the houses in this location to have some detailing which referred back to the building's original use.

### **GCC Highways Planning Liaison**

7th June 2016

The proposal is for the conversion of an existing stable block and change of use of the site from agricultural to residential.

The proposed dwellings would be accessed via a Public Right of Way (PROW) which is adjacent to a Class 3 lay-by style highway, the closest footway is over 25m from the access, there are street lights and the area is subject to a posted speed limit of 30mph.

#### History

I have researched the available data and have found a previous application that was withdrawn, this new application is similar.

#### Collision Data

I can confirm I have researched the available data and have found no recorded personal injury incidents.

#### Public Right of Way

The proposed dwellings would be accessed via a Public Right of Way, CHS3, The Public Right of Way team consider that to ensure public safety the PROW should be closed for the duration of the construction works. *(It must be noted that there is no guarantee that a legal Order will be confirmed simply because planning permission has been granted).* A temporary Closure order is required, with a minimum of 8 weeks notice and a minimum cost of approximately £700. The applicant will need to apply to the PROW team at Amey

## Page 38

Gloucestershire 08000 514 514 for this to be processed and approved. The PROW appears to be obstructed by the parking spaces.

Can the applicant provide a scale plan showing the impact upon the Public Right of Way. The occupiers of the properties would have to apply for a vehicle license to use the PROW and the current cost is £140.

### Vehicle Trip Generation

The addition of two dwellings at this location would result in an increase of approximately ten extra vehicular movements in a twelve hour period, with two of these trips during the peak hour.

### Parking and turning

The proposal makes provision for 4 parking spaces, with space for manoeuvring.

### Waste Storage and Collection

It is recommended that householders should not be required to move waste more than 30 metres from the storage area to the collection point and for the refuse collection to be able to access with 25m of that point. I note that the distance from the plot to the class 3 highway would require residents to move waste approximately 200m to the edge of the public highway no tracking has been shown for a refuse vehicle, however I do not consider it would be unreasonable to condition a refuse storage area beyond the public highway.

### Recommendation

There are no objections from the Public Right of Way Officer, subject to the occupiers applying for licenses to use the PROW, and a closure to ensure the safety of users during the construction phase.

I refer to the above planning application received on 25th Feb 2016 with revised plans nos. 15062.02, 15062.02A, 15062 A, received 6th May 2016, to which no highway objection is raised subject to conditions:

- i. The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan 15062.02A, and those facilities shall be maintained available for those purposes thereafter.  
Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
- ii. No other works shall commence on site on the development hereby permitted until the existing access facility is modified to provide a minimum width of 4.1m for the first 5m, with 4.5m entry and exit radii, and so the area within 5m of the carriageway edge is surfaced in bituminous macadam or other approved material, all in accordance with details to be submitted to and approved in writing by the L.P.A., and all shall be similarly maintained thereafter.  
Reason: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

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

**Contaminated Land**

*7th June 2016*

Thank you for referring this application to our team. We have reviewed the proposal and offer the following comments:

The proposed site of residential development is shown on our records as previously being used as "Brick Kilns". These facilities are likely to have been demolished and infilled with other material, which potentially may affect the inhabitants of the proposed residential units. I would therefore request a condition on the following lines is attached to any consent for this development:

Condition:

No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy have been submitted to and approved by the LPA. The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the LPA:

- a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.
- b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the LPA shall be fully established before any site surveys are commenced.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve any such remedial works as required, prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect residents of the development from potentially contaminated land.



**Building Control**

12th July 2016

I have been asked to provide my opinion regarding the structural assessment provided by Andrew Marcham (ref: 16/025/AWM/kb. Mr Marcham is a qualified engineer and so the opinions identified in his report should be accepted. However, I must identify that Mr Marcham has stated that, *'I did however note a quite significant fracture over the height of the wall on the far right which appears to be consistent with vertical displacement at the right rear corner.....dense Hawthorn.....and the cracking therefore most likely relates to a temporary loss of support at foundation level caused by shrinkage in the clay subsoil conditions'*.

No investigation has been made of the foundation type or adequacy but I would suggest for a stable of this type and age it is likely that the structure is built off the floor slab. It seems unlikely that there would be no sign of damage to the right rear corner of the floor slab if the rear corner is showing signs of movement due to seasonal movement of the subsoil.

The new roof suggested will not add a substantial load to the building but there will be an additional load and this should also be justified as part of the overall assessment of the viability of the project.

Mr Marcham, quite rightly, identifies that the structure will need additional works so as to comply with the requirements of the Building Regulations. Although this cannot be considered as part of the Planning application I would suggest that the owner and agent are advised of the significant amount of remedial work which will be required to ensure that the building is structurally sound. In the first instance I would suggest that the damage to the rear right corner is investigated and an assessment of the suitability of the foundation is made. It is likely that if the foundation is a slab design then additional foundation works will be required to ensure that no further movement is caused by movement of the subsoil.

Revised Comments

19th August 2016

I have looked at the updated engineers report submitted by PSK Architect and prepared by Andrew Marcham & Co, Chartered Structural Engineers.

The investigation work carried out by Mr Marcham has reduced my concerns about the proposal. Mr Marcham has made reference to both a 'raft' foundation and a 'strip footing' for the existing building but this could be just part of Mr Marcham's desire to show the adequacy of the existing building. Mr Marcham has stated in the closing paragraph of his report that, *I remain completely satisfied that the existing building can be converted to the proposed residential accommodation without need of substantial demolition and subsequent rebuilding*. I accept Mr Marcham's professional judgement on this matter. It would be wise to highlight this fact within the Planning approval because it would be unfortunate if the developer was not aware of the need to maintain the structure.

**5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out on 26 neighbouring properties on receipt of the original application, and a site notice was posted. Further letters of notification were sent out on receipt of the revised plans. In response to the publicity, four representations have been received from local residents. The comments have been circulated in full to Members but briefly, the main concerns relate to:

- Highway safety / safety of pedestrians using the Public Right of Way
- Flooding
- Impact on the Green Belt / precedent for future development



## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The key considerations in the determination of this application are:

- The principle of converting the existing stableblock into a residential use in this rural location.
- The impact of the proposed development upon the character and appearance of the locality and the openness and visual amenity of the Green Belt.
- The suitability of the existing building to be converted into a residential use in terms of its structural condition and the extent of alterations to facilitate the change of use to residential
- The layout, design and architectural treatment of the proposed dwellings in relation to materials, doors and windows and curtilage treatment.
- The potential impact upon the amenity of occupiers of nearby dwellings and users of the existing public right of way.

### 6.2 Principle

6.2.1 When determining applications for housing, paragraph 49 of the NPPF advises that they should be considered in the context of the presumption in favour of sustainable development.

6.2.2 The NPPF requires local planning authorities to demonstrate a five year supply of housing; the Council is currently unable to demonstrate such a requirement. The NPPF advises that relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.2.3 Where policies are not considered to be up-to-date, the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework, taken as a whole.

6.2.4 For development within the Green belt, paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 89 goes on to state that whilst generally the construction of new buildings should be regarded as inappropriate in Green Belt, one exception is the *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt...”*. Most importantly, paragraph 90 advises that the re-use of buildings within the Green Belt, that are of permanent and substantial construction, is also not inappropriate provided they preserve the openness of the Green belt and the purpose of including land in Green Belt.

6.2.5 Similarly, local plan policy CO6 (development in the Green Belt) advises that *“there will be a presumption against the construction of new buildings”* within the Green Belt and that *“any material change of use will not be permitted unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land in it”*.

6.2.6 Additionally, local plan policy CO13 (conversion of rural buildings) states, in part, that:-

*The conversion of rural buildings to uses other than agriculture will only be permitted where:*

- (a) the building is not a temporary structure; and*
- (b) the building is appropriately located and suitably constructed and otherwise is suitable for conversion without substantial demolition, rebuilding or extension;*
- (c) the conversion and alternative use are appropriate to the character and location of the building....*

6.2.7 Policies CO6 and CO13 are therefore broadly compliant with the NPPF although it should be noted that the NPPF does not make specific reference to the appropriateness of any proposed alternative use, the structural condition of the existing building, or the degree of demolition, rebuilding or extension necessary.

6.2.8 In conclusion, given that the application proposes the re-use of an existing building rather than the provision of a new building, the principle of development is generally supported subject to the material considerations set out below. Furthermore, although the site lies just outside the PUA, and outside of the built up area of Swindon Village, it is located to the rear of an established row of residential properties at the edge of the town with local transport links to a wide range of facilities. The application site must therefore be considered as a sustainable location for residential development.

6.2.9 It should also be noted that as part of a package of measures to support economic growth and increase housing supply, changes to the Town and Country Planning (General Permitted Development) Order 1995 were introduced by the Government in the Town and Country Planning (General Permitted Development) (England) Order 2015 (which in England has replaced the 1995 Order).

6.2.10 Class Q of the 2015 Order allows a change of use of an agricultural building and any land within its curtilage to a C3 residential use (together with building operations reasonably necessary to convert the building) to be carried out as permitted development (thereby not requiring the benefit of planning permission) subject to the developer applying to the local planning authority for determination as to whether the prior approval of the authority is required in respect of a number of matters. The permitted development rights extend to buildings in the Green Belt.

6.2.11 Although in this case, the existing use doesn't fall within an agricultural use, the changes to permitted development and the relaxation of controls over this type of development are indicative of current government thinking on the conversion of rural buildings and should be given some weight in the consideration of this application.

### 6.3 Design and layout

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

6.3.2 The proposal involves the conversion of the existing building to 2no. three bedroom dwellings. There are no extensions proposed but there are new and enlarged openings, external cladding/render, and a new roof proposed in addition to car parking and hard and soft landscaping within the proposed residential curtilage.

6.3.3 The applicant has submitted a structural survey report which concludes that the building "is in a serviceable structural condition" and that "conversion of the building to form residential accommodation will not result in any significant additional loading on the existing structure". It goes on to conclude that "the conversion proposals are structurally feasible without need of any major demolition and subsequent rebuilding to the main load

bearing fabric of the existing building". The report has been updated to address the changes to the proposed roofing material from composite metal to concrete tiles.

6.3.4 On initial review by the Council's Building Control Manager, it was identified that there were a number of weaknesses and assumptions made in the report. The report has therefore been further updated to address these concerns. Having reviewed the report, and taking account of the additional investigation work carried out by the Structural Engineer, the Building Control Manager accepts the closing paragraph of the report which states that "*I remain completely satisfied that the existing building can be converted to the proposed residential accommodation without need of substantial demolition and subsequent rebuilding*", and is now of the opinion that the conversion works could be undertaken using the general details outlined in the revised report.

6.3.5 However, given the sensitivities of the proposal, in order to ensure that the existing building is retained and converted, and not rebuilt, a condition requiring the submission of a comprehensive and robust method statement and further structural report, together with any necessary mitigation measures for the conversion, is suggested. This will ensure that the alterations to the building are carried out in accordance with the approved scheme and Policies CO6 and CO13.

6.3.6 As originally submitted, officers had concerns in relation to the external materials and elevational treatment proposed; revisions were therefore sought to ensure that the character of the resultant building would be appropriate to its rural setting. In the revised scheme, the metal roof has been replaced by a more traditional tiled roof, the fenestration has been simplified, the extent of render has been reduced and the overtly domestic front doors have been replaced by vertically boarded timber doors. For the most part, the exterior of the building would be clad in horizontal timber boarding. Officers consider that the revisions also address the Civic Society comment which states "*We would have liked the houses in this location to have some detailing which referred back to the building's original use*". Conditions are suggested to ensure that samples of the external facing and roofing materials are submitted, together with the detailed design of the windows and external doors; chimneys or flues; and rainwater goods.

6.3.8 The landscaping proposals will be critical to the success of the proposed scheme and therefore a further condition is suggested which requires a detailed landscaping scheme to be submitted for consideration.

6.3.7 Future demand for the erection of sheds, small extensions etc. can be controlled via the removal of permitted development.

#### 6.4 Impact on neighbouring amenity

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

6.4.2 The nearest residential properties are located to the south of the site fronting Hyde Lane. Given the distance to these dwellings there should be no harm to the amenities of the occupiers of these properties in terms of noise and disturbance, outlook, or privacy.

#### 6.5 Access and highway issues

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

6.5.2 The site is currently accessed via a long unmade track which leads from a Class 3 lay-by style highway subject to a 30mph speed limit; the access serves as a Public Right of Way (PROW). This access would be used to serve the proposed dwellings.

6.5.3 The proposal has been considered by the GCC Highways Development Management Team who raise no objection subject to the inclusion of conditions to ensure that the garages and 4no. car parking spaces shown on the site layout plan are provided, and that works to improve the access are carried out.

6.5.4 The proposal has also been considered by the GCC Public Rights of Way Team who likewise raise no objection subject to the developer/future occupiers applying for the necessary order/licenses. It is considered necessary to close the PROW for the duration of the construction works to ensure public safety and a temporary Closure order would be required in this respect. In addition, future occupiers of the properties would have to apply for a vehicle license to use the PROW. Informatives are suggested to this effect.

### 6.6 Other considerations

6.6.1 It has been suggested that if this development should be permitted it would set a precedent for further development within the Green Belt; however, it is important to remember that this application relates to the conversion of an existing structure. To grant planning permission in this instance would not prejudice the presumption against the erection of new buildings within the Green Belt.

6.6.2 The site is located outside of Flood Zones 2 and 3 but part of the site is identified by the Environment Agency as being at a low risk of flooding from surface water. The application proposes the use of a soakaway to provide stormwater attenuation and, for the avoidance of doubt, a condition is suggested that requires a Sustainable Drainage System (SuDS) to be incorporated. Details of which would be considered at Building Regulations stage.

6.6.3 Environmental Health has identified the site as having previously been used as "Brick Kilns" and it is likely that the kilns have since been demolished and infilled with other materials which may have the potential to affect the inhabitants of the proposed residential units. As such, it is considered necessary to attach a condition requiring a contaminated land assessment to be carried out together with a remedial strategy.

### 6.7 Conclusion and recommendation

6.7.1 Despite some initial reservations about the structural condition of the existing building and its capability of being converted into dwellings without substantial rebuild or replacement, officers are now satisfied that the conversion works could be undertaken using the general details outlined in the revised structural report.

6.7.2 Following revisions to the external appearance of the building, officers are confident that the character of the resultant building would be appropriate to its rural setting.

6.7.3 The proposal would not impact on the amenity of nearby residential properties and, no Highway objection has been raised.

6.7.4 Therefore, on balance, the proposed development in this location is considered to be acceptable and the recommendation is to grant planning permission subject to the following conditions:

## 7. SUGGESTED CONDITIONS

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

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

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

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

- 3 Notwithstanding the submitted details, a robust method statement and detailed structural report, covering both the demolition and construction phases of the project, must be prepared and submitted to the local planning authority for approval before any works commence on site. The method statement and structural report must identify suitable steps to control the effect of noise, dust and any other nuisance on nearby properties and full details of all works and mitigation measures associated with the conversion of this property to a dwelling (including works to foundations, the roof, existing and any proposed internal and external walls).

The method statement and structural report will need to demonstrate that the existing building can be converted in accordance with the findings outlined in the updated structural report dated 9th August 2016, and without significant replacement of or alteration to the building's existing structure/fabric, footprint and height. If, during the course of the conversion works, problems are encountered which would result in works being carried out to the building which are not in accordance with the approved drawings and method statement, the applicant shall cease development on site and immediately notify the Local Planning Authority and submit details of mitigation measures and/or revised drawings to be approved in writing by the Local Planning Authority.

All demolition and construction works and any mitigation measures must be completed in accordance with the approved method statement and structural report unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application is to convert the existing building and has been considered and assessed in this light. If it transpires that this is not possible a fresh application will be necessary which would then be considered on the individual merits of the application.

- 4 Prior to the commencement of the development hereby permitted, a contaminated land assessment and associated remedial strategy shall be submitted to and approved by the Local Planning Authority (LPA). The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the LPA:
  - a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.
  - b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology. The requirements of the LPA shall be fully established before any site surveys are commenced.
  - c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a



proposed remediation strategy shall be submitted to the LPA. The LPA shall approve any such remedial works as required, prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect residents of the development from potentially contaminated land, having regard for Policy NE4 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 Prior to the commencement of any other works on site in association with the development hereby permitted, the existing access facility shall be modified to provide a minimum width of 4.1m for the first 5m, with 4.5m wide entry and exit radii, and the area within 5m of the carriageway edge shall be surfaced in bituminous macadam or other approved material. The works shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and shall be similarly maintained thereafter.

Reason: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

- 6 No external facing or roofing materials shall be applied unless in accordance with:
  - a) a written specification of the materials; and
  - b) physical sample/s of the materials.The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 7 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:
  - i. All new windows and external doors (including reveals, cills, materials and finishes);
  - ii. Chimneys, flues and any other extraction equipment; and
  - iii. Rainwater goods.

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

- 8 The development hereby permitted shall not be occupied until a refuse and recycling collection point for the dwellings within at least 25m of the existing highway has been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority, and shall be similarly maintained thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 8 The development hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the approved plans. These facilities shall not be used for any purpose other than the parking and the turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure that adequate car parking, and a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided, having regard to Policies TP1 of the Cheltenham Borough Local Plan (adopted 2006) and guidance set out within the National Planning Policy Framework.

- 9 Prior to the implementation of any landscaping, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include species, planting size, root type (it is anticipated that container grown trees will be planted) and protection so as to ensure quick successful establishment; and a programme of implementation. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details and no later than the first planting season following the date when the development is ready for occupation.

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

Reason: In the interests of the visual amenities of the locality, having regard to Policies CP1, CP7 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 10 The development hereby permitted shall incorporate a Sustainable Drainage System (SuDS).

Reason: To ensure sustainable drainage of the development, having regard to Policy UI3 of the Cheltenham Borough Local Plan (adopted 2006).

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

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to Policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

### **INFORMATIVES**

- 1 The Public Right of Way team consider that to ensure public safety the PROW should be closed for the duration of the construction works. A temporary Closure order will be required, with a minimum of 8 weeks notice and a minimum cost of approximately £700. The applicant/developer will need to apply to the PROW team at Amey Gloucestershire 08000 514 514 for this to be processed and approved.  
(It must be noted that there is no guarantee that a legal Order will be confirmed simply because planning permission has been granted).
- 2 The proposed development will require the provision of a footway/verge crossing and the applicant/developer is reminded of the need to obtain approval for the vehicle crossing from Amey Gloucestershire before commencing any works on the highway; you can contact them on 08000 514 514 or alternatively email: [GCCHighways@Amey.co.uk](mailto:GCCHighways@Amey.co.uk).



<b>APPLICATION NO: 16/00276/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED:</b> 19th February 2016		<b>DATE OF EXPIRY :</b> 15th April 2016
<b>WARD:</b> Swindon Village		<b>PARISH:</b> SWIND
<b>APPLICANT:</b>	Mr C McAlary	
<b>LOCATION:</b>	Stables, Hyde Lane, Swindon Village	
<b>PROPOSAL:</b>	Conversion of existing stable block to provide 2no. dwellings with associated change of use of land to residential	

### REPRESENTATIONS

Number of contributors	<b>4</b>
Number of objections	<b>4</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

Cranleigh  
Hyde Lane  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QN

**Comments:** 9th March 2016  
Letter attached.

Sunnyside  
Hyde Lane  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QN

**Comments:** 11th May 2016

I have a number of concerns regarding this application. Living where we do in the lay-by, we have a number of children who use the entrance of the lay-by from Hyde Lane, and I am very concerned that building contractors vehicles and equipment will be a risk to children and elderly residents who use the lay-by as pedestrians on a regular basis. I also feel concerned that the public footpath may become very hazardous with heavy machinery, lorries etc using the footpath as a roadway.

Broadhaven  
Hyde Lane  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QN

**Comments:** 15th March 2016

## Page 50

We wish to comment on the planning application for two houses/ bungalows on land behind Hyde lane, Swindon village.

We are concerned mainly about the access road which is on an existing bridle path. Occasional vehicles go down this path to look after the horses in the present stables but we fear traffic will increase significantly, both domestic and commercial (eg, septic tank emptying). As it is at the moment cars come into the D road, they do not tend to slow down and just carry on as if they are still on the main road. We often have to stop suddenly as our driveway is immediately at the entrance to the D, therefore with an increase in traffic this will increase the problem. It is very dangerous for pedestrians now and with an increase in traffic would then be worse. With regard to the bridle path, this in itself is only really just wide enough for one car let alone utility vehicles. With parking suggested for 10 cars then it is going to be an accident waiting to happen with vehicles having to reverse if other vehicles suddenly appear on the bridle path. Where are the frequent walkers going to go when all these vehicles are going up and down?

There is a deep water course on the left side of the path and we are informed by Gloucestershire Highways that we own to the middle of this course where it is alongside our land. We would object to this being filled in as it frequently rises, sometimes fills with water and we worry about flooding. The field adjacent to the proposed dwellings floods repeatedly, the stables and barns always have water running through them and into the water course and fields. Where is all this water going to go when more buildings are built?

There may also be street lighting involved. Some years ago a referendum was held (by the council) among Hyde Lane residents and the result was overwhelmingly against. We all felt lights would attract car parking late at night, especially in the D, while people ate their (eg) MacDonalds. More litter would be created too.

However our main objection is the fact that these houses will be built on green belt land. We feel this is the thin end of the wedge and will allow more and more houses on fields between Swindon Village and Brockhampton. We are glad that the parish council also objects to this proposal.

1 Rosedale  
Hyde Lane  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QN

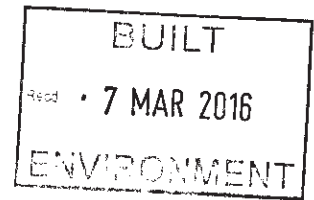
### **Comments:** 27th February 2016

I object on the grounds that it will increase traffic especially on the turn into the D which is a blind corner and cars drive fast around it now, and the concern that this will open up the area for more houses. Also that this is a right of way for many walkers and the access road is very tight at 4 metres to share pedestrians with waste lorries and septic tanks.



# CHEL TENHAM

## BOROUGH COUNCIL



The Owner/Occupier  
Cranleigh  
Hyde Lane  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QN

Planning Officer: Miss Michelle Payne  
ddi Number: 01242 264313  
TO: — e-mail: [dccomments@cheltenham.gov.uk](mailto:dccomments@cheltenham.gov.uk)  
our ref: 16/00276/FUL

Date: 23rd February 2016

Dear Resident

**Proposal: Conversion of existing stableblock to provide 2no. dwellings with associated change of use of land to residential at Stables Hyde Lane Swindon Village**

An application for the above proposal has been registered with the Council. Before a decision is made, I invite you to view the application and submit any comments no later than **15th March 2016**.

The application can be viewed online at [www.cheltenham.gov.uk/publicaccess](http://www.cheltenham.gov.uk/publicaccess) or alternatively by visiting the Built Environment Reception at the Municipal Offices during normal office hours; please quote the above reference number **16/00276/FUL**. Free access to the internet can also be booked at your local library.

Comments should be confined to planning matters (see advice overleaf) and made online at [www.cheltenham.gov.uk/publicaccess](http://www.cheltenham.gov.uk/publicaccess) or in writing to the address below. All representations will appear on our website and cannot be kept confidential; we are unable to accept anonymous comments. We are also unable to acknowledge or respond to individual letters/comments.

The Council operates a scheme of delegation which means that most applications are determined by officers. Some complex or more controversial applications may be decided at the monthly planning committee and Councillors are able to request this where they consider it appropriate by contacting the planning officer within 21 days of being notified of the application. Your ward councillor and their contact details can be found on the reverse of this letter.

Committee meetings are open to the public and members of the public are able to address the planning committee directly. This is in addition to the statutory process of written submissions. Should you wish to speak at committee, you must register by 10am on the Wednesday prior to the meeting by contacting the Committee Coordinator on 01242 774405. More information is available at <http://www.cheltenham.gov.uk/downloads/file/1104/public-speaking-at-planning-committee>.

Yours sincerely

Tracey Crews: Director of Planning

PTO-

**Please read the notes overleaf.**

**PLANNING : ENVIRONMENTAL & REGULATORY SERVICES**

CHEL TENHAM BOROUGH COUNCIL • P.O. BOX 12 • MUNICIPAL OFFICES • PROMENADE • CHEL TENHAM • GLOS • GL50 1PP  
TELEPHONE 01242 262626 • FACSIMILE 01242 227323 • DX 7406 CHEL TENHAM 1 • EMAIL [builtenvironment@cheltenham.gov.uk](mailto:builtenvironment@cheltenham.gov.uk)

## SOME ADVICE ON COMMENTING ON PROPOSALS

### Types of comments that will be taken into account

Planning applications must be determined in accordance with current guidance and policy. The planning authority can only take into account material planning considerations when making a decision. Examples of such considerations are:

- \*
  - noise or disturbance from the development (not from the construction work itself)
  - traffic
  - visual impact
  - privacy
  - amenity

Matters such as the identity of the applicant or their character or history, boundary disputes between neighbours, loss of view or impact on the value of a property are not planning considerations and should not be included.

### Ward Councillors

**Councillor B Fisher**  
54B Canterbury Walk Cheltenham

cllr.bernard.fisher@cheltenham.gov.uk  
07890 205767

**Councillor Flo Clucas**  
7 Rushworth Close Cheltenham

cllr.flo.clucas@cheltenham.gov.uk  
01242 255844

### Appeals

If an application is refused or approved with conditions the applicant has the right to appeal to the Planning Inspectorate, an independent government agency.

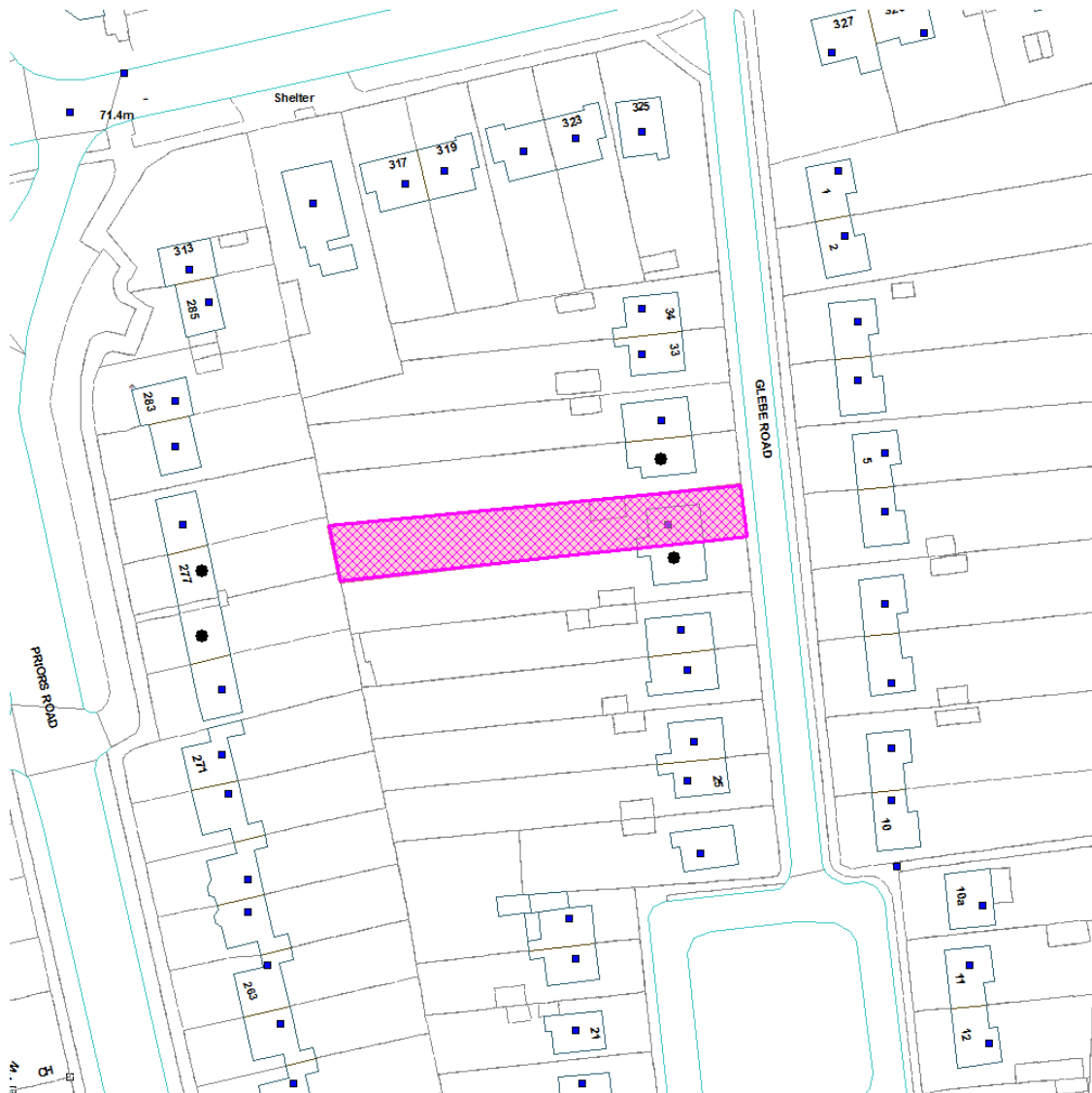
There is no right for third parties to appeal if the Council decides to approve an application. If you are unhappy with the way the Council has made a decision, please write and let us know about your concerns. The Local Government Ombudsman ([www.lgo.org.uk](http://www.lgo.org.uk)) will look into complaints but will ask you to contact the Council first.

\* Noise or disturbance, traffic, visual impact, privacy & amenity.  
Plus entry/exit would cause a problem - as it is a very busy road, where a number of accidents have already occurred.  
There is also the problem of flooding which happens with rain or heavy rain.  
The particular site was a refuse or stone tip.  
Having no computer - I am unable to comment on line.

07-03-2016

<b>APPLICATION NO:</b> 16/01414/FUL		<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 8th August 2016		<b>DATE OF EXPIRY:</b> 3rd October 2016
<b>WARD:</b> Prestbury		<b>PARISH:</b> Prestbury
<b>APPLICANT:</b>	Mr & Mrs J & S Trotter	
<b>AGENT:</b>	VJM Design House Ltd	
<b>LOCATION:</b>	30 Glebe Road, Prestbury, Cheltenham	
<b>PROPOSAL:</b>	Single storey rear extension	

**RECOMMENDATION:** Permit



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

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to 30 Glebe Road. The site is a two-storey, semi-detached property situated on a residential cul-de-sac in Prestbury.
- 1.2 The application site has previously been extended from the rear wall of the original dwelling by 4.9 metres at single storey level.
- 1.3 The application proposes an additional single storey extension to the rear of the property.
- 1.4 The application is to be determined by planning committee due to the objection of the Parish Council. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

None

**Relevant Planning History:**

**92/01055/PF    21st January 1993    PER**

Erection Of Two Storey Rear Extension

**16/01485/CLPUD    PDE**

Rear Dormer to upgrade existing loft conversion

## 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

**Parish Council**

*23rd August 2016*

The Parish Council object to this application as it is contrary to policy CP7 and CP4.

**Gloucestershire Centre For Environmental Records**

*19th August 2016*

Report available to view on line.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Four letters have been sent to neighbouring properties. One response was received from the adjoining neighbour objecting to the proposal with concerns relating to a loss of light, loss of privacy, overbearing impact and the scale of the proposal.

## 6. OFFICER COMMENTS

To follow.

## 7. CONCLUSION AND RECOMMENDATION

To follow.

## 8. CONDITIONS

To follow.

### INFORMATIVES

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

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> 16/01414/FUL		<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 8th August 2016		<b>DATE OF EXPIRY :</b> 3rd October 2016
<b>WARD:</b> Prestbury		<b>PARISH:</b> PREST
<b>APPLICANT:</b>	Mr & Mrs J & S Trotter	
<b>LOCATION:</b>	30 Glebe Road, Prestbury, Cheltenham	
<b>PROPOSAL:</b>	Single storey rear extension	

## REPRESENTATIONS

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

29 Glebe Road  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3DG

### Comments: 13th August 2016

The proposed extension is an extension to an existing large extension (which is already the largest extension in the vicinity) to the rear of the property (Planning ref: 92/01055/PF).

The original 1930s build gave a property depth of approximately 8 meters, which at the time was deemed adequate for a 3 bed roomed house, the proposed additional extension would give c125% increase in ground floor space to that of the original build.

Whilst there are no exact measurements contained within the proposal we are led to believe that the proposed further extension would extend the property in excess of 5 m beyond the rear of our house. This would make the total extension to 30 Glebe Road to c10 meters. This is completely out of scale with any of the current properties in the surrounding area and completely out of character of the 1930s styling of the neighbouring properties.

Within the "Existing & proposed elevations & floor plans" it is evident from "Existing Left Front Elevation" drawing that the current extension height currently overshadows our extension by 1 meter and is approximately 3 meters 60 cm in height, even with the proposed reduction on 475mm of the proposed additional extension this would still have a height in excess of 3 meters and will overbear our property. This height seems unnecessary in both the original extension and the proposed addition where we believe 2.2m in height would be sufficient.

We believe that the enormity of the proposed extension in addition to the existing large extension will lead to a loss of light to our downstairs rooms at the back of property; especially in winter as the extension will overshadow the westerly aspect where the sun sets from the rear of our property. We also believe that the proposed extension will have a negative visual impact and will be completely overbearing over our property.

We are also concerned about the vast expanse of flat roofing that will be visible from our first floor bedroom and the lack of privacy from the glazed lantern which will be level to the upstairs windows. The glazed lantern also introduces a further increase in overall height (to the already

## Page 58

3m 60cm height indicated above). We also have concerns regarding drainage from the large flat roof and would welcome a drains report to confirm that any soak away from rainwater is connected to the main drainage system.

It is noted that there will be bi folding doors and French doors to the rear of the property, we have concerns over the noise aspect of having a large dining room/entertaining area and playroom which will lead out onto an open space and would request that these spaces are enclosed and soundproofed with a single opening door and/or fixed windows with trickle vents; or restricted opening to the outside area.

We have already discussed with the applicants the possibly of reducing the height and length of the additional extension to a compromised level, however these have not been included within this planning submission.

APPLICATION NO: 16/01414/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 8th August 2016		DATE OF EXPIRY: 3rd October 2016
WARD: Prestbury		PARISH: Prestbury
APPLICANT:	Mr & Mrs J & S Trotter	
AGENT:	Mr Vincent Marlow	
LOCATION:	30 Glebe Road, Prestbury, Cheltenham	
PROPOSAL:	Single storey rear extension	

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Determining Issues
- 1.2. The main considerations in relation to this application are the design of the proposal, the impact it will have on the character of the original dwelling and the impact on neighbouring amenity.
- 1.3. Design
- 1.4. Local Plan Policy CP7 requires development to be of a high standard of architectural design to complement and respect neighbouring development.
- 1.5. The Supplementary Planning Document: Residential Alterations and Extensions (adopted 2008), highlights the importance that extensions should be subservient to the parent dwelling. The document also states that extensions should not dominate or detract from the original dwelling, but play a supporting role.
- 1.6. The principle of a single storey rear extension is considered to be acceptable; however officers had concerns in regards to the scale of the proposed extension when first submitted. The addition of the initial proposal with the existing extension was considered to be overly large and was not considered to be subservient to the original dwelling. The addition of the proposed extension to the existing single storey extension would have resulted in a cumulative extension which would extend 8.3 metres from the rear wall of the original dwelling. Revised plans were requested to reduce the extent of the proposal, these were later received. The revised plans show a reduction in the length of the proposed extension by 1.5 metres.
- 1.7. The proposed extension will extend 2.3 metres from the rear wall of the existing building, will be 5 metres wide and have a maximum height of 3 metres. Officers consider the extension to be acceptable in relation to the existing building and to read as a subservient addition to the original dwelling. The application also proposes a roof lantern in the existing extension at a height of 0.6 metres.
- 1.8. The proposed materials will match those of the existing dwelling; therefore the proposal is considered to be a complementary addition.
- 1.9. Impact on neighbouring property
- 1.10. Local Plan Policy CP4 requires development not to cause unacceptable harm to the amenity of adjoining land users and the locality. When assessing impact on amenity, considerations include loss of sunlight and/or daylight, loss of privacy and whether the proposal will have an overbearing impact.

- 1.11. One objection has been received from the adjoining neighbour to the south of the application site, at 29 Glebe Road raising concerns of an overbearing impact, a loss of light and concerns regarding the scale of the proposal. A visit to the application site and the adjoining neighbour was carried out.
- 1.12. In terms of an overbearing impact, the proposed extension is single storey and is a relatively small addition to the existing extension to the rear of the property. The maximum height of the proposal will be lower than the height of the existing extension which will lessen the impact on the neighbouring property. As such, officers do not consider the extension would result in an unacceptable overbearing impact.
- 1.13. The 45 degree light test was carried out for the proposed single storey rear extension, and whilst it is likely for there to be a reduction of light to the adjoining property, the light test does not fail. The adjoining neighbour (no. 29 Glebe Road) benefits from an existing single storey rear extension and a rear service wing, currently used as a store, this is considered to minimise the impact of the proposal on this property. The extension is proposed to extend 0.7 metres further than the rear wing of the neighbouring property. Therefore is not considered the proposed extension will cause unacceptable harm to the amenity of adjoining land users in terms of a loss of light and loss of privacy.
- 1.14. Environmental impact
- 1.15. Records show important species or habitats have been sighted on or near the application site in the past, however it is not considered that the proposed single storey rear extension will have any impact on these species.

## 2. CONCLUSION AND RECOMMENDATION

For the reasons discussed above, the proposed single storey rear extension is considered to comply with policy CP4 and CP7 in terms of achieving a high standard of design would not have an unacceptable impact on the amenity of adjoining land users.

Therefore, the recommendation is to permit this application subject to the conditions set out below.

## 3. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

**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.

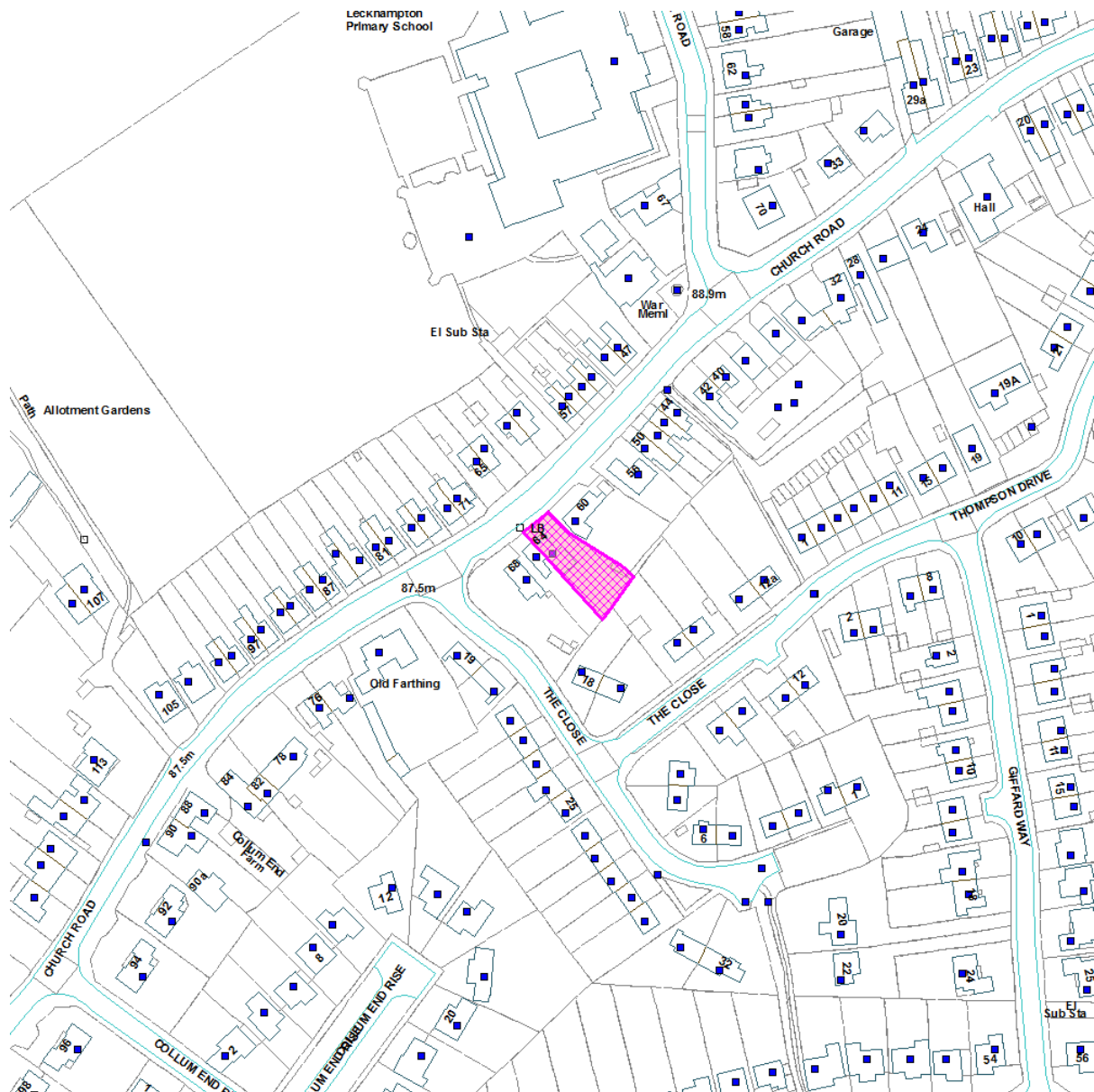
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in 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: 16/01402/FUL</b>		<b>OFFICER: Mr Gary Dickens</b>
<b>DATE REGISTERED:</b> 4th August 2016		<b>DATE OF EXPIRY:</b> 29th September 2016
<b>WARD:</b> Leckhampton		<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Mr Rhodri Sutton	
<b>AGENT:</b>	Brodie Manning Limited	
<b>LOCATION:</b>	64 Church Road, Leckhampton, Cheltenham	
<b>PROPOSAL:</b>	First floor side/rear extension over existing ground floor with small two storey element	

**RECOMMENDATION:** Refuse



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

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 64 Church Road in Leckhampton. The site is a two storey semi-detached cottage and is located on a residential road of varying property styles. The original cottage has been previously extended to an extent which almost doubles the size of the original footprint.
- 1.2 The application proposes a first floor side and rear extension over an existing ground floor extension, together with a small two storey side extension.
- 1.3 The application is before the planning committee at the request of Cllr Chris Nelson on behalf of the applicant. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:** None

**Relevant Planning History:**

**16/01110/PREAPP 8th July 2016 CLO**

Erection of a first floor addition to side and rear over existing

**06/01117/FUL 24th October 2006 REF**

First floor rear extension over existing flat roofed single storey rear extension

**07/01157/FUL 30th October 2007 REF**

Erection of a two storey rear extension

**07/01766/FUL 18th March 2008 REF**

Erection of a two storey rear extension

**09/01604/FUL 12th January 2010 PER**

Proposed garage to replace existing garage

**09/01604/FUL 3\_COMP**

Proposed garage to replace existing garage

## 3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

**Gloucestershire Centre For Environmental Records**

*19th August 2016*



Report available to view on line.

**Parish Council**

*To follow.*

## 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 and no responses were received.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

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

### 6.3 The site and its context

- 6.4 At present, 64 Church Road has a two storey rear extension which extends by approximately 3m and is the full width of the dwelling. From this, a single storey rear extension projects by 4.7m and extends beyond the side elevation by 1.7m. A small single storey lean to is also located to the side of the property.

- 6.5 The applicant has previously submitted three planning applications for similar schemes to the council. Each of these was refused.

- 6.6 The first application (ref: 06/01117/FUL) proposed a larger extension at first floor level, extending to the depth of the ground floor extension and projecting beyond the side elevation. The application proposed French doors at first floor which looked onto the rear garden. The application was refused on subservience and the impact on neighbouring amenity. The applicant appealed this decision which the Planning Inspector dismissed.

- 6.7 The Inspector stated that the *“bulk and design of the proposed extension would be harmful to the character and appearance of the dwelling and of the area and would not meet the objectives of planning policies...”*. The Inspector also discussed how the proposed French doors would impact on the neighbouring property number 64 and that they *“would be detrimental to the privacy of the occupiers of that property”*. Additionally, the reduction in light to two of the rear windows at number 66 would be reduced and *“would be an additional disadvantage of the scheme but not a sufficient basis in itself for withholding planning permission.”*

- 6.8 The second application (ref: 07/01157/FUL) saw a reduction in the size of the proposed first floor extension but retained the french doors at the first floor. This application was refused due to the impact on neighbouring amenity, specifically overlooking and loss of light. Although in the previous application the Planning Inspector felt loss of light was not a sufficient basis for withholding planning permission, advanced more detailed light test

demonstrated a noticeable loss to the ground floor window of number 66 Church Road. For this reason the application was refused.

**6.9** The third application (ref: 07/01766/FUL) was for a similar scheme to the second application however the French doors were removed and replaced with a window. This application was refused due to the impact on neighbouring amenity. The applicant appealed this decision which the Planning Inspector dismissed.

**6.10** The Planning Inspector felt this scheme was subordinate to the existing dwelling, however felt *“the windows in the rear of No.66 which face into the gap between the dwelling would be subject to a significant loss of light and to material visual domination”*. The Inspector concluded that *“the proposal would harm the living conditions of the occupiers of the adjoining house”*.

### **6.11 Design and layout**

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

**6.13** Expanding upon Local Plan Policy CP7, the Authority has adopted design guidance relating to residential alterations and extensions through a Supplementary Planning Document. One of the five basic design principles set out within this document relates to subservience. Here the document advises that *“an extension should not dominate or detract from the original building, but play a supporting role”*.

**6.14** The current application, which was subject to a pre-application, proposes a first floor extension which will project by 3.2m over the existing ground floor extension and over the existing side extension. A small two storey side extension is also proposed which will adjoin the existing single storey side extension and proposed first floor extension. The proposed extension will have a part flat and part pitched roof. The application also proposes French doors with balustrade and a window in the rear elevation.

**6.15** It is acknowledged that at present there is an untidy appearance to the rear of the site, as also highlighted by the Planning Inspector, and that the proposal would improve this aspect. However, having assessed all elements of the application, officers consider the proposal to be contrary to the Local Plan Policies and adopted guidance in relation to residential extensions and alterations.

**6.16** Although the proposed materials and elements of the design will match existing, the length of the proposed first floor extension combined with the existing first floor extension will almost double the length of the original cottage. The extension will project beyond the side elevation by 1.72m and will measure approximately 7.8m in depth. Although this is setback from the principal elevation it will be evident from the street. The proposed extension does not therefore play the supporting role as advised in the Council's SPD.

**6.17** The proposal fails to follow the advice within the Supplementary Planning Document (as referenced in 6.12 above) relating to subservience. The result is that the extension detracts from the original dwelling, causing harm to its architectural integrity and therefore being contrary to Local Plan Policy CP7.

**6.18** It is officer's opinion that the existing additions to the application site are the extent to which this property can realistically be extended. Any further increase would start to compromise the original dwelling beyond an acceptable level.

### **6.19 Impact on neighbouring property**

- 6.20** Local Plan Policy CP4 (a) refers to development not causing “*unacceptable harm to the amenity of adjoining land users...*”. The potential loss of sunlight and/or daylight, loss of outlook and loss of privacy is taken into account when assessing the impact on the amenity.
- 6.21** The Supplementary Planning Document also includes maintaining privacy and ensuring adequate daylight as two of the five basic design principles when contemplating residential alterations and extensions.
- 6.22** Although no comment has been received from the owners / occupiers of number 66 Church Road, there are concerns regarding the potential impact of the development. Previous officer reports and the Planning Inspector comments state how the outlook from the two rear windows at number 66 Church Road is already affected by its own two storey rear extension. The Planning Inspector felt “*another storey above the single storey extension would increase the sense of enclosure when looking out of the 2 windows*” of number 64 Church Road. Furthermore, the “*impression of enclosure would be increased by the side elevation of the extended part...being in effect a blank wall*”.
- 6.23** It is Officer’s opinion that the current proposal has not addressed these comments and the tunnel effect created will be unacceptable. The oppressive impact of two storey walls 1.8m apart and either side of the windows is something officers feel should not be supported.
- 6.24** The application proposes French doors with balustrade to the rear of the first floor extension. Although these are further from the boundary with number 66 Church Road (4.2m from the centre of the doors) than on the previously submitted (and refused) application, there are still concerns regarding the impact these will have on the neighbouring property.
- 6.25** As referenced in 6.7 above, the planning inspector considered the French doors to be detrimental to number 66 Church Road. Even with the increase in distance from the boundary, the possibility of overlooking would still be created.
- 6.26** The proposal fails the standard 45 degree light test although it is acknowledged that the existing extensions fail this same test. Therefore a more detailed assessment will be required to consider if any further reduction will be noticed as a result of the proposal. The results from this light test will follow in an update to this report.
- 6.27** Based on these elements, the proposal is contrary to Local Plan Policy CP4 causing unacceptable harm to the neighbouring property through way of loss of privacy and loss of daylight, whilst also creating a level of oppressiveness to number 66 Church Road.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1** To conclude, it is felt that the proposed extensions and alterations fail to comply with Local Plan Policy CP7 and the advice provided within the Supplementary Planning Document: Residential Alterations and Extensions. The proposal is also not compliant with Local Plan Policy CP4 and will result in an unacceptable impact on neighbouring amenity.
- 7.2** It is recommended that members resolve to refuse planning permission based on the analysis set out within this report, and for the reasons set out below. The proposal fails to achieve the desired level of subservience whilst also having an unacceptable impact on the adjoining neighbour.

## 8. REFUSAL REASONS

- 1 The proposed extension, by virtue of its scale, fails to achieve the necessary subservience to the main dwelling and is therefore contrary to the provisions of policy CP7 of the Cheltenham Borough Local Plan and advice contained within the Council's adopted SPD 'Residential Alterations and Extensions'.

Furthermore, the proposed first floor extension would result in the adjoining property losing further daylight to habitable rooms whilst having an oppressive and overbearing impact on the neighbouring property. For these reasons the proposal is contrary to policy CP4 of the Cheltenham Borough Local Plan.

APPLICATION NO: 16/01402/FUL		OFFICER: Mr Gary Dickens
DATE REGISTERED: 4th August 2016		DATE OF EXPIRY: 29th September 2016
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr Rhodri Sutton	
AGENT:	Mr Adam Greenslade	
LOCATION:	64 Church Road, Leckhampton, Cheltenham	
PROPOSAL:	First floor side/rear extension over existing ground floor with small two storey element	

## Update to Officer Report

### 1. OFFICER COMMENTS

1.1. As mentioned in Section 4 of the Officer Report, the views of the Parish Council were sought and their comments have now been received.

1.2. **Parish Council**  
*19<sup>th</sup> September 2016*

The Council objects to the application for the following reasons:

- i. The proposed first floor French windows / balcony in Bedroom 3 would overlook neighbouring gardens. This is an unnecessary invasion of privacy that should be refused.
- ii. The existing extensions, although maybe a little untidy, do look in keeping with the existing house when viewed from Church Road because they are small scale, single storey, set back behind the rear wall of the original house and have the same colour and rendering. The Council tends to agree with the planning officer that the proposed two-storey extension, even if it has the same finish to match the existing house, would dominate the original dwelling as viewed from Church Road and would not play a supporting role in accordance with CP7.
- iii. The Parish Council is strongly in favour of allowing extensions wherever they are acceptable. The ability to extend homes is of very great benefit to residents and increases the availability of family homes and also the ability to support elderly relatives in the home. However, the Council opposes extensions that are seriously detrimental to neighbouring properties. The current proposal seems to seriously harm 66 Church Road, both in being overbearing and in loss of light, taking into account also the comments on this from the planning officer.
- iv. Given the constraints of the site and the imperative to avoid serious impact on 66 Church Road, the Council believes that the design of the proposed extension is unhelpful. The large flat roof and two-storey wall adjacent to 66 Church Road are particularly undesirable. The Council notes that this two-storey wall seems to be required primarily to accommodate the second staircase. The Council wonders if a different design with the roof sloping down to a single storey wall might still allow enough headroom for a staircase. The sloping roof would considerably reduce the degree of

overbearing and loss of light for 66 Church Road. It would also allow a window to bedroom 2 on the rear rather than the cumbersome dog-leg window to the front that is proposed by the application. In turn, this could avoid the need to bring the two-storey extension 1.2 metres forward of the existing extension, thereby reducing the length and bringing the front of the extension back into line with the rear wall of the original house. It is conceivable that, with a good roof design, this might sufficiently reduce the dominance over the original dwelling. A door between bedrooms 2 and 3 could allow furniture to be moved into bedroom 3 via the existing staircase so the second staircase would only need to handle people. The Council offers this suggestion to be as helpful as possible but without implying that it is architecturally feasible or that it would turn out to be acceptable.

## **2. CONCLUSION AND RECOMMENDATION**

The recommendation remains to refuse for the reasons as outlined in the Officer Report.

<b>APPLICATION NO: 16/01402/FUL</b>		<b>OFFICER: Mr Gary Dickens</b>
<b>DATE REGISTERED:</b> 4th August 2016		<b>DATE OF EXPIRY:</b> 29th September 2016
<b>WARD:</b> Leckhampton		<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Mr Rhodri Sutton	
<b>AGENT:</b>	Mr Adam Greenslade	
<b>LOCATION:</b>	64 Church Road, Leckhampton, Cheltenham	
<b>PROPOSAL:</b>	First floor side/rear extension over existing ground floor with small two storey element	

## Update to Officer Report (2)

### 1. OFFICER COMMENTS

- 1.1. As mentioned in point 6.26 of the Officer Report, a more detailed assessment is required to consider if any further reduction of light to the neighbouring property (number 64 Church Road) will be noticed as a result of the proposal.
- 1.2. The advanced light test has been completed as referred to in the P.J Littlefair document; Site Layout Planning for Daylight and Sunlight. The proposals will reduce the amount of light available to the ground floor window at number 64 Church Road, thus making an unacceptable situation noticeably worse, resulting in an inappropriate impact to the occupiers of the adjoining property.

### 2. CONCLUSION AND RECOMMENDATION

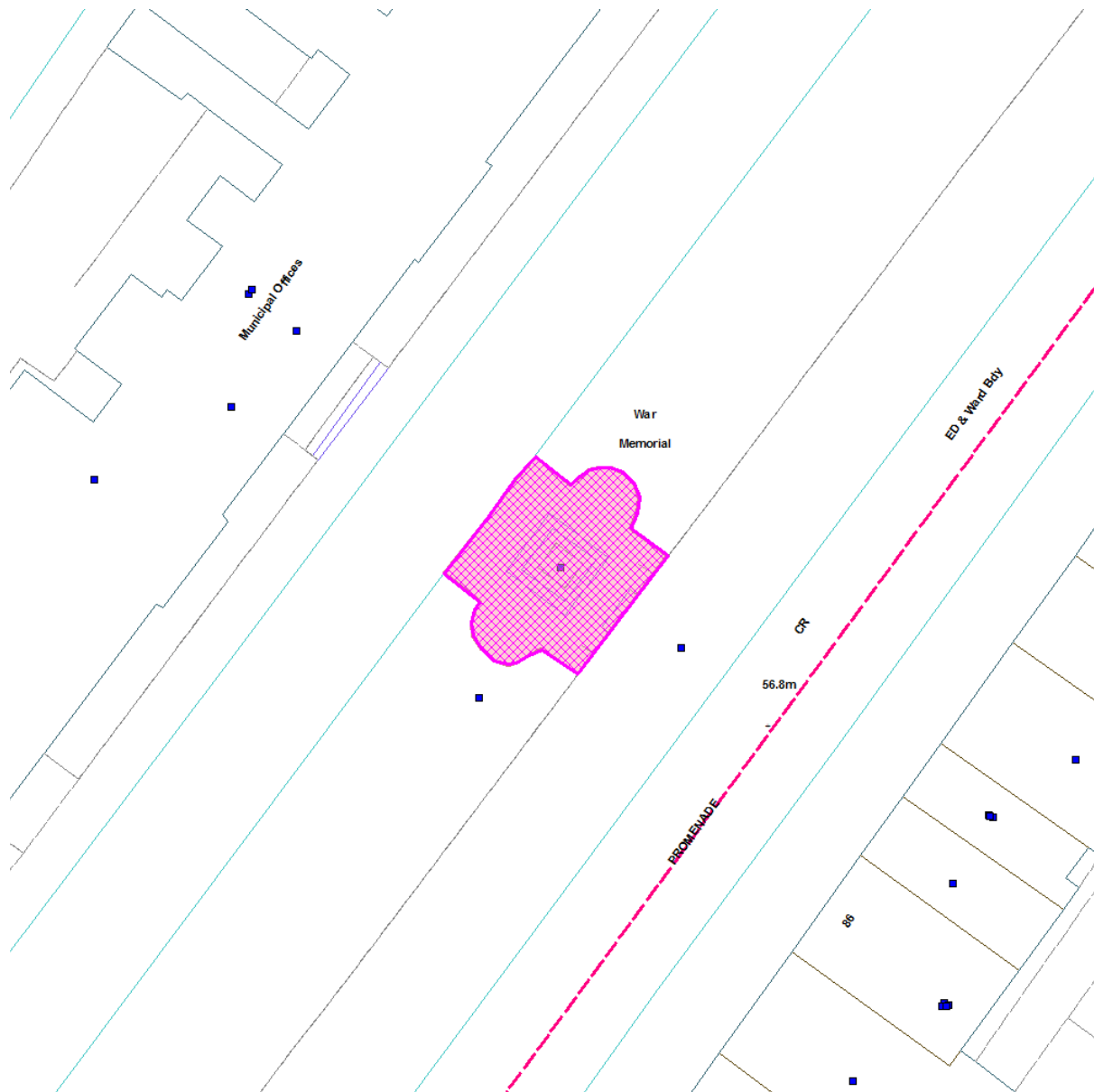
The recommendation remains to refuse for the reasons as outlined in the Officer Report.





<b>APPLICATION NO:</b> 16/01290/LBC	<b>OFFICER:</b> Mrs Ullin Jodah McStea
<b>DATE REGISTERED:</b> 19th July 2016	<b>DATE OF EXPIRY:</b> 13th September 2016
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Cheltenham Borough Council
<b>LOCATION:</b>	Cenotaph, Promenade, Cheltenham
<b>PROPOSAL:</b>	To renew 4no. lamps with 4 purpose fabricated globe lamps and caps

**RECOMMENDATION:** Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The War Memorial is located in a prominent position set centrally within formal gardens to the front of the Municipal Offices on the Promenade. Previously covered by the curtilage of the Municipal Offices, the Cenotaph was listed Grade II in its own right earlier this year.
- 1.2 The proposal is for the replacement of the 4 metal lanterns on each corner of the war memorial with recreations of the lamps which were a part of the war memorial in the 1920s.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Core Commercial Area  
Flood Zone 2  
Smoke Control Order

### Relevant Planning History:

**12/01767/LBC 11th February 2013 GRANT**

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

**14/01340/DISCON 24th September 2014 DISCHA**

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

**15/01604/LBC 10th December 2015 GRANT**

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

**16/00728/LBC 8th June 2016 GRANT**

Insertion of a narrow stainless steel flashing above inscription panels

**16/01296/CLBW 5th August 2016 CERTPU**

Cleaning works to the Cenotaph

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 3 Sustainable environment  
CP 7 Design

### Supplementary Planning Guidance/Documents

Montpellier character area appraisal and management plan (2007)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### War Memorials Trust

17th August 2016

Thank you for providing us with the opportunity to comment on the proposals to install new lamps around the Cheltenham Promenade war memorial.

Normally, we would raise a concern about the removal of a historic feature. However, in this instance we are happy for the current lamps to be replaced as they are a later replacement. Having reviewed the proposals we are pleased to see that the new lamps have been designed on the basis of strong historic evidence.

As a result, we do not wish to raise any objections.

If I can be of any further assistance, please do not hesitate to contact me.

### Historic England

25th August 2016

Thank you for your letter of 3 August 2016 notifying Historic England of the scheme relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

#### Recommendation

This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

If you would like further advice on this application, please contact us to explain your request. Please re-consult us if there are material changes to the proposals. We will then consider whether such changes might lead us to object. If they do, and if your authority is minded to grant consent, you should notify the Secretary of State of this application in accordance with the above Direction.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	0
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 and an advertisement was published in the Gloucestershire Echo.

## 6. OFFICER COMMENTS

- 6.1** The key consideration in relation to this application is the impact of the works on the listed building.
- 6.2** Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses.

- 6.3** This application is for the replacement of the existing metal lamps on the Cheltenham Cenotaph with reproduction lamps based on the design of the original lamps that were part of the war memorial in the 1920s.
- 6.4** This proposal is similar to one that was part of an application submitted last year, but which was withdrawn following concerns expressed by Historic England.
- 6.5** Whilst Historic England did not object to the principal of lanterns that 'better represent the historic form of the war memorial' they felt that further evidence was needed to gain a better understanding of the historic form, and that what had been presented was insufficient to justify the change.
- 6.6** This application contains a number of drawings, and photographs of the original version of the proposed lanterns. In addition, the applicant states that during the meetings of the War Memorial Project Group 'part of the discussion revolved around the existing lamps not being the original fitting and they are now reaching the end of their lives and if to be retained would need overhauling and renewal of the electrical parts and general refurbishing, this taken together with the fact they were not the original lamps it was felt by the project group the right time to replace them, and that the opportunity to put in something more appropriate to the original lamps.'
- 6.7** This year both Historic England and the War Memorials Trust were consulted on this application, and the response was quite different. Historic England did not offer any comments whilst the War Memorials Trust response was positive; they had no objection to the replacement of the later lamps being replaced with ones designed on the basis of 'strong historic evidence'.
- 6.8** The proposals in this application will be replace the non-original and deteriorating lamps with ones that are based on the original war memorial lamps. As such they will have a positive impact on Cheltenham's war memorial.

## 7. CONCLUSION AND RECOMMENDATION

The granting of Listed Building Consent, subject to the conditions below is recommended.

## 8. SUGGESTED CONDITIONS

- 1 The works hereby granted shall be begun before the expiration of five years from the date of this consent.  
  
Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 All disturbed surfaces shall be made good using materials to match the existing materials, composition, form, finish and colour of the existing building.

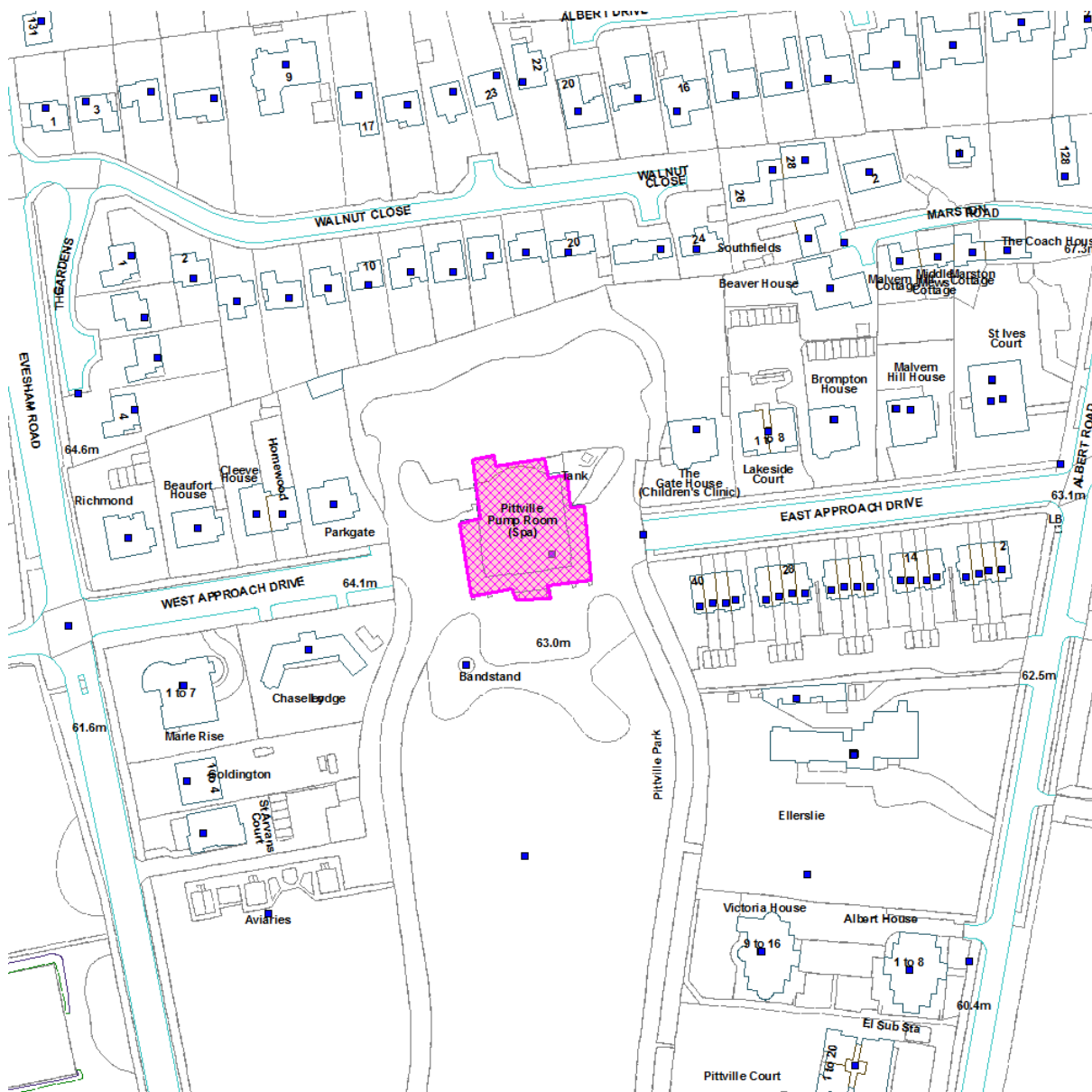
## Page 77

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy BE9 of the Cheltenham Borough Local Plan (adopted 2006) and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).



<b>APPLICATION NO:</b> 16/01291/LBC	<b>OFFICER:</b> Mrs Ullin Jodah McStea
<b>DATE REGISTERED:</b> 27th July 2016	<b>DATE OF EXPIRY:</b> 21st September 2016
<b>WARD:</b> Pittville	<b>PARISH:</b>
<b>APPLICANT:</b>	The Applicant
<b>AGENT:</b>	Property and Asset Management
<b>LOCATION:</b>	Pittville Pump Room, East Approach Drive, Cheltenham
<b>PROPOSAL:</b>	Replace internal door at Pittville Pump Room

**RECOMMENDATION:** Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The historic Grade I listed Pittville Pump Rooms were designed by the architect John Forbes for William Pitt, as a centrepiece for the latter's town of 'Pittville'. It was constructed between 1825 and 1830.
- 1.2 The applicant seeks Listed Building Consent for the installation a replacement door on the first floor of the building.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area  
Listed Buildings Grade 1

### Relevant Planning History:

**03/00867/LBC 1st October 2003 GRANT**

Installation of lightning conductor system to BS 6515:1999

**03/01162/LBC 21st October 2003 WDN**

Refurbishment to box office in foyer. Internal work

**03/01163/LBC 21st October 2003 WDN**

Installation of modern catering kitchen, re-plastering throughout (no alteration to vent or water routing/waste)

**04/00117/LBC 6th April 2004 GRANT**

Installation of modern catering kitchen, repairs to plaster. New extract vent at roof level no alteration to water routing/waste

**04/00118/LBC 6th April 2004 GRANT**

Refurbishment to box office in foyer (all internal work)

**04/00719/LBC 3rd August 2004 GRANT**

Installation of a new lift and associated internal alterations

**04/00926/LBC 1st July 2004 PGOSW**

Replacement of failed render with stone above lead flashing detail on south elevation at first floor level

**05/00938/FUL 21st July 2005 WDN**

New gates and railings at East Approach and West Approach entrances to Pittville Pump Rooms and Park

**05/00939/LBC 18th July 2005 WDN**

New gates and railings at East Approach and West Approach entrances to Pittville Pump Rooms and Park .

**05/01664/FUL 27th June 2006 WDN**

New gates and railings at East Approach and West Approach entrances to Pittville Pump Room and Park

**05/01665/LBC 27th June 2006 WDN**

New gates and railings at East Approach and West Approach entrances to Pittville Pump Rooms and Park.



**06/00700/LBC 22nd June 2006 WDN**

Automation of principal entrance doors to improve disabled access including installation of external barriers

**07/00361/FUL 25th May 2007 PER**

New gates and railings at East Approach entrance and West Approach entrance to Pittville Pump Rooms and park

**07/00362/LBC 25th May 2007 GRANT**

New gates and railings at East Approach entrance and West approach entrance to Pittville Pump Rooms and park

**07/01529/LBC 22nd January 2008 GRANT**

Removal of maple boarding on battens laid over original pine boarding and replacement with oak boarding on plywood underlayment over pine boarding, with reinstatement of existing heating system to Main Hall and Spa Room and addition of solar panel assembly mounted on external parapeted flat roof over Oval Room

**08/01485/LBC 12th January 2009 GRANT**

Internal redecoration of the first floor rooms, the ground floor entrance foyer and the second staircase together with minor building works, and reinstatement of fittings relevant to the rooms being decorated

**10/00064/LBC 13th April 2010 GRANT**

Relocation of partition wall within rear chair store and modifications to chair store entrance

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

**Adopted Local Plan Policies**

CP 7 Design

BE 9 Alteration of listed buildings

**Supplementary Planning Guidance/Documents**

Central conservation area: Pittville Character Area and Management Plan (July 2008)

**National Guidance**

National Planning Policy Framework

### **4. CONSULTATIONS**

**Historic England**

*2nd August 2016*

Thank you for your letter of 28 July 2016 notifying Historic England of the scheme relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Recommendation

This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

If you would like further advice on this application, please contact us to explain your request. Please re-consult us if there are material changes to the proposals. We will then consider whether such changes might lead us to object. If they do, and if your authority is

mind to grant consent, you should notify the Secretary of State of this application in accordance with the above Direction.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	0
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 and an advertisement was published in the Gloucestershire Echo.

## 6. OFFICER COMMENTS

- 6.1 The key consideration in relation to this application is the impact of the works on the listed building.
- 6.2 Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses.
- 6.3 This application is for the installation on an internal door on the first floor of the Pittville Pump Rooms.
- 6.4 The door that would have been in this opening and has been removed at some time in the past, and the opening has been left unfilled.
- 6.5 The proposed replacement door will be identical in design to those in the surrounding openings.
- 6.6 The refilling of this opening with an appropriately designed door will have a positive impact on the character of the listed building. It is an acceptable proposal.

## 7. CONCLUSION AND RECOMMENDATION

The granting of Listed Building Consent, subject to the conditions below is recommended.

## 8. CONDITIONS

- 1 The works hereby granted shall be begun before the expiration of five years from the date of this consent.
- Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 3 All disturbed surfaces shall be made good using materials to match the existing materials, composition, form, finish and colour of the existing building.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy BE9 of the Cheltenham Borough Local Plan (adopted 2006) and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

