



Notice of a meeting of Planning Committee

**Thursday, 20 October 2016
6.00 pm
Council Chamber - Municipal Offices**

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

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

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 18)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **16/01597/FUL 6 Wards Road** (Pages 19 - 26)
 - b) **16/01180/FUL Charlton Kings Hotel, London Road** (Pages 27 - 52)
 - c) **16/01283/FUL 45 Whitethorn Drive** (Pages 53 - 74)
 - d) **16/01284/LBC Cudnalls Bridge, Cirencester Road** (Pages 75 - 82)
 - e) **16/01545/FUL Former Garage Site, Burma Avenue -
DEFERRED**

f) 16/01546/FUL 148 Bath Road

(Pages 83 - 96)

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

Contact Officer: Judith Baker, Planning Committee Co-ordinator

Email: builtenvironment@cheltenham.gov.uk

Planning Committee

22nd September 2016

Present:

Members (15)

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

Officers

Tracey Crews, Director of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Michelle Payne, Senior Planning Officer (MP)
Claire Donnelly, Planning Officer (CD)
Gary Dickens, Planning Officer (GD)
Ullin Jodah McStea, Heritage and Conservation Officer (UJM)
Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillor Savage sent apologies for late arrival at the meeting.
Councillor Sudbury gave apologies for early departure from the meeting.

2. Declarations of interest

There were none.

3. Declarations of independent site visits

Councillor Nelson had visited 15 Greenhills Road, Stables at Hyde Lane, and 64 Church Road.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 18th August 2016 be approved and signed as a correct record without corrections.

Note, the applications were considered in a different order to the published agenda.

6. Planning applications

Application Number: **16/01290/LBC**
Location: **Cenotaph, Promenade, Cheltenham**
Proposal: **To renew 4no. lamps with 4 purpose fabricated globe lamps and caps**
View: **Yes**
Officer Recommendation: **Grant**
Committee Decision: **Grant**
Letters of Rep: **0** Update Report: **None**

UJM introduced the application as above, explaining that it is the top sections of the lamps which are to be replaced. The war memorial was unveiled in 1921, with the original lamps added a few years later. These were replaced during the 1950s with the current lamps, but these have now come to the end of their lifetime. The intention is therefore to replace them with replicas of the original 1920s lamps. The recommendation is to grant listed building consent.

Public Speaking:

There was none.

Member debate:

PT: asked for clarification of the drawings – there appears to be some sort of stick on the top. Will they be the same as the lamps at the Town Hall?

UJM, in response:

- what PT is referring to is actually a line showing the dimensions of the finial on the cap of the lamp, based on the original round lamps. They will be similar to those at the Town Hall, but not the same.

CH: can't remember ever having seen the lamps lit? Is happy to support the application, but it would be nice to see the lamps lit sometimes.

UJM, in response:

- does not oversee these matters and therefore has no answer for this.

MC: for clarity, what are the units of the dimensions?

UJM, in response:

- they are in centimetres – '49' = 49cm, or 0.49 of a metre.

Vote on officer recommendation to grant listed building consent

14 in support – unanimous

GRANT

| | |
|-------------------------|---|
| Application Number: | 16/01291/LBC |
| Location: | Pittville Pump Room, East Approach Drive, Cheltenham |
| Proposal: | Replace internal door at Pittville Pump Room |
| View: | Yes |
| Officer Recommendation: | Grant |
| Committee Decision: | Grant |
| Letters of Rep: | 0 |
| Update Report: | None |

UJM explained that this application for listed building consent is at Committee because the applicant is CBC. The proposed work is the installation of a replacement door in a currently empty doorway. The door will be a replica of the original doors in situ elsewhere in the building.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to grant listed building consent

14 in support – unanimous

GRANT

| | |
|---------------------|---|
| Application Number: | 16/01149/FUL |
| Location: | 15 Greenhills Road, Charlton Kings, Cheltenham |

DEFERRED

| | |
|-------------------------|--|
| Application Number: | 16/01203/FUL |
| Location: | 332 London Road Charlton Kings Cheltenham |
| Proposal: | Single storey rear extension and new detached annexe building to side (resubmission of withdrawn application ref. 16/00776/FUL) |
| View: | Yes |
| Officer Recommendation: | Refuse |
| Committee Decision: | Permit |
| Letters of Rep: | 7 |
| Update Report: | None |

MP introduced the application as above. The recommendation is to refuse because planning policy requires an annexe to have dependency on the host building – this has no reliance, and its size, two bedrooms and raised patio make it tantamount to a separate dwelling. Officers consider it should therefore be determined on that basis and that, as such, it represents over-development, with the scale, mass, bulk and footprint of the proposed dwelling overwhelming to the size of plot; it appears to be ‘shoehorned’ in. There is also insufficient evidence that suitable visibility splays can be achieved for the shared access. It is at committee at the request of Councillor Paul McCloskey.

Public Speaking:

Councillor Paul McCloskey, in support

Explained that the applicant moved to Cheltenham with his family in 2011, and would now like to create ancillary accommodation for his wife's elderly parents. Two bedrooms are necessary in case one is ill or needs care; the bathroom will need to be able to cope with someone in a wheelchair, maybe with a carer. What is proposed is the minimum necessary, not excessive. The family is acting responsibly in view of growing problems with social care across the country. The trees officer is now fully satisfied with the proposal, and conditions will be strictly adhered to, in addition to planting further trees as the landscaping progresses. Regarding highways issue, the TRO to reduce the speed limit on London Road from 40 to 30mph has passed the consultation phase, and at 30mph, a 54-metre splay is sufficient to satisfy Highways requirements. Any traffic issues disappear if you turn left out of the drive and then right into Hearne Road. Officers are concerned that any future application to subdivide the plot would be difficult to resist, but understood that it is not the committee's job to speculate on what might happen at some time in the future, but to judge the application as it stands. Asks Members to consider carefully the officer's comment in the report that in view of Cheltenham's lack of a 5-year housing supply, 'the application should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. These people have the right to family life and dignity in old age, and urges the committee to support the application.

Mr Nigel Jobson, applicant, in support

Co-owns 332 London Road with his wife – they are not commercial developers, and the proposed annex is for his parents-in-law, who have sold their 4-bedroomed home to generate capital for their retirement. They are a close family, and want to help and support their parents as their health inevitably deteriorates, lessening the burden on wider society. Having them so close will also reduce the need for frequent care journeys which would be required if they were living elsewhere. The local housing stock is varied in terms of age, design, size and proximity to the road. The design and position of the annex is subservient to the house, with low visual impact from all directions, especially London Road; the fence and mature trees will obscure all but the very top of it. The location and width aligns to the already approved plans for a double garage and drive access, and the garden will not be sub-divided. Neighbours at 330 and 328 London Road and at 5 Courtfield Drive support the scheme. The planning officer considers the annex is being shoehorned into the site with limited space between it and the main house, but would draw Members' attention to 228 London Road, where two large 4-bedroomed dwellings are to replace one single house, with just 1.8m between them and limited garden and drive access. Since buying 332 London Road, have received canvassing letters from developers seeking to purchase the plot, with a view to demolishing the house and replacing it with up to seven residential units. This would be financially advantageous, but the family bought the house with a view to it being their home forever.

Member debate:

SW: was initially very much with the officers on this one, wondering what anyone with a house as big as this want with a second building in their garden. Now apologises for this view; it is clear what they want it for. Officers say the annex is 'shoehorned' into the site, but cannot support this comment – has seen sites of a similar size with 15 dwellings proposed. Highways officers have made their comments which need to be taken into account, but other properties have much more awkward exits onto faster roads than this. Therefore is really struggling with the objections, and is minded to support the application.

HM: it seems a pity that the Highways Officer wasn't aware of the TRO under consultation. As PM said, this is about to be implemented subject to a planning application elsewhere in London Road. At 30mph, the required visibility splay will be much reduced. Supports the application if a condition is included to ensure that the house is not habitable until the 30mph limit is in place.

PB: would not support HM's suggested condition, knowing the pace at which Shire Hall moves – it could take years, and such a condition would be unfair. The current house could have four cars serving it, and yet one additional dwelling is unacceptable in highways terms; visibility to the right is extensive, and considered OK for the house as it is. The application is for a bungalow in the grounds of the house – this should not be allowed to be sold separately, only as a single item with the main house. Sees planning as holistic, and Members need to consider how the scheme will be used and what is the best use for the plot. This case is compelling, and as long as a condition is attached to ensure that the annex can only be sold with the main house, is happy to support the application.

CH: anticipated some years ago that there would be an increase in the number of proposals to accommodate parents at home; expects we will see applications such as this more and more often as time goes on. It isn't just about elderly parents – a similar scheme could be used to accommodate a disabled child, giving them semi-independence in their own space. We need to take these considerations very seriously; it is better all round, for society and for families to have relatives looked after at home. We need to look at how to protect the property, however, and ensure that the applicants can't say one thing now and do something else next year.

BF: takes issue with the officer opinion that the annex is 'shoehorned' in to the plot – it is enormous. It isn't a separate house with a separate entrance, and there is nothing in planning guidance to say that an annex has to be attached to the main house. Regarding the design, it won't win any prizes, but has seen worse. Can't accept that this plot is being overdeveloped or falls under the SPD on garden land development. This is an annex; it is substantial, but that is the owner's choice – the planning authority should not dictate. Cannot go with the refusal reasons.

KS: has kept an open mind with this, and can see potential problems regarding visibility, with more cars using this plot. Regarding the materials, is not sure about timber cladding; this often ends up looking bad after a few years, so could the annex not have a finish similar to the main house? If it is rendered in the same way, it would look more subservient and similar to the main house – more like an annex. If the application is permitted, there should be a condition to ensure that the annex cannot be sold separately. It is acceptable that a house this big should have an annex; her main concern is the timber cladding.

CN: there is an interesting range of applications on the agenda tonight – when looking at them before the meeting, wasn't sure which way to vote on the night – but this application is unfortunate and at a disadvantage in being the first to be considered, bearing in mind other applications coming later. Thanks the two speakers for their eloquent and sincere presentations. Committee members are advised by officers and must listen intently to what they say and take their opinions on board, but at the end of the day, committee members are councillors, elected to represent the people of the town. As PB said, a holistic approach to planning must be taken. Has listened to the speakers and other councillors, and senses a mood of changing opinions. We all know the town has a problem with its 5-year housing supply and is in acute need of new housing. As CH has said, we have an ageing population, and sustainable solutions to their future care, such as this, make sense. May struggle to find planning reasons to support the officers' recommendation, but is currently minded to support the applicant.

PT: wants to agree with PB. If there is a tie-in between the two units so one cannot be sold without the other, this would show up on searches and be established for the foreseeable future. With this condition, will support the application.

MP, in response:

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- if Members are looking to support the proposal, the tie-in between the two properties will need to be secured by a legal agreement rather than a condition – a condition such as this is difficult to enforce;
- to KS, regarding materials, we cannot attach a condition requiring the building to be rendered – it would not lend itself to a rendered finish;
- if Members are happy considering the proposed dwelling purely as an annex, access is acceptable – that is Highways advice.

NJ, in response:

- Members need to be mindful that officers have pointed out that the proposed development could provide independent living accommodation – a separate planning unit – and this should be at the forefront of their minds when determining this application.

MP, in response:

- Would also remind Members that, as an annex, this proposal would not contribute to the housing supply in the borough.

PT: is NJ saying that we can't have a legal agreement to ensure that the annex cannot be sold independently?

NJ, in response:

- It is possible to tie the dwellings together by way of an S106 agreement, but applications to vary these can be made in the future.

CN: even if the annex doesn't count in the 5-year housing supply, but two elderly people down-sizing to this dwelling means that their house is now available for someone else.

Vote on officer recommendation to refuse

4 in support

9 in objection

2 abstentions

Motion not carried

MP, in response:

- If Members are minded to permit, officers would like the Trees Officer's five recommended conditions attached to ensure the retention of the TPO'd trees – as set out in the report.

Vote to permit with S106 agreement and tree-related conditions

10 in support

5 abstentions

PERMIT

NOTE: KS left the meeting at this point.

| | | | |
|-------------------------|---|----------------|-------------|
| Application Number: | 16/00276/FUL | | |
| Location: | Stables, Hyde Lane, Swindon Village | | |
| Proposal: | Conversion of existing stable block to provide 2no. dwellings with associated change of use of land to residential | | |
| View: | Yes | | |
| Officer Recommendation: | Permit | | |
| Committee Decision: | Permit | | |
| Letters of Rep: | 4 | Update Report: | None |

MP introduced the application as above. The site is in the north of the borough, in the green belt, at the end of an unmade track. It is at Committee because the Parish Council has objected. Although officers had initial reservations, they are now satisfied that this work can be undertaken and is appropriate to a rural setting, and the recommendation is therefore, on balance, to permit.

Public Speaking:

None.

Member debate:

HM: is concerned about the access. The site is at the end of a long, narrow track. When other similar schemes have been considered, passing places have been discussed. Is there any intention to have them here? If not, what will happen when one vehicle meets another?

BF: wants to move to refuse. This proposal is for a conversion in the green belt; if it was for a farm building, it could be done without planning permission. It is currently a stable – an appropriate leisure and sporting use – in the heart of the green belt, and not part of strategic sites to be taken out. This development is therefore inappropriate. If the proposal is permitted and subsequently falls down, it would be difficult to resist an application for full planning permission having agreed the principle of building in the green belt. The ground is prone to flooding – a lot of work would have to be done to avert potential problems – and the design is appalling for the green belt. HM has mentioned access, which will be difficult in winter, and also for dustbin and recycling collections every fortnight. Also, the site is close to the public right of way, part of the circular route around Cheltenham, which is well-used by walkers with dogs etc. The fields around the site will remain as grazing. In view of the poor access and inappropriate development in the green belt, will move to refuse on grounds of CO13, CO6 and CP7.

SW: echoes BF's comments. This scheme is so contrived it's not true. These are not agricultural buildings, but a poorly-built stable – it is very dilapidated, and if it falls down, where will the planning authority stand regarding the two dwellings? Will our hands be tied? Will support BF's objections; we would not allow these houses to be built afresh, and adapting a poor-quality building and calling it a conversion is just too contrived.

DS: is the road due for resurfacing or will it be left as it is and presumably be unadopted when the proposal is finished?

MP, in response:

- To HM, there are no identified passing places, but Highways assessment suggests that the first 5m of the access should be modified to have a minimum width of 4.1m, with 4.5m entry and exit radii, to ensure satisfactory means of access is provided and maintained;
- To DS, the road would need to be resurfaced, but is unlikely to be adopted;

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- Regarding concerns about precedent and whether the building is capable of conversion, the information submitted to date has been reviewed by building control; a robust method statement could be required by condition. If at any point the building cannot be converted, an application would be needed to rebuild and this would be considered on its own merits – and would be contrary to policy. This application is only being considered because it is a conversion;

PT: how can we consider it without that additional information - neither a full planning application or a method statement – it isn't right to do so at this stage. Have the applicants had any discussions concerning this?

PB: supports the application. The timber blends in well and looks appropriate, although the design isn't great. Officers have investigated to make sure the building is capable of conversion, and this is the only way the two dwellings can be achieved – newbuild here is not appropriate. The town is short housing, and these two units are needed. There were conflicts regarding highways and rights of way, but no objections raised. Is happy to support officers – it could be better but it is OK.

PT: MP said the road had to be a certain width at both ends. Does this have to be achieved before any building takes place?

MP, in response:

- Has been back to the agent twice for more information to give to the building control manager comfort that the building can be converted, but what officers have is all that has been provided during the application period;
- Regarding the width of the road, has suggested a condition that no other work should commence on the site until that work is carried out;

Vote on officer recommendation to permit

7 in support

6 in objection

1 abstention

PERMIT

| | |
|-------------------------|---|
| Application Number: | 16/01402/FUL |
| Location: | 64 Church Road, Leckhampton, Cheltenham |
| Proposal: | First floor side/rear extension over existing ground floor with small two storey element |
| View: | Yes |
| Officer Recommendation: | Refuse |
| Committee Decision: | Refuse |
| Letters of Rep: | 0 |
| Update Report: | Officer comments re light test |

GD introduced the application as above, at Committee at the request of Councillor Nelson. The reasons for the recommended refusal are two-fold: firstly the unacceptable impact the proposed extension will have on the neighbour's amenity, in particular daylight, and secondly that it will not achieve the desired level of subservience.

Public Speaking:

Mr Adam Greenslade, of Brodie Manning, in support

The applicant's intention is to improve the overall appearance of his home and secure a much-needed additional bedroom for his growing family, rather than move away from the area where he's lived for over 16 years and is involved in the community in a business and personal level. The applicant has

devoted a substantial amount of time to the sympathetic renovation of the internal space and re-building the garage in consultation with the conservation officer. He would now like to focus on the outside of the building, providing a coherent rear addition to replace the ad hoc extensions of the past. In the design process, a constraint has been the location of a ground floor window at the neighbouring property. This window is already compromised by the built form on both properties, supported by the a British Research Establishment 'right to daylight' calculation which demonstrates no greater loss of light to this window will result from the current proposal. The aim of the design is to reduce the built of the built form along this boundary by introducing a flat roof and moving the gable away from this boundary, which would arguably act as an improvement whilst ensuring a sympathetic design solution. There was no objection from the neighbouring property when the proposal was submitted.

Member debate:

CN: the update refers to the proposed extension reducing light to the neighbouring window, but by how much?

SW: the pivotal point is ground floor window; if there was an objection from next door or if the proposal would break the daylight angle, could not support it, but as there is already inhibition to the neighbour's window from the current building and the neighbour doesn't appear to have any objection, is in favour. The building will look a lot better than its current ramshackle state, with bits on the back here and there – this tidies it up. Is minded to support.

PB: agrees with SW. That there is no objection from the neighbour is pertinent. The existing building is a bit of a mish-mash, and this will tidy it up. Can see there are grounds to refuse, but on balance can support the proposal.

PT: listening to the agent, it sounds as if the new extension will be moved back from the boundary a bit – won't this improve the situation? If so, we should support the application.

MJC, in response:

- The major point here is the impact on the neighbour. The existing extension has a significant impact on the neighbour's ground floor window, and this proposal will make it worse. Members seem to be saying that because the window is already overshadowed, this doesn't matter;
- Officers have requested a detailed light assessment to understand the severity of the light loss, and trying to establish if it will be noticeable, by testing how much light the window receives now and how much it will receive post-extension. If the loss is more than 20%, it will be noticeable. Calculations suggest that the best part of one-third of the existing light to the window will be lost;
- This guidance is what officers use as best practice, using a method which 'quantifies' daylight. With a score of less than 27 a room is considered poorly lit; the room currently scores 19, and after the extension will score 13. There has been no objection from the neighbour, but the proposal will undoubtedly make the light situation a lot worse;
- Officer opinion is that the design is not inspiring, and that a two-storey flat roof extension on the back of a charming cottage will not enhance it in any way;
- These two issues together make a strong reason to refuse the application, and similar proposals have been dismissed at appeal.

CN: thanked officers for the comprehensive answer on the light issue. Members have considered various applications tonight to expand properties for different reasons, all of which have been accepted. Every applicant has different personal circumstances, but in this case, the applicant has lived here for a while, loves the area, and wants to improve his home or his family. It has been suggested that the design will improve the appearance of the back of the house. On the issue of light,

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there have been no objections from neighbours; wonders whether the reality on the ground will be different from the technical assessment? The works will have no impact on Church Road, and will improve things at the back. In view of this, and no formal objection from the neighbour, is minded to support the application.

BF: is not in favour. With planning applications, legitimate reasons are needed to refuse, and there is one here. The loss of light is not borderline; it is extreme. The light test is important, and loss of light will impact on the neighbour's environment day in day out. In view of the detailed light assessment, it would be wrong to go against the officer recommendation; planning is quasi-judicial, and to ignore the light test would be foolish.

CH: one of the drawings appears to show a pitched room right across to the neighbour's property. Is that right?

GB: Members were confused by this on the site visit; the extension is quite difficult to envisage.

MJC, in response:

- Essentially the scheme has a lean-to at ground level, and behind that a first floor extension the full width of the property, including a gable with French doors;
- The flat roof extension projects further into the garden than the existing, and it is this which will cause loss of light to the neighbouring property.

SW: looking at the map and at Google earth, notices the property faces due south, and would suggest that if the sun is shining, the building will reflect the light in rather than take it away, after reducing it first thing in the morning. Is still in favour of supporting this scheme.

NJ, in response:

- The technical evidence would suggest opposite; Members need to be mindful of that.

MJC, in response:

- Agrees with NJ. It is difficult to blur sunlight and daylight. The daylight test is just about sky; it is a thorough test, national best practice, and this proposal is a strong fail.

CN: if the rear of the property is south-facing, it will receive a lot of sunlight throughout the day. Reinforces what SW has said.

GB: but as the officer has said, sunlight and daylight are not the same. This proposal does not pass the daylight test. It is Members' prerogative to go against officer recommendation, but planning reasons will be needed to support this.

Vote on officer recommendation to refuse

11 in support

3 in objection

REFUSE

| | |
|-------------------------|---|
| Application Number: | 16/01414/FUL |
| Location: | 30 Glebe Road, Prestbury, Cheltenham |
| Proposal: | Single storey rear extension |
| View: | Yes |
| Officer Recommendation: | Permit |
| Committee Decision: | Permit |
| Letters of Rep: | 1 |
| Update Report: | None |

MJC introduced the application as above, saying it has been reduced in depth during consideration. It is at Planning Committee because the Parish Council has objected.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

14 in support – unanimous

PERMIT

| | | |
|--|--|--|
| APPLICATION NO: 16/01597/FUL | | OFFICER: Miss Chloe Smart |
| DATE REGISTERED: 6th September 2016 | | DATE OF EXPIRY: 1st November 2016 |
| WARD: Up Hatherley | | PARISH: Up Hatherley |
| APPLICANT: | Mr Paul Turner | |
| AGENT: | BPL Architecture | |
| LOCATION: | 6 Wards Road, Cheltenham | |
| PROPOSAL: | Proposed erection of a wheelchair lift at the front of the property and relocation of front door | |

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a detached property which is located within the ward of Up Hatherley. Planning permission is sought for the erection of a wheelchair lift at the front of the property.
- 1.2 The proposed wheelchair lift would project 1.2 metres from the front wall of the existing dwelling and would have a width of 1.5 metres. The highest point of the lift would measure 8.1 metres in height. The application is accompanied by a supporting statement outlining the medical requirements for the proposal; however, due to nature of the information, this has been treated as confidential.
- 1.3 The application is before planning committee following a request from Councillor McKinlay who considers that due to the special circumstances of the case, the application should be considered by planning committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

N/A

Relevant Planning History:

04/01663/FUL 1st November 2004 PER

Alteration of front flat roof to pitched roof

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

9th September 2016

No objection.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|---|
| Number of letters sent | 8 |
| Total comments received | 2 |
| Number of objections | 0 |
| Number of supporting | 2 |
| General comment | 0 |

- 5.1** Eight letters have been sent to neighbouring properties and two responses have been received in support of the proposal.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The main considerations in relation to this application are the design of the proposal and the impact on neighbouring amenity. The personal circumstances of the applicant also have to be given due consideration given the nature of the proposal.

6.3 Design

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

- 6.5** The proposal is essentially for a full height extension to the front of the existing dwelling. The Supplementary Planning Document: Residential Alterations and Extensions provides guidance in extending residential properties to ensure the character of residential areas is not eroded through poorly designed alterations and extensions. This emphasises the importance of retaining the character of existing buildings and seeks to ensure extensions are respectful to the parent dwelling.

- 6.6** The proposed lift extension would be located at the front of the dwelling and would therefore be highly prominent within the street scene. The materials proposed for the extension are black reflective glass panels. Having assessed the proposal with the above guidance in mind, it cannot be disputed that the extension would represent a dominant feature to the front of the property which would be an incongruous and alien addition to the character and appearance of the original dwelling and the surrounding locality.

- 6.7** Members will be aware that this application has been submitted as a result of a medical need and due to the personal circumstances of the applicant. Whilst officers fully recognise and understand this, planning legislation places a requirement for applications to be determined in accordance with the development plan, which in this instance is the Local Plan, unless material considerations indicate otherwise.

- 6.8** The above assessment of the impact of the proposal on the character of the original dwelling and the street scene demonstrates that there is clear harm as a result of the proposal in the case of Local Plan Policy CP7 and the adopted Supplementary Planning Document. The judgement therefore has to be whether or not the personal circumstances of the applicant outweigh the shortcomings of the scheme from a design perspective.

- 6.9** The submitted covering letter states that if it had been possible to install a lift internally within the building, then this would be a simpler exercise. Officers felt that due to the circumstances involved, a thorough site visit was necessary to ensure any recommendation was made with a full picture as to the internal and external layout of the property in mind.

- 6.10** Having carried out this visit, it is considered that there are alternative options which would be significantly less harmful to the character and appearance of the application property and the surrounding locality. It is acknowledged that these are likely to be more costly and would result in the loss of internal floorspace, but it does appear to be the case that there are alternative locations possible, many of which would not require the benefit of planning permission.

- 6.11** It is recognised that there will be significant benefits to the occupants of the property as a result of the location of the lift extension which would result in minimal internal disruption

to the original house, retaining existing floorspace within the dwelling but also during construction. In addition, it is also recognised that the proposed alterations to the dwelling could be fully reversed in the future. That said, and very much on balance, officers are unable to support the scheme as a result of the harm identified in light of the relevant policy considerations; the addition will read as an overly discordant feature within the street scene and this is not outweighed by the benefits to the applicant, particularly when less intrusive options are available

- 6.12** Further discussions with the applicant would be fully welcomed by officers in order to give more consideration to other options to achieve a less intrusive proposal that still achieves the needs of the applicant. However, the applicant wishes for the proposal to be determined in its current form and given the proposal is contrary to policy CP7 and this is harm is not considered to be outweighed by the benefits to the applicant, officers consider the recommendation should be one of refusal.

6.13 Impact on neighbouring property

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

- 6.15** The proposal is not considered to result in any unacceptable impact on the amenity of neighbouring properties. There would be no loss of light, overbearing impact or loss of privacy.

- 6.16** The proposal therefore meets the requirements of Local Plan Policy CP4.

6.17 Other considerations

- 6.18** Officers recognise that this is a sensitive application, in that the works are proposed purely to address the mobility needs of the applicant. As such, it is recognised that there is a balancing act between the harm and benefits of the proposal. As set out above, officers consider there is clear harm as a result of the extension and for the reasons discussed above, do not consider the harm can be outweighed by the benefits. That said, should members arrive at a different conclusion, the removal of the lift shaft upon sale of the property or until such time as it is no longer required by the applicant would be important. This would need to be the subject of a S106 agreement.

7. CONCLUSION AND RECOMMENDATION

- 7.1** In summary, it is recognised that the proposal has been submitted to address the mobility needs of the applicant. These personal circumstances have been taken into account in arriving at this recommendation; however it is considered that the proposal would result in a dominant addition within a prominent location in the street scene which would be an incongruous and alien addition to the character of the original property and the street scene. For these reasons, the application is contrary to Local Plan Policy CP7 and the SPD: Residential Alterations and Extensions.

- 7.2** Given the level of harm identified as a result of the proposal and given it is likely that alternative less harmful options could be achieved which still meet the needs of the applicant and do not present such a harmful addition to the property, officers do not consider that harm is outweighed by the benefits of the proposal.

- 7.3** For these reasons, the recommendation is to refuse the application for the refusal reason as set out below.

8. INFORMATIVES / REFUSAL REASONS

- 1 The proposed lift extension would represent a dominant addition to the front of the dwelling which would be an incongruous and alien addition to the character and appearance of the original dwelling and also the surrounding locality, by virtue of its prominent location.

For these reasons, the proposal is contrary to Local Plan Policy CP7 and Supplementary Planning Document: Residential Alterations and Extensions (Adopted 2008).

INFORMATIVES

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

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the harm identified as a result of the proposal.

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

| | | | |
|--|--|---|--|
| APPLICATION NO: 16/01597/FUL | | OFFICER: Miss Chloe Smart | |
| DATE REGISTERED: 6th September 2016 | | DATE OF EXPIRY : 1st November 2016 | |
| WARD: Up Hatherley | | PARISH: UPHATH | |
| APPLICANT: | Mr Paul Turner | | |
| LOCATION: | 6 Wards Road, Cheltenham | | |
| PROPOSAL: | Proposed erection of a wheelchair lift at the front of the property and relocation of front door | | |

REPRESENTATIONS

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

8 Wards Road
Cheltenham
Gloucestershire
GL51 6JW

Comments: 10th September 2016

As one of the adjoining property owners and neighbours we support this application. We believe that this proposed addition to the frontage of No 6 will be of great assistance in ensuring greater mobility and independence for Mrs Turner, providing her significantly reduced discomfort when negotiating the different levels of the dwelling. The proposed lift will also reassure us that it will provide Mrs Turner with an independent means of escape in the event of an emergency or other occurrence especially when her husband may not be readily available.

We also support the suggested black glass reflective panels which will in our opinion, enhance the frontage especially when compared to any alternative brick structure.

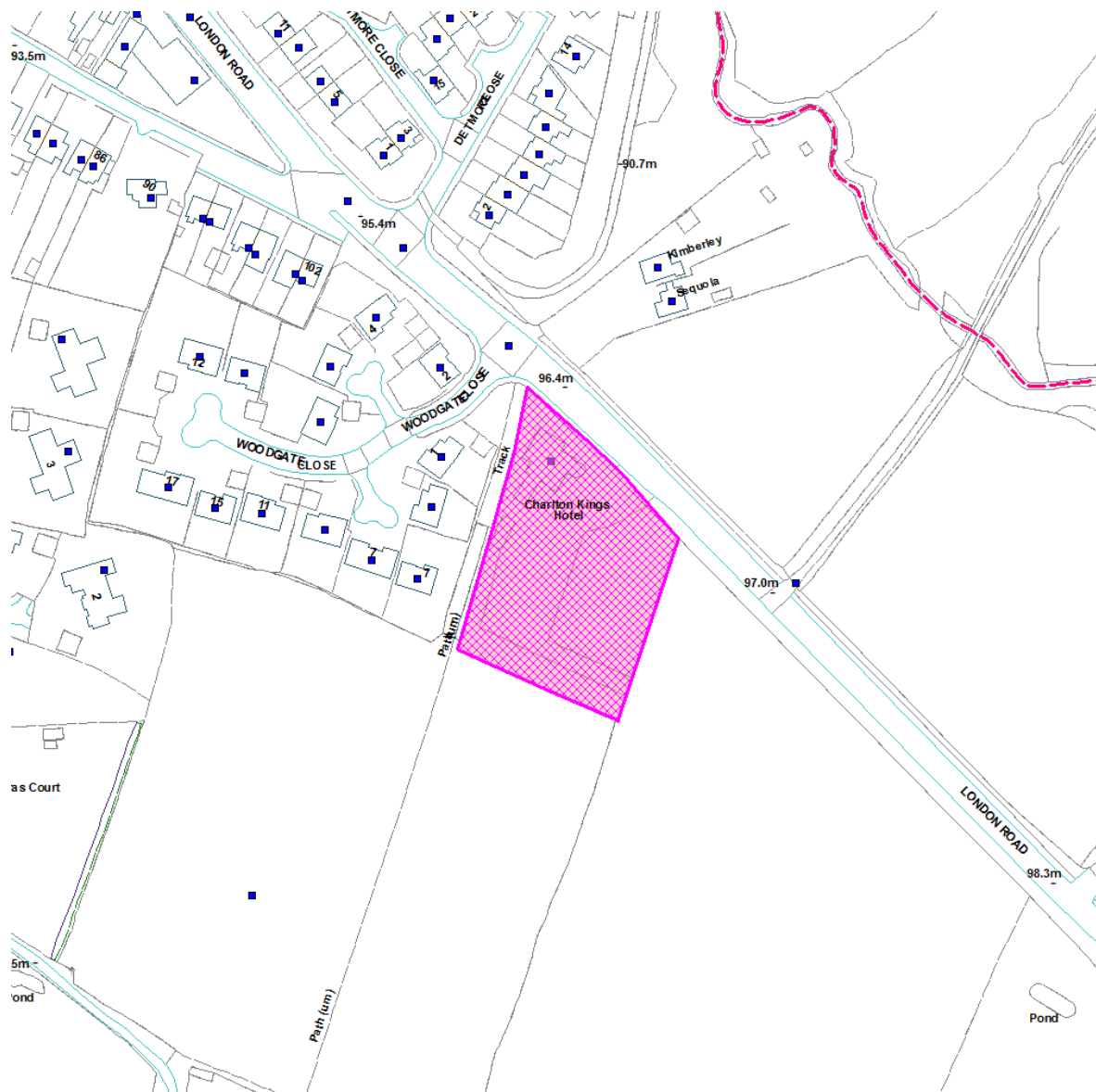
4 Wards Road
Cheltenham
Gloucestershire
GL51 6JW

Comments: 16th September 2016

We live next door to the applicants. We have known them for many years and understand the reasons for the application, and we fully support their plans.

| | |
|--|--|
| APPLICATION NO: 16/01180/FUL | OFFICER: Mr Craig Hemphill |
| DATE REGISTERED: 13th July 2016 | DATE OF EXPIRY: 7th September 2016 |
| WARD: Charlton Kings | PARISH: Charlton Kings |
| APPLICANT: | Shepherd Cox |
| AGENT: | Studio Webb Architects Ltd |
| LOCATION: | Charlton Kings Hotel, London Road, Charlton Kings |
| PROPOSAL: | Construction of a two storey hotel extension comprising eighteen (total) additional bedroom suites, along with associated external landscaping and car parking alterations. The scheme also includes minor alterations to the existing hotel, comprising the demolition of existing conservatory and single storey side extension, and replacement with new single storey extension. |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Charlton Kings Hotel is set in a 0.95acre site located on the urban fringe of Cheltenham and Charlton Kings. The Hotel is the last building on London Road before leaving the town, and the first building encountered when entering the built up area. The site is located within the Area of Outstanding Natural Beauty which ends at the boundary of the site on the west with the residential properties on Woodgate Close. To the north of the site is the A40 London Road which provides access to the site, beyond which are two detached dwellings, further to the northwest are residential properties of Charlton Kings. The remaining boundaries are adjacent to open countryside and the Area of Outstanding Natural Beauty.
- 1.2 The hotel currently provides 12 bedrooms, reception area, lounge/dining room and kitchens.
- 1.3 The current application proposes the construction of a two storey extension to the rear of the site towards the west boundary which would comprise eighteen additional bedroom suites along with associated external landscaping and car parking alterations. The scheme also includes external and internal alterations to modernise and rationalise the existing hotel which comprises the demolition of existing the conservatory and single storey side extension and replacement with new single storey extension.
- 1.4 The application is before the Committee at the request of Councillor Helena McCloskey to allow the Committee to visit neighbouring dwellings in Woodgate Close to judge the effect of the extension on their properties.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Smoke Control Order

Relevant Planning History:

85/01143/PC 21st November 1985 PER

Balcarras Lawn Cheltenham Gloucestershire - Change of Use to Guest House

86/01415/PF 22nd January 1987 PER

Balcarras Lawn Cheltenham Gloucestershire - Demolition of Existing Private Accommodation, Replacement with Extension to Provide Nine Bedrooms to Existing Guest House

90/00642/PF 28th June 1990 PER

Erection of New Porch and Main Entrance (Formerly Balcarras Lawn Hotel)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living

CP 7 Design

CO 2 Development within or affecting the AONB

TP 1 Development and highway safety

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

30th August 2016

I refer to the above application and received in our office on the 7th July 2016 and apologise for the delay in reply.

I can confirm that I have assessed the proposed level of parking and am satisfied that this will be able to accommodate the increase in patronage and staffing levels associated with the development. The proposed use will also intensify the use of the existing access but as the access is suitable in terms of its layout and visibility I recommend that no objection is raised subject to recommended conditions being attached.

Cotswold Conservation Board

11th July 2016

Thank you for consulting the Cotswolds Conservation Board.

We raise no comments in respect of the principle of the development. Should the Council be minded to approve the development we suggest conditions to ensure the provision of the proposed landscaping; protection of existing landscaping during construction where proposed to be retained; approval of external materials and colours; and should new external lighting be required it should be of a dark night skies compliant design and details of which, numbers and locations should be approved.

Tree Officer

22nd July 2016

The Tree Section has no objections with this application in principle however the tree section objects to the area of reinforced grass turf near the protected T26 Cedar. The reinforced grass turf will encourage drivers to drive/park underneath the protected tree. This could potentially be detrimental to the tree as it will cause compaction. The plans state that the reinforced grass is there to protect the roots of the tree, the best way to protect the roots would be to deter drivers to go underneath the tree. The Tree Section would like the reinforced grass to be removed from the plans. It is recommended that the proposed new hedge follows the edge boundary of the parking all the way round to London Road. This will need to be done sensitively to ensure the roots of the Cedar are not damaged. The hedges will prevent anyone from driving onto the root protection zone. Other options would be to put an obstacle in the way such as a small picket fence or to leave the area as grass. If permission is granted use recommended conditions.

Environmental Health

11th July 2016

I have no objection to the proposal in principal; however I have some concerns that neighbouring residential properties will suffer some loss of amenity during the construction of the site due to potential noise and dust from construction activities. I would therefore recommend a condition is attached to any consent for this development to deal with this.

Landscape Architect

22nd July 2016

In general the landscape proposals are acceptable. There are, however, some points which should be drawn to the attention of the applicant:

The Landscape General Arrangement Plan (Dwg. No. ALA324L01) does not show the car park spaces marked out, whereas the Site Plan (Proposed) (Dwg. No. GA.00) does. If it is intended to mark out the car park spaces then consider using the same range of vehicular block paviors to delineate the bays as is being used for the vehicle approach to the hotel entrance.

There is an area of reinforced grass shown on the curve of the entrance drive. This is of concern as it may encourage the use of this area for overspill parking which would not be acceptable. It should be removed from the scheme. Given the sensitive location of the site in the AONB it is important to stress that car parking should be restricted to the 30 spaces proposed. If the intended purpose of the reinforced grass is to mitigate the effect of vehicle overrun then a more attractive and substantial solution would be to extend the proposed native hedge around the curve of the drive to meet the new wall.

Planting Plan (Dwg. No. ALA324L04)

The Plant Schedule lists three Ornamental Mixes - A, B, C. However, only two - A & C are indicated on the plan. Please could this be reviewed and either Ornamental Mix B indicated on the plan or removed from the schedule.

The Plant Schedule submitted lists the specification and quantities of the required plants. However, there is nothing to show the arrangement of the plants within the various areas of soft landscape. This is important information for the landscape contractors in order for them to know where to position the specified plants. A detailed planting plan is more essential in a situation such as this, where planting alongside the building will be viewed close-up, than it would be in a more extensive landscape scheme. A detailed planting plan showing the positions of the proposed plants is therefore required.

Architects Panel

3rd August 2016

Design Concept

The panel had no objection to the principle of extending Charlton Kings Hotel but felt the scheme submitted was not a successful design solution.

The hotel is located in a prominent position off the A40 on the east side of Cheltenham and the panel felt the design should aim to improve the appearance of the hotel and its setting as a gateway building to the town.

Design Detail

The design of the new two storey wing in itself was acceptable but not in the context of the existing hotel. The single storey extensions conflict with the existing architecture and result in an incoherent composition of building elements. The number of secondary entrances is confusing and the overall planning of the spaces could be much improved.

The panel questioned the siting of the extension and the position of the new car park which was felt to be a wasted opportunity to create a more interesting and attractive garden setting.

Recommendation: not supported.

Civic Society

16th September 2016

This is a prominent and important site - the first building of note on entering the town on the A40. If there is a need to expand, this seems reasonably discreet and well shielded from the A40.

Parish Council

19th July 2016

No Objection, but Comment:

We note the extra provision of car parking for the new development, in line with the number of new rooms. However in our view it would be beneficial to provide some more spaces on top of this in order to cater for extra staff and any special occasions. This would then reduce the possibility of cars being parked in adjacent streets.

Comments on Revised Plans

Tree Officer

23rd August 2016

The Tree Section has no objections with this application and it welcomes the new Landscaping Plan. If permission is granted use recommended conditions.

Parish Council

6th September 2016

No objection but comment

We reiterate our previous comment regarding parking. This noted the extra provision of parking, in line with the increase in the number of rooms. However we still maintain that it would be beneficial to provide a number of additional spaces for extra capacity when the hotel is full or there is a function on; they could also be used by hotel staff. This would then prevent overspill to surrounding streets, in particular Woodgate Close, where any on-street parking near its junction with the A40 would create a serious hazard for vehicles turning into and out of the close

5. PUBLICITY AND REPRESENTATIONS

5.1 In response to letters being sent to neighbouring properties, 9 letters of objection have been received. Following re-consultation on the revised plans 5 letters have been received reiterating the comments previously made. Comments are circulated to Members in full at the end of this report.

5.2 Comments received raise concerns with:

- Loss of trees
- Ecology

- Flooding/drainage
- Impact by way of overlooking/loss of privacy/overbearing/visual amenity
- Increased hotel activity and insufficient parking along with highway safety
- Increased hotel activity and resulting noise and smells from kitchen
- Increased hotel activity increased hours, noise and disturbance from functions and unwanted behaviour.
- Scale of development not in keeping

6. OFFICER COMMENTS

6.1 The key issues for this application are considered to be:-

- the principle of an extension to the hotel within this location
- the design and scale of the proposed development and impact upon the character and appearance of the locality and the Area of Outstanding Natural Beauty
- impact on the amenities of occupiers of neighbouring properties
- highway safety implications and parking
- other considerations including flooding and drainage, and loss of trees.

6.2 Principle of Development

- 6.2.1** The relevant policy documents for consideration are the Cheltenham Borough Local Plan (adopted 2006), and the NPPF. Also relevant is the Hotel Capacity Study dated May 2009 which forms part of the evidence base of the emerging Joint Core Strategy.
- 6.2.2** At paragraph 14 the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking...”
- 6.2.3** The application site is located at the fringe of the town adjacent to the A40 London Road. The site operates as an active hotel with access to bus services to the town centre and is located in Charlton Kings with access to the facilities provided within the Parish. The site is therefore considered to be located in a sustainable location.
- 6.2.4** The Hotel Capacity Study was produced in 2009 as part of the evidence base of the Joint Core Strategy. This study, in considering the Cheltenham hub, concludes that there is an identified need for more hotels and rooms in the town. The report states ‘under current supply (as known at May 2009), the projected occupancy of 81% in 2016 (89% under optimistic projection) would lead to many potential visitors to Cheltenham not being able to find accommodation at a time and price to suit them.’ To note, the only significant addition to the hotel provision in the town since this report was published is the hotel currently under construction at the phase 2 Brewery site on lower High Street.
- 6.2.5** The principle of an extension to the hotel is therefore considered to be acceptable.
- 6.2.6** The proposed extension is seeking to strike a balance between existing constraints at the site; these being the impact on the Area of Outstanding Natural Beauty, proximity to the two

trees protected by a Tree Preservation Order and the impact on the amenity of the residential properties adjacent to the site in Woodgate Close. The following sections of this report set out considerations on the detail of the application.

6.3 Design and layout

- 6.3.1** The NPPF advises at paragraph 59 that “design policies and decisions should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, massing, height and materials of new development in relation to neighbouring buildings”. Paragraph 60 goes on to say that “planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”.
- 6.3.2** Policy CP7 of the Local Plan seeks to ensure that development is of a high standard of architectural design.
- 6.3.3** The current hotel is the first building encountered when entering Cheltenham on the A40; the site is therefore in a significant and prominent location. The existing hotel is not listed or identified as a building of local importance in the Local plan.
- 6.3.4** The contribution that the existing building provides to the locality is subjective. Officers consider its impact as neutral, providing neither a building of a high or of a poor quality of architectural standard. It has been extended at various periods throughout its life time with various large and small scale extensions which creates a somewhat incoherent building mass and appearance.
- 6.3.5** The application proposes, in addition to the extensions, to remodel the elevations of the existing hotel. The proposed two storey extension to the rear of the site incorporates three pitched gable roofs in elevation which respond to and match the gable detail incorporated in the existing hotel. The height of the extension is set down, its ridge height being set 600mm lower than the existing hotel. The combination of this lower ridge, and the gable and valley roof arrangement of the extension (which helps to articulate the elevation), and the inclusion of a glazed link between the extension and the main hotel building ensure that it would read as a well-considered addition to the hotel. The single storey extension to the front rationalises the current arrangement and provides for a modern design solution.
- 6.3.6** The materials proposed include Cotswold stone to first floor level with a mix of natural lime render and timber cladding above with the roof to be finished with slate tiles. Fenestration is detailed to be powder coated aluminium. The proposal also incorporates the use of these materials as part of the remodelling and upgrading of the existing hotel which helps to create a consistent appearance providing for a clear unified identity for the hotel as a whole.
- 6.3.7** It is noted that the Architect's Panel have provided comments which are not in support of the application. Officers consider that the proposed extensions and works to the hotel rationalise its appearance and will provide for a modern functional hotel. The materials proposed are of a high quality with the overall design approach taken providing for a building which will be of a good architectural standard that would not be at odds with the appearance of the locality and thereby provide for a positive building at the entrance to Cheltenham. The proposal is therefore considered to comply with the objectives of policy CP7 of the Local Plan and the NPPF.

6.4 Impact on the Area of Outstanding Natural Beauty.

- 6.4.1** Policy CO2 of the Local Plan sets out that development which would harm the natural beauty of the landscape within the AONB will not be permitted.

6.4.2 The position of the extension is set towards the east boundary of the site. This position is deliberate and is trying to ensure that the extension will have the least impact on the setting of the Area of Outstanding Natural Beauty by retaining much of the existing openness to the side of the hotel, adjacent to the open countryside. In considering the impact of the extension, the Cotswold Conservation Board provides no objection to the application. The Landscape Officer has also considered the scheme, providing comments. Revised plans have been submitted which comply with the requests and comments made by the Landscape Officer.

6.4.3 The proposed layout and landscaping as revised is considered to have an acceptable impact on the setting of the Area of Outstanding Natural Beauty as required by policy CO2.

6.5 Impact on neighbouring property

6.6 Local Plan policy CP4 seeks to ensure that development will not harm the amenity of adjacent land users. The proposed extension would be located towards the eastern boundary of the site which is immediately adjacent to a public right of way and residential properties in Woodgate Close.

6.7 The proposed layout has considered a number of elements including the AONB and trees protected by a TPO. These constraints have directed that the extension is proposed towards the northern boundary. The original plans proposed that the extension be located immediately adjacent to the boundary. Following concerns raised by Officers about the proximity of the extension to the boundary and the impact on neighbouring amenity revised plans have been submitted. The proposed rear extension and car parking area has been relocated further away from the boundary by 1.2m with the rear roof form of the extension being altered from gables to hips to reduce the massing on the boundary. The windows in the first floor of the extension are now detailed to be obscure and fixed closed.

6.8 As revised, the proposed extension will still be visible from neighbouring properties 5 and 3 Woodgate Close, and to a lesser degree 1 Woodgate Close. The rear elevation of the two storey extension will face the side elevation of 5 Woodgate Close being approximately 14m from the main two storey side elevation of the property and 9.5m from the side conservatory. The proposed extension will face the rear elevation of 3 Woodgate Close being approximately 18m from the main dwelling and 14m from the conservatory. The corner of the proposed extension is approximately 22m from the rear elevation of 1 Woodgate Close. The combination of these distances and that the proposed first floor windows are to be fixed obscure glass at first floor window level ensure that the proposal will not result in any overlooking into the adjacent properties. The revised elevations, which incorporate a hipped roof design, has reduced the height of the extension adjacent the boundary from 7m to 4.5m and the overall ridge height remains at 7m but is set 4m away from the boundary. In addition, the revised plan now sets the extension 1.2m back from the boundary. The combination of these alterations significantly improves the relationship with the residential properties in Woodgate Close and reduces the previous overbearing impact.

6.9 The revised elevations and layout, positioning of fixed obscure windows and the two storey scale of the development ensure that the proposal would not have an overbearing impact or create any overlooking of neighbouring properties. The proposals are therefore considered to accord with policy CP4 of the local plan.

6.10 A condition is recommended to ensure the windows are maintained fixed and obscured as detailed in the plans. To note, as a hotel the introduction of any further windows would require planning permission.

6.11 Impact on Trees and Ecology

- 6.11.1** The loss of existing trees and resulting impact on ecology has been raised by some local residents. The positioning of the extension ensures that the trees protected by Tree Preservation Orders are not affected by the proposal. The trees to be removed are located to the eastern boundary. A detailed arboriculture assessment of all the trees has been submitted in support of the application. The Council's Trees Officer has reviewed the details provided, and following the submission of additional information, has no objection to the proposal or to the removal of the trees identified. To note, the landscaping scheme includes the planting of new trees.
- 6.11.2** Residents have made comment on the loss of the trees and the impact this action would have on ecology. It is however important to note that the trees to be removed are not protected and no consents are required to remove them. While there are no indications that there are protected species in the locality, the applicant would have to ensure that the removal of the trees would be carried out in accordance with the requirements of The Wildlife & Countryside Act.

6.12 Access and highway issues

- 6.12.1** Concerns have been raised from local residents on the parking provision proposed and the potential for overspill car parking from the hotel taking place on the adjacent residential street.
- 6.12.2** During pre-application discussions the scheme included the provision of a function/conference room which would be available for hire. The application submitted has not included this type of facility confirming: *'The proposal looks to retain the same hotel arrangement on the site as exists – bed and breakfast. Early development studies investigated potential for dedicated "function" and "conference" spaces in addition to increased hotel accommodation. On reflection however, and following discussions with the Local Authority, the design was developed to omit these facilities and focus solely on hotel accommodation, to avoid potential for noise impact and excessive demand on parking. The proposed business model will provide guest sleeping accommodation and improved bed and breakfast dining facilities.'*
- 6.12.3** A total of 30 car parking spaces are proposed to serve the hotel with the existing access to the A40 being retained. GCC Highways Planning Liaison Team has reviewed the application, providing no objection, commenting that the proposal provides sufficient car parking and that the intensification in the use of the existing access is acceptable.
- 6.12.4** Given the points of clarification provided by the applicant and the comments received by GCC Highways, the proposal is considered to be acceptable in terms of car parking provision and highway safety. The proposal therefore accords with policies TP1 of the Local Plan and advice contained in the NPPF.

6.13 Other considerations

- 6.13.1** Comments on anti-social behaviour, increased hotel activity, increased hours, noise and disturbance from functions and noise and smells from the kitchen have also been received. As mentioned above the proposal does not include a function facility, with the hotel seeking to maintain the established bed and breakfast use of the hotel. In considering the comments received it is considered that the proposal will not have a significantly different impact on neighbouring properties than already exists. Furthermore, after reviewing the application the Environmental Health Officer has not objected to the extension or the proposed works to the hotel.
- 6.13.2** Local residents have referred to flooding and drainage at the site. The site is located outside Flood Zones 2 and 3 as defined by the Environment Agency flood maps. All land outside Flood Zone 2 and 3 is defined as Zone 1 which has the lowest probability of

flooding. Surface water management is a consideration; to ensure this is managed appropriately it is recommended that a condition is attached requiring additional information to be submitted on this.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The statutory requirement is that a proposal must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2** In reviewing the application and the planning balance regard must be given to the proposal as a whole.
- 7.3** The proposal would provide for 18 additional hotel bedrooms in Cheltenham well related to services and facilities and evidence shows that there is a current shortfall in hotel accommodation. Consequently, whilst the contribution of 18 rooms may be limited this a matter which carries some weight. The proposal would also bring economic benefits through the construction process and from the occupation of the hotel and create 5 new full time jobs. These matters weigh in favour of the application.
- 7.4** The design approach is considered to be to a good standard with revised plans being submitted which are considered to reduce the impact that the two storey extension would have on surrounding amenity. The proposal is considered to have an acceptable impact upon the Area of Outstanding Natural Beauty and the trees protected by tree preservation orders. Concerns have been received on parking and highway safety grounds, which are understood. The site is located in a highly sustainable location, with no objection being received by GCC on this matter.
- 7.5** In considering the application Officers are of the view that the planning balance is in favour of the application and it is therefore recommended for permission.

8. CONDITIONS / INFORMATIVES

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

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

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3** All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. Reason: To ensure that the planting becomes established, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (2006).

- 4 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).

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

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

- 6 Tree protection (fencing and no-dig construction) shall be installed in accordance with the specifications set out within the Arboricultural Report (reference Charlton King's Hotel, Cheltenham' BS5837 Tree Constraints, Tree Impact Assessment & Tree Protection Method statement extensions) and the Tree Protection Plan Drawing Number CKHRPA-AUG16 dated August 2016. The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

- 7 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.

- 8 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.

- 9 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.

- 10 A plan for the control of noise, dust and other nuisances must be submitted for approval by the LPA before any works of construction, demolition or ground preparation are commenced.

Reason: To protect the occupiers of adjacent property from loss of amenity due to noise and dust during the construction of the development in accordance with policy CP4 of the Local Plan.

- 11 Prior to the proposed development being brought into beneficial use the proposed parking area as shown on drawing 15024 GA.00 rev A shall be made available for use.
Reason: To ensure that adequate parking is provided to serve the proposed development to minimise conflict between vehicles, pedestrians and cyclists in accordance with Paragraph 35 of the NPPF.
- 12 No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

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

INFORMATIVES

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

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

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

- 2 It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc.

| | | |
|--|---|--|
| APPLICATION NO: 16/01180/FUL | | OFFICER: Mr Craig Hemphill |
| DATE REGISTERED: 13th July 2016 | | DATE OF EXPIRY : 7th September 2016 |
| WARD: Charlton Kings | | PARISH: CHARLK |
| APPLICANT: | Shepherd Cox | |
| LOCATION: | Charlton Kings Hotel, London Road, Charlton Kings | |
| PROPOSAL: | Construction of a two storey hotel extension comprising eighteen (total) additional bedroom suits, along with associated external landscaping and car parking alterations. The scheme also includes minor alterations to the existing hotel, comprising the demolition of existing conservatory and single storey side extension, and replacement with new single storey extension. | |

REPRESENTATIONS

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

10 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 24th July 2016

The main objection is based on the removal of trees. The conifers are huge, and each one can evaporate 550-800 mm of rainwater per year ([http://www.forestry.gov.uk/pdf/FCIN065.pdf/\\$FILE/FCIN065.pdf](http://www.forestry.gov.uk/pdf/FCIN065.pdf/$FILE/FCIN065.pdf)) which reduces risk of flooding in our Close, as the rainwater runs off the hill through there. The trees also sequester carbon dioxide from traffic pollution from the busy main road next door at a rate of 68 tons per acre per year (<http://fas.org/sgp/crs/misc/RL31432.pdf>), which reduces risk of asthma and lung disease for the residents of our close. Also, the trees produce oxygen at a rate of approx. 260lb per tree per year (<https://answers.yahoo.com/question/index?qid=20080324065553AAotZ5p>) which further reduce the risk of respiratory issues.

Furthermore the trees cut down noise pollution for inhabitants of our close, and are also nesting grounds for local birds and habitat for small mammals and insects. The other objection would be on behalf of the residents whose gardens would be overlooked by the hotel; as well as privacy issues, there is potential for a hotel room to be used as a burglary look-out position.

15 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 24th July 2016

I object to the application for the following reasons:

1. Drainage - During periods of sustained heavy rainfall there is a lot of water that drains off the fields and down through the public footpath to the side of the hotel. This can often form a small torrent of water which often will cause local flooding on the A40. The removal of the trees and the introduction of additional buildings will only exasperate the situation.

Page 40

A full review of the drainage issues should be undertaken.

2. Increased Custom - the larger hotel will mean at peak times there will be insufficient parking for all the staff, guests and visitors. The overflow will inevitably create additional parking in Woodgate Close. I would suggest consideration is given to creating sufficient parking for the busiest times, maybe even at the expense of additional rooms.

3. Restaurant Impact - During breakfast times the noise and smells that are produced from the kitchen are not pleasant for the neighbours within Woodgate Close. The plan is to extend catering facilities to include evening meals which will only increase the impact.

4. Consideration To Neighbours - The existing proposal seems to be the worst possible layout for the adjoining residents in Woodgate Close. I don't understand why the extension could not be angled away from the residential properties and the tree line left in place. The privacy and outlook for the residents seems to have been overlooked in this proposal. The acre of ground should enable a win/win proposal to be designed so that the current goodwill between the hotel and residents can be maintained.

6 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 25th July 2016

We'd also like to object to the planned proposal.

The planned extension would require removal of a row of established trees which currently line the footpath, provide privacy to the opposing houses and a more natural view from our property.

There are number of animals including bats and an owl that roost in the trees, so removing these would destroy their habitat and encroach on the residence's privacy, plus, allow increased levels of noise to be transmitted to the houses a few feet away and into the close.

The potential for functions and late night drinking would also increase noise levels and unwanted behaviour, which is of great concern to the well-being of our 'young' family.

As is the proposed reduction in hotel parking and increased number of hotel occupancy - this will surely mean a lack of ample parking (especially for staff), which 'will' lead to cars being parked in a family orientated residential area.

8 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 13th July 2016

Contrary to the applicant's assertion, this location is prone to flooding. In the past 25 years rainwater has on 2 occasions torrented down the public pathway rough track and ingressed Woodgate Close and the hotel and its grounds. This ingress would be compounded for the hotel by the development/creation of the proposed new development and new gate access as well as for the households of Woodgate Close.

On those occasions when the hotel would be at or near full room occupancy and coincided with an on-site event or function, the car park would not realistically accommodate the number of

Page 41

guests' cars leading to Woodgate Close becoming an overflow car park - with the added problem of both drivers and passengers spilling out on to the open-plan private gardens of its residents. The proposed total number of parking spaces is inadequate and also takes no account of staff car parking numbers. This will detrimentally impact the adjoining residents' amenity.

More guests - both bedroom users and function attendees - will lead to increase levels of noise from, for example, (disco) music, car engines, raised voices, etc., which will impact the adjoining residents' amenity.

More guests will lead to increased catering activity, which will increase noise levels emanating from the kitchen's extractor fan(s) and will generate more unpleasant cooking odours to the detriment of the adjoining residents' amenity.

Although removal of the line of conifer trees would restore our view of the hills to the SE, we would rather see them than the end brickwork of a 2-storey extension.

9 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 27th July 2016

We are objecting to the proposed extension of the Charlton Kings Hotel.

We are concern about the size of the extension, from 12 to 30 rooms an increase in size of 150%, which will in turn increase, the noise from the establishment, together with a considerable increase in traffic movement in and out of the property.

As the proposal is also to increase the kitchen and bar capacity (at the moment I believe the hotel is only on a Bed & breakfast basis) then the potential increase in noise is likely to occur at all times of the day including night (functions/music etc).

We are concern, that there will not be enough parking for functions, causing overspill into Woodgate close and related problems for the residents.

The planned extension would require removal of a row of established trees which currently line the footpath, provide privacy to the adjacent houses, which at the present times provides a natural privacy barrier and well as being a habitat to many different bird species and bats. We are also concerned that the although the plans show that the large pine it is shown as being retained as it is subject to a TPO, it does not identify that the is a second tree with a lower canopy that wraps around the pine and forms an intrinsic part of the natural habitat in that location - with the canopy over spilling into the public foot path and rear field.

The existing plans also seem to indicate that there is an existing fence/gate onto the footpath though the drystone wall - although this may be the case it is currently not visible as the wall is overgrown with vegetation, and therefore if it does exist, has not been used for a number of years. We are therefore concerned that the plans show new access gates directly onto the footpath from the considerably enlarged car park (from the proposed 30 car parking spaces, potentially 150 people could be using that gate onto the footpath, adjacent to the properties in Woodgate Close) a totally unacceptable infringement of privacy, noise levels and unwanted behaviour).

The existing proposal seems to be the worst possible layout for the adjoining residents in Woodgate Close. Any development should be on a small scale and angled away from the

residential properties to retain the existing trees, this would also provide a better aspect to residents of the hotel

The proposed extension as planned is much too close to properties in Woodgate Close and is the worse layout for the residents of Woodgate Close. Should a development be permitted, it should be on a much small scale (150% increase is too much) angled away from the residential properties to retain the existing trees, this would also provide a better aspect to residents of the hotel overlooking the hills.

7 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 25th July 2016

I am writing to express my concerns regarding the proposal for a two storey hotel extension under the above reference:

- The proposals will significantly impair the visual amenity of the surrounding houses, also causing them to be over-looked and limiting the enjoyment that can be obtained from the gardens as a result.
- Privacy and security will be compromised
- The scale of the extension seems to be out of all proportion to the existing premises
- The scale of the extension also suggests that there is likely to be considerably more noise from the hotel on a regular basis, both from increased numbers of guests, vehicles and functions/music - this is likely to disturb residents, many of whom have school age children.
- Parking from the hotel may spill over into the adjacent residential areas, causing problems for residents
- The proposals involve the removal of some very established trees, which currently also provide a screen and some separation between the hotel and adjacent houses
- It is particularly disheartening that the developers have chosen to ignore two extension proposals put forward by local planners, both of which were less intrusive, and proceed with a much more aggressive form of development without regard for the impact on local homeowners.

Comments: 30th August 2016

Having considered the revised plans for the hotel extension, I don't believe that any significant change has been made, and would therefore re-iterate all the same concerns that I had regarding the original proposals.

5 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 13th July 2016

We wish to strongly object to the proposed development of the Charlton Kings Hotel for the following reasons:

1. Loss of Privacy and overlooking

The proposed Master plan issued to us in May 2016 stated a separation distance between our house and the proposed extension of 12 metres and stated that this was a 'generous distance'. We do not agree.

Page 43

Firstly it is NOT 12 metres. The architects had originally failed to take into account our side conservatory built in 2005 (planning ref 05/00599). This means that the distance is only 7.5 metres. They have only added on the conservatory to some of their drawings because we phoned them to query it and the majority of their drawings still seem to gloss over the conservatory and that the distance is only 7.5metres.

The drawings do not appear very accurate as it shows our conservatory set well back from our boundary when it is actually only just over 1metre from our fence.

As this is a conservatory (with glass all the way round), it means we will be completely overlooked by the 2 storey extension and lose our right to privacy. This conservatory is not just an occasionally used room, it is used every day as it joins with our kitchen.

Our back garden is raised 2.5 feet above the house ground level, so this means that the angle from the hotel windows to our garden would be severely lessened thus increasing the intrusion of privacy.

2. Visual amenity

The current line of fir trees are a much more preferable visual impact and maintain our privacy, which is why we have asked and would request again that the trees are not cut down and any extension is built behind the line of trees. Keeping the trees, would maintain our privacy and also ensure that other residents of Woodgate Close maintain the rural aspect and amenity of the close.

We wrote to Shepherd Cox on 19 June requesting that the extension be moved further back and that the fir trees be maintained. The email was acknowledged but clearly not taken into account. Having now seen the Feasibility Study, our suggestion was in line with Option A of that study and the option that the planners seemed to agree with. It appears the developers have totally ignored the planners and our suggestions and have changed it to suit their own requirements.

The Hotel is the first building in Cheltenham that lots of visitors see, so it is important that it reflects the correct image. The current building is small with lovely grounds but the proposed extension will be overbearing, at an increase of 200%. It seems to be about building in the shortest time and smallest amount of money possible, not aiming for quality and aesthetically pleasing. We do not believe that this is the image that Cheltenham and especially Charlton Kings want to project.

3. Sustainable development/transport links

Firstly, the hotel lies at the edge of an area of Outstanding Natural Beauty. That in itself places greater restrictions on developments that are allowed. A hotel closer to town would give better access to bus and trains, thus helping the environmental aspect of the policy. This hotel is miles from the train station and has very limited bus routes. Also it is not near to the town centre shops and restaurants, which the council would surely want to encourage tourists to visit.

Yes, the hotel would provide more local jobs but due to its location on the edge of town, it is likely that most staff would have to drive to work as public transport is limited in this location. Would there be extra staff parking? Or would this mean that any overflow of cars would choose to park in Woodgate Close?

4. Noise concern

An increase in size of kitchen and dining area will mean that additional functions are likely. This will all mean increased noise levels and parking issues. Even without additional functions, there will be 200% more people and cars to disturb our peaceful neighbourhood.

Both ourselves and our neighbours at number 3 have school age children and do not want noise disturbances late in the evenings.

5. Drainage concern

After heavy rainfall, the field behind the hotel often becomes saturated meaning a lot of surface run off. This often leads to a small stream down the public footpath and onto the road. The loss of approximately 20 trees next to the footpath could increase that surface run off dramatically and lead to the water taking different courses into our gardens/houses.

The Feasibility Study shows that option A was the preferred option with a stepped approach to the extension and maintaining the line of fir trees adjacent to the public footpath. If the development has to go ahead then we feel that this would be a better option so why has it not been used?

We would request that members of the Planning Committee visit our property to see the impact that this development would have on both our property and our neighbours.

Comments: 28th August 2016

We are very disappointed with the amended plans as moving back 1m makes little difference to us. Therefore, all previous comments still apply.

3 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 24th July 2016

We are objecting to the proposed development for the following reasons:

Under the Cheltenham Borough Council Local Plan policy CP4 (Safe and Sustainable Living), it states the development "will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users and the locality". In the notes of CP4 it indicates that the council should consider loss of privacy when assessing the impact on amenity (note1), and in note 3 it states the minimum distance between dwellings where both windows have clear glazing is 21 metres, and where only one has clear glazing is 12 meters. The proposed plans therefore (even with the obscured glass) are clearly in breach of the planning guidelines with regard to the position of no. 5 Woodgate Close's side conservatory, which would be within approximately 8 meters of the new development. Further, the single storey clear glazed link will allow direct visibility into our first floor bedrooms, and therefore would cause significant loss of privacy and amenity, as well as breaching the 21 metre minimum distance.

The kitchens frequently have open windows and doors, with audible commercial extraction fan(s). This noise will worsen as increased kitchen and dining requirements are doubled following any proposed expansion, and will particularly affect the amenity for number 1 Woodgate Close due to the additional noise and smell.

We cannot understand why the proposed development has been put forward, when the other options considered would all have been preferable to building up against the boundary wall, and the resulting loss of trees and natural habitat on the local conservation area. The proposals indicate that the first floor bedrooms in the extension will have obscured glass, and the ground floor bedrooms will be right up against the boundary wall, therefore providing no external view. This seems to be a very poor use of space, and poor design. We are concerned that the obscured glass could be replaced with clear glass at a later time as a result of hotel customer complaints about the frosted windows. This design flaw could be entirely removed if the extension

was moved to a different location on the very generous site, and the boundary area kept for parking as in the current situation.

Finally, we are concerned that the removal of so many trees will exacerbate the already common flooding problems where water flows from the hills, and along the footpath along the boundary of the proposed development, directly onto the A40. This would cause a potential hazard to drivers, and damage to the road surface.

Comments: 1st September 2016

Our original comments still stand regarding the revised plans; the general feedback from Woodgate Close residents does not appear to have been seriously considered. The issue of overlooking and proximity particularly to number 5 Woodgate Close is not adequately addressed by the revised plan. Any of the original 3 options are better than the current proposal. The location of the kitchens and increased use resulting from a larger hotel would also have an unacceptable impact on the amenity of 1 Woodgate Close, and there is inadequate parking for functions which could result in Woodgate Close being used as an overflow car park. We fail to understand why a design would include completely obscured windows for bedrooms, when a different position on the site would alleviate this requirement.

1 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 19th July 2016

Letter attached.

Comments: 2nd September 2016

Letter attached.

4 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 26th July 2016

I would like to say I support the idea of enhancing the hotel and making it more economically viable. In the spirit of enhancing the plan I have tried to make sensible and low cost changes (particularly where these are based on inaccuracies in the submission)

What surprised me was the number of inaccuracies in the submission and supporting documents. They are numerous and, as far as I could interpret, all are in favour of the development. The first is the omission of the Conservatory in the plan of No 5 Woodgate close claiming the development is some 12m from the nearest building. This is obviously untrue and over estimates the gap by 50%. For the sake of brevity I will not mention the rest, but am sure the planning officer must have picked up at least another dozen (possibly 20) such inaccuracies.

I disagree with the statement that the green space between the hotel and residential areas will be retained. The only thing retained in the plan is the public footpath not owned by the hotel. To retain the space I think that the trees on the hotel side of the wall should be retained (or replaced with more acceptable native alternatives) and the development moved c 2-5m away from the wall.

The property bounds a ridge and furrow field and the water runs downhill towards the hotel after heavy rain. In order to prevent flooding of the site of the proposed extension (a la 2007) I would

Page 46

suggest the gap created could be used to help drain the field and protect the extension from flooding. Again more acceptable native trees could assist this.

While the semi permeable membrane will assist, the spec of this is such that any fast or sustained water flow will wash it down onto the main A40, creating mess and increasing the risk of accidents.

It is a pity that with this development no space has been found to allow commercial delivery vehicles to turn round while on the site. Again lorries reversing in or out of the drive will increase the risks of accidents.

Also there appears to be inadequate parking provision for staff.

The bedroom windows are so close to the conservatory of No 5 Woodgate Close, they would not be permitted for a residential development. I do not see why a commercial development should have different standards, particularly where the main use is pretty well residential. Again a 2-5m move from the fence line would reduce this.

Overall I object to the (inaccurate) plans as on the website, but if the changes were made along the lines suggested think there could be an acceptable compromise

12 Woodgate Close
Cheltenham
Gloucestershire
GL52 6UW

Comments: 21st July 2016

I am objecting to the proposed extension of the Charlton Kings Hotel.

The 2 storey building as planned is much too close to properties in Woodgate Close and would be overbearing. Why is it necessary for the construction to run alongside and be right up to the boundary wall? Many plants, including mature trees, will have to be removed to facilitate this building.

The trees are well established along the edge of a public right of way and act as an attractive screen between the hotel and houses of Woodgate Close. Removing them would have a negative visual impact for the residents. These large conifers are used by many different bird species and bats. They also help to take up a lot of water which can be a substantial amount when it rains heavily, as it often does nowadays, causing surface water to run down the public right of way and onto the A40. This problem would likely be compounded by removing the trees.

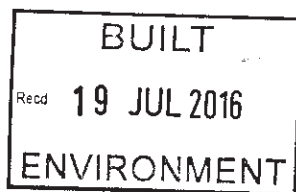
If the bedroom extension was built away from this boundary and placed elsewhere in the hotel grounds the tree screen could be kept, benefitting Woodgate Close residents and the hotel. I think that the trees should stay and that more vegetation should be planted in this sensitive area. This would help to improve drainage now and in the future.

I am also concerned that there is insufficient parking capacity in the plans to cope with the expected number of vehicles needing to park when the hotel is at its busiest. As one can't park on the A40 there is a strong likelihood that Woodgate Close would be used by hotel guests, visitors attending hotel functions and possibly hotel staff and delivery vehicles. We can't cope with and shouldn't have to facilitate hotel overspill parking.

Although my house is not directly next to the hotel I do feel that my family would be impacted by the noise and light pollution, cooking smells and increased car disturbance which a much larger hotel would bring.

Comments: 30th August 2016

Having viewed the revised plans I can't see any significant change. The extension will move back less than a metre from the original line along the wall and the tree screen will still be removed. So my previous comments stand. There will be an ugly block of bedrooms which look nothing like the architecture of the existing hotel.



Page 48 late close.
Chailton Kings,
Cheltenham.
GL52 6UW

17-07-16.

Re Chailton Kings Hotel.
extension: Ref No 16/01180/FUL

I wish to formally object to the proposed planning application, for the following reasons.

1. The location of the extension is far too close to existing residents of Woodgate Close. The current proposal sits right on the boundary and would dominate neighbours amenity space.
2. The scale & massing is overpowering to adjoining home owners.
3. The noise that would be generated by this proposal would be unacceptable in a residential area.

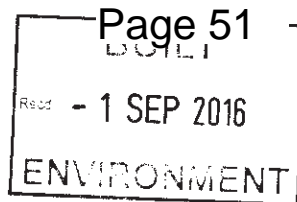
4. The site is located in the AONB, and fact seems to have been ignored with this proposal.
5. The public footpath to the side of the site has flooded in recent winters. This proposal will only add to the problem.
6. The loss of trees that act as a visual shield to the residents of Woodpile Close is not acceptable. If an extension in the AONB is approved, in Principal, can it not be moved away from the boundary, also binding around any trees, to protect neighbours views?

The bedrooms should be halved and built along the main A40 Rd with perhaps the 'Function Room' built under the bedrooms, leaving the back area to gravel with car parking, and, untouched in trees, enabling water to drain away, helping to keep the street water down,

Twice we have been flooded, with water up to our patio doors (we are on the back) At the same time the Hotel Kitchens were flooded, the water comes down from the hills & falls, Also the windows of Woodgate do not want the overflow of car parking. I am against children's party's etc: because of the noise levels. loud music & excitable children. The extractor fan in the Kitchen badly needs attention for its smell & noise, could be repositioned. Outside lighting ought to be kept low, to enable residents of Woodgate close to sleep.

Yes.





1 Woodgate Close
Charlton Kings
Cheltenham
GLOS

Cheltenham Borough Council
P.O Box 12
Municipal Offices
Promenade
Cheltenham
GLOS
GL50 1PP

30 August 2016

Dear Sirs

Re. Hotel extension at Charlton Kings Hotel, London Road – ref. 16/01180/FUL

I accept the hotel would like to enlarge the premises, but it would be so much better if they had thought more of others, i.e. Woodgate Close. The revised plans have been moved so slightly it's really not worth redrawing - they are still not thinking of re-siting the new build, which is at present hidden from view of the main road. Is this because it is going to be built in the quickest and cheapest way possible instead of building with care and attention to architecture and correct materials to marry up with the main hotel, therefore enhancing both buildings? This is not possible with the plans presently proposed. The revised plans look seriously abominable and out of place and character with the area of natural outstanding beauty.

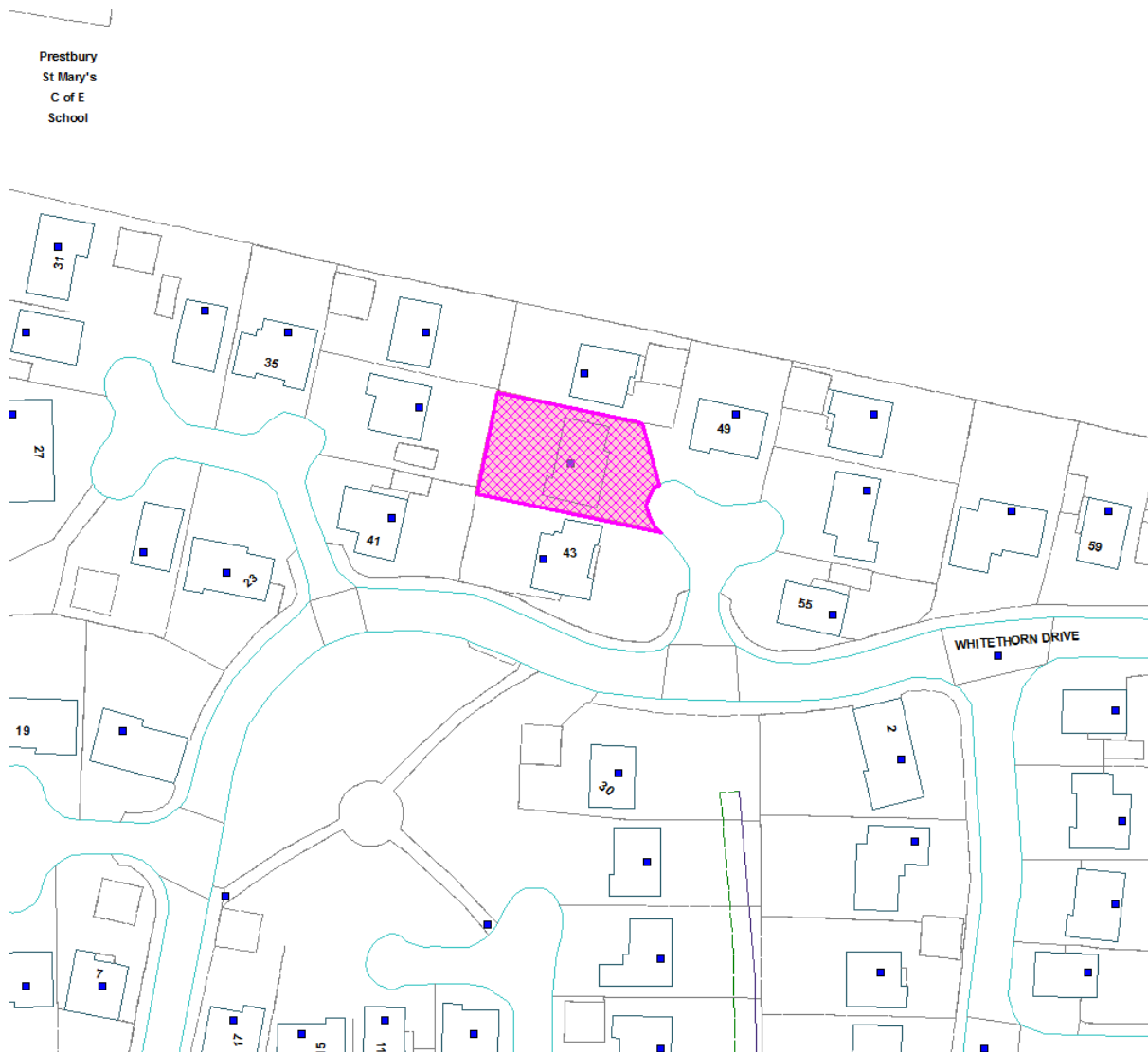
As long as the new build is upgraded and aesthetically built, as suggested above, it would be far more acceptable. If the revised plan was re-sited on the main hotel, perhaps, or set back from around the front entrance, in line with the A40.

There would then be less damage to most of trees and even less damage to the neighbours. Nothing has been gained for the residents of Woodgate Close from the revised plan, which I am totally against. Cheltenham needs a lot better.

Yours faithfully

| | | |
|--|---|--|
| APPLICATION NO: 16/01283/FUL | | OFFICER: Mr Ben Hawkes |
| DATE REGISTERED: 19th July 2016 | | DATE OF EXPIRY: 13th September 2016 |
| WARD: Prestbury | | PARISH: Prestbury |
| APPLICANT: | Mr & Mrs J Walker | |
| AGENT: | Agent | |
| LOCATION: | 45 Whitethorn Drive, Prestbury, Cheltenham | |
| PROPOSAL: | Proposed two storey side and rear extension | |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a detached property located in a cul-de-sac location on Whitethorn Drive.
- 1.2 The applicant is seeking planning permission for the erection of a two storey side and rear extension to replace the existing single storey garage.
- 1.3 The application is at planning committee due to a Parish Council objection; The Parish Council has objected to the proposed extension as they consider the proposal to result in an overbearing impact on the neighbouring property and would therefore ask members to consider this application at committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary

Relevant Planning History:

83/00528/PF 4th October 1983 PER

Layout of a residential estate including the erection of 130 dwellings, comprising of 116 detached dwellings and 14 bungalows with private car garages. Construction of estate road, public open spaces, including method of disposal of foul and surface water.

78/00747/PF 18th July 1978 REF

Outline application for a residential development on 5.0ha of land. Alteration of an existing vehicular and pedestrian access

79/00765/PF 29th November 1979 WDN

Outline application for the erection of warehousing development. Alteration of an existing vehicular and pedestrian access

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

10th August 2016

45 Whitethorn Drive was constructed on an area of filled land. The original developers used a system called 'vibro-compaction' to stabilise and increase the loadbearing capacity of the fill material on the site. Vibro-compaction is based on a grid of stone columns which are

Page 55

vibrated into the ground, the columns provide a bearing for new foundations and the compression of material between the stone columns increases the overall bearing capacity of the fill material.

There have been issues of subsidence on site where the foundations to some houses have failed. In some cases this has been caused by the foundation not bearing fully onto the grid of columns. Works have been carried out on site to repair some houses.

The owners of 45 Whitethorn Drive will need to recognise that the foundation for the proposed extension must be adequately designed to deal with the local site conditions. It is likely that the extension will need to be supported on some type of piled foundation.

I do not consider that there is any risk to neighbouring properties if the design and execution of the extension project is properly managed. If the neighbours are particularly concerned about their house I would suggest that they take photographic evidence of their property before the works on 45 progress.

Parish Council

9th August 2016

Objection, overbearing affect on neighbour and if approved must have Building Control approval.

30th August 2016

A large extension considered as overdevelopment of the site and which could impact on the amenity of neighbouring properties. And PPC requests application to be viewed by CBC planning Committee and officers obtain comment from building control prior to determining application.

Contaminated Land Officer

28th July 2016

No adverse comment or recommendations for conditions.

Environmental Health

10th August 2016

In the light of Building Control confirming the need for piled foundations at this site, I would offer the following comment, which I trust you can include on any permission granted as an informative:

The use of piled foundations in the confines of a residential area has the potential to cause nuisance to neighbouring properties through noise and vibration. The range of piled foundations available means that each particular solution will produce its own effects. When selecting the appropriate solution the engineer specifying the design should consider the effects of noise and vibration on the surrounding properties and choose a solution which is as sympathetic as possible to these premises. Such considerations are likely to include an assessment of noise and vibration from the piling rig and associated plant, and also the duration of work. The Council's recommended working hours on construction sites are as follows:

Monday - Friday, 7:30 - 18:00, Saturdays 8:00 - 13:00, no noise-producing work on Sundays and Bank Holidays.

I would recommend that the engineer or piling contractor discusses their preferred technique with the council's Environmental Protection team well in advance of the work taking place and agrees a suitable schedule of work and mitigation to reduce the impact of piling as far as possible. Potentially this may allow an agreement under the Control of

Pollution Act 1974 regarding construction times and techniques which are permitted by the council. Failure to reach such an agreement in advance may lead to enforcement action being taken, which will inevitably delay the work on site.

Gloucestershire Centre For Environmental Records

5th August 2016

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|----------|
| Number of letters sent | 5 |
| Total comments received | 3 |
| Number of objections | 3 |
| Number of supporting | 0 |
| General comment | 0 |

5.1 5 letters were sent to neighbouring properties, 3 letters of objection have been received in response to the notification, and these have been attached to this report.

5.2 The concerns raised relate to:

- impact on amenity including overbearing impact and a loss of light
- ground conditions and subsidence

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 Design

6.4 The principle of the proposed extension is considered by officers to be acceptable, the proposal replicates a number of similar extensions to properties of a similar style and size in the local area (two examples being applications at 65 Whitethorn Drive - 06/00762/FUL and 11 Blackberry Field - 07/01478/FUL).

6.5 The overall design is considered to be in keeping with the design and character of the existing building with proposed materials to match the existing building which is considered to be wholly appropriate.

6.6 The proposal replaces an existing single storey attached garage, the width of the extension to the side of the property will be replicated however will extend beyond the existing rear elevation of the property by an additional 1.7 metres and will include a second storey. Officers consider the extension to be an appropriate addition to the property that will sit comfortably within the plot and appear subservient to the existing building.

6.7 The proposal to include a front projection originally raised concerns with officers; however when carrying out the site visit it is evident that some of the surrounding buildings include this feature as originally built; the proposal is therefore considered to be a sympathetic

addition to the property and is not considered to have an unacceptable impact on the character of the existing street scene.

- 6.8** The proposal is considered to be compliant with the requirements of the local plan policy CP7 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008)

6.9 Impact on neighbouring property

- 6.10** Following concerns raised by the neighbouring property at number 43 Whitethorn Drive regarding a potential loss of light and overbearing impact a site visit was carried out to this property.

- 6.11** In terms of overbearing impact the projection beyond the existing rear elevation of the property is relatively small; 43 Whitethorn Drive is positioned at the corner of the cul-de-sac therefore benefits from an open southerly aspect on the opposite side of the application site and the properties to the rear are approximately 20 metres away. Officers have sought revisions through the application to change the proposed roof form of the rear extension from a gable to a hipped roof design; whilst this does not reduce the foot print of the extension it does limit the height and reduce the overall bulk of the extension when viewed from within this neighbouring property's rear garden. Officers therefore do not consider the extension to result in any overbearing impact to the neighbouring property or to have a harmful impact on the enjoyment of the neighbouring property's private amenity space.

- 6.12** In terms of loss of light, the layout of the neighbouring property means the accommodation directly adjacent to the proposal is a garage (not a habitable space) and therefore would not require protection in terms of light. Given the distance between the proposed extension and the nearest ground floor habitable room, the proposal will not fail the light test and is therefore not considered to result in any unacceptable loss of light to this neighbouring property.

- 6.13** With regards to privacy, concerns were raised regarding the close proximity of the proposed first floor rear elevation windows from the rear boundary of the site, with a distance of approximately 7.5 metres the proposal did not achieve the recommended 10.5 metres set out by the guidance in policy CP4 of the Local Plan and therefore would result in an unacceptable loss of privacy, with this in mind revisions were requested. The revised plans show the internal layout has been amended, the first floor rear elevation windows are now to be obscurely glazed and therefore will not result in any overlooking or loss of privacy; to ensure that the windows are maintained as obscure glass a condition is recommend.

- 6.14** The proposal is considered by officers to be compliant with Local Plan policy CP4 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.15 Other considerations

- 6.16** The letters of objection that have been received have all raised a concern regarding the ground conditions of the area and the risk of subsidence when constructing the proposed extension, should planning permission be granted. This matter has been discussed in detail with our building control department whose formal response can be read above in the consultation section.

- 6.17** Building control do not consider that there will be any risk to the neighbouring properties as a result of the proposed development, they have, however, highlighted that consideration will need to be given to the type of foundation used and have advised that

the use of pile foundations is likely to be required. This advice has been passed on to the agent and has also been added as an informative to the application.

- 6.18** Whilst officers have noted the concerns regarding potential subsidence, this matter has been discussed with our legal team who have confirmed that this is not a planning consideration and would not be a valid reason to withhold planning permission. The objectors have been informed that issues during any future construction stages are a matter to be dealt with between land owners as a civil matter.

6.19 Environmental Impact

- 6.20** Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed small scale development will have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

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

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 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).

- 4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the proposed first floor rear elevation windows to serve the master ensuite and dressing room; shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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

- 5 No demolition or construction works shall be carried out outside the following hours:

Monday to Friday - 0800 to 1800 hours

Saturday - 0800 to 1300 hours

No such works shall be carried out on Sundays, Public or Bank Holidays.

Reason: To safeguard the amenities of the area, having regard to Policy CP4 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, the authority sought revisions to amend the roof form to reduce the bulk of the rear extension;

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

- 2 The applicants should be aware that a suitable design for foundations of the extension should be addressed; it is likely that the extension will require pile foundations, further investigations may be needed.

Should pile foundations be required the engineer or piling contractor is encouraged to discuss their preferred technique with the council's Environmental Protection team well in advance of the work taking place to agree a suitable schedule of work and mitigation to reduce the impact of piling as far as possible.

| | | |
|--|---|---|
| APPLICATION NO: 16/01283/FUL | | OFFICER: Mr Ben Hawkes |
| DATE REGISTERED: 19th July 2016 | | DATE OF EXPIRY : 13th September 2016 |
| WARD: Prestbury | | PARISH: PREST |
| APPLICANT: | Mr & Mrs J Walker | |
| LOCATION: | 45 Whitethorn Drive, Prestbury, Cheltenham | |
| PROPOSAL: | Proposed two storey side and rear extension | |

REPRESENTATIONS

| | |
|---------------------------|----------|
| Number of contributors | 4 |
| Number of objections | 3 |
| Number of representations | 0 |
| Number of supporting | 1 |

39 Whitethorn Drive
Prestbury
Cheltenham
Gloucestershire
GL52 5LL

Comments: 26th August 2016

Fortunately my property has not been affected by subsidence, unlike the 3 neighbouring properties. Remember well the strain caused looking for cracks internally and externally when the problem on the estate first came to light. I do not look forward to this prospect being raised again.

Number 45 Whitethorn Drive backs on to my property and whilst I do not look forward to the proposed looming outline at the rear of my property exacerbated by the fact that the houses are constructed on a slope that is not my main concern.

If subsidence damage should result in my property, after building work for the proposed extension is carried out, exactly who is liable in respect of compensation?

I would be grateful for clarification on this point please.

41 Whitethorn Drive
Prestbury
Cheltenham
Gloucestershire
GL52 5LL

Comments: 24th August 2016

Whilst not wishing to over-react to this, I must concur with the key point made by our neighbours at No. 43. Our house is significantly further away from No. 45 and it's my hope that it would be unlikely to be affected by any groundwork or pile-driving operations at No. 45. Nevertheless we are wary, since our house suffered from severe damage due to subsidence about 17 years ago, and it was an extremely expensive insurance job to rectify the problem and put right all the damage - we were most inconveniently out of our house for many months. Since that time there has been no sign whatsoever of any recurrence of the problem, although we have had to replace

Page 62

a brick built garden wall on the main estate road side of our house, which subsequently subsided. We too have an insurance excess clause relating to any further house or garage subsidence.

Should there be any sign of cracking of our internal or external walls following the building work at No. 43 we would seek to recover any resulting costs from whomsoever in law would be liable. This claim would in addition include compensation for any increase in future insurance cover and also for any reduction in the ultimate re-sale value of our house.

Loss of view from our garden is not an issue for us because of our location relative to No. 45, and we are not concerned about being overlooked as there are at the moment trees which come between us and the upstairs back window of the proposed extension.

Comments: 29th August 2016

We note the modifications to the proposed design, which of course have no bearing on our specific concerns.

Should the plan go ahead, detailed photographs of our house and garage must be taken by the representatives of No. 45 before work commences. We further require written confirmation as to whose legal responsibility it will be, both short- and long-term, to rectify any problems with our property, and to provide full financial recompense, especially relating to any adverse effect on the resale price of our house, caused by pile-driving or other building work at No. 45. Such responsibility must clearly continue into the future, independently of whether the current owners of No. 45 remain as the owners.

Comments: 3rd September 2016

For the public record, we were subsequently sent an e-mail by Mr. Hawkes stating that [sic]: *"your comments have been noted and will form part of the consultation responses in the officer report when it is written. I would however at this point need to highlight that the issue regarding subsidence and the possible effects of the proposed extension on neighbouring properties relating to subsidence, compensation and responsibility is a civil matter that would need to be discussed between land and home owners. Cheltenham Borough Council would not be for responsible for such issues that arise during construction stages of the proposed development should planning permission be granted. I would advise that you engage with the applicants and neighbours directly to ensure that this matter is discussed fully"*.

I responded via e-mail on 31 Aug, as follows: *"Thanks for this feedback, Ben, and I note your stated position regarding liability for any possible problems. I'm not qualified to agree or disagree with your statement, but will consult with our solicitor on the legal angle. Of course, we all hope that there will be no problems, but feel that we must explore all angles, just in case."*

And - for the record, and before we have consulted with our solicitor - I am as yet unconvinced that Cheltenham Borough Council can bear no responsibility.

Tudor House
43 Whitethorn Drive
Prestbury
Cheltenham
Gloucestershire
GL52 5LL

Comments: 2nd August 2016

This is in further reference to the Cheltenham Borough Council letter of 25th July 2016, relating to the proposed two-storey side & rear extension listed above.

Page 63

Firstly, as next door neighbours to 45 Whitethorn Drive, this is the first we have heard of the proposed development, and have been disappointed that our neighbours did not notify us of their intention. However, we strongly object to the two-storey extension on the following grounds:

- We bought our house in 1985 from the Bovis house developer, whilst it was in the planning stage, and chose our house carefully because of the size and outlook. For the last 31 years, we have enjoyed glorious uninterrupted views to the top of Cleeve Hill and Prestbury School playing field and trees. Our 2 main bedrooms look onto these views and from our Sitting Room patio windows we currently can see trees, sky and light. With the proposed two-storey extension, we will be looking onto a 20 foot blank wall (4 feet away from our boundary): all our skyline & views will be blotted out. The visual impact will be horrendous. Surely we are entitled to have a right to light!
- In 1999, we had to move out of our house due to subsidence, along with our neighbours at Nos. 41 & No. 45. The previous owners of No. 45 Whitethorn Drive moved out first into a rental property and whilst their house had extensive remedial piling works and major excavation works carried out over a period of 6 months, this forced the cracks in our house to deteriorate even further, causing our bricks to split and our internal doors and windows not being able to open or shut. This was all corrected when it was our time to have the subsidence works done and the £100,000 bill was paid for by Bovis and the NHBC. Obviously, IF the proposed two-storey extension was to go ahead, specialist piling foundations would have to be applied and we would hold the owners liable for any damage to either our property or garden. For information, again due to the subsidence, Dyna-rod, Severn Trent, Cotswold Drains and various other drain company have been out at least 20 times to correct the drains in the back gardens between Nos. 45 and 47, during the last 10 years, which has affected all the houses in the cul-de-sac. The Estate road to the side of us has also had remedial work carried out to correct subsidence in the last 5 years.
- In November 2015, we had our garden extensively landscaped to accommodate my wheelchair needs. A large patio was created, incorporating slopes so that I could access all the garden space and we thoroughly enjoy eating meals and spending time in our garden. If the two-storey extension was to go ahead, we would be staring straight onto a brick wall!
- Earlier this year, some of our neighbours complained about our son's vehicle being left in the road opposite the cul-de-sac, whilst he was waiting to find a replacement engine. This caused a problem with traffic and the Council were called out and as the vehicle had the necessary tax, M.O.T. and insurance, they notified us we were legally able to keep it there. However, we were aware of the enormous trouble this vehicle was causing with the neighbours, and as a small cul-de-sac, any additional vehicles do create an obstruction. With the proposed development, this would incur heavy machinery, the need for the neighbours to park their cars on the road, etc. creating a multitude of problems.

As you can see from the above, we are totally against the proposed two-storey side and rear extension. For us, it's not a case of selling & moving on; our house has been developed for my disabled needs, with a lift installed, ceiling hoists to get me in and out of my electric wheelchair, ramps, fully disabled bathroom, etc. Our house has been our pride and joy for the last 31 years.

Possibly a point for the Building Control Department of Cheltenham Borough Council, but we are extremely worried about the excess drilling and vibrations whilst the piling foundations would be carried out, causing both damage to ourselves and to our neighbours property. We currently have a subsistence clause in our buildings insurance and have to pay the first £3,000 excess. If damage did occur, who would be responsible for the repairs ... the owners, or the Council? Even last week, a house in the next cul-de-sac had to move out due to subsidence and this is 30+ on.

We would very much welcome the Planners to come to our property, to see how this proposed development would adversely affect us.

Comments: 5th September 2016

We still strongly object to the revised plans for the proposed extension, and feel the two-storey rear extension is overbearing and as previously mentioned, our view from our patio seating area would look out directly onto a 20ft wall ... Please note that planning applications for double storey extensions to both 47 Whitethorn Drive and 30 Willowherb Drive were refused because of next door neighbour's complaints of blocking out light, views and being too overbearing. Both these applications were toned down to single storey extensions.

We are also very concerned regarding possible damage caused to ourselves and nearby properties as well as the drainage system, due to the piling required for this extension. Both Nos. 45 and 47 suffered for many years with drainage problems. We would like written confirmation of who will be liable for any claims to cover a 30-year period, if piling affects either our houses or garden structures. Would the Council or the Builder pay for any damage to neighbouring properties? Our insurance underwriters currently agree to insure our property, at a hefty extra premium, and after we have been 20 years without a subsistence claim (which is 3.5 years away), they will reduce our annual insurance premiums. Therefore, we do NOT want to jeopardise this by any future claims!

Our understanding is that Bovis only carried out 6 boreholes on the entire site and used "Vibro Compaction Piling" - a much cheaper cost option of piling. Investigating this type of piling which was designed to be mainly used in solid firm ground - so the compacted stone columns shouldn't be effected by movement. The stone columns are of little benefit in loose fills which are susceptible to collapse settlement (such as may be present in back-filled quarry pits). This site was previously a quarry pit. Collapse settlement may arise from first time inundation of water directly through the ground surface, from underneath the ground surface (such as a leaking pipe) or from a rising groundwater table. The stone columns may facilitate the passage of water unless suitable precautions are taken. Sudden settlement of the fill would lead to an instant loss of lateral support at the top of the column.

I have MS and use a wheelchair 24/7, we have just this year had our rear garden fully landscaped (only 4ft away from the proposed extension) to allow complete access to the garden, incorporating ramp areas and slopes for easy access. This was an expensive operation - if cracking, vibration causes damage, who will pay? We feel that having lived at our house for the last 31 years, we are fully entitled to have the right to a view and a right to light, instead of a massive double-storey extension looking directly onto us from our garden patio.

We request in the strongest of terms that the planning application is rejected in its current form and would appreciate the chance to convey our concerns in person to the planning committee at your next meeting.

45 Whitethorn Drive
Prestbury
Cheltenham
Gloucestershire
GL52 5LL

Comments: 20th September 2016

Letter attached.

16/01283/FUL 45 W^{Page 65}rn Drive p 65-76
-additional representation

PROPOSED TWO STOREY SIDE
EXTENSION

45 WHITETHORN DRIVE
PRESTBURY

PLANNING APPLICATION NO.
16/01283/FUL

APPLICANTS REPLY TO PUBLIC
COMMENTS

PLANNING APPLICATION NO.

2 STOREY SIDE EXTENSION No. 16/01283/FUL

No. 45 WHITETHORN DRIVE PRESTBURY

PURPOSE OF THIS STATEMENT

- In reply to the public comments received regarding the proposed building extension we submit the following supporting statement in answer to the various points and comments raised;

PROPOSED FOUNDATION DESIGN AND GROUND DISTURBANCE

- Several comments have raised similar concerns related to the existing ground conditions and the foundation design to be adopted for the new extension. We do not consider this to be a valid "Planning Development" issue. Ground stability and foundation design is a specialist technical requirement that will be resolved by experienced professional consultants and civil engineering companies with the final solution being assessed and approved by Building Control as required under the Building Regulations 2010 (Amended April 2016) Part A. Designers and Contractors responsible for the construction detail and methods will be required to carry adequate Third Party Insurance Cover to protect the interests of owners of adjacent properties. (see attached letter from a typical company) Relative to piling and ground stabilisation projects carried out in dense inner city areas the foundation design and ground works for this proposal would be considered simple and straight forward and should not have any impact on the surrounding structures if carried out and managed by competent specialist organisations. This has been demonstrated and previously proven by the numerous extensions and underpinning carried out to similar houses, and in fact, adjacent properties including the application site on the Whitethorn Drive estate.

LOSS OF VIEWS AND LIGHT

- Specific comments relating to the massing loss of views and light which have been put forward by the adjacent owner of No. 43 Whitethorn Drive have been carefully considered.

Any addition to an existing building will result in a change to the immediate environment and will, to some degree, affect nearby properties. The new extension has been carefully designed to have the least impact on the

neighbouring properties. The extension only protrudes 1700mm (5'6") out from the existing rear building line and retains the original 1200mm (4'0") clear distance from the boundary with No.43. The new extension also fully complies with Planning Guidance related to affecting existing amenity space of neighbouring property by maintaining a 45° line of view from the nearest window reveal serving a habitable room of No.43.

- There is concern that a 20ft wall will be built along the side boundary between the two properties. In reality the wall will only be 15ft in height, this being the existing eaves height of both No.43 and No.45 and will sit on the existing side wall 1200mm (4'0") from the boundary which already extends to a height of 11ft to its highest point being the apex of the garage roof. A clear distance between the two houses will be maintained along the side elevations as the existing garage width and a 950mm (3') passage way between the boundary of No.45 and house wall of No.43 will be fully maintained. This will leave a clear open space 5150mm (17ft) between the new wall (which is on the line of the existing garage wall) of the extension and the side wall of the house of No.43.
- The blocking of light and views has been raised as a concern by No.43 Whitethorn Drive which is somewhat confusing due to the position of the existing house relative to their rear garden. The principle view of Cleeve Hill appears to be already blocked by the existing house No.43. There is no existing view from the rear garden of No.43 of the Cleeve Hill escarpment that could be gained across the applicant's plot and therefore the proposals will not have any detrimental effect in relation to views.

No.43 has a south west facing garden and therefore benefits from direct sunlight across the whole of the garden from approximately 11am to late evening. The proposed extension to No.45 is located along the north boundary and protrudes only 1700mm (5'6") from the existing rear wall of the house. Also located on this northern boundary within the garden of No.43 is a substantial timber Gazebo measuring 8' in diameter and 10' in height. In addition there is a substantial mature tree with a spread of approximately 6 meters (20'). There is also a close boarded fence along the entire boundary between No.43 and No.45 7'6" in height (2.2mtrs). All these obstacles along the north boundary reduce further the light from the north. Therefore the nominal extension of 1700mm (5'6") will not significantly reduce the light coming from the north into the garden of No.45.

OTHER CONCERNS

- Reference is made to the health issues of the occupant of the neighbouring property. Although an element of understanding and compassion is required in ensuring that the needs of those less fortunate are taken into consideration this also needs to be balanced with the needs of family living and raising growing children. The proposed extension is simply required to improve the living conditions within what is currently very restricted domestic accommodation and make it more congenial to raising a close interrelated family.
- We consider the proposals will have minimal interference on any of the neighbouring properties as one of the main objectives of the design brief was to limit the impact on neighbours as much as possible. The proposals, therefore, only nominally increase the existing footprint of the property using the existing walls and foundations for the majority of the extension. The enjoyment of existing gardens and views from existing neighbour's windows, we believe, will not be affected in the slightest. It could be further argued that the proposed extension will benefit some neighbouring properties by providing additional privacy as the existing door to the kitchen of No.45 which is close to the boundary with No.43 will be relocated closer to the centre of the garden.

CONCLUSION

- The proposed extension would blend well into the existing surrounding architecture. The use of existing architectural details, features and materials will result in the new build appearing as original construction and not an extension. The majority of the new extension remains within the original building footprint and therefore maintains the scale of the existing house and the surrounding development generally.
- We respectfully request these observations are taken into account and given careful consideration in determining the application.

Attachments:

- Garden Layout
- Details of typical piling Contractor

1st September 2016

Mr G Williams
21 Bramble Rise
Prestbury
Cheltenham
Gloucestershire
GL52 5LR

Dear Sir/Madam

Recent Planning Application

We understand that you have recently submitted a planning application for a proposed new development and wish to introduce our company in the event that the ground conditions dictate the requirement of a specialist foundation.

M & D Foundations undertake the design and construction of piled foundations for any type of construction as a competitive solution against conventional deep trench foundations.

Piled foundations are often necessary due to poor ground conditions or where the construction is sited at a close proximity to trees as detailed within the NHBC guidelines. It is also a fast and clean method of construction which will not be affected by future ground changes or subsidence.

A full in house design package producing the relevant drawings and calculations to provide the most optimum foundation solution is also available, and we are also in a position to offer a full insurance backed guarantee details of which are available upon request.

Please visit our website www.mdmidlands.com for further information where a downloadable brochure is available.

Yours faithfully
for M & D Foundations Midlands

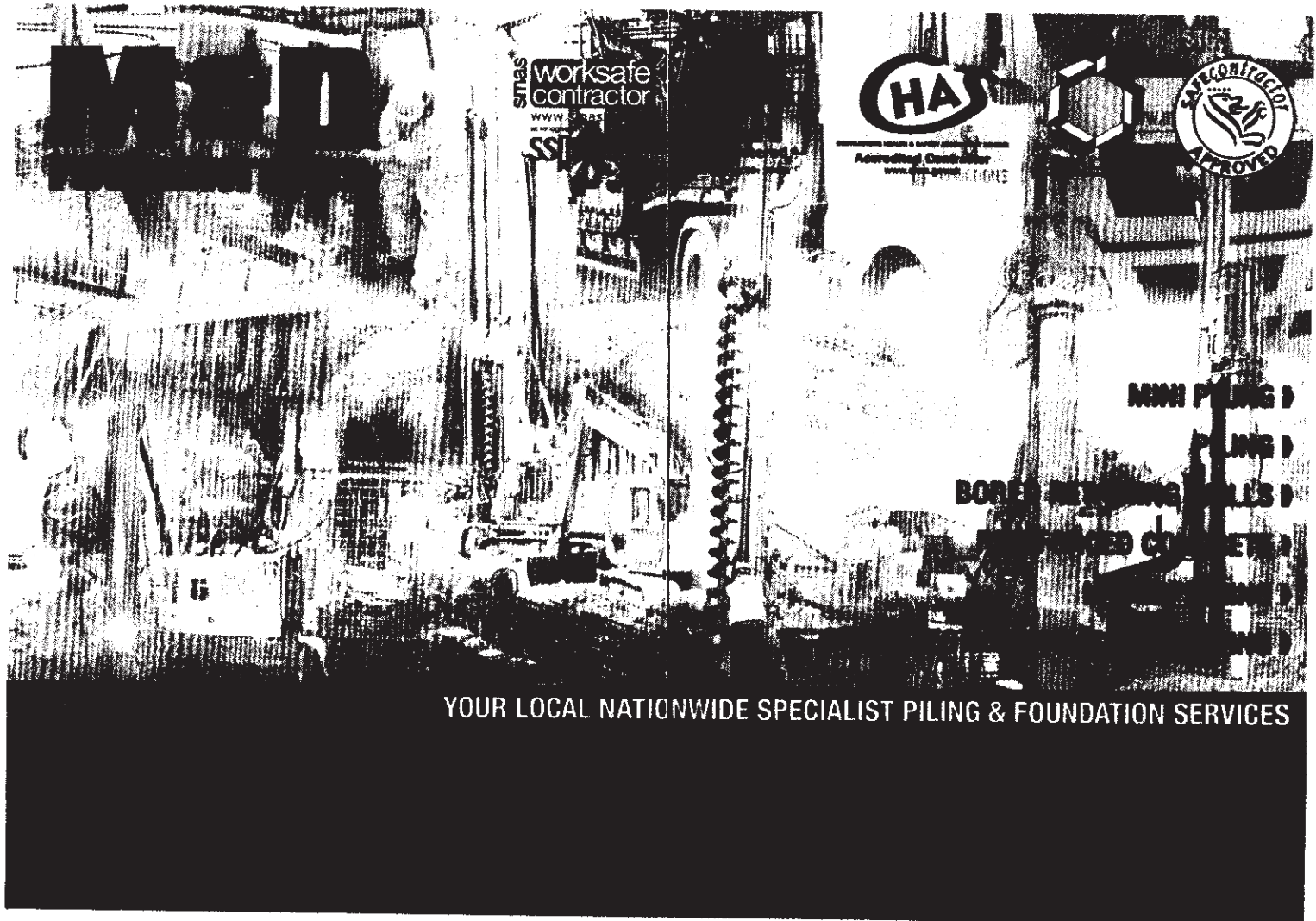
[Redacted Signature]

S R Edgworth
Director



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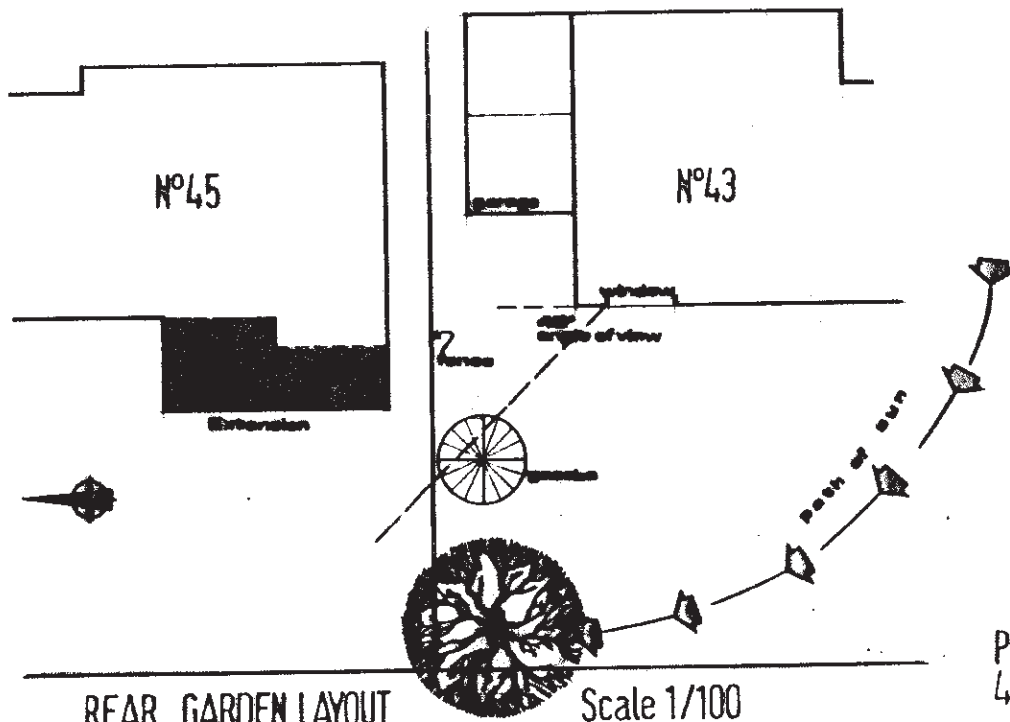
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Cleeve Hill Escarpment



LOCATION PLAN

Proposed 2 Storey Extension
45 Whitethorn Drive Prestbury

20th October 2016

From: 43Whitethorn Drive, Prestbury

**PLANNING APPLICATION NO. 16/01283/FUL – 2 STOREY REAR & SIDE
EXTENSION – 45 WHITETHORN DRIVE, PRESTBURY**

REPLY TO COMMENTS MADE 19.09.16:

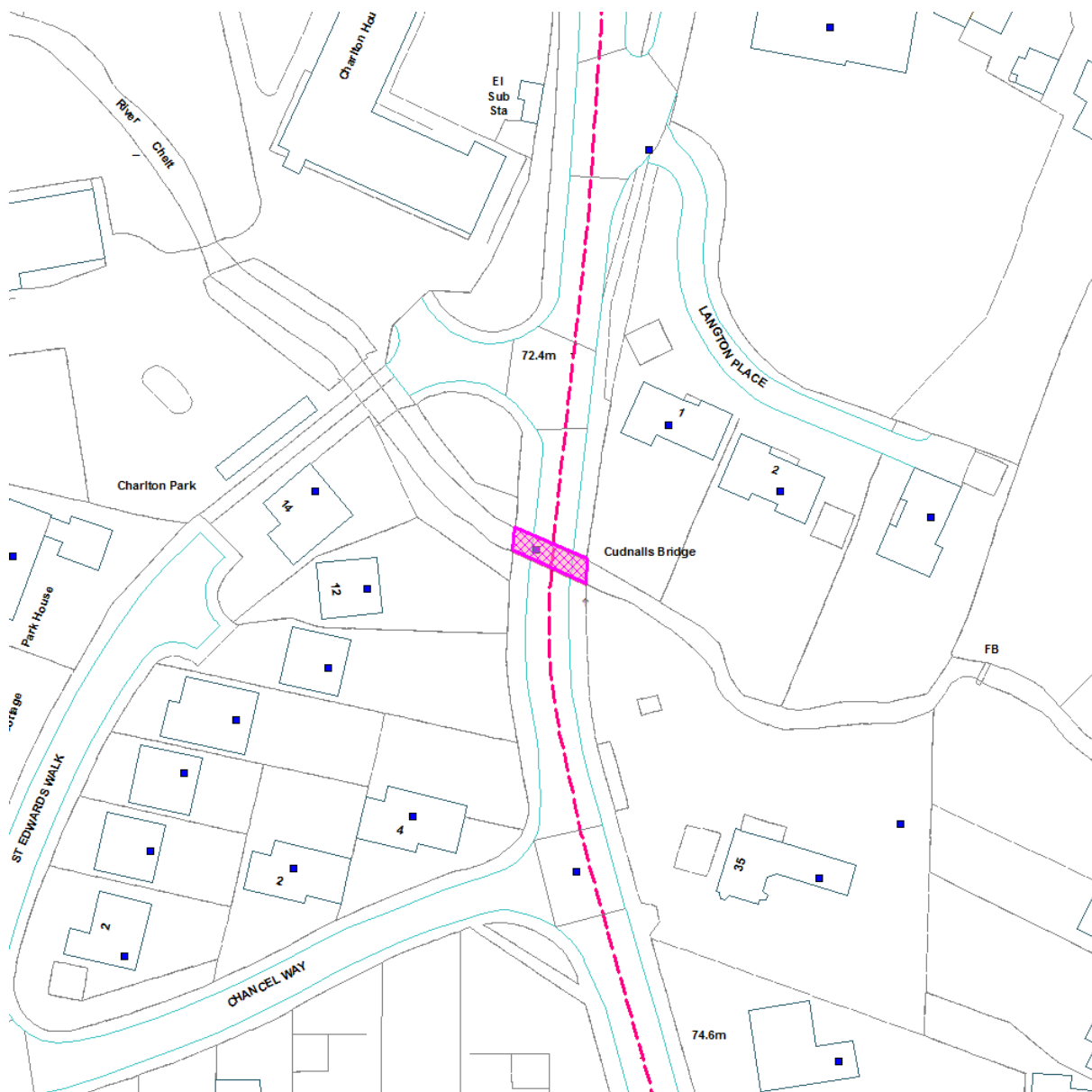
- **Ground Disturbance.** With regard to the piling complications, we rang the company M & D Foundations, the letter attached with the comments of 19.09.16 from No. 45, and spoke with Steve Edgeworth, who confirmed they would not be responsible for any claims made by neighbouring properties if piling caused any damage. In fact they insisted that No. 45 MUST take out a Party Wall Agreement plan with Surveyors (at their cost) and as Mr. Edgeworth stated: “we have the power to stop the build next door until this is put in place”. We and our neighbours at 39 & 41 Whitethorn Drive are still extremely concerned about these piling issues.
- **Loss of views & light.** Our main concern to the extension is our loss of light, overbearing, overshadowing our patio, visually dominating our postage-stamp size garden, cutting out our sun light and in fact the extension is out of keeping in relation to its plot size. Although we would obviously prefer no extension, we would also ask the Planning Committee to look at the extensions passed on two similar designs of house as No. 45 on this Estate: No.65 Whitethorn Drive (an extension of the top storey from front of garage to rear of breakfast room, which is approximately 26 feet in length) or No. 2 Blackberry Field (top storey extension flush to the front of the house and out to the rear of the breakfast room plus a single storey extension at the rear). The proposed new extension would set a precedent to this Estate by allowing over-development, and would only be 7.5 metres away from the No. 39’s rear garden boundary!
- We welcome No. 45 and the Planners to view our wonderful view of Cleeve Hill escarpment from our Landing window; a glorious view we have cherished for over 31 years. Sitting on the sofa in our Sitting Room, we currently see the sky and trees – again we would be looking onto a solid brick wall with no sky view if the rear extension was granted.
- We would remind the neighbours that THEY erected a 6 foot fence less than 3 years ago, on their arrival – prior to that it was only 4’6”. We did however add a 1 foot open-trellis panel to the fence about 4 months ago, due to the constant damage to our garden plants from the neighbours’ footballs. For information, Bovis (the house builders) put in the tree close to the neighbours boundary.

- We object to the new proposed side kitchen window; cooking smells would pour out directly onto our seating area of our patio, less than 4 feet away. We currently have no windows overlooking the patio and object to this new window being created.

In conclusion, this proposed 2 storey side and rear extension is completely out of scale to the existing plot size and looms directly over our garden, obliterating our views, sunlight and sky. We would ask that the Planning Committee scale down the size of the proposed extension to No. 45.

| | |
|--|---|
| APPLICATION NO: 16/01284/LBC | OFFICER: Ms Wendy Tomlinson |
| DATE REGISTERED: 27th July 2016 | DATE OF EXPIRY: 21st September 2016 |
| WARD: Charlton Kings | PARISH: Charlton Kings |
| APPLICANT: | Gloucestershire County Council |
| AGENT: | Amey |
| LOCATION: | Cudnalls Bridge, Cirencester Road, Charlton Kings |
| PROPOSAL: | Reinstate bridge parapet, pilaster and approach wall following partial damage |

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

Cudnall Bridge is a grade II listed limestone ashlar bridge and parapet with three matching ashlar end piers and one very damaged pier to which this application refers. The proposal is to reinstate the damaged part of the parapet; pier and approach wall following the partial damage of the structure caused by a lorry collision. The site is prominent and the whole ensemble is an attractive set piece within the setting of the Cudnall Street Conservation Area.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Flood Zone 2
Flood Zone 3
Listed Buildings Grade 2

Relevant Planning History:

None.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 7 Design
BE 9 Alteration of listed buildings

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Wales And West Utilities

16th August 2016

Comments available to view on line.

Parish Council

9th August 2016

No objection

GCC Highways Planning Liaison Officer

9th August 2016

I have no objection to the proposed repair works.

Statement of Due Regard

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

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

Gloucestershire Centre For Environmental Records

12th August 2016

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|---|
| Number of letters sent | 6 |
| Total comments received | 0 |
| Number of objections | 0 |
| Number of supporting | 0 |
| General comment | 0 |

- 5.1 A site notice was displayed near to the site and an advertisement was placed in the *Gloucestershire Echo* as required.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The determining issue is the impact of the proposed repair works on the remaining listed structures which are largely intact. The damaged pier has previously been replaced and on that occasion the materials and finish of the pier was not a sympathetic match to the existing piers. The piers were rendered and the block work scribed into the render. An attempt is being made with this proposal to match the ashlar stone work and this is welcomed. Due to the vulnerability of the pier's location and likelihood that it will be struck again the use of cast stone on this occasion has been supported. The cast stone will have the appearance of natural stone and allows for the core to be reinforced.

7. CONCLUSION AND RECOMMENDATION

- 7.1 This proposal is a pragmatic solution for a vulnerable listed structure and although the materials are not like for like the appearance will be improved, and this, in view of its location and the strong likelihood that the pier will be hit again is considered an appropriate response. The proposal accords with local and national policy that seeks development that enhances sensitive heritage locations and is therefore recommended for approval subject to the following conditions.
- 7.2 It has been noted by officers that the works have been undertaken prior to the determination of this application and are now complete.

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).

- 4 The new cast stone work shall match the facing ashlar work on the principal listed bridge parapet and piers in respect of colour, texture and finish.

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).

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

a) Railings to include finials and back stays

The details of the above shall include the following:

- 1:5 detailed designs of the finials, uprights and all fixings.

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

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).

INFORMATIVES

- 1 The applicant, their successors, and developer must ensure compliance with the conditions listed above. Some conditions may require the submission and approval of further information to the Local Planning Authority prior to the commencement of development, works, use or occupation.

Please note that an application for approval of details reserved by a condition will need to be made to the Local Planning Authority in respect of those conditions. You should allow up to eight weeks for a decision. Please ensure that you allow plenty of time for this process when planning the timetable for your project. Commencement in breach of a condition could lead to enforcement action.

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

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

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

| | | | |
|--|---|--|--|
| APPLICATION NO: 16/01284/LBC | | OFFICER: Ms Wendy Tomlinson | |
| DATE REGISTERED: 27th July 2016 | | DATE OF EXPIRY: 21st September 2016 | |
| WARD: Charlton Kings | | PARISH: Charlton Kings | |
| APPLICANT: | Gloucestershire County Council | | |
| AGENT: | Mr M Dragojlovic | | |
| LOCATION: | Cudnalls Bridge Cirencester Road Charlton Kings | | |
| PROPOSAL: | Reinstate bridge parapet, pilaster and approach wall following partial damage | | |

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Following a site visit undertaken on the 18th October 2106 with members of the Planning Committee and Planning Officers it was apparent that the works for which this application was for had been undertaken and were not to a standard that was acceptable. This observation does not affect the recommendation for approval for the works but will be followed up subsequently with the applicant to seek an improved finish. Of particular concern was the poorly installed DPC between the pier and boundary wall which is likely to allow water ingress and the patch cement repairs to the wall and railings plinth which do not match existing.

2. CONCLUSION AND RECOMMENDATION

The scheme is recommended for approval.

3. 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).

INFORMATIVES :-

- 1 The applicant, their successors, and developer must ensure compliance with the conditions listed above. Some conditions may require the submission and approval of further information to the Local Planning Authority prior to the commencement of development, works, use or occupation.

Please note that an application for approval of details reserved by a condition will need to be made to the Local Planning Authority in respect of those conditions. You should allow up to eight weeks for a decision. Please ensure that you allow plenty of time for this process when planning the timetable for your project. Commencement in breach of a condition could lead to enforcement action.

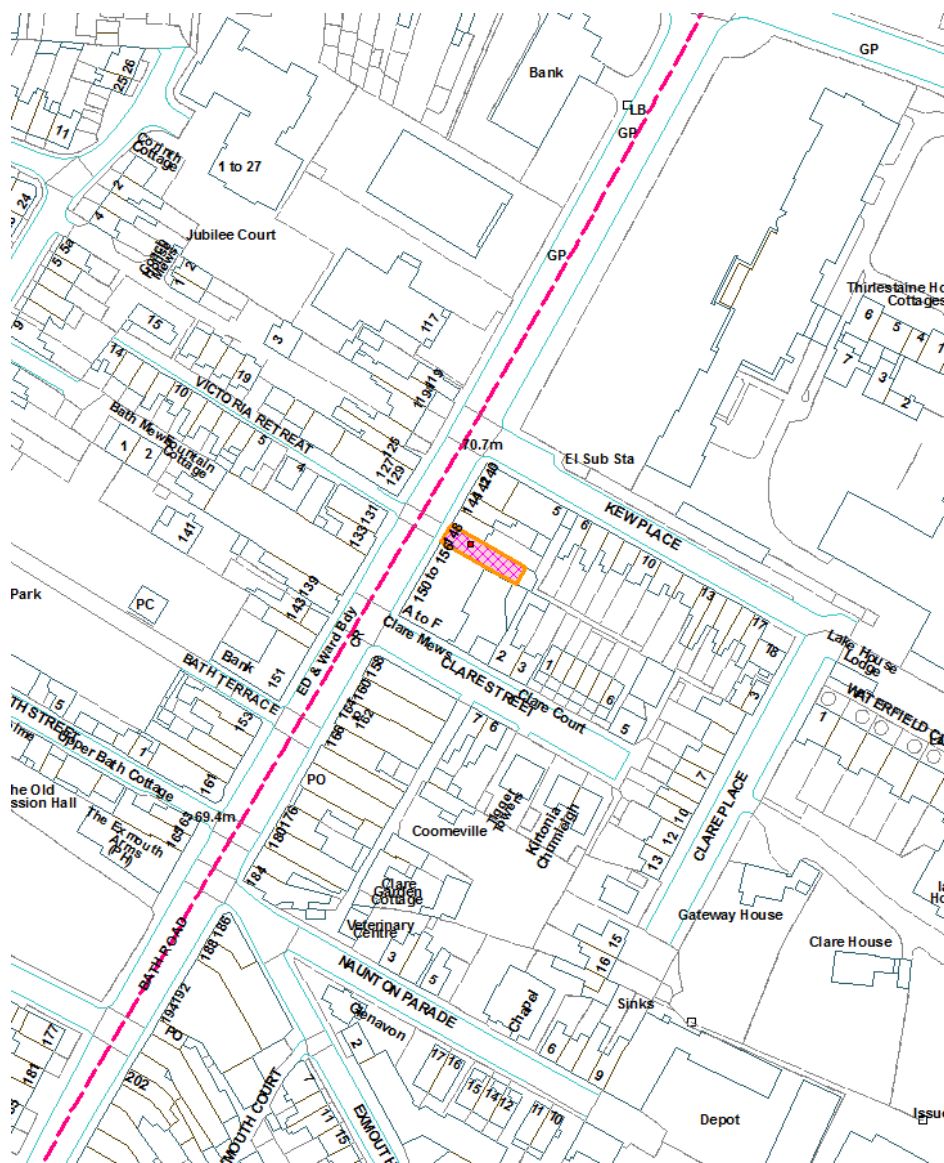
- 2 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible,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

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

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

| | |
|---|---|
| APPLICATION NO: 16/01546/FUL | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 20th September 2016 | DATE OF EXPIRY: 15th November 2016 |
| WARD: College | PARISH: N/A |
| APPLICANT: | Mr A Savvides |
| AGENT: | N/A |
| LOCATION: | 148 Bath Road, Cheltenham |
| PROPOSAL: | Provision of glazed balustrade to front elevation |

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a property prominently located within the Bath Road Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The building, together with its neighbour, is identified as a positive building in the Townscape Analysis Map.
- 1.2 The site is also located within the Bath Road district shopping area, with the ground floor of the building in a commercial use as a barber shop, and residential accommodation on the upper floors.
- 1.3 The applicant is seeking planning permission for the provision of a glazed balustrade to the front of the building at roof level.
- 1.4 The application is before planning committee at the request of Cllr Sudbury on behalf of the applicant. Members will visit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Conservation Area
District Shopping Area
Smoke Control Order

Relevant Planning History:

13/02043/FUL

PERMIT

17th January 2014

Alterations and extension to form 3no. additional flats over shops at 146 & 148 Bath Road.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Bath Road Character Area Appraisal and Management Plan (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Heritage and Conservation

11th October 2016

1. The retention of this glazed balcony is of concern due to its design and materials, incongruous appearance and high visibility on the building and within the conservation area.
2. Extant approval 13/02043/FUL was given for a scheme which included the second floor setback behind a raised parapet which was detailed with the parapet "*to avoid an unsatisfactory junction at the abutment with the adjacent building south of the site*" (quote from applicant's Design & Access Statement).

3. The raised parapet was an appropriate design detail for a building of this style and scale. It also provided a solid balustrade at the right height to meet current building regulations to allow for use of the roof terrace.
4. Unfortunately the scheme has not been completed to the approved plans: the parapet wall is lower and as a result of this the glazed balustrade has been added.
5. No.148 Bath Road is shown on the 1884 OS Map and although there is little historic fabric remaining on its front elevation the downpipe arrangement and relationship to the parapet is typical of mid-century artisan dwellings of this age and style. The plot width, scale and form of No.148 are typical features of the historic terraces on Bath Road and are a recognised key characteristic of the conservation area.
6. The character of this part of the conservation area is diverse which derives from its specialist shops and independent cafes and public houses which are largely housed in historic buildings and whilst there is more scope in this area for variety, the juxtaposition of a glass balustrade with the historic roofline of adjacent buildings diminishes the special interest of the conservation area.
7. A key issue in this area is the loss of traditional architectural features on historic buildings and recent approved schemes in the area have sought to improve and address these issues.
8. No.148 has been much altered over the years and the recently approved scheme (13/02043/FUL) sought to improve its appearance by reinstating its historic appearance. Albeit that the approved materials and design details were not correctly adhered to, the building nevertheless has achieved this to a limited extent. This is evident in the six over six pane windows, the mansard roof and the attic dormer: all of which are historically referenced features.
9. The glass balustrade is overtly modern and not in keeping with the simple artisan appearance of No.148 or that of Nos.150 to 156 which have more successfully retained their Georgian character.
10. Furthermore without the parapet built to its intended height the building appears wrongly proportioned which isn't helped by the off-centre first floor window.
11. In my opinion correcting the height of the parapet will be of significant aesthetic benefit to No.148; the balustrade will be unnecessary and "the unsatisfactory junction at the abutment with the adjacent building south of the site" will be resolved as previously intended. The "off the shelf" glass balustrade is higher than the intended solid parapet and for this reason appears to be wrongly scaled and visually dominant.
12. The glass balustrade in this location is an anomaly that detracts from the special interest of the conservation area and noticeably diminishes its quality and significance. The harm that this will cause is unnecessary and implementation of the approved scheme is recommended.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 11 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. At the time of writing this report, 11 letters of support have been received in response to the publicity; the

comments have been circulated to Members separately. No local objection has been raised.

6. OFFICER COMMENTS

- 6.1 The main considerations when determining this application relate to the planning history, design, and impact on the conservation area.
- 6.2 Planning permission was granted in January 2014 for alterations and extensions to nos. 146 & 148 Bath Road to form 3no. additional flats. These works have since been implemented albeit not in accordance with the approved plans.
- 6.3 As part of the previously approved scheme, it was proposed to replace an inappropriate first floor casement window to the front elevation of no.148 Bath Road with a traditional sliding sash window in an amended/enlarged opening to reflect the windows in the adjacent Natural Grocery Store, and to line through with the dormer window above. This element of the scheme was seen to be a heritage gain but regrettably has not been carried out as approved; instead, an inappropriate upvc window with top hung opening lights has been installed in the original albeit reduced opening. Furthermore, the parapet height to the front of the building is lower than that approved.
- 6.4 In addition, an external terrace has been created at second floor level which did not form part of the approved scheme. An unauthorised glazed balustrade was installed and an approved window replaced by a door to provide access.
- 6.5 The unauthorised glazed balustrade has since been removed with the exception of the brackets; however, this application seeks planning permission to reinstate it.
- 6.6 Matters relating to design, and impact on the conservation area have been fully addressed by the Conservation Officer in their comments above and it is not felt necessary to repeat them here; however, to summarise:
 - The glazed balustrade is of concern due to its design and materials, incongruous appearance and high visibility on the building, within the conservation area.
 - The glazed balustrade is overtly modern and not in keeping with the simple artisan appearance of No.148 or that of Nos.150 to 156 which have more successfully retained their Georgian character.
 - The glazed balustrade in this location is an anomaly that detracts from the special interest of the conservation area and noticeably diminishes its quality and significance.
 - Had the scheme been implemented in accordance with the approved scheme, the glazed balustrade would not be required; the harm that this will cause is therefore unnecessary.
- 6.7 In considering the planning balance of the proposal, the benefits of the scheme would serve only the applicant, and therefore the identified harm to the building would not be outweighed by any public benefits.
- 6.8 The recommendation therefore is to refuse planning permission for the following reason:

7. REFUSAL REASON

- 1 No. 148 Bath Road is wholly located within Cheltenham's Central Conservation Area and as such the Local Planning Authority is statutorily required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The proposed glazed balustrade which is overtly modern in its appearance would be at odds with the the simple artisan appearance of the building and that of its neighbours at nos.150 to 156 Bath Road which have more successfully retained their Georgian character, and would appear as an anomaly that would detract from the special interest of the conservation area.

The proposal is therefore contrary to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policies CP3 and CP7, and national guidance set out within the National Planning Policy Framework.

| | |
|---|---|
| APPLICATION NO: 16/01546/FUL | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 20th September 2016 | DATE OF EXPIRY : 15th November 2016 |
| WARD: College | PARISH: |
| APPLICANT: | Mr A Savvides |
| LOCATION: | 148 Bath Road, Cheltenham |
| PROPOSAL: | Provision of glazed balustrade to front elevation |

REPRESENTATIONS

| | |
|---------------------------|-----------|
| Number of contributors | 10 |
| Number of objections | 0 |
| Number of representations | 0 |
| Number of supporting | 10 |

12 Grafton Road
Cheltenham
Gloucestershire
GL50 2ES

Comments: 4th October 2016

Bath Road is a vibrant dynamic asset to the people of the local area. The proposal is a well-designed enhancing feature. We would like to fully support the application.

140 Bath Road
Cheltenham
Gloucestershire
GL53 7NG

Comments: 4th October 2016

As a neighbouring business we have no objection to the proposed plans and are more than happy to support them.

160 Bath Road
Cheltenham
Gloucestershire
GL53 7NF

Comments: 10th October 2016

I have a shop along the Bath Road and see no problems with the glass balustrade at the address 148 Bath Road. I think it looks nice and clean and nice to see someone making an effort in keeping his/her property looking smart.

150 - 156 Bath Road
Cheltenham
Gloucestershire
GL53 7NG

Comments: 3rd October 2016

Thank you for the opportunity to support this application. As a neighbouring business we have no objection to the plans

Chadwick
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 3rd October 2016

I write in connection for the above planning application. I have looked at the plans and know the site well.

I wish to offer my support for the proposal as I think the glass balustrades improve the facade of the property.

180 Bath Road
Cheltenham
Gloucestershire
GL53 7NF

Comments: 29th September 2016

I would like to support this planning application. I have been in business in Bath Road for many years and have seen many changes. I feel that this development was a good asset to the Bath Road shopping area and the addition of the proposed glazed balustrade can only enhance this development. I urge you to approve this application.

166 Bath Road
Cheltenham
Gloucestershire
GL53 7NF

Comments: 29th September 2016

My family and I have owned 166 Bath Road for over 40 years and have witnessed many changes on during that time.

The changes to 148 Bath Road were a huge step forward and changed the old building in favour of a well designed and much needed apartments building.

The key attractive feature, the balcony, has however been removed due to planning objections.

I see no reason why such an attractive feature be denied to Bath Road and I would fully support its return.

Please rethink the planning objections.

3 Chedworth Drive
Winchcombe
GL54 5BE

Comments: 29th September 2016

I am fully supportive of the proposed application for the glass balustrade at 146/148 Bath Rd. There would be no detrimental effect to that area of the Bath Rd, in fact quite the contrary, it would enhance the appearance greatly of the building.

144 Bath Road
Cheltenham
Gloucestershire
GL53 7NG

Comments: 27th September 2016

As a local resident and business owner I support this application. The complete development at 148 Bath Road has been done to a high level and the glass balcony frontage will be less obtrusive than any other material. The overall decision should come from those who overlook it but as a neighbour I cannot see it impacting on anyone's view and would most probably enhance the privacy of those opposite.

131 Bath Road
Cheltenham
Gloucestershire
GL53 7LT

Comments: 30th September 2016

I am very supportive to this.

My business is directly opposite and have wondered why it looks good but not quite finished. The work done in recent times to this building has greatly improved it . i think finishing it off in this way is just what's needed.

| | | |
|---|---|--|
| APPLICATION NO: 16/01546/FUL | | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 20th September 2016 | | DATE OF EXPIRY : 15th November 2016 |
| WARD: College | | PARISH: |
| APPLICANT: | Mr A Savvides | |
| LOCATION: | 148 Bath Road, Cheltenham | |
| PROPOSAL: | Provision of glazed balustrade to front elevation | |

ADDITIONAL REPRESENTATIONS

123 Bath Road
Cheltenham
Gloucestershire
GL53 7LS

Comments: 11th October 2016

I do feel they are needed, if only for a safety aspect.

133 Bath Road
Cheltenham
GL53 7LT

Comments: 13th October 2016

This is the 21st century, design moves on, we cannot keep living in the past.

As a business owner of a property opposite 148 Bath Road I consider that a glass balustrade will only enhance the attractiveness of the building and give my support to the proposals.

| | | |
|---|---|--|
| APPLICATION NO: 16/01546/FUL | | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 20th September 2016 | | DATE OF EXPIRY : 15th November 2016 |
| WARD: College | | PARISH: |
| APPLICANT: | Mr A Savvides | |
| LOCATION: | 148 Bath Road, Cheltenham | |
| PROPOSAL: | Provision of glazed balustrade to front elevation | |

ADDITIONAL REPRESENTATION

123 Bath Road
Cheltenham
Gloucestershire
GL53 7LS

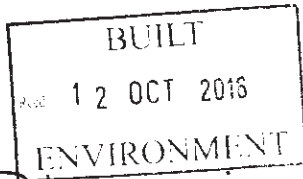
Comments: 17th October 2016
Letter attached.



MPage 96 Eating House
123-129, Bath Road

Cheltenham

GL53 7LS
11/10/16



Ref:- Planning Application

16/01546/FUL

148, Bath Road, Cheltenham

GL53 7NG

Dear Sir

With reference to the above application, I have no objection to the reinstatement of the balustrade directly opposite my property. I own the restaurant & wine bar opposite the three flats above.

Regards

