



Notice of a meeting of Planning Committee

Thursday, 17 November 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** (Pages 5 - 6)
- 5. MINUTES OF LAST MEETING** (Pages 7 - 20)
- 6. PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS**
 - a) **16/01149/FUL 15 Greenhills Road** (Pages 21 - 102)
 - b) **16/01337/FUL 1 College Gate** (Pages 103 - 158)
 - c) **16/01672/FUL Rear of 178 Prestbury Road** (Pages 159 - 172)
- 7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES
URGENT AND REQUIRES A DECISION**

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17th November 2016

Member Questions (2)

1.	Question from Councillor Willingham to planning officers
	<p>Could I please be advised what s106 monies are available or potentially available from developments in St Peter's ward, including details of the development to which they relate, what they can be spent upon, the status of the monies, and any deadlines for the money to be spent?</p>
	<p>Response from Director of Planning</p> <p>There are two contributions relating to St Peter's ward:</p> <ol style="list-style-type: none"> 1. Saxon Quarter (Christ College) - play space contribution of £31 039.50 identified through S106 to be delivered at St. Peters Chelt Walk. This S106 has just been received, so there is a period of 5 years to spend. Shortly officers will be engaging with relevant ward members, Big Local and the local community to determine the delivery of the scheme. 2. 2 Devon Avenue – Public Art of £27,000 of which 10% was received and committed on project management and appointment of an artist. The balance of £24 300 has only recently been received and the intention is to deliver a project which was agreed by the Public Art Panel for public art provision in King George V playing fields.
2.	Question from Councillor Willingham to planning officers
	<p>Given the time-bounded nature of s106, would the Chair of Planning Committee agree to work with Planning Officers ensure that s106 reports are regularly provided to Planning Committee and regularly published, both to improve the transparency and oversight of these important tranches of public money, and also to try to minimise the risk of unspent funds being lost from the public purse by having to be returned to developers?</p> <p>For clarity, in the above questions "s106" refers to "Planning obligations" pursuant to section 106 of the Town and Country Planning Act 1990.</p>
	<p>Response from Director of Planning</p> <p>S106 monies are regularly monitored; this manages the risk of funds being unspent.</p> <p>During 2016 an officer working group was set up to ensure communication between relevant teams and support monitoring of the schedule of S106. An output of this group is to deliver regular reporting to Cabinet via the quarterly budget monitoring report. This approach has been agreed with Chair of Planning Committee. Reporting will begin in the first quarter of 2017.</p>

Planning Committee

20th October 2016

Present:

Members (14)

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

Substitutes: Councillor Paul McCloskey (PM)

Present as an observer: Councillor Babbage

Officers

Tracey Crews, Director of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Michelle Payne, Senior Planning Officer (MP)
Chloe Smart, Planning Officer (CS)
Ben Hawkes, Planning Officer (BH)
Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillors Hobley and Nelson.

2. Declarations of interest

Regarding **16/01597/FUL 6 Wards Road**, NJ explained that although the applicant is known to most of Cheltenham's LibDems, that in itself doesn't preclude them from taking part in the debate. Members should ask themselves whether they consider themselves close friends of the applicant, in which case they should declare a prejudicial interest; it is up to each individual member to decide on this. LibDem Members agreed *en bloc* that they all have a personal but not prejudicial interest in this application.

16/01546/FUL 146-48 Bath Road

Councillor Oliver – has a personal and prejudicial interest; the applicant signed his nomination papers, and he has been a customer for many years. Will speak on the applicant's behalf in support of the application, then leave the chamber.

Councillor Hay – personal – knows the applicant, gets his hair cut there.

16/01180/FUL Charlton Kings Hotel, Cirencester Road

Councillor Lillywhite – could be a perceived prejudicial interest here – will therefore leave the chamber.

3. Declarations of independent site visits

Councillor Barnes mentioned that there were very few Members present on Planning View this month.

- i. Councillor Savage – Charlton Kings Hotel

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- ii. Councillor Lillywhite – 6 Wards Road; 146-48 Bath Road; Burma Avenue
- iii. Councillor Sudbury – has informally visited 6 Wards Road and 146-48 Bath Road
- iv. Councillor Baker – visited 45 Whitethorn Drive on previous Planning View; has visited Charlton Kings Hotel
- v. Councillor Paul McCloskey – drives over Cudnalls Bridge every day; has also visited 6 Wards Road, and knows Charlton Kings Hotel.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 22nd September 2016 be approved and signed as a true record with the following correction:

Application Number: 16/01203/FUL Location: 332 London Road, Charlton Kings, Cheltenham

Page 10, public speaking

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~~ 282 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.

5i. Matters arising

Councillor Barnes has asked Ullin Jodah McStea, Heritage and Conservation Officer, whether the proposed lamps at the Cenotaph will be lit; she confirmed that they will be viable lights.

6. Planning applications

Application Number: 16/01597/FUL Location: 6 Wards Road, Cheltenham Proposal: Proposed erection of a wheelchair lift at the front of the property and relocation of front door View: Yes Officer Recommendation: Refuse Committee Decision: Permit Letters of Rep: 2 Update Report: None
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CS introduced the application as above, saying it is at Planning Committee at the request of Councillor McKinlay, due to the special circumstances. While the needs of the applicant are acknowledged, officers feel that the proposal will be harmful to the existing property and surrounding area, hence the recommendation to refuse.

Public Speaking:

Councillor McKinlay, ward councillor, in support

As CS has said, asked for this application to come to Committee for consideration as, under delegated authority, it would have been refused on policy CP7. Wearing his other hat, as cabinet member with responsibility for the built environment, would have to say that is the correct decision on policy grounds. However, feels that the particular circumstances of this case mean that we should make an exception to the rule - members will have read that the applicant's wife has a medical condition which

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has prompted this planning application. In normal circumstances, where a proposed addition to a property will have an obvious visual impact on the road, we would have objections from neighbours, but in this case, there are none. All neighbours have verbally told the applicant that they are in favour of the proposal, and those at Nos. 2 and 8 have written letters of support. This indicates the way the proposal is viewed in the street. One of the pictures shows the proposal as a large black tube clad in reflective black glass – this was chosen to reflect the environment better than anything else, but the applicant is happy to clad it in whatever material the Committee may think appropriate. The applicant has also agreed to remove the lift before the property is sold or when it is no longer used – it is not a permanent structure.

The officer report acknowledges the significant benefits of installing the lift on the outside – it will not reduce the available floor space inside and will be fully reversible – but have made an on-balance recommendation on account of the harm it will do to the street scene, policy considerations, and its obtrusive design. However, as the neighbours do not object, and the lift is required for the clear purpose of allowing the applicant to continue living in the family home, the Committee should use its discretion in relation to this application. Personally feels that enforcing CP7 in this instance would be the wrong decision.

Member debate:

HM: is pleased to hear AM say that the applicant is prepared to consider other materials for cladding, as this is the real nub of the issue. If Members are minded to approve the application, can this be a condition – that alternative cladding material be submitted, to be approved by officers?

AL: there was mention in the report that the lift could be removed when it is no longer required. Can this be conditioned successfully?

BF: it is difficult to tell from the illustration how the reflective surface of the lift shaft will appear in reality. It will reflect other parts of the property, the street scene etc, and won't look as harsh as the solid black line on the photo. It has to be positioned on the outside of the house to achieve the required height for the winding gear, and is needed to allow the applicant's wife a better quality of life.

GB: it is needed to allow access to the upper storey of the house.

PB: AM is quite right – the officer recommendation is the right one – but as human beings, Members have to make a difficult choice between strict planning guidelines and humanity. The street scene is not exceptional – not a Regency terrace – but it's true to say the lift will stick out like a sore thumb. Anything that can be done to soften this should be done. Is inclined to support the proposal on humanity grounds, particularly as there are no objections from neighbours for that reason.

MC: has read all the papers and accepts what other Members have said. Agrees that this is not a flattering photo, that the street is not special, and that there are no neighbour objections. Notes that the house itself isn't parallel to the road – it is at an angle – and wonders if that will help or hinder the effect of the lift shaft on the street scene. Thinks it will probably take away some of the impact, and this is an important consideration. Is minded to support. Officers have to go with policy, but it is alright to make exceptions at times.

CS, in response:

- to HM, regarding the cladding, if Members would like this to be altered, it can be delegated back to officers for discussion;
- to AL, regarding a condition to remove the lift when no longer needed, officers consider that this will need a 106 agreement because of the harm to the building and the special circumstances of the applicant. This would also need to be delegated to officers to discuss.

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BF: the danger with a 106 is that if the applicant moves, a prospective buyer may actually require this additional facility and want to retain it. Would a 106 agreement mean that the lift *has* to be removed when the applicant moves?

CH: would like clarity re the cladding. If it has been demonstrated that black glass is the best material to use, doesn't want the Committee to give the impression that it objects specifically to that; just to request that the cladding material be looked at again.

GB: would imagine that one of the reasons for the black glass being chosen, other than it being reflective, is that it will make it impossible to see what is inside the lift, while letting in sufficient light. The applicant will not want to be seen from the street, and this cladding is secure in that sense.

PT: wonders whether we could condition some sort of opaque cladding and windows inside, obscure get giving light. There are all sorts of things to be considered, and a good architect will be able to give a lot of guidance.

CS, in response:

- to BF, re the 106 agreement – once the property is sold, the future of the lift will be dictated by the terms of the 106; a legal agreement is a sure way to tie this up;
- regarding the glass, presumes the reflective glass is for privacy; the applicant has stated that while he is happy to consider alternatives, he will require privacy. He is open to discussion.

SW: is with CH on this. It should be left as is – dark glass – unless officers have real difficulty with it. They don't appear to, and the applicant will have taken privacy into account when choosing the glass.

LS: regarding a condition requiring the removal of the lift when the current occupants move, this is unnecessarily restrictive. We have an ageing population, and there could be a demand for properties for people with health and mobility issues. We need more properties of this kind, not less.

BF: would a 106 agreement make it mandatory to remove the lift on selling the house? This would be the wrong thing to do – the property may be attractive to some people with the lift in place.

GB: but as it contravenes policy CP7, it should only be considered for temporary permission due to the special circumstances of the applicant.

CS, in response:

- the issue is the level of harm the officers have identified with the structure which Members feel is outweighed by the special circumstances. This needs to come through in the decision, and a legal agreement is the best way to tie it up for the future.

PT: there may be no need to refuse it in the next five, ten or fifteen years. By then, the council's policies may have changed. The legal agreement mustn't tie things up too tight.

AL: if the removal was conditioned with a 106, what would happen if a future owner wanted to retain the lift? Could they reapply for permission, and would that override the 106 agreement?

CS, in response:

- they could apply for the same proposal again, it would be considered on its merits. Any legal agreement would run with this application and this permission.

MJC, in response:

- Members are taking the personal circumstances of the applicant into account and coming to a different conclusion from officers. This is at the Committee's discretion. If permission for this

proposal is given, it should solely for this applicant – hence the legal agreement – as it will not be a good addition to the property. It could be varied in the future, but this decision cannot stray beyond this applicant's own personal circumstances;

- the proposal is contrary to policy. Members are weighing up the scheme and thinking it's OK, but this decision needs to be justified and a 106 agreement is the way to do that. Something needs to be added to the decision to show the reason why that decision was reached;
- the decision needs to reflect the debate, show that Members have weighed this proposal in the balance, recognised that it is contrary to policy on design grounds, but there are particular reasons to support it. A 106 agreement will cover this.

PB: the location is critical here, and has had an impact on his decision.

CH: there have been one or two other situations where something similar has cropped up, and formal discussions with officers and Members outside the meetings have been held to see how to deal with them. There are cases where officers have no option but to refuse an application. Some clarity for Members would be useful.

GB: every application is considered on an individual basis; it is difficult to have rules on this.

MJC, in response:

- that is a valid point, but officers could have come to a different conclusion – policy allows for this. In this case, however, they feel that the benefits don't outweigh the harm; Members don't agree.

PT: there are likely to be more and more application of this kind. Each situation needs to be assessed on a general basis.

GB: that is for officers to do.

KS: there are specific reasons why this application could be permitted which would not be acceptable elsewhere, such as the streetscape, or if it was a listed building or in a conservation area. Each application is considered on its own merits. A strong reason to support this scheme is that there are no objections from neighbours – this is significant. It is also significant that the addition to the house will only be temporary, for as long as it is needed, to be secured by a legal agreement. These are the reasons why Members are prepared to go against officer recommendation. The other side of this is that it will make a significant change in the street scene, and people may wonder why it has been done.

BF: a 106 is a legally binding document. It is common sense that when in the future this house is put on the market with a lift in place, that may be a marketing feature and the very reason why someone will want to buy it – more and more people are going to need this sort of facility. Making its removal a legal requirement is foolish. And it is on the outside of the house because there is no room inside.

GB: the next owner of the property could re-apply for permission. 106 agreements apply to all sorts of things and are legally binding.

CS, in response:

- this issue has been considered by officers, who have had discussions with legal officers and the applicant, but is slightly vague at this stage. Because of the harm the proposal will do to the property, it is of paramount importance that it be removed in the future when no longer needed.

DS: this is a case of humanitarian issues against planning issues, but would Members be taking the same view if the property was a listed building?

GB: this has been covered already.

MC: feels this discussion is being made more complicated than it needs to be. Taking into account the lack of objections, the location, and the 106 agreement, Members need to make up their own minds. Has made his mind up and is happy to go to the vote now. Members should not worry too much about the future, but put a lid on it now.

Vote on officer recommendation to refuse

13 in objection

1 abstention

NOT CARRIED

Vote on move to permit, with 106 agreement, and delegating to officers further discussion about cladding materials

13 in support

1 abstention

PERMIT

Councillor Lillywhite left the Chamber for the duration of the following discussion.

Application Number:	16/01180/FUL
Location:	Charlton Kings Hotel, London Road
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.
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	11
Update Report:	None

MJC introduced the application as above. There will be a net gain of 18 rooms. The scheme has been amended during the application process, taking into account neighbours' concerns about loss of amenity. The hotel is situated in a prominent location in the AONB, and is at Committee at the request of Councillor Helen McCloskey on account of concerns about the impact on neighbouring amenity. The recommendation is to permit, with conditions.

Public Speaking:

Mr Chris Gray, agent, in support

There are a few areas of the application which need to be emphasised. Firstly, the application site had several challenges: AONB, protected trees, London Road, impact on neighbouring properties. The applicant entered into pre-app discussions to address neighbours' concerns, with several options being considered, and ultimately agreed that the eastern boundary was the best place to develop – with natural landscape, avoiding over-development on the main road, and with a right of way track between the hotel and Woodgate Drive to ensure good separation. Regarding functions, the pre-app proposed additional bedroom suites and a function room for weddings, business conferences etc, on the eastern boundary, but as a result of neighbour concerns about noise, overspill and parking, the function room has now been omitted from the proposal, leaving the application for additional bedrooms and upgraded guest facilities well away from residential properties. There will be sufficient guest parking on site. Regarding scale and massing, the footprint has been reduced, and the upper storey windows will have fully obscure glass and be fixed, to avoid any concerns about overlooking.

Member debate:

PB: how are comments from the trees officer and landscape architect to be addressed?

SW: is disappointed he was not able to be on Planning View for this. Has two issues: one, the very large tree on the roadway – trees officers do not have any issue but it seems close to the road, and would therefore like reinforcement. Secondly, this proposal is listed as an extension but in fact it is a whole new building in the AONB. The extension is as big as the original building. This is a cause for concern, although does not want to hamper business.

HM: as PB has said, would like to hear what officers have to say about removal of trees, and the requirements under the wildlife and countryside act. Do conditions include that provision?

MJC, in response:

- will do best to answer questions – the case officer is unwell;
- to PB, the trees officer's comments and request for reinforced grass have been fed back to the applicant. Landscape measures should be introduced to prevent cars from going under the trees. The hedge under the tree to the north boundary should act as a barrier, and negates the need for reinforced grass there. The trees officer welcomes the landscape plan and has recommended conditions accordingly;
- to SW, regarding the size of the extension, it is physically linked to the hotel and is therefore classed as an extension, albeit almost a stand-alone building;
- the fact that the site is in the AONB has been given a lot of consideration, with the effect on views both in and out weighing heavily in the officer's deliberations. Once again, the planning balance is the consideration here, weighing up the effect of the proposal on the AONB and the neighbours' concerns and the economic aspect. The proposal will affect the AONB, but not enough to withhold permission;
- to HM, there are no conditions to say that trees have to be taken down at a particular time; that is different legislation. The onus is on the applicant to remove the trees in a legal way. In the past, informatives have been attached, to remind the applicant that it is essential to remove trees at a particular time, with a legal requirement to do so. Recommends an informative along those lines in this case.

CH: is broadly in favour of this application, noting that the houses at the back are fairly close together, rather than an open block, and there is a hedge between. This is a sensitive area in the AONB, but the proposal will not overly affect views in, being hidden from the road, and the first view out of the AONB is towards an urban area. Agrees that we need to be careful, and make sure the development conforms with regard to trees and wildlife etc. On the whole, thinks this should be permitted, and that the additional bedrooms are OK.

GB: reminds Members that it is not necessary for them to endorse the officer recommendation.

PT: technically, this is in the AONB, and this proposal will make a mish-mash of this little corner of it. It is currently attractive and workable, and although it won't be possible to see the new building from the road, it will be possible to see the huge car park. It is wrong that this area can be destroyed so thoroughly; it could be done better. There are a lot of trees with their own ecology, and it's a shame to see them go.

SW: from the drawing, it appears that the proposed driveway will go right up to the trunk of the best tree on the site. If that is the case, the driveway should be moved to the north.

MJC, in response:

- the drawing is telling. As Members saw on site, that arrangement exists at the moment – the tree is very close to the driveway. It is a protected tree and the proposal won't change that.

Vote on officer recommendation to permit

10 in support

3 in objection

0 abstention

PERMIT

Councillor Lillywhite returned to the Chamber.

Application Number:	16/01283/FUL
Location:	45 Whitethorn Drive, Prestbury
Proposal:	Proposed two storey side and rear extension
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	4
Update Report:	None

BH introduced the application as above, at Planning Committee because the Parish Council feels it will have an overbearing impact on neighbouring property. The applicant has changed the roof from gable to hip, and officers do not feel that the impact will be overbearing. The recommendation is therefore to permit.

Public Speaking:

Mr and Mrs Simpson, neighbours, in objection

Mrs Simpson:

Has lived happily in Whitethorn Drive for 31 years, but considers the proposed extension next door to be overbearing, resulting in loss of sunlight and an oppressive structure looming over their patio. The proposal is out of proportion to the house and garden. Three houses on the estate have had extensions, one of which is 26foot in length, and if a similar scheme was proposed here, would have no objection. The proposed kitchen window will be just four feet from the boundary, with resultant noise and smells affecting their enjoyment of the patio. The extension is overbearing and sky-blocking, and should be scaled down.

Mr Simpson:

The objections to this application are all relate to matters of well-being and quality of life. Recently had a new patio extension, including level access and ramps to allow easy wheelchair access. Is very concerned about possible damage as a result of vibro-compaction piling, and would like to insist that the owners of Number 45 should issue a notice regarding the Party all Act of 1996, Section 6

Mr Walker, applicant, in support

He and his family love living in Prestbury; his children attend the local school, and as they hope to remain here long term, would like to improve their living space. The upstairs plans have been changed so that all rooms face the garden. The footprint is only increased by 10%. Regarding loss of light to the neighbouring property, the proposal passes the light test and will not make a significant difference to the light next door. With the fence, trellis, summer house, and tree, the neighbour currently has no view across the garden. Agreed the fencing with the neighbour, who subsequently added the trellis. The extension will add to privacy, and will not obscure any view of Cleeve Hill. Style-wise, the proposal blends with the existing design, and is similar to other extension on the estate. Regarding subsidence, takes this issue very seriously and has taken professional advice; will seek and comply with the Party Wall Act.

Member debate:

PT: the neighbour mentioned piling; where does that come into this application?

PB: requests clarity regarding the kitchen window and whether or not it will overlook the neighbouring property.

SW: regarding piling, this may well be needed – officers will know – but presumably there are stringent guidelines if damage is caused by the piling – the applicant will be obliged to make good?

BH, in response:

- regarding piling, sought advice from Building Control – this is set out at Paragraph 6.17 of the officer report. The advice is that the proposed development is unlikely to harm neighbouring properties, but is likely to require pile foundations – this has been passed on to the applicant. It is the applicant's responsibility to ensure the foundations are correct. If piling is needed, Environmental Health officers have suggested hours of operation for the work;
- regarding the kitchen windows, the plan shows two – one to the rear and one to the side – both at ground level, looking into the applicant's own land, and in a position where one would expect them to be. There will be no overlooking issues here.

AL: considering the ground structure, can a party wall-type agreement be conditioned in the permission?

BH, in response:

- the Party Wall Act is quite separate from planning, and not available for planners to use to control development.

PB: is not sure what the officer has said is correct: one of the kitchen windows looks sideways towards the neighbouring property.

PT: the local authority may not be able to help but party wall agreements are quite easy to obtain through a solicitor.

BH, in response:

- apologies if not clear regarding the windows. There are two windows shown on the plans; one in the existing side wall of the original property, adjoining the boundary. The other window looks down the applicant's garden. Both windows are at ground floor level; there will not be any overlooking.

PB: the new ground floor window appears to be clear glass, and looking towards the neighbouring property.

BH, in response:

- it is a new window in an existing wall, and could be installed under permitted development without planning permission.

Vote on officer recommendation to permit

11 in support

3 in objection

0 abstentions

PERMIT

Application Number:	16/01284/LBC
Location:	Cudnalls Bridge, Cirencester Road, Charlton Kings
Proposal:	Reinstate bridge parapet, pilaster and approach wall following partial damage
View:	Yes
Officer Recommendation:	Grant
Committee Decision:	Grant
Letters of Rep:	0
Update Report:	Officer update

MJC said this is a county council application for repair works to Cudnall Bridge, following a recent incident where a vehicle collided into it. It is in a conservation area, and the work has been assessed accordingly and considered acceptable. As Members on Planning View are aware, the work has already been carried out, and the blue update refers to Members' concerns about the quality of the finish of that work. Officers will ask that it is redone, with the render more appropriate and improving the juncture to the pier. This will be requested if permission is granted.

Public Speaking:

None.

Member debate:

KS: is concerned about the issue of the finish, and whether Gloucestershire Highways will actually re-do the work. Does not have much faith that it will be done.

HM: notes that Condition 1 requires the work to be completed in five years; understood that a three-year limit was normal now.

MJC, in response:

- listed building consents differ from ordinary planning permissions in this respect – they have different time frames on account of coming under different acts.

Vote on officer recommendation to grant

13 in support

1 abstention

GRANT

Application Number:	16/01545/FUL
Location:	Former Garage Site, Burma Avenue, Cheltenham
Proposal:	Demolition of retained garages. Re-laying of tarmac over the damage surface of the site. Marking of car parking bays. Size to be a minimum of 2.4m x 4.8m each bay (retrospective)

DEFERRED

Application Number:	16/01546/FUL
Location:	146-48 Bath Road, Cheltenham
Proposal:	Provision of glazed balustrade to front elevation
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Permit
Letters of Rep:	10
Update Report:	None

MP introduced the application as above. This is a prominent location in the conservation area, and a positive building as identified on the townscape map. Officers consider the balustrade is harmful to the building, not outweighed by the public benefit. It is at Planning Committee at the request of Councillor Sudbury, on behalf of the applicant.

Public Speaking:

Councillor Oliver, in support

Is speaking on behalf of the applicant, who was unaware of the meeting taking place and is unable to attend at the last minute. The applicant owns Andy's Hairdresser in Bath Road; it was run by his father before him, and has been trading for 30 years, a well-known local business. Local people take pride in this vibrant area of the town, and in 2014, planning permission was granted to create flats above 146-148 Bath Road. As part of that development, No 146 installed a glass balustrade, which is the subject of this planning application. Officers object to it on account of the planning history, the design, and the impact on the conservation area, believing it to be not in keeping with the street scene. Has lived in Cheltenham all his life, shopped in Bath Road for many years, and appreciates the eclectic mix of shops and buildings there. Can remember when 150-156 Bath Road was a garage. Regarding this application, cannot unsee what has been seen; the balustrade is already in situ, as illustrated by the picture. It is fairly restricted to view - can only be seen clearly from across the road - and makes the area look good. There are ten representations from Bath Road traders whose view it is, and they all support the application. Considers that this proposal actually improves the area, and therefore offers it his full support.

Councillor Oliver then left the Chamber for this debate

Member debate:

SW: when he first saw this proposal, thought it was too modern and not in keeping with the area. Did not realise that the picture was not an artist's impression of what the balustrade would look like if installed but an actual picture of how it looks in situ. Has never noticed it - which suggests that the harm must therefore be minimal. Will listen to what other Members have to say and whether they feel that this is okay or something less modern may be more appropriate, but cannot feel that the harm it does in that great.

KS: asked for this application to go to Committee. Goes to Bath Road a lot, and never noticed the balustrade. Usually notices everything! Cannot therefore think that it is particularly intrusive or damaging to the area. It looks modern, but the shops there are a redevelopment of the former garage site. The Indian restaurant further along Bath Road has a very colourful shop front - this is nothing in comparison - and cannot therefore see a problem with the balustrade. Can see where officers are coming from, but disagrees. Owners of shops nearby don't object. The applicant has worked hard and invested in the building to keep it looking good. Thinks this proposal should be supported.

CH: taking a new angle, the report says the parapet well should have been higher, and the block wall would make it heavier - it doesn't sit as well as lighter glass. It is all to do with the live-ability of the

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flats. If this is to be the occupants' outside area, and it had to be enclosed with bricks, it would have a very different feel to glass. This makes the flats better to live in and we should take this into account. It's true that Bath Road is quite eclectic, higgledy-piggledy, a combination of new and old, which begs the question of what it is that conservation officers are trying to preserve? Bath Road is vibrant and has seen many changes over the years, so this proposal could be seen as acceptable harm. It doesn't massively improve Bath Road, or spoil it. On balance, the proposal makes the flat a better place to live, no-one notices or cares or opposes it, and therefore it should go ahead.

PT: it also makes the terrace behind safer. There is a door behind the glass, and if there was just a parapet at mid-calf height, it would be quite dangerous. This looks fine and substantial, and is a good safety provision for the flat.

MP, in response:

- Members should remember that planning permission for the creation of flats above the shops wasn't carried out in accordance with the approved plans. The terrace and balustrade was not included as part of the original permission and would not have been permitted if it had been.

KS: will other unauthorised works have to have planning permission?

MP, in response:

- has spoken to enforcement officers about this. Access to the terrace is unauthorised – a door was installed where a window should have been, according to the plans. This area was to be used as a safe area in the event of fire. After installing the door instead of a window, the applicant undertook to ensure that the door remained locked, to keep the terrace as a safety area, and this being the case, the enforcement officer decided it was not expedient to take enforcement action over the unauthorised door, in view of the amount of work involved. The balustrade is therefore only needed for the external area which has essentially been created without planning permission.

KS: if the terrace doesn't have permission, why permit the balustrade? It is a lot of investment for a fire escape.

MP, in response:

- if the balustrade is permitted, the applicant can then come forward with an application to use it as a terrace. There is not planning permission for this at the moment.

PB: if Members are minded to approve, the applicant should be required to put in an application to use the area as a terrace. He has been a bit naughty.

GB: officers have had considerable discussion with the applicant over a period of time and made their views very clear. He is aware of the situation.

SW: comes back to how much harm this does. Is very cross when people do things without planning permission or not in accordance with plans. Some of these we allow go through, told to look at what is there and make a judgement on its own merits. If this was the other way round, officers would be saying as no-one has noticed the harm, the harm is therefore not that great.

Vote on officer recommendation to refuse

3 in support

6 in objection

2 abstentions

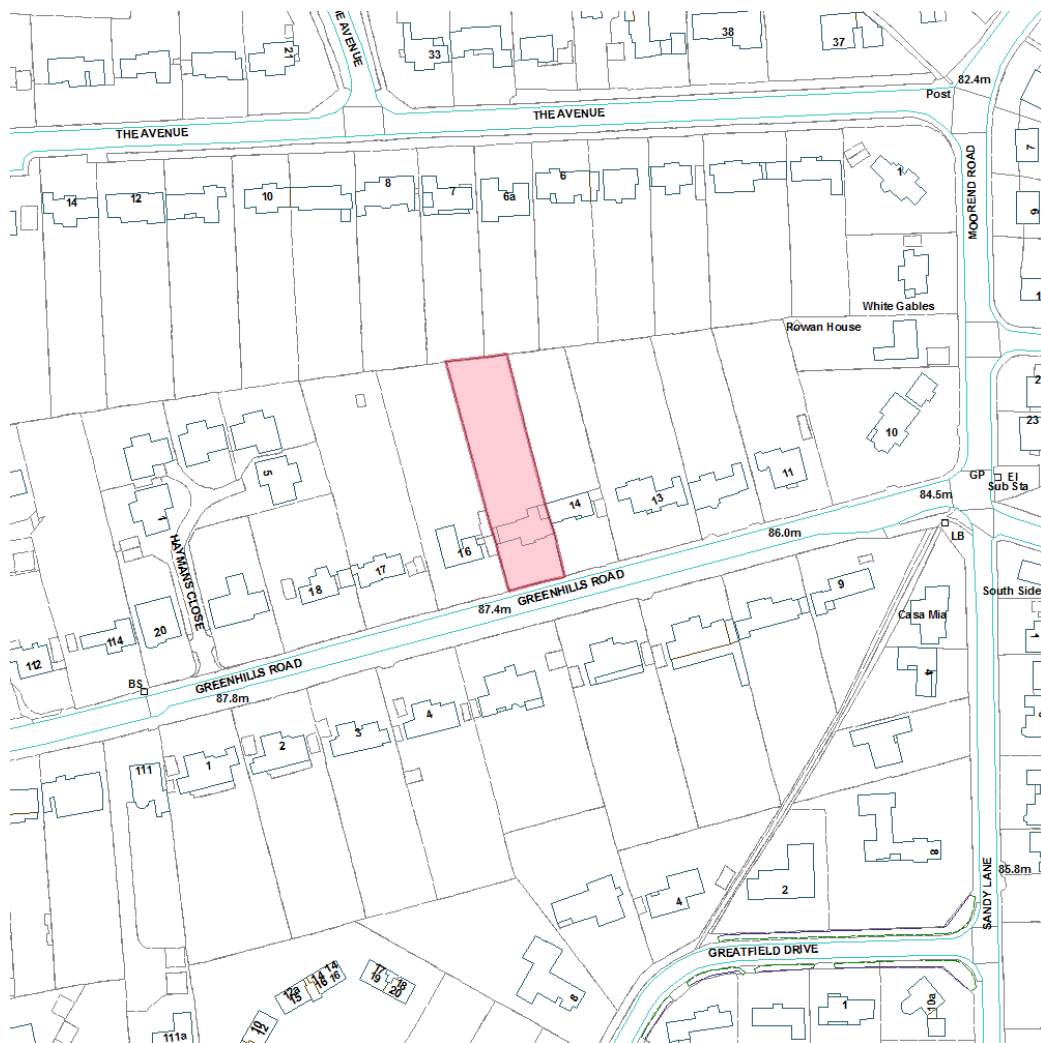
NOT CARRIED

Vote on move to permit

6 in support
3 in objection
2 abstentions
PERMIT

APPLICATION NO: 16/01149/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 30th June 2016		DATE OF EXPIRY: 25th August 2016
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Allan White	
AGENT:	Evans Jones Ltd	
LOCATION:	15 Greenhills Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 15 Greenhills Road and associated access drive	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This is a full application for the erection of a dwelling to the rear of 15 Greenhills Road.
- 1.2 Access for both the existing and proposed dwelling would be provided via a new access from Greenhills Road. The existing garage to the eastern side of the existing dwelling would be demolished to provide access to the rear of the site.
- 1.3 The application proposes a dwelling of a similar design to that quite recently approved to the rear of nos. 16 and 17 Greenhills Road, with the first floor accommodation provided within a steeply pitched hipped roof. Private amenity space, and parking and turning facilities for both the existing and proposed dwelling would be provided within the site.
- 1.4 The proposed dwelling has been revised during the course of the application to address a number of officer and consultee concerns. Most notably, the footprint and massing of the building has been reduced, and the garage detached. Additionally, the access from Greenhills Road has been centrally located to achieve the required visibility splays.
- 1.5 The application is before the planning committee at the request of Cllr Baker due to the concerns from nearby residents in regard to scale and loss of privacy, and following an objection from Charlton Kings Parish Council. Members will visit the site on planning view.
- 1.6 The application previously appeared on the Agenda for the September Planning Committee meeting but was deferred in the absence of a detailed consultation response from the County Council on highway matters.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

CB08694/00	PERMIT	24th March 1969
Proposed conversion of garage to bedroom and store to bathroom and additional garage		
CB21327/00	PERMIT	27th July 1995
Alterations and two storey extensions		

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Residential Alterations and Extensions (2008)

4. CONSULTATION RESPONSES

Gloucestershire Centre for Environmental Records

7th July 2016

Available to view online

Cheltenham Civic Society

7th July 2016

This is a very heavy and clumsy design, and the roof arrangement is particularly awkward. We think there is scope for something much better here.

Tree Officer

14th July 2016

It is regrettable that there is no BS5837 (2012) tree survey to accompany this application as there are several large trees within the sphere of influence of the development-notably, the large poplar to the rear and also the fully mature birch in the adjacent rear garden.

Whilst the proposal will involve the removal of several fruit trees, these trees are not so remarkable that they ought to be retained. The previous Tree Survey for 16 Greenhills Road (14/01226/FUL) states that the tree should have a root protection radius of 8.4 metres and the nearest distance to this proposed building is approx. 8 metres. The shortfall of 0.5 metres can be off set elsewhere. Foundation design should take guidance from NHBC Chapter 4.2.

The point of the nearest patio area is approx. 3 metres to the centre of the trunk and as such provision should be made for this tree's roots when installing this patio. No excavation should be deeper than 150mm. Work should be undertaken by hand. The patio should be of a porous design so as to not reduce the volume of rainwater feeding nearby roots. No roots greater than 25mm should be severed during any excavation.

It is noted that previous arb consultant recommendation to reduce the overall height of this poplar by 8 metres to 17 metres overall height has not been undertaken. It would be considerably easier if this surgery was undertaken before any adjacent dwelling was built. Such a reduced height poplar would likely also reduce possible perceived anxiety of new inhabitants of this proposed dwelling and therefore there would hopefully be reduced demand to remove or prune more harshly.

Other trees/vegetation on site needs protection during the course of construction and as such a Tree Protection Plan (at distances recommended in BS5837 (2012) and should be submitted and agreed before the commencement of any work. Where construction access is required, appropriate ground protection will be necessary.

Similarly a method statement for the construction and installation of the patio should be submitted and agreed.

Parish Council

19th July 2016

Objection. We are objecting on the following grounds:

(1) Loss of amenity to adjacent properties. The proposed new dwelling will be close to the rear of properties in The Avenue with its front facing those properties. It is not clear from the

plans how close; in one drawing the distance appears to be 5m, but this could be an error in the scale given on the plan. The gap should be consistent with the Supplementary Planning Document.

(2) As noted by the Tree Officer, we agree that a Tree Survey to British Standard 5837 needs to be carried out, particularly given the presence of a large poplar and mature birch.

(3) From the plans and scale provided we note that the proposed access road to the new property will be narrow and just about sufficient for emergency vehicles.

GCC Highways Planning Liaison Officer

1st August 2016

I refer to the above planning application received on 19th July 2016.

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

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

GCC Highways Planning Liaison Officer (revised comment)

19th September 2016

I refer to the above planning application received on 19th July 2016, with Plan(s) Nos SP02,1-6,1-5,1-3,1-2,1-1,2-1,1-7,3-4,3-3,3-2,3-1, Plan number viz 01, Application form and design and access statement.

Development Proposal

The proposal is for a single dwelling in the rear garden of 15 Greenhills road with a shared access.

Site Access

A site visit was undertaken on the 19 September 2016 to review the existing site layout and whether the proposed emerging visibility splays as shown on drawing Plan number Viz 01, could be achieved on site. I can confirm that I have measured the achievable visibility splay using an 'x' distance of 2m and 10.1m is available to the east measured to the nearside carriageway edge. I have also considered whether measuring to the nearside vehicle track rather than the kerb edge would improve the available visibility in accordance with MfS and Mfs 2 and I estimate that 24.2m could be achieved, to the west after the removal of the hedge row to facilitate the widening of the access the required 54m (Y distance) can be achieved. The required 'Deemed to Satisfy Visibility Standards' as shown in Table 3.10 of GCC Standing Advice require visibility splays of 54m and the available visibility to the east is significantly below this requirement. The access layout as shown on plan number SP-02 shows a restricted width driveway and no pedestrian visibility splays.

Plan number SP-02 shows that a large estate car can pass alongside the existing dwelling to access the purposed parking spaces for the new dwelling.

I recommend that this application be refused for the following reason:

The proposed development fails to provide safe and suitable access that minimises conflict between vehicles, pedestrians and cyclists due to the restricted visibility to the south contrary to Paragraph 35 of the National Planning Policy Framework.

GCC Highways Planning Liaison Officer (further revised comment)

1st November 2016

I refer to the additional information received on Tuesday 27th October 2016, submitted with Transport Statement which includes data from a speed survey, Appendix A, 360 TSL Traffic Data Collection Speed Survey undertaken on Wednesday 14th September 2016 between 10.00-13.00 hours. Revised plans, alternative access arrangement ref; SK03, location plan ref; 12725 3-1, block plan ref; 12725 3-7, tracking of 4x4 ref; SP02, elevations erf; 12725 3-5, plans ref; 12725 3-4.

Site Access

A site visit was undertaken on the 1st November 2016 to review the revised site layout and whether the proposed emerging visibility splays as shown on drawing Plan number SK03, could be achieved on site. I can confirm that I have measured the achievable visibility splay using an 'x' distance of 2m and 43.41m is available to the east measuring to the nearside vehicle track rather than the kerb edge in accordance with MfS and Mfs 2. To the west of the access the required 54m (Y distance) can be achieved, however this also is based on measuring to the nearside vehicle track edge (approximately 500mm). The Double relaxation of standards will be required, in reducing the "x" distance from 2.4m to 2m and measuring from the vehicle track edge I can confirm the visibility splays can be achieved.

Speed Survey

The results of a speed survey were submitted along with additional information, while calculations were undertaken by an independent traffic data collection agency the incorrect formulas were applied. The calculations shown do not take into account that Greenhills road is on a bus route. The recorded 85th percentile vehicle speed Eastbound on Greenhills road is 32 mph or 29.5mph with a wet weather reduction of 2.48 mph applied. Westbound 85th percentile speed was recorded as 30 mph or with the wet weather reduction applied, 27.5 mph. however the correct calculations as stated by MFS2 SSD = $vt + (vv / (2d + 0.1a))$ v= speed (m/s), t= driver perception time (seconds) d= deceleration (m/s m/s) therefore applying the correct formula, the required visibility splays are; 43.41 metres eastbound with 45.81m of forward visibility and westbound visibility splays of 38.97 metres and forward visibility of 41.37 metres.

Summary

With the submission of further information and a further site visit I can confirm that a safe and suitable access can be achieved therefore, I raise no highway objection.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 8 neighbouring properties on receipt of the original application. In response to the publicity, representations were received from the owner/occupiers of five neighbouring properties; an additional representation was submitted on behalf of Green Avenue Ltd.
- 5.2 Further letters were sent out on receipt of the amended house proposals to notify neighbours and allow an additional 7 days for comments. Letters were again sent out to notify neighbours of the most recent access proposals.
- 5.3 All representations have been circulated in full to Members but, in brief, the main objections relate to:
 - Overdevelopment / proximity to neighbours
 - Visual impact / loss of privacy
 - Parking / access / highway safety
 - Lack of tree information
 - Errors on drawings

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.2 Principle of development

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

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

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

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

6.2.5 In this instance, the application site is located within the built up area of Cheltenham in a sustainable location and therefore there is no fundamental reason to suggest that the principle of developing this site for a single dwelling is unacceptable; particularly given the recent planning permissions granted on the neighbouring sites.

6.3 The site and its context

6.3.1 The application site is located on the northern side of Greenhills Road within Charlton Kings parish. The existing property currently benefits from a large rear garden which is approximately 50 metres long by 19 metres wide and largely laid to lawn. The garden is bounded on either side by residential properties in Greenhills Road, and The Avenue to the rear.

6.3.2 Greenhills Road is predominantly characterised by substantial detached dwellings in large sized plots; the properties are set back quite some distance from the edge of the carriageway, giving the road an open and spacious feel.

6.3.3 The character and urban grain of the locality has changed quite significantly in recent years as a result of a number of developments having taken place on the rear gardens of nos. 18, 19 and 20 Greenhills Road in the form of a cul-de-sac consisting of five dwellings, nos. 1 – 5 Hayman Close, with a shared access running alongside no. 20 Greenhills Road.

6.3.4 A development of five dwellings, nos.1 – 5 Charlton Gardens, has also taken place on the rear gardens of nos. 108, 110, 112 and 114 Charlton Lane further to the west.

6.3.5 Most recently, planning permission was granted for the erection of single dwellings to the rear of nos. 16 and 17 Greenhills Road; both of these permissions have since been implemented.

6.4 Design and layout

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

6.4.2 The proposed dwelling would be located to the rear of the site adjacent to the new dwelling recently constructed to the rear of no. 16 Greenhills Road. As originally submitted, the application proposed an almost identical dwelling to those recently approved in the adjacent gardens but, as this site is narrower in width, and slightly shorter in depth, officers considered it necessary to seek a reduction in the massing and footprint of the dwelling so as to acknowledge the reduced site area and to ensure that the dwelling could be comfortably accommodated within the site.

6.4.3 The applicant has submitted revised drawings that have reduced the bulk of the dwelling although the overall design approach is unchanged, with the first floor accommodation provided within a steeply pitched hipped roof and a similar palette of facing materials. A detached single garage is also now proposed. The mass, scale and external appearance of the dwelling in its revised form is considered to be acceptable.

6.4.4 Access for both the existing and proposed dwellings would be provided via a reformed access from Greenhills Road. In order to provide access to the rear of the site, an existing garage to the eastern side of the existing dwelling would be demolished.

6.4.5 It is acknowledged that the access to the site is relatively tight and close to the eastern boundary of the site. This relationship is exacerbated by the lower fence that sits between the application site and the neighbour to the east. Officers therefore advise that if members are minded to support this application, a condition is necessary to ensure a suitably robust landscaping scheme is delivered to soften the relationship. Members are advised that the relationship of the access road is very similar to that already approved on the adjacent sites and these accesses do work successfully; much of this success is due to the landscaping arrangements that limit views.

6.4.6 Whilst page 36 of the garden land SPD suggests that single 'tandem' development which shares the same access or plot as the frontage development will not normally be acceptable, it does not preclude such developments. In this particular case, backland developments have already successfully taken place, and a secondary line of housing has been established. The proposed block plan clearly indicates that the proposed dwelling would sit well within its context and would respect the already altered character of the locality.

6.4.7 Adequate levels of on-site car parking and private amenity space would be provided for both the existing and proposed dwelling.

6.4.8 The proposed dwelling is therefore considered to meet the aims and objectives of policy CP7, the garden land SPD, and the general design advice set out within the NPPF.

6.5 Impact on neighbouring amenity

6.5.1 Local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality. In addition, the NPPF at paragraph 17 highlights the need to seek “a good standard of amenity for all existing and future occupants of land and buildings”.

6.5.2 Officers consider that, in its revised form, the proposed dwelling could be comfortably accommodated within the site without significant harm to neighbouring amenity in respect of privacy, daylight or outlook.

6.5.3 Whilst the dwelling would be located in quite close proximity to the rear gardens of properties in the Avenue, these neighbouring gardens are well in excess of 30m in length and are fairly well screened. The first floor windows in the rear elevation would be no closer to the boundary than those accepted in the most recent approval at no. 16 Greenhills Road.

6.5.4 In its revised form, the dwelling has been moved 1m further away from the western site boundary, and the bulk of the building adjacent to the eastern site boundary has been significantly reduced. Moreover, the dormer proposed to the side elevation facing no. 14 Greenhills Road has been relocated to the front elevation, looking back towards the host dwelling. Only high level roof lights are now proposed to the side elevations at first floor. The detached garage, whilst immediately adjacent to the eastern site boundary, is of a scale that would be permissible under permitted development rights.

6.5.5 Following the revisions, officers do not consider that the building would result in any significant loss of privacy, or outlook from the surrounding properties, or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties should not be unduly affected.

6.5.6 Therefore, whilst all of the concerns of the local residents have been duly noted, the proposal is considered to be in accordance with policy CP4 and advice set out within the NPPF.

6.6 Access and highway safety

6.6.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.

6.6.2 Due to the small scale nature of the development, the GCC Highways Development Management Team would not normally comment on this application as it is covered by their standing advice. However, due to the concerns raised by local residents and the parish council, a formal response was requested.

6.6.3 Initially, the Highways Officer recommended that the application be refused due to restricted visibility splays. As originally proposed, the existing, albeit altered, access would have only achieved 10.1m visibility to the east when measured to the nearside carriageway edge, or approximately 24.2m to the nearside vehicle track; the required visibility distance is generally 54m.

6.6.4 In response, following extensive discussions and negotiation between the GCC Highways Team and the applicant's Highway Consultant, a revised site layout plan has been submitted that shows a new centralised access. This revised layout plan, which has been submitted together with a Transport Statement and data from a recent speed survey, is now supported by the Highways Officer who concludes that “a safe and suitable access can be achieved therefore, I raise no highway objection.”

6.6.5 The revised access and required visibility has been assessed using the results of a speed survey and calculations set out in Manual for Streets (MfS) 2 which in this instance is 43.41m eastbound with 45.81m of forward visibility and westbound visibility splays of 38.97m and forward visibility of 41.37m.

6.6.6 Access to the rear of the site would be provided by a 2.5m wide access driveway alongside the host dwelling.

6.6.7 The proposed access now accords with the requirements of policy TP1 and, additionally, paragraph 35 of the NPPF which requires the creation of “safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.

6.7 Other considerations

6.7.1 Access to the rear of the site for fire appliances has been raised as an issue by local residents due to the narrow width of the driveway alongside the existing dwelling. Whilst the driveway is indeed too narrow to allow a pump appliance to access the rear of the site in order to get within 45m of all points of the proposed dwelling, an alternative option is to provide a residential sprinkler system, and this has been discussed with Building Control.

6.7.2 Whilst the Tree Officer acknowledges that it is regrettable that a Tree Survey has not accompanied this application, as there are several large trees within the sphere of influence of the development, they raise no objection subject to the inclusion of conditions and/or informatives. The applicant has confirmed that it is their intention to reduce the height of, or remove, the Poplar tree.

6.8 Conclusion and recommendation

6.8.1 In its revised form, the proposed dwelling is considered to be of a suitable scale, height, massing and footprint for this location and would not result in any significant harm to neighbouring amenity. Subject to a suitably worded condition, officers are satisfied that the access can be delivered without harming the amenity of the neighbouring dwelling.

6.8.2 Additionally, revised plans have now been submitted to demonstrate that a safe and suitable access to the site, to serve both the existing and proposed dwellings, can be achieved.

6.8.3 The recommendation therefore is to grant planning permission subject to the conditions set out below:

7. SUGGESTED CONDITIONS

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

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

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

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

- 3 No development shall commence on site (including any works of demolition) unless a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Management Plan shall:

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

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

Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required up front because highway safety could otherwise be compromised at the beginning of construction.

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

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

- 5 All service runs shall fall outside the Root Protection Area(s) 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.

- 6 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: 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).

- 7 Any works taking place within the Root Protection Area(s) shall be carried out by hand and no roots over 25mm shall be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

- 8 Prior to the installation of the rear patio area, a method statement detailing its construction shall be submitted to and approved in writing by the Local Planning Authority. The patio should be of a porous design so as to not reduce the volume of rainwater feeding nearby roots, work should be undertaken by hand and no excavation should be deeper than 150mm.

Reason: To safeguard the retained/protected tree(s) in the interests of local amenity, having regard to policies GE5 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 9 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).

- 10 Prior to first occupation of the new dwelling, the alterations to reform the site access to include the provision of an adequate pedestrian visibility splay, shall be completed in all respects in accordance with Drawing No. 12725/3-3A and maintained as such thereafter, and the existing means of access shall be stopped up and permanently closed.

Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and ensure satisfactory access arrangements are provided, having regard to policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

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

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

INFORMATIVES

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

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

In this instance, the authority sought revisions to the massing and footprint of the dwelling, together with alterations to the fenestration, so as to acknowledge the reduced site area and to ensure that the dwelling could be comfortably accommodated within the

site. Additionally, revisions to the site access have been negotiated to ensure a safe and suitable access.

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

- 2 The building foundations should be designed in accordance with guidance set out in chapter 4.2 of the NHBC Standards 2016.
- 3 It is noted that works to reduce the overall height of the Poplar tree by 8 metres to 17 metres overall, as previously recommended by an arboricultural consultant, has not been undertaken. The applicant/developer is advised that it would be considerably easier if this surgery was now undertaken before the approved dwelling is built. Such tree works would also be likely to reduce any possible perceived anxiety of any future occupiers of the approved dwelling and therefore hopefully reduce future demand to remove or prune the tree more harshly.

APPLICATION NO: 16/01149/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 30th June 2016		DATE OF EXPIRY : 25th August 2016
WARD: Charlton Park		PARISH: CHARLK
APPLICANT:	Allan White	
LOCATION:	15 Greenhills Road Charlton Kings Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 15 Greenhills Road and associated access drive	

REPRESENTATIONS

Number of contributors	8
Number of objections	7
Number of representations	1
Number of supporting	0

Merton House
6A The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 20th July 2016

This development conflicts with the planning guidance given in the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009. This states 'On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted'. The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. Not only is this tandem development inappropriate, but it is also 50% bigger than the frontage house.

We are strongly opposed to this development because:

- It would have a significant impact on the neighbouring properties, especially 14 Greenhills Road, 7 and 6A The Avenue. The immediate neighbours would suffer considerable loss of privacy, and the proposed two storey house would visually impact an even greater number of surrounding homes.
- The house is too big for the proposed location with only a minimal garden. It has over 2400 sq ft of living space (not including first floor area with head height below 1.8m) plus a double garage. The Northern boundary is less than 5 Metres from the back of the house and the East and West boundaries are only just over 1 metre to the side.
- This is another development of a back garden in the area and eventually there will be no large gardens and the green space will be lost. More building will lead to increased flooding in heavy rain.
- There is very little provision for off-road parking in the proposed property plan. The planning statement (para 9.1) claims 2 garage and 2 parking spaces, but the site layout only shows 1 parking space. This will increase the likelihood of visitors parking on Greenhills Road and create a serious bottleneck at a narrow point of what is now a major route in the area.
- Access to the proposed development is very poor as there is only 2.67 metres (8ft 9ins) from the side of 15 Greenhills to the boundary to fit in a driveway. Hence no lorries will be able to get on site , both during construction and subsequently. It will be extremely difficult for commercial vans as they will only have 19cms clear on each side of the van. (A Ford Mondeo

Page 34

would only have 27cms each side.) The likelihood of vehicles parking on Greenhills road would be greatly increased and create a serious bottleneck on this major route.

- f. The access does not meet the requirements for the fire services as it is less than 3.1 metres alongside the house and it is over 45 metres from where a fire engine could park.
- g. The rear elevation with clear windows is positioned only 5 metres from the rear boundary compared to the at least 10.5 metres stipulated on page 44 of the SDP.

There are several major errors and omissions in the application:

- The layout of the building shown in the full site layout differs entirely from that shown in the floor plans document.
- The size of the existing house at No 15 differs radically between that shown in the full site layout and the block plan.
- No tree survey or proper access information has been provided.
- The Design and Access statement is supposed to include a plan of the site and existing building up to 100 metres away, according to the SPD. This is missing.

We argue that these need correcting before the application is considered.

Comments: 7th November 2016

These comments are on what is now the third plan for the house plus the latest version of the access. These changes are to address the concerns raised for this inappropriate development and its very poor access.

This development still conflicts with the planning guidance given in the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009. This states 'On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted'. The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. Not only is this tandem development inappropriate, but it is still at least as big as the frontage house.

We are strongly opposed to this development because:

- a. It would have a significant impact on the neighbouring properties, especially 14 Greenhills Road, 7 and 6A The Avenue. The immediate neighbours would suffer considerable loss of privacy, and the proposed two storey house would visually impact an even greater number of surrounding homes.
- b. The house is too big for the proposed location with only a minimal garden. It has almost 2400 sq ft of living space (not including first floor area with head height below 1.8m) plus a single detached garage. The Northern boundary is less than 6 metres from the back of the house that overlooks the houses in The Avenue. The West boundary is only half a metre to the side of the garage, which together with the house significantly impacts 14 Greenhills Road.
- c. This is another development of a back garden in the area and eventually there will be no large gardens and the green space will be lost. More building will lead to increased flooding in heavy rain.
- d. Access to the proposed development is very poor as there is only 2.67 metres (8ft 9ins) from the side of 15 Greenhills to the boundary to fit in a driveway. In addition the new central access from Greenhills Road makes it even more difficult to get down the side of the existing house. Hence no lorries will be able to get on site, both during construction and subsequently. It will be extremely difficult for commercial vans as they will only have 19cms clear on each side of the van. (A Ford Mondeo would only have 27cms each side, so visitors with at least medium sized cars are likely to park on Greenhills Road)

- e. For all the above reasons this development will create frequent serious bottlenecks at a narrow point of what is now a major route in the area, both during construction and thereafter.
- f. The access does not meet the requirements for the fire services as it is less than 3.1 metres alongside the house and it is over 45 metres from where a fire engine could park.
- g. The rear elevation with clear windows is positioned only 6 metres from the rear boundary compared to the at least 10.5 metres stipulated on page 44 of the SDP.

The proposed development is too large and sited too close to the rear boundary in contravention of the council's planning guidelines. In addition the access is so poor that it will lead to more parking on the narrowest part Greenhills Road.

7 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 19th July 2016

I object to this planning application for the following reasons:

1. It is contrary to Council policy as stated on page 36 of the Local Development Framework - Development on Garden Land and Infill Sites in Cheltenham, Supplementary Planning Document, June 2009 (SDP) "On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted".
2. It is excessive in both size and mass
 - i. The applicant argues that the proposed house should be acceptable because it is same size as those approved in the rear gardens of Nos 16 and 17 but that fails to take account of the fact that No 15's plot is smaller than those and in fact is just two thirds of the size of No 17's, as a result the proposed house is overbearing and inappropriate
 - ii. Council policy (SDP page 39) states that "development in rear gardens which is greater in height, scale and massing than development on the frontage will not normally be acceptable". The proposed house is more than 50% larger than frontage house as shown in the Full Site Layout Plan (and twice as large as the house shown in the Block Plan)
 - iii. As a result the proposed house can only just be squeezed into the width of the garden with little over 1 metre clearance on either side which is in contravention of the recommendation on page 34 of the SDP. (Indeed so tight is the fit that the eastern boundary line on the Full Size Layout Drawing has been drawn with a bend, giving the appearance of more space than actually exists)
3. It results in considerable loss of amenity to the neighbours most directly affected
 - i. The applicant claims (6.2 of statement) there will be no loss of amenity to neighbouring sites which are identified as Hayman's Close and Nos 16, 17 Greenhills Road (these latter two properties along with the proposed No 15 would appear to have been developed using the same plans, the same consultants and with the mutual acquiescence of the three owners). Only No 16 of the identified properties abuts the proposed development whilst the other properties are up to 100 metres distant. However the applicant completely ignores all the "real" neighbours whose properties directly abut the

Page 36

- development, namely No 14 Greenhills Road and 6a and 7 The Avenue, which will all suffer a substantial loss of amenity
- ii. The applicant claims (6.2) that "Windows are configured so as not to cause overlooking or loss of privacy" but this is true only with regard to the "velux" type roof lights facing the applicant's own existing house and that of his "co-developer" at No 16. Whereas the "real" neighbours No 14 Greenhills Road and 6a and 7 The Avenue are faced with large dormer windows that look directly into their gardens and houses and cause a significant loss of amenity. The windows appear to have been positioned to allow the development to benefit from the "real" neighbour's gardens whilst protecting the applicant's own privacy. If the proposed house was rotated through 180° then the intrusion would be much less.
 - iii. The house is positioned much closer to all of the boundaries than recommended thereby exacerbating the loss of amenity. In particular the Council's policy on the rear boundary is stated on page 44 of the SDP "new dwellings are generally required to be 10.5 metres from a boundary where first floor windows have clear glazing". The proposed design is 5 metres from the boundary and in clear breach of the policy.
4. The access between No 15 and No 14 is only 2.68 metres wide and consequently the proposed building will be in breach of the Fire Safety Building Regs (2000) Section B5 clause 17.2b
 5. No tree survey has been provided (as recommended on page 30 of the SDP) despite the new building being less than 8 metres from a 90 ft Lombardy Poplar tree and there is no method statement showing how fatal damage to the tree's roots would be avoided. When the new No 16 development was constructed a commitment was given to reduce the height of this tree by a third as recommended by the tree surgeon. The Council failed to enforce this undertaking. The proposed house is even closer than the one in No 16 and the tree has already lost a lot of roots as a result of that construction. A further failure to take action will exacerbate the hazard this tree now represents.
 6. Perhaps as a result of the failure of the applicant to consult with Planning Officers, there are many mistakes and misleading statements in the application. In particular the layout of the building shown in the Full Site Layout differs entirely from that shown in the Floor Plans document, the size of the existing house at No 15 differs radically between that shown in Full Site Layout and the Block Plan, the eastern boundary on the Full Site Layout has been distorted and paragraph 6.2 of the Access and Design Statement is deeply misleading. No tree survey, method statement or proper access information has been provided. These errors and omissions should be remedied before any consideration is given to the proposal.

Comments: 5th September 2016

Revised plans for development at 15 Greenhills Road

Views of the directly affected neighbours - 14 Greenhills Road, 6A and 7 The Avenue

The only changes to the original plans are

1. Width of garage reduced by 1m
2. House moved 1m to the South
3. Access and drive arrangements altered

With exception of the access, all of our existing objections remain, in particular

- The unacceptable size and massing of the building is effectively unchanged
- The height of the building at 7.51m is equivalent to a normal house and some 2 metres higher than the genuine dormer bungalows in Haymans Close with which they seek to compare
- The 1m adjustment in the siting still leaves the rear windows 6m from the northern boundary, far closer than the 10.5m stipulated on page 44 of the Council's SDP
- The applicant wrongly claims that the Tree Officer is satisfied and still fails to undertake the necessary tree survey given the proximity of some very large trees

Remedies

Whilst we, the directly affected neighbours, would prefer that there was no development in the garden of 15 Greenhills Road, a development would be acceptable if it met both of the following criteria

1. The development was a bungalow or a genuine dormer bungalow with a roof line no higher than those in Haymans Close

AND

2. Any dormer windows were aligned to overlook the applicant's own garden rather than to invade the privacy of his neighbours. If the statement in the application quoted below was genuinely meant then this should cause no problem, it would also mean that the building would become south-facing.

"It is accepted that any development should not cause loss of amenity to adjoining existing residential occupiers, the windows are configured so as not to cause overlooking or loss of privacy."

Comments: 13th September 2016

The latest set of plans (6 September) do not alter my objections to this development

- The height of the building is unchanged and remains 2m higher than the new properties in Haymans Close. As a result the massing of the building remains overbearing to neighbouring properties.
- The proposed property is still situated 6m from the back boundary, far closer than the 10.5m stipulated in the Council's own SDP and, with two high-level windows facing into my garden, is overlooking and unnecessarily intrusive.
- Both these problems would be ameliorated by replacing the proposal with a bungalow or genuine dormer bungalow situated at least 10.5m from the back boundary and with windows aligned to overlook the applicant's garden rather than those of his neighbours

Comments: 7th November 2016

The latest set of plans change none of my objections and I reiterate all my previous points. In particular:

1. The house remains far too big and tall for the much smaller plot compared to its neighbours
2. Despite alterations to the plans, the applicant has still arranged twice as many windows to overlook his neighbours' properties as overlook his own

3. The house is sited much closer to its southern boundary than the Council's policy allows without any justification being provided
4. The officers' report to the Planning Committee meeting on 22 September stated that the applicant had promised to remove or reduce the height of the 90ft poplar which will become an even greater hazard to my property once further roots are removed. However no enforceable written commitment has actually been made by the applicant and the promise is wholly unenforceable (as proved to be the case with 16 Greenhills Road's new house). It is very misleading for officers to imply that the issue has been resolved - only an enforceable commitment or planning condition will ensure it happens. If the tree does fall after roots around 50% of its circumference have been removed then the Council's failure to act will leave it legally exposed.

Royal Mews
St Georges Place
Cheltenham
Gloucestershire
GL50 3PQ

Comments: 20th September 2016
Letter attached.

13 Greenhills Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9EB

Comments: 21st September 2016

I believe additional traffic joining Greenhills Road, where the average speed is close to 40mph outside of rush hours (as per the traffic calming campaign earlier this year) through a very restrictive width access point and a very narrow pavement is crazy. It is only time before an accident will occur.

North Warehouse
Gloucester Docks
Gloucester
GL1 2FB

Comments: 9th September 2016
Letter attached.

Green Avenue Limited
14 Greenhills Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9EB

Comments: 4th July 2016

I wish to formally advise you that Green Avenue Limited own the boundary between No 15 and No 16 Greenhills Road and also the boundary between No 14 and No 15 Greenhills Road. On the last occasion that this occurred CBC claimed that they were unaware of the the additional

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ownership issues that are immediately evident from the Land Registry. Please ensure that Green Avenue Limited are specifically informed of any applications/changes.

As an initial comment the current application does not state what is happening to the original house. All previous applications have been specific on what changes are required to the original property. You are well aware of the Restrictive Covenant which applies to No 15 Greenhills Road-only permitting one dwellinghouse per property.

Any development of the garden of Number 15 will cause loss of amenity to the adjoining existing residential occupiers.

Comments: 29th July 2016

Letter attached

Comments: 8th August 2016

I do have an important correction to make to my letter of objection. No 17 Greenhills Road is 90 feet wide. No 16 Greenhills Road is 77 feet wide. Each has had a house of identical size built on it. No 16 was permitted after some concern about its mass. No 15 Greenhills Road is asking to build an identical house on a 60 feet wide property. This would never have been allowed if No17 had originally had a 60 feet wide plot of land.

White House
6 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 1st September 2016

Letter attached.

Brown Gables
8 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 25th July 2016

Letter attached.

Comments: 14th September 2016

Letter attached.

16/01149/FUL

15 C

ills Road

p17-48

Page 40

EVANS JONES

- additional representation

building surveying
planning
project management

Our Ref: 12725

16 September 2016

Ms Michelle Payne
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 9SA

Dear Michelle

Re: 15 Greenhill Road – 16/01149/FUL

I write in response to the representations submitted on behalf of [REDACTED] of 14 Greenhills Road by McGloughlin planning.

For the sake of brevity I comment below in the same order as that set out within the letter of representation.

Paragraph 1 - Public Consultation

The application has been subject to neighbour notification in accordance with your authority's standard procedures. In response to earlier representations and officer comment the scheme has been re-sited and reduced in both size scale and massing of the proposed dwelling has also been significantly reduced.



16/01149/FUL

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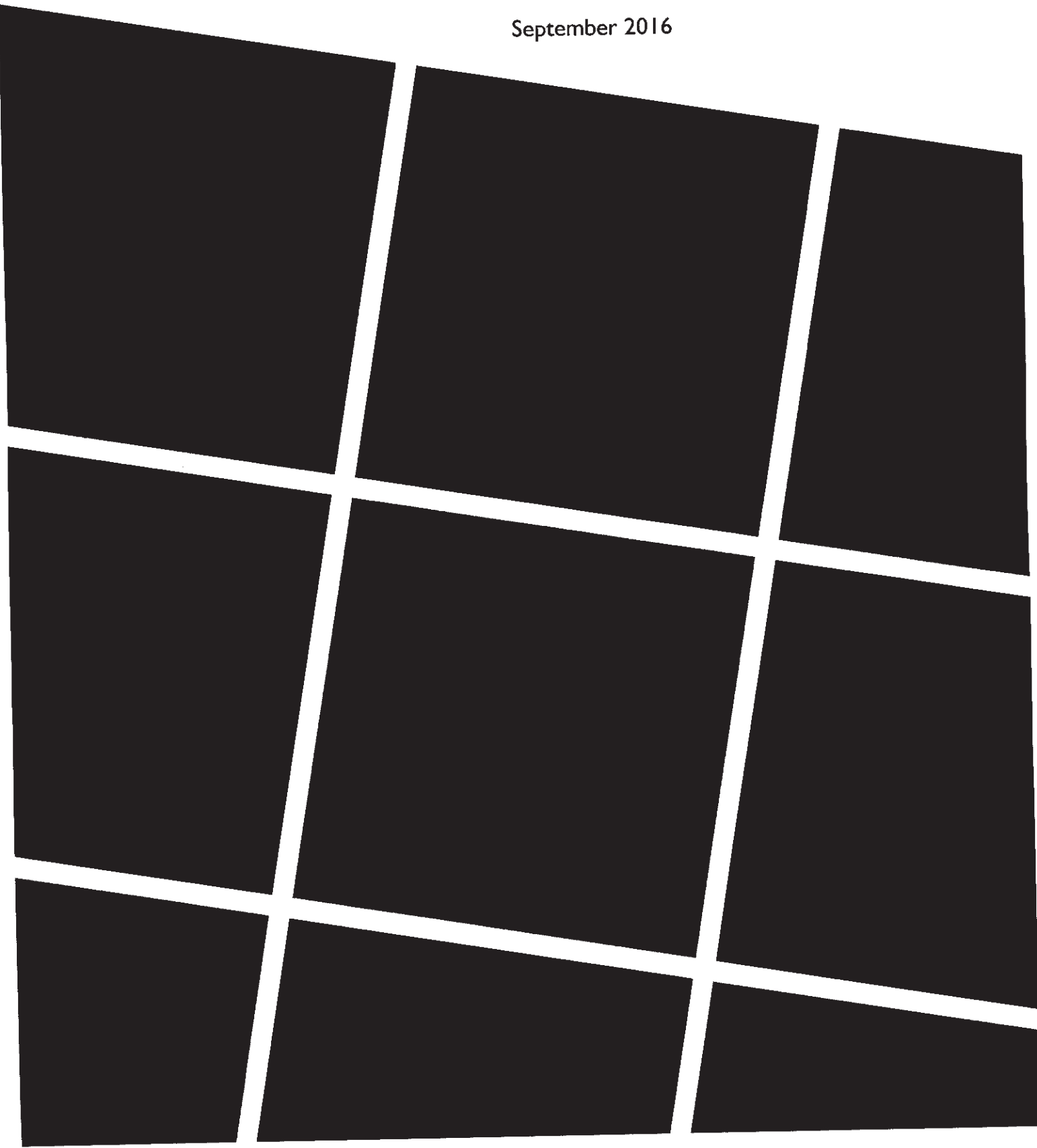
Page 41 15 Greenhills Road

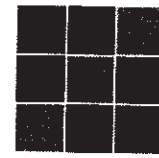
Evans Jones Ltd

Development of a Residential Dwelling
at 15 Greenhills Road, Charlton Kings,
Cheltenham

Transport Statement in relation to
Planning Application 16/01149/FUL

September 2016





**COTSWOLD
TRANSPORT
PLANNING**

Evans Jones
Royal Mews
St Georges Place
Cheltenham
Gloucestershire
GL50 3PQ
FAO: Marcus Evans

Date: 17th September 2016

Our ref: CTP-16-338

Your ref:

Dear Marcus

16/01149/FUL – Planning Application for the erection of a dwelling to the rear of 15 Greenhills Road, Charlton Kings, Cheltenham

I am writing further to our appointment to consider the technical highways and transportations issues regarding the development of a new residential dwelling at the above site.

In the forthcoming letter, we make reference, where relevant, to comments made by Gloucestershire County Council (GCC) as the respective highway authority, and a letter of objection submitted by McLoughlin Planning (MP) on behalf of the resident of no.14 Greenhills Road.

Introduction

It is noted that the suitability of the visibility splays achievable from the proposed access of no.15 Greenhills Road are being disputed by MP. Furthermore, it is observed that comments from GCC with regards to visibility splays indicate that to date, they have not been satisfied that the level of evidence provided is sufficient to demonstrate a safe and suitable access from no. 15 Greenhills Road is achievable. The relevant extract from comments made by GCC is set out below for ease of reference.

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

By way of context, it should be stated that any new (or use intensified) access should be reviewed and justified as being able to provide visibility splays is in accordance with *Manual for Streets* (MfS) and *Manual for Gloucestershire Streets* (MfGS). For reference, GCC's deemed to satisfy visibility splay standards are currently set at 2.4m ('X' distance) x 54m ('Y'

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1 Front Street, Ilmington,
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stratford@cotswoldtp.co.uk

distance) for a 30mph road. However, where it can be justified there are grounds to adjust both the X and Y distances that form a visibility splay, to take account of localised highway network characteristics.

Technical Assessment of Visibility Splays

Assessment of 'Y' Distances

As referred to in the above comments from GCC and in line with paragraph 3.2.2 of GCC's Standing Advice note, any departure from these standards (relating to the Y distance component of the visibility splay) will require a speed survey to demonstrate real traffic speeds are below the advertised 30mph speed limit.

The applicant has appointed 360 Traffic Surveys, an independent traffic data collection agency, to carry out a survey of 85th percentile traffic speeds along Greenhills Road. In line with paragraph 3.2.3 of GCC's standing advice, a handheld radar gun survey was carried out in accordance with TA22/81. A copy of the data is included in **Appendix A** of this letter and a summary of the results and adjustments permitted by GCC are set out on **Table 1** below.

Summary of Traffic Speeds and Visibility Splays			
Eastbound	32mph	29.5mph	42m
Westbound	30mph	27.5mph	38m

Table 1 – Summary of Traffic Speeds and Visibility Splays

Table 1 indicates that the recalculated visibility splays for east and westbound traffic i.e. looking right and left out of the proposed access, equate to 42m and 38m respectively.

Assessment of 'X' Distance

With regards to the design of 'X' distance, GCC standing advice notes that a 2.0m X distance can be used where the following criteria is met:

- the speed limit is no greater than 30mph; and
- the site is located on a residential street; and
- there is no departure from the forward visibility requirements; and
- the adjacent highway carriageway width is not less than 5.5m.

With regards to the application site, all of the above criteria is met, with exception of (d) where, as acknowledged by MP, there is a shortfall by 8cm. The justification behind the 5.5m width set in criteria (d) is based on the width set out in Manual for Streets as being suitable for allowing two vehicles of any size (i.e. two HGVs) to pass each other with sufficient room to avoid conflict. On the basis that a 5.0m width is still sufficient to enable two large vehicles to pass or 4.8m to allow a car to pass a HGV, it is deemed that should a vehicle (where a 2.0m X distance is provided) need to encroach up to 40cm on the highway to obtain visibility in each direction, then there would still be sufficient remaining carriageway width to allow for two vehicles travelling in opposite directions to continue safely along the road.

Greenhills Road is a residential street which is moderately trafficked and dominated by small vehicles (cars and LGVs). On this occasion on the basis that criteria (a) to (c) are all met, and the shortfall of (d) by 8cm is minimal in real terms and will not ultimately have a material impact on the safety movement of two-way traffic flow on Greenhills Road, the use of a 2.0m X distance is considered to be appropriate and acceptable.

The following visibility splays are assessed as being required for the application site access proposal:

- Looking left: 2.0m x 38.0m; and
- Looking right: 2.0m x 42m.

Technical Drawing Assessment

A detailed technical drawing has been prepared to set out the required visibility splays described above. This drawing has been prepared in AutoCAD, using digital OS data scaled at 1:500, which is normal best practise and replicated in numerous planning applications both within Gloucestershire and throughout England.

To ensure the derived visibility splays are achievable within land forming either part of the application site, or across the adopted highway, a copy of the records showing the extent of adopted highway maintained by GCC has been obtained from the local authority. A copy of the records are appended to this report in **Appendix B**, and the relevant area is included in the drawings set out below.

As set out on **Drawing SK01** in **Appendix C**, visibility splays in excess of the required visibility splays are achievable from the proposed site access.

The proposed site access is deemed to be safe and suitable, and there is therefore no reason for the local authority to object to this planning application.

Alternative Access Arrangement

As requested, despite the positive conclusion to the assessment above, Cotswold Transport Planning have assessed the site access arrangement on the basis of a 2.4m X distance. As shown on **Drawing SK02** in **Appendix D**, subject to the minor repositioning of the access by approximately 3.0m to the west of the currently proposed location, it is possible to provide visibility splays in accordance with the standards, in both an east and westerly direction.

Adjacent Planning Applications at 16 and 17 Greenhills Road

It is noted that planning consents have been issued for similar developments at 16 Greenhills Road (14/01226/FUL) and 17 Greenhills Road (13/01109/FUL). Copies of the respective officer reports including comments on access and highways are appended to this letter in **Appendix E**, for ease of reference.

Comments in both of these reports are the same so far as it being acknowledged that neither junction would meet the default standards on visibility splays, however each junction, widened to 4.8m and incorporating 2.0m pedestrian visibility splays (same as the application site), would be suitable in delivering a safe and suitable access in the context of the local highway network.

Informal comments offered to the case officer from GCC Highways with regards to the permission for 17 Greenhills Road, as follows, support the suitability of the junction, which is directly relevant to the access of the application site:

"given that forward visibility along Greenhills Road is very good, and that there haven't been any recorded collisions along this stretch of highway as a result of an access within the last 5 years I would say that the intensification of a single additional dwelling should not have a severe or significant impact upon highway safety."

It is considered that both the applications for development at numbers 16 and 17 Greenhills Road are identical in highway terms to the proposals at 15 Greenhills Road, and there is no distinguishable difference in this instance that should prohibit the local authority from supporting this application.

Summary

I trust the assessment set out above is clear, however please do not hesitate to contact me if you wish to discuss any of its content further.

Yours Sincerely

Adam Padmore

Managing Director on behalf of **Cotswold** Transport Planning Ltd

adam@cotswoldtp.co.uk

01242 370283 / 07884 266321

APPENDIX A

Greenhills Road, Cheltenham



Speed Limit



Weather

Weds 14th Sept 2016

Dry/Bright

1000-1300

All speeds are recorded from free flowing vehicles

Westbound				Eastbound			
Speeds(mph)		Speeds(mph)		Speeds(mph)		Speeds(mph)	
1	12	51	28	1	14	51	29
2	17	52	28	2	16	52	29
3	21	53	28	3	19	53	29
4	22	54	28	4	20	54	30
5	22	55	28	5	22	55	30
6	23	56	28	6	23	56	30
7	23	57	28	7	23	57	30
8	23	58	29	8	23	58	30
9	23	59	29	9	23	59	30
10	24	60	29	10	24	60	30
11	24	61	29	11	24	61	30
12	24	62	29	12	24	62	30
13	24	63	29	13	24	63	30
14	24	64	29	14	24	64	30
15	25	65	29	15	25	65	30
16	25	66	29	16	25	66	30
17	25	67	29	17	26	67	31
18	25	68	29	18	26	68	31
19	25	69	29	19	26	69	31
20	25	70	29	20	26	70	31
21	25	71	29	21	26	71	31
22	25	72	29	22	26	72	31
23	26	73	29	23	26	73	31
24	26	74	30	24	27	74	31
25	26	75	30	25	27	75	31
26	26	76	30	26	27	76	31
27	26	77	30	27	27	77	31
28	26	78	30	28	27	78	31
29	26	79	30	29	27	79	31
30	26	80	30	30	27	80	31
31	26	81	30	31	27	81	31
32	26	82	30	32	27	82	31
33	27	83	30	33	27	83	31
34	27	84	30	34	27	84	32
35	27	85	30	35	27	85	32
36	27	86	30	36	27	86	32
37	27	87	30	37	28	87	32
38	27	88	31	38	28	88	32
39	27	89	31	39	28	89	32
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45	28	95	33	45	28	95	33
46	28	96	33	46	28	96	34
47	28	97	33	47	28	97	35
48	28	98	33	48	29	98	35
49	28	99	35	49	29	99	37
50	28	100	36	50	29	100	38

ROAD SURFACE - DRY

Average Westbound	27.6	Average Eastbound	28.5
85th%ile Westbound	30.0	85th%ile Eastbound	32.0
% > Speed Limit Westbound	12%	% > Speed Limit Eastbound	33%
% > 15mph over Speed Limit Westbound	0%	% > 15mph over Speed Limit Eastbound	0%

APPENDIX B



APPENDIX C



Indicative Application Site Boundary

Visibility splay = 2.0m x 42m. This measurement is in line with Manual for Streets Guidance, based on a recorded on-coming 85th percentile traffic speed (adjusted for wet-weather) of 29.5mph.

Achievable visibility splay = 2.0m x 58m. This measurement is in excess of the required visibility splay of 38m, which is required in line with Manual for Streets Guidance, based on a recorded on-coming 85th percentile traffic speed (adjusted for wet-weather) of 27.5mph.

Achievable visibility splay = 2.0m x 54m. This measurement is commensurate with Gloucestershire County Council's deemed to satisfy visibility standard for a 30mph.

Notes:

Key:

Extent of adopted highway, as confirmed by Gloucestershire County Council's Land Charges Department.

Visibility splays in accordance with required Stopping Sight Distances (SSD)



**COTSWOLD
TRANSPORT
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Drawing Title:

Review of Access Arrangement

Client:

EVANS JONES LTD

Project:

15 Greenhills Road, Cheltenham

Drawing No:

SK_01

Revision:

Date Drawn:

16/09/16

Issue Date:

16/09/16

Drawn by:

AP

Checked by:

AP

Project Code:

CTP-16-338

Scale at A3:

1:500

Drawing Status:

INFORMATION

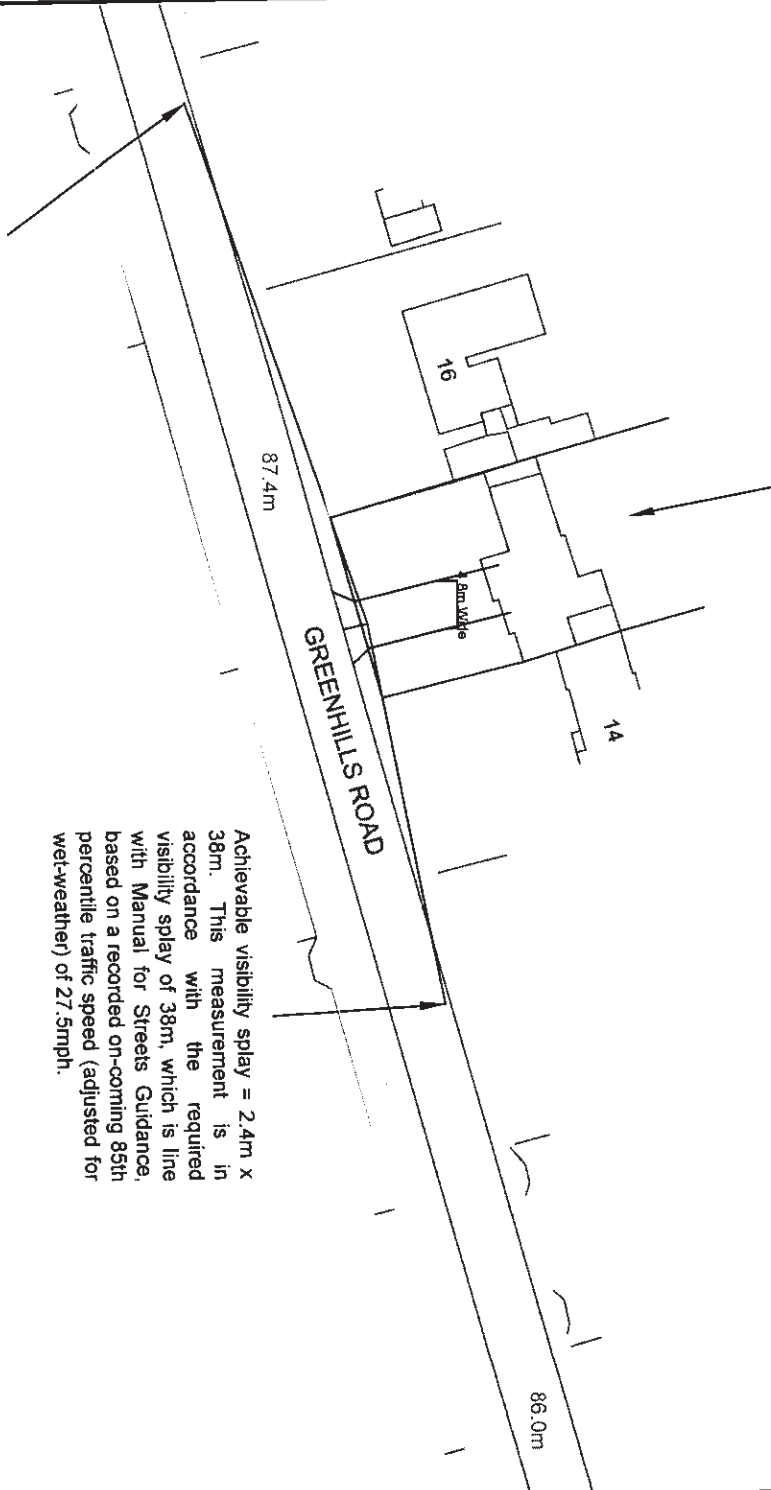
APPENDIX D



Achievable visibility splay = 2.4m x 54m. This measurement is commensurate with Gloucestershire County Council's deemed to satisfy visibility standard for a 30mph.

Achievable visibility splay = 2.4m x 38m. This measurement is in accordance with the required visibility splay of 38m, which is line with Manual for Streets Guidance, based on a recorded on-coming 85th percentile traffic speed (adjusted for wet-weather) of 27.5mph.

Indicative Application Site Boundary

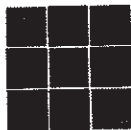


Notes:

Key:

Extent of adopted highway, as confirmed by Gloucestershire County Council's Land Charges Department.

Visibility splays in accordance with required Stopping Sight Distances (SSD)



**COTSWOLD
TRANSPORT
PLANNING**

Cotswold Transport Planning Ltd

121 Promenade

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Gloucestershire

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Drawing Title:

Review of Alternative Access Arrangements

Client:

EVANS JONES LTD

Project:

15 Greenhills Road, Cheltenham

Drawing No:

SK_02

Revision:

Date Drawn:

16/09/16

Issue Date:

16/09/16

Drawn by:

AP

Checked by:

AP

Project Code:

CTP-16-338

Scale at A3:

1:500

Drawing Status:

INFORMATION

APPENDIX E

APPLICATION NO: 13/01109/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 3rd July 2013		DATE OF EXPIRY: 28th August 2013
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Mr Simpson	
AGENT:	Mr David Jones	
LOCATION:	17 Greenhills Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 17 Greenhills Road, formation of new access, and erection of a garage for the existing dwelling	

RECOMMENDATION: Permit



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

1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a four bedroomed dwelling to the rear of 17 Greenhills Road. As originally submitted, the application was seeking only outline planning permission, with all matters apart from means of access (appearance, landscaping, layout and scale) reserved for future consideration however full details have now been provided.
- 1.2 The existing access to the site from Greenhills Road would be stopped up and a new shared access for both the existing and proposed dwelling would be provided to the east of the site following the demolition of an existing garage located to the side of the existing dwelling.
- 1.3 The proposed dwelling would be two storeys with the first floor bedroom accommodation provided within the roof space. Adequate private amenity space, and parking and turning facilities for both the existing and proposed dwelling would be provided within the site.
- 1.4 As originally submitted, the outline application proposed the erection of a large flat roofed garage to the front of the existing dwelling but the garage has been relocated to the rear in this revised scheme.
- 1.5 The application is before planning committee following an objection from Charlton Kings parish council. Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS

Landfill Site boundary
Smoke Control Order

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

HMO Division
9th July 2013

Subject to the bedrooms having floor areas no less than 7sqm for a single bedroom and 10.5sqm for a double bedroom, I would have no fundamental objection to this proposal.

Contaminated Land Officer
10th July 2013

No comment.

Cheltenham Civic Society
12th July 2013

It is too late to do more than regret the bitty and piecemeal backland development along this road. On that basis it is now difficult to object to the principle of a building of the type proposed. However, it is difficult for us to make a proper judgement as we did not see any elevations in the plans, and the proposed first floor room did not appear to have a window.

Building Control
15th July 2013

No comment at this time.

GCC Highways Planning Liaison
15th July 2013

In response to Section 16 1 (d) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Gloucestershire County Council, as Local Highway Authority, has resolved that it does not intend to make representations to Local Planning Authorities on new or existing developments comprising 5 dwellings or less which are accessed off a Class 3 highway that is subject to a 30mph speed limit, or of a Class 4 (or lower) highway, as defined in the published Standing Advice, subject to the exceptions set out in the Standing Advice.

Parish Council
16th July 2013

OBJECTION Parish Council Policy is not to support back garden developments.

Tree Officer
26th July 2013

The Tree Section has no objections to this application providing the following conditions can be attached to any approval:

Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the Tree Survey dated May 2013 and drawing number GRHL-04-MAY13 Tree Retention and Protection Plan. The fencing shall be erected, inspected and

approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

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

All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated May 2013 and associated drawings with said report.

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.

TRE04B No fires within RPA

TRE05B No service runs within RPA

INFTR7 Foundations to take account of trees

Parish Council

2nd October 2013

OBJECTION This type of back garden development is contrary to Charlton Kings Parish Council policy. The Council is concerned by the incremental increase in traffic on Greenhills Road caused by the number of such developments that have already taken place. Notwithstanding the aforementioned, the design of the proposed new garage is out of keeping with the existing garage.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the original application for outline consent, letters of notification were sent to 11 neighbouring properties and, in response to that publicity, seven representations were received; one in support and six in objection. Following the submission of the additional and revised information, making this a full application, a further 14 letters were sent out. All of the comments have been circulated in full to Members.

6. OFFICER COMMENTS

6.1 Background

6.1.1 Some Members will recall that concerns were expressed in a report to Cabinet on 26th November 2002 which recommended the preparation of a development brief for this particular area as a means of avoiding numerous individual or small cul-de-sac style developments but securing a comprehensive co-ordinated development, with the provision of open space and affordable housing, however this was not progressed. As a direct result, applications have in the past been approved for what is in effect a new secondary line of development. It is therefore quite likely that similar applications will follow.

6.2 Determining Issues

6.2.1 The main considerations when determining this application relate to the principle of the development, design and layout of the proposed dwelling, potential for impact on neighbouring amenity, and highway safety.

6.3 Principle of development

6.3.1 Local plan policy HS1 states that housing development will be permitted on land allocated for residential development and previously-developed land. Annex 2 of the NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land but excludes private residential gardens.

6.3.2 Paragraph 49 of the NPPF advises that when determining applications for housing they should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; the Council is currently unable to demonstrate a five year supply.

6.3.3 Where policies are not considered to be up-to-date, the NPPF advises that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework, taken as a whole.

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

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

6.3.6 In conclusion, there is no fundamental reason to suggest that the principle of developing the site for a single dwelling would be unacceptable.

6.4 The site and its surroundings

6.4.1 The application site is located on the northern side of Greenhills Road within Charlton Kings parish. The existing property currently benefits from a large rear garden which is approximately 60 metres long by 25 metres wide and almost entirely laid to lawn. The garden is well screened on all three sides by established hedging and a number of trees which are intended to be retained. At present, a garage is located alongside the dwelling, to the east, with access located at the western end of the site frontage. The site is bounded by residential properties in Greenhills Road, Hayman Close, and The Avenue to the rear.

6.4.2 Greenhills Road is predominantly characterised by substantial detached dwellings in large sized plots; the properties are set back quite some distance from the edge of the carriageway, giving the road an open and spacious feel.

6.4.3 The character and urban grain of the locality has changed somewhat in recent years as a result of development having taken place on the adjacent rear gardens of nos. 18, 19 and 20 Greenhills Road in the form of a cul-de-sac consisting of five dwellings, nos. 1 – 5 Hayman Close, with a shared access running alongside no. 20 Greenhills Road.

6.4.4 A development of four dwellings, nos.1 – 4 Charlton Gardens, has also taken place on the rear gardens of nos. 108, 110 and 112 Charlton Lane further to the west.

6.5 Design and layout

6.5.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality.

6.5.2 The proposed dwelling would be located to the rear of the site adjacent to the recent Hayman Close development to the west. The scale, height, massing and footprint of the property has been greatly influenced by the properties in Hayman Close with the first floor accommodation provided within a steeply pitched hipped roof; a similar palette of facing materials is also proposed.

6.5.3 The replacement garage for the existing dwelling which was originally shown to sit forward of the dwelling would have unacceptably breached the established building line and so has been relocated within the site to the rear.

6.5.3 Access to the dwelling would be provided via a new shared access driveway located to the eastern side of the site. Whilst page 36 of the garden land SPD suggests that single 'tandem' development which shares the same access or plot as the frontage development will not normally be acceptable, it does not preclude such developments. In this particular case, backland developments have already taken place, and a secondary line of housing has been established. The proposed block plan clearly indicates that the proposed dwelling would sit well within its context and would respect the already altered character of the locality.

6.5.4 Adequate levels of car parking and private amenity space would be provided for both the existing and proposed dwelling.

6.5.5 The proposal is therefore considered to meet the aims and objectives of policy CP7 and the garden land SPD.

6.6 Impact on neighbouring property

6.6.1 Local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality.

6.6.2 Now that full plans have been submitted, it is clear that the proposed dwelling could be comfortably accommodated within the site without harm to neighbouring amenity in respect of privacy, daylight or outlook.

6.6.3 The fenestration has been carefully considered to ensure that the proposed dwelling would not result in any unacceptable overlooking of neighbouring properties. Where first floor windows are proposed, they achieve the accepted minimum distance of 10.5 metres to the boundary. There are no first floor windows proposed to the west elevation facing the properties in Hayman Close, only two high level roof lights with a cill height of 1.75m.

6.6.4 Given the existing boundary screening, the positioning and mass of the building would not result in any significant loss of outlook from the surrounding properties or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties should not be unduly affected.

6.6.5 Therefore, whilst all of the concerns of the local residents have been duly noted, the proposal is considered to be in accordance with policy CP4.

6.7 Access and highway issues

6.7.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.

6.7.2 This application proposes the stopping up of the existing access and the provision of a new shared access for both the existing and proposed dwelling. Given the small scale nature of the development, the Local Highway Authority would not normally make representations on this proposal, and it would be determined in accordance with the standing advice.

6.7.3 However, given the concerns raised by local residents and the parish council, the following informal comments have been received:

As there will be a new site access which the two dwellings will make use of the Highway Authority would normally recommend that in the absence of a speed survey, visibility splays of 2.4m by 54m should be provided in both directions, due to the adjacent boundary it doesn't look possible to achieve this to the east. I note that the proposed access is 4.1m, however to make this a genuine two way working access I would suggest that the access be widened to 4.8m, I would also suggest that the access be moved slightly to the west in order to accommodate a pedestrian visibility splay, this would also help improve emerging visibility to the east. I note that the hedge is to be cut back to improve visibility to the west which would be welcomed. With such improvements, and given that forward visibility along Greenhills Road is very good, and that there haven't been any recorded collisions along this stretch of highway as a result of an access within the last 5 years I would say that the intensification of a single additional dwelling should not have a severe or significant impact upon highway safety.

6.7.4 In response to these comments, a revised layout plan has been submitted which shows an altered 4.8 metre wide access, and the proposal is now considered to be wholly acceptable on highway safety grounds subject to conditions requiring the car parking to be implemented and retained, and the provision of a pedestrian visibility splay.

6.8 Other considerations

6.8.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. As on-site play space provision is clearly not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition.

6.9 Conclusion and recommendation

6.9.1 The proposed dwelling is considered to be of a suitable scale, height, massing and footprint for this location, and would sit comfortably in its context. Furthermore, the proposal would not result in any unacceptable harm to neighbouring amenity or highway safety.

6.9.2 The recommendation therefore is to grant planning permission subject to the following conditions:

7. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. 12074 P-01, 12074 P-03, 12074 P-05, 12074 P-06, 12074 P-07 and 12074 P-08 received by the Local Planning Authority on 12th September 2013 and Drawing Nos. 12074 P-02/A and 12074 P-04/A received 1st October 2013.

Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated May 2013 and accompanying Drawing No. GRHL-04-MAY13 (Tree Retention and Protection Plan). The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 5 All demolition and construction works within the root protection area of the trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated May 2013 and associated drawings with said report.
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.
- 6 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.
- 7 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).
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 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 9 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities; and
 - e) measures to control the emission of dust and dirt during construction.

Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.

- 10 Notwithstanding the approved drawings, the proposed vehicular access shall incorporate an adequate pedestrian visibility splay in the form of a triangular area between the outside edge of the proposed driveway and the rear of the footway which shall be of minimum dimensions 2.0m x 2.0m x 2.8m and shall be kept clear of obstructions thereafter.
Reason: To reduce any potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to first occupation of the new dwelling, the existing access to the site shall be permanently closed for vehicular and/or pedestrian use as appropriate, and the verge/footway crossing shall be reinstated to the satisfaction of the Local Planning Authority. The access that has been closed shall be maintained as such thereafter.
Reason: To ensure satisfactory access arrangements in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 12 Prior to first occupation of the new dwelling, the car parking and turning facilities shown on Drawing No. 12074 P-04/A shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.
Reason: To ensure adequate car parking and turning facilities are provided and retained within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

INFORMATIVES

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

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

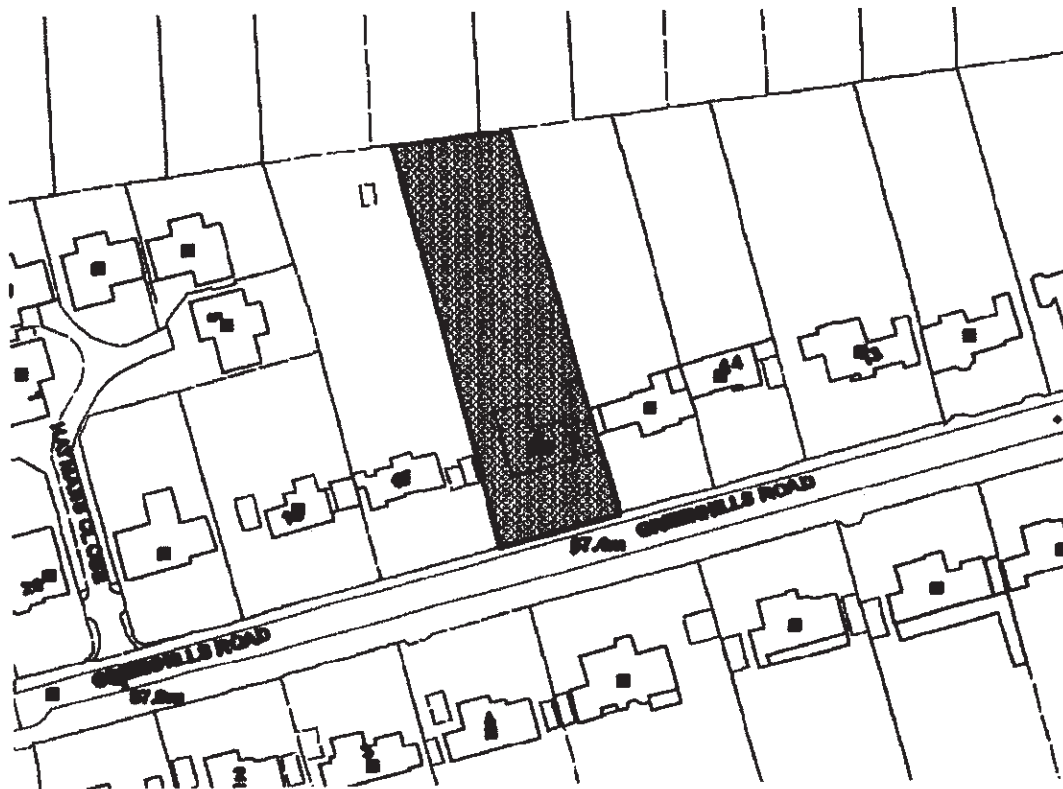
In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

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

- 3 The applicant/developer is reminded of the need to contact Gloucestershire Highways on 08000 514 514 to obtain a dropped kerb license (Section 184 of the Highways Act) for the provision of the new dropped kerb and reinstatement of the existing footway crossing.

APPLICATION NO: 14/01226/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 9th July 2014		DATE OF EXPIRY: 3rd September 2014
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Mr Pete Leahy	
AGENT:	Evans Jones LLP	
LOCATION:	16 Greenhills Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling (revised scheme following refusal of planning permission ref. 14/00660/FUL)	

RECOMMENDATION: Permit



1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a four bedroomed dwelling to the rear of no.16 Greenhills Road. It is a revised scheme following a recent refusal of planning permission by members at the June committee meeting.
- 1.2 The refused application proposed a contemporary dwelling, the main body of which was two storeys with single elements on either side; the application was refused on design grounds for the following reason:

The proposed dwelling by virtue of its scale, form and massing would constitute an overdevelopment of this backland location and would fail to complement or respect the prevalent form of neighbouring development and the character of the locality. Furthermore, the proposed dwelling would fail to be subservient to the existing dwelling or achieve a satisfactory hierarchy of development within the site. The proposal is therefore contrary to the requirements of Local Plan Policy CP7(c) and the Council's Supplementary Planning Document relating to Development on Garden Land and Infill Sites in Cheltenham.

- 1.3 Copies of the refused scheme will be available to view at the committee meeting.
- 1.4 This revised application now proposes a dwelling which would be the same as that recently approved by members on the adjacent site, no.17 Greenhills Road; the scale, height, massing and footprint of which is greatly influenced by the properties in the recent Hayman Close development to the west, with the first floor accommodation provided within a steeply pitched hipped roof.
- 1.5 The application is before planning committee following a further objection from Charlton Kings parish council and at the request of Cllrs Smith and Baker due to the level of concern amongst local residents. Members will have the opportunity to revisit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Smoke Control Order

Planning History:

CB13650/00

PERMIT

11th October 1977

Demolition of existing sun lounge and erection of two storey extension to rear

CB13650/01

PERMIT

10th May 1979

Erection of extension to existing garage to form utility (laundry) room and larger garage

CB13650/02

PERMIT

19th October 1995

Erection of two storey rear extension

04/02019/FUL

PERMIT

1st February 2005

Two storey side extension, alterations to porch and addition of pitched roof to garage

14/00660/FUL

REFUSE

19th June 2014

Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Contaminated Land Officer

14th July 2014

No comment.

Tree Officer

28th July 2014

The Tree Section has no objection to this application provided the following conditions are attached to any planning permission which may be issued:

TRE04B-No Fires

TRE09B-Gutter cover to help negate problems caused by falling leaves especially in north east corner of the garden where the large Lombardy poplar is situated.

TRE08B-Arbicultural monitoring

All ground protection, construction exclusion zones and work methods as defined by the Revised Arbicultural report of Jim Unwin (incorporating the revised layout scheme of July 2014), conforms to methods described within.

It is recommended to reduce the height of poplar tree T16 by 8 metres. This may reduce any new occupiers' perception of dominance of this tree and also possible associated fears or anxieties regarding possible tree or branch failure, as this (recommended) 17 metre high tree is to be within 9 metres of this property.

However it is also noted that the tree is situated within the border (and is therefore the responsibility of) the adjacent property owner. It is recommended that regular and cyclical

safety inspections by a suitably qualified and experienced arboriculturalist and the re-pruning of this tree are undertaken should such a reduction in height occur.

This revised site layout is to be further from this tree than the previous application 14/00660/FUL where previously no objection was made.

Parish Council

29th July 2014

OBJECTION

Although we note the changes compared with the earlier application, it is still a substantial building in comparison to the size of the plot and constitutes over development. If permitted, as a condition we would recommend entry and exit in forward gear only on to a busy road.

Architects Panel

30th July 2014

This proposal represents a re-design of a previous scheme and although it mimics an adjacent approval, the panel felt that the mass created by the roof was too great and should ideally be reduced.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of this application, letters of notification were sent out to 14 neighbouring properties and, in response to that publicity, nine representations have been received – eight in objection to the proposal and one in support.
- 5.2 All of the comments have been circulated in full to Members but briefly the main objections relate to:
 - Overdevelopment
 - Impact on privacy
 - Highway safety

6. OFFICER COMMENTS

6.1 Background

- 6.1.1 Some Members will recall that planning permission was recently granted in October 2013 for the erection of a dwelling on land to the rear of the adjoining property, no.17 Greenhills Road. At that time, Members were reminded of a report to Cabinet in November 2002 which recommended the preparation of a development brief for this particular area as a means of avoiding numerous individual or small cul-de-sac style developments, and securing a comprehensive co-ordinated development, with the provision of open space and affordable housing, however this was not progressed. As a direct result, applications have in the past been approved for what is in effect a new secondary line of development. Members have therefore previously been advised that it was quite likely that similar applications such as this would follow.

6.2 Determining Issues

- 6.2.1 The main considerations when determining this application relate to the principle of the development, design and layout of the proposed dwelling, potential for impact on neighbouring amenity, and highway safety.

6.3 Principle of development

- 6.3.1 Local plan policy HS1 states that housing development will be permitted on land allocated for residential development and previously-developed land. Annex 2 of the NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land but excludes private residential gardens.
- 6.3.2 Paragraph 49 of the NPPF advises that when determining applications for housing they should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; as it stands, the Council is currently unable to demonstrate such a five year supply.
- 6.3.3 Where housing policies are not considered to be up-to-date, the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the framework, taken as a whole.
- 6.3.4 Further to the above, paragraph 53 of the NPPF suggests that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens and this is what the Council's adopted SPD relating to 'Development of Garden Land and Infill Sites in Cheltenham' seeks to achieve. The document is therefore a material consideration when determining this application.
- 6.3.5 It is however important to remember that the aim of the Garden Land SPD is not to prevent development on garden land but to ensure that development proposals are based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.
- 6.3.6 Therefore, in conclusion, there is no fundamental reason to suggest that the principle of developing this site for a single dwelling would be unacceptable; indeed, the principle of development did not form part of the previous refusal reason.

6.4 The site and its surroundings

- 6.4.1 The application site is located on the northern side of Greenhills Road within Charlton Kings parish. The existing property currently benefits from a large rear garden which is approximately 50 metres long by 23 metres wide and largely laid to lawn. The garden is reasonably well screened on all three sides and is bounded on either side by residential properties in Greenhills Road, and The Avenue to the rear.
- 6.4.2 Greenhills Road is predominantly characterised by substantial detached dwellings in large sized plots; the properties are set back quite some distance from the edge of the carriageway, giving the road an open and spacious feel.
- 6.4.3 The character and urban grain of the locality has changed quite significantly in recent years as a result of a number of developments having taken place on the rear gardens of nos. 18, 19 and 20 Greenhills Road in the form of a cul-de-sac consisting of five dwellings, nos. 1 – 5 Hayman Close, with a shared access running alongside no. 20 Greenhills Road.
- 6.4.4 A development of five dwellings, nos.1 – 5 Charlton Gardens, has also taken place on the rear gardens of nos. 108, 110, 112 and 114 Charlton Lane further to the west.

- 6.4.5 Recently, planning permission was granted by members of the planning committee for the erection of a single dwelling to the rear of the adjacent property, no. 17 Greenhills Road; however this permission has not yet been implemented.

6.5 Design and layout

- 6.5.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality.
- 6.5.2 Greater detail can be found in the Council's adopted SPD relating to Development on Garden Land and Infill Sites in Cheltenham which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.3 that *"The aspects of a place that are visible or experienced from the public realm are generally understood to contribute most to the character of a place"* but does also acknowledge that *"areas which are less visible, such as back gardens also have a role to play – the extent to which this is the case depends on the visibility of those gardens from the public realm"*.
- 6.5.3 Members will recall that the previous application on this site was refused only on design grounds in that it proposed a contemporary dwelling, the scale, form and massing of which were considered unacceptable; Members determined that the building would have failed to respect the prevalent form of neighbouring development or achieve a satisfactory hierarchy of development within the site.
- 6.5.4 The dwelling now proposed would be the same as that previously deemed acceptable by members on the adjacent site in October 2013; the scale, height, massing and footprint is greatly influenced by the properties in the recent Hayman Close development to the west, with the first floor accommodation provided within a steeply pitched hipped roof.
- 6.5.5 Access for both the existing and proposed dwellings would be provided via the existing albeit altered access from Greenhills Road. The existing garage to the eastern side of the existing dwelling would be demolished to provide access to the rear of the site however the application is proposing to form a garage in an existing extension to the western side.
- 6.5.6 Whilst page 36 of the garden land SPD suggests that single 'tandem' development which shares the same access or plot as the frontage development will not normally be acceptable, it does not preclude such developments. In this particular case, backland developments have already taken place, and a secondary line of housing has been established. The proposed block plan clearly indicates that the proposed dwelling would sit well within its context and would respect the already altered character of the locality.
- 6.5.8 Adequate levels of on-site car parking and private amenity space would be provided for both the existing and proposed dwelling.
- 6.5.9 The proposal is therefore considered to meet the aims and objectives of policy CP7 and the garden land SPD.

6.6 Impact on neighbouring property

- 6.6.1 Local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality.

6.6.2 Officers consider that the proposed dwelling could be comfortably accommodated within the site without significant harm to neighbouring amenity in respect of privacy, daylight or outlook.

6.6.3 Whilst the dwelling would be located in quite close proximity to the rear gardens of properties in The Avenue (approximately 7.5 metres at its closest point) these neighbouring gardens are in excess of 40 metres in length; the upper floor windows in the rear elevation would therefore more than achieve the required minimum distance of 21 metres between clear glazed first floor windows. The proposed dormer window to the side elevation facing east would achieve the desired distance of 10.5 metres to the boundary. There are no first floor windows proposed to the west facing side elevation, only two high level roof lights with a cill height of 1.75m.

6.6.4 As a result, officers consider that given the existing boundary screening, the positioning and mass of the building would not result in any significant loss of privacy, loss of outlook from the surrounding properties or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties would not be unduly affected.

6.6.5 Therefore, whilst all of the concerns of the local residents have been duly noted, the proposal is considered to be in accordance with policy CP4.

6.7 Access and highway issues

6.7.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.

6.7.2 Given the small scale nature of the development, the Local Highway Authority has not commented on this proposal as it covered by their standing advice. They did however provide informal comments on the recent application at no. 17 Greenhills Road, given the concerns raised by local residents and the parish council, which read, in part:

I note that the proposed access is 4.1m, however to make this a genuine two way working access I would suggest that the access be widened to 4.8m, I would also suggest that the access be moved slightly to the west in order to accommodate a pedestrian visibility splay, this would also help improve emerging visibility to the east".

6.7.4 Currently, this application indicates a 4.1m wide access however it is anticipated that a revised plan will be submitted prior to the committee meeting to show a 4.8m wide access together with the required pedestrian visibility splay; alternatively, such alterations could be reasonably secured by way of a suitably worded condition. Members are reminded that concerns in respect of highway safety did not form part of the previous reason for refusal.

6.8 Other considerations

6.8.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. As on-site play space provision is clearly not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition.

6.8.2 Members will be aware that matters relating to restrictive covenants are a civil matter and not a material consideration in the determination of an application for planning permission.

6.9 Conclusion and recommendation

6.9.1 Officers consider that the dwelling now proposed successfully overcomes the previous reason for refusal and the recommendation therefore is to grant planning permission subject to the following conditions:

7. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. 12232/2-1, 12232/2-3, 12232/2-4, 12232/2-5 and 12232/2-6 received by the Local Planning Authority on 8th July 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated February 2014 (revised July 2014) and accompanying Drawing No. 16GRTRP-JUL14 (Tree Retention and Protection Plan). 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.
- 5 All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated February 2014 (revised July 2014) and Drawing No. 16GRTRP-JUL14 (Tree Retention and Protection Plan).
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.
- 6 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.
- 7 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance with The National Joint Utilities Group; Volume 4 (2007).
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 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 9 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities; and
 - e) measures to control the emission of dust and dirt during construction.
- Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.
- 10 Notwithstanding the approved drawings, prior to commencement of development, a revised site layout plan shall be submitted and approved in writing by the Local Planning Authority to incorporate a 4.8m wide vehicular access and adequate pedestrian visibility splay. The approved access shall be completed in all respects prior to first occupation of the new dwelling and maintained as such thereafter.
Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and access arrangements are provided in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to first occupation of the development, the car parking and turning facilities shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.
Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

INFORMATIVES

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

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

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

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

APPLICATION NO: 14/01226/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 9th July 2014		DATE OF EXPIRY: 3rd September 2014
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Mr Pete Leahy	
AGENT:	Mr David Jones	
LOCATION:	16 Greenhills Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling (revised scheme following refusal of planning permission ref. 14/00660/FUL)	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. As anticipated in the main report, a revised site layout plan has now been received which shows an altered 4.8 metre wide access with pedestrian visibility splay, and the proposal is now considered to be wholly acceptable on highway safety grounds.
- 1.2. The recommendation therefore remains to grant planning permission subject to the following revised conditions:

2. REVISED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing No. 12232/2-1 received by the Local Planning Authority on 8th July 2014 and Drawing Nos. 12232/2-3A, 12232/2-4A, 12232/2-5B and 12232/2-6A received 13th August 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated February 2014 (revised July 2014) and accompanying Drawing No. 16GRTRP-JUL14 (Tree Retention and Protection Plan). 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.

- 5 All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated February 2014 (revised July 2014) and Drawing No. 16GRTRP-FEB14 (Tree Retention and Protection Plan).

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.

- 6 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.

- 7 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).

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 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.

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

- 9 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities; and
- e) measures to control the emission of dust and dirt during construction.

Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.

- 10 Prior to first occupation of the new dwelling, the alterations to the existing access to the site to include the provision of an adequate pedestrian visibility splay, shall be completed in all respects in accordance with Drawing No. 12232/2-3A and maintained as such thereafter.

Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and access arrangements are provided in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 11 Prior to first occupation of the development, the car parking and turning facilities shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any

purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.

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

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

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



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09 September 2016

Ms M Payne
Planning and Environmental Services
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Dear Ms Payne

16/01149/FUL – Planning application for the erection of a dwelling to rear of 15 Greenhills Road, Charlton Kings.

McLoughlin Planning has been appointed by [REDACTED] of 14 Greenhills Road (the neighbouring property to the application site) to review the current proposals for the erection of a new dwelling to the rear of 15 Greenhills Road.

[REDACTED] and their neighbours have already raised objections to the original proposals which still stand, but we note some revisions have now been made to the scheme and these have been published on the Council's website on the 19th August and 6th September 2016. We understand these revisions have been made in light of your original concerns and those of the County Highways Authority.

Following our review of the revised proposals, we note that although some effort has been made in the latest plans to reduce the mass of the dwelling, these changes do not go far enough to alleviate local concern. We are therefore instructed to make strong objections to the application on behalf of local residents. The main objections are summarised as follows:

1. Public Consultation

We are somewhat surprised that the latest revised plans have only been subjected to a very short consultation period. For the Council to have received the plans on the 6th September and then to invite comments no later than the 13th September does not seem a reasonable period of time, and falls well short of the normal period for consultation. As you are aware, the original plans were subject to strong objections from Charlton Kings Parish Council, the Cheltenham Civic Society and a number of local residents. We are also aware that Councillor Paul Baker has requested committee determination to ensure that the local concerns are properly considered in a democratic forum.

Whilst the Council is under no statutory obligation to re-consult, I would respectfully suggest that a more reasonable period of public consultation should be undertaken to allow stakeholders to properly understand the plans and make any additional comments. Should the revised plans be considered to have overcome Officers' original concerns, the level of change would surely be significant enough to warrant full consultation with stakeholders. Therefore, unless you are minded to recommend the application for refusal, I would strongly urge you to formally re-consult on the application for a minimum period of 21-days. Failure to do so would be undemocratic and would potentially leave the Council open to legal challenge. On this basis, the application should be deferred until the October Planning Committee.



2. Size, scale and design of the dwelling

We share our client's view that development on this land would result in the unacceptable loss of green space, which contributes to the verdant and low-density character of the Greenhills Road locality. We acknowledge that development of back garden plots immediately to the west have been judged acceptable in the past. Furthermore, we note that the latest set of revised plans as received on the 6th September 2016, have reduced the mass of the dwelling to a limited degree. However, we would draw your attention to important differences between those schemes and the one subject of the current application before you.

Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality. The design and layout of the proposed dwelling effectively replicates that of the adjacent houses permitted in the back gardens of 16 and 17 Greenhills Road.

However, we question whether a further repetition of what is clearly considered by the developer's agent to be a winning design formula is in fact the most appropriate design solution for the site in question. There are important differences between the current application site and those adjacent. The application site is further removed from Hayman Close than neighbouring plots, which therefore has less influence in townscape terms. The garden width is narrower than that of both No's. 16 and 17 and is less able to accommodate a building of the footprint and mass proposed. This would result in a cramped form of overdevelopment and would have an overbearing impact, occupying a fuller extent of the garden width and notably closer to the boundary with the rear garden of No. 14.

This represents unacceptable overdevelopment of the site and is an issue that has not been suitably addressed by the amended plans. There has been no reduction in the height of the dwelling. The roof design appears top heavy and overly bulky, and at a height of 7.51 metres is essentially of two-storey height. It is considered that this is a setting where a bungalow would be more appropriate and a less overbearing design solution. In addition, the previous integral garage has been replaced with a detached garage, which would still be read in the context of the main house and does little to reduce the apparent mass.

The reduced height and mass of a single storey building would be more in-keeping with this garden setting and would respond better to the open undeveloped gardens to the east, having a significantly less harmful impact on openness and aiding the maintenance of a spacious character in views glimpsed from the road. There is no justification for continuing to replicate a design appropriate to a different site context. As paragraph 3.5 of the Council's SPD 'Development on Garden Land and Infill Sites in Cheltenham' states, *"responding to character is not simply about copying or replicating what already exists in an area"*.

3. The impact on the living conditions of neighbours

The replication of the design of the adjacent backland house also does not take account of the significant differences in landscape screening in preserving residential amenity. As clearly illustrated in the appended photographs, the design submitted creates the potential for overlooking of our client's rear garden and the back of 14 Greenhills Road. The development would also result in overlooking to the rear gardens of No's. 6A and 7 The Avenue, which are located directly to the rear of the application site.

We note that the previously proposed side facing dormer window has been removed from the plans, but the front facing dormer window and the additional side facing rooflights will give the occupiers of the neighbouring property the feeling of been substantially overlooked. This will in turn reduce their private enjoyment of their property.



Whereas the boundary between No's 15 and 16 contains mature planting of height, including a large willow tree that importantly obscures views into the neighbouring property, the boundary with the neighbours garden at No.14 is very open and comprises low level planting below fence height. This offers no protection from overlooking and loss of privacy. This represents a significant material difference from the previously permitted developments. This is further illustrated on the attached photographs.

As the layout plan illustrates, the overdevelopment of the site with a large dwelling footprint close to the boundary with No. 14, leaves very little opportunity for meaningful and effective boundary landscaping. There are no existing mature trees within the site or opportunity for new tree planting which would assist with screening views of the neighbouring property and mitigate loss of privacy. The scheme as proposed would result in an unacceptable loss of residential amenity to the occupiers of 14 Greenhill Road, in clear conflict with Local Plan policy CP4, which advises that development should not cause unacceptable harm to the amenity of adjoining landowners.

In addition, no effort has been made to address the issue of overlooking to the gardens of the properties to the rear at No's 6A and 7 The Avenue. These properties would be substantially overlooked in the event that trees and vegetation along this boundary are removed, for which there is no control. Planning conditions could not be used to secure a boundary treatment here in perpetuity.

Overall, the amendments to the plans are not sufficient to overcome the impact on neighbouring properties, nor do they reflect the degree of objection made to the original submission scheme. This adds further weight to the claim that this proposal represents overdevelopment of the plot and would be out of keeping with the character, appearance and living conditions of the area. The proposal therefore conflicts with policy CP4 of the Cheltenham Borough Local Plan.

4. The lack of adequate visibility from the proposed access

We note that Planning Officers' and the County Highways have previously raised concerns over the proposed access arrangements, in terms of securing adequate visibility. The OS based 1:500 scale Visibility Splay plan submitted on the 23rd August implies that 54m splays are achievable in both directions in accordance with GCC's Deemed to Satisfy Standards.

Firstly, we would respectfully suggest that using a 1:500 scale OS plan to measure a 54m visibility splay is not appropriate. An accurately drawn plan at a much lower scale is required, and this should include exact details of boundary treatments etc. We note that no attempt has been made to include the visibility splay line on the 1:250 scale Site Layout Plan, we wonder if this is because it would clearly show that the required visibility is, in fact, not achievable?

A thorough on-site assessment shows that the required 'minimum' 54m visibility splays simply cannot be achieved. It is noted that the visibility splay drawing seeks to illustrate that on the basis of an X-distance of 2m the required Y-distance of 54m can be achieved. We submit, however, that the X-distance should be the default 2.4m.

The default X-distance in Gloucestershire County Council Standing Advice on visibility splays is 2.4m for a single dwelling unless all the criteria of 3.2.4 of the advice are met, in which case consideration can be given to a reduction to 2m. In this instance, criterion d) requires that the adjacent highway carriageway width is not less than 5.5m. However, this is not met as when measured on the ground the carriageway at this point is only 5.42m. As such, visibility must be taken from a point 2.4 metres back from the carriageway edge. We would encourage Planning Officers and representatives from the Highways Authority to assess this on site.



An on-site assessment makes it clear that, when measured from this point, there is absolutely no way the 54 metre 'minimum' splays can be provided in the easterly direction, as the neighbours boundary hedge is in the way. Even if the measurement were to be calculated from the suggested 2m X-distance the splay is still unachievable. As the applicants do not have control over this boundary, there can be no certainty that the minimum visibility requirements would be secured in perpetuity. It is inevitable that natural boundary treatments will overhang the footpath and there can therefore be no certainty of visibility in the long-term.

Therefore, the access fails to meet the minimum standards for a safe access and so fails to comply with Local plan policy TP1. Given the proposal would significantly intensify the access by doubling the amount of vehicle movements, this must be regarded as a significant increase that would have 'severe' highway safety consequences.

The only other option would be for the applicants to undertake a speed survey, with a view to demonstrating that vehicle speeds are lower than the stated 30mph speed limit. However, it is clear from observing traffic along Greenhills Road that vehicle speeds are actually well above the 30mph limit. Greenhills Road is an established rat run for traffic. When traffic is flowing vehicles tend to travel in excess of 40mph at this point.

For these reasons, it is clear that the development would have a 'severe' impact on highway safety. The Government's policy expectation is that such development should be refused.

Conclusions

In conclusion, whilst my clients would naturally prefer to not have a dwelling sited in the rear garden adjacent to them, it is understood that the principle of providing infill residential development is acceptable providing it complies with suitable design, character and living standards. However, in this case the current proposal fails to meet the social and environmental dimensions of sustainable development, due to its harm to local townscape character, residential amenity and highway safety. For these reasons, the current application should be refused.

It is suggested that a much smaller development, which addresses issues of size, height and overlooking be considered. This should involve a development of single storey construction only and a significantly smaller footprint. Genuine attempts should be made to provide greater private amenity space for the new dwelling and landscaping should be used to both soften the development and protect the amenity of neighbours. Of course, any future application will also be required to overcome the issue over visibility at the access, although it is difficult to see at this stage how this could be achieved.

I would be grateful if you could take those points in to account in formulating your recommendation on this application. I would again ask, unless you are simply minded to refuse the application at this stage, that the application be opened up to a full round of public consultation.

I would be more than happy to discuss this representation with you in further detail. Please do not hesitate to contact me if this would assist.

Yours sincerely

Oliver Rider MSc MRTPI
Director

Photograph showing the lack of substantial boundary treatment along the boundary of No's 14 and 15 Greenhills Road, thus subjecting No. 14 to significant overlooking and overbearing impacts from the proposed new dwelling.



Photograph showing the existing willow tree along the boundary of No's 15 and 16 Greenhills Road, which currently provides a significant screening effect for No.15. This does not exist between the boundary of No's. 14 and 15



Green Avenue Limited
14 Greenhills Road
Charlton Kings
Cheltenham
GL53 9EB

Michelle Payne –Planning Officer
Cheltenham Borough Council
PO Box 12
Municipal Offices
The Promenade
Cheltenham
GL50 1PP

Email: [REDACTED]

29 July 2016

Hand Delivered and
Email: dccomments@cheltenham.gov.uk

Dear Ms Payne,

Proposed erection of extra house – 15 Greenhills Road - 16/01149/FUL

I have reviewed the plans for erecting an extra 4 bedroom house in the garden of 15 Greenhills Road. I wish to object to the above application on behalf of Green Avenue (a group of neighbours formed to protect the area from inappropriate development). Green Avenue own the three boundaries (West, North and East) to the garden of No 15 Greenhills Road (GR988).

I have taken the opportunity to set out below the grounds of our objection in the context of the council's published guidance, especially: Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009 ("SPD"). This gives specific guidance on appropriate development on garden land and is in line with the requirements of the National Planning Policy Framework.

The scheme proposes a single dwelling with a footprint of about 183sqm (including the garage) be built in the rear garden of number 15 Greenhills Road located less than 5 metres from our Northern boundary. The additional house proposed is two storey and provides over 2400sq ft of living space (not including the first floor with head height below 1.8m).

The proposed additional house will be highly visible and seriously affect the privacy of the neighbouring properties in both Greenhills Road (14 and 16) and The Avenue (6A and 7). We object to the proposed scheme for the reasons set out below.

GARDEN LAND DEVELOPMENT

The SPD gives clear guidance as to what sort of development on garden land and infill sites is and is not acceptable, that is in line with the requirements of the National Planning Policy Framework paragraph 53 that states:

Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Hence we consider this SPD to be key guidance in considering this application. Page 36 of the SPD states:

On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, **will not normally be accepted**.

The proposed 'tandem' development is contrary to the SPD and whilst we acknowledge this type of development has been permitted at No.16 there is no such thing as precedent in planning. Tandem development is not encouraged within the SPD for very good planning reasons and if more of this type of development is granted consent, then the planning harm identified in the SPD will be multiplied. The neighbours all objected to the proposed development at No. 16 with one exception, No. 15 passed no comment but their motivation is now clear. At the end of the day what would the street / community be like if every property in the road undertook tandem development? It would totally change the character of the existing neighbourhood and the quality of life and amenities enjoyed by the residents.

The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. So not only is this tandem development inappropriate, but the scale at over 2400 sq ft of living space (plus a double garage) is far larger than the original house at 15 Greenhills Road.

DESIGN

On 27 March 2012 the government published the **National Planning Policy Framework (NPPF)** which confirms at paragraph 58 "that the Government attaches great importance to the design of the built environment". The NPPF requires development to "take the opportunities available for improving the character and quality of an area" and states that permission should be refused for development that does not.

The Cheltenham Borough Local Plan Second Review, although adopted in July 2006 contains saved policies that are in conformity with the NPPF and which therefore are material in the consideration of this proposal.

In particular, Policy CP7 sets out that development will only be permitted where it:

- (a) is of a high standard of architectural design; and
- (b) adequately reflects principles of urban design; and
- (c) complements and respects neighbouring development and the character of the locality and/or landscape (note 3).

The "**Principles of Architectural Design**" set out in the Local Plan stress that the alteration of existing buildings should demonstrate a creative response to a specific site and locality and that particular attention should be paid to

- the urban grain (the pattern and density of routes, street blocks, plots, spaces and buildings of the locality) and
- the size of the building its elements and its details in relation to its surroundings
- massing (the arrangement, volume and shape of the building)
- height (the effect on shading views skylines and street proportion)

The **Supplementary Planning Document "Residential Alterations and Extensions February 2008"** notes that "Cheltenham has an image of an elegant spacious town with groups of well proportioned buildings set in generous gardens" and acknowledges that the spaces between the houses, and the greenery contribute to this character.

The purpose of the Guide is to ensure that the character of each of the residential areas is not eroded through poorly designed residential properties which leave neighbours disadvantaged. It is intended especially for use in residential areas that are not protected by conservation area status, where good design is as essential as it is in the historic parts of the town.

The Design Guide notes that the spaciousness of the town derives from spaces at the front back and sides of buildings. "Glimpses of trees, gardens and the surrounding hills are essential if the spacious character of the town is to be maintained. The Council will maintain such spaces between buildings to prevent a terracing effect between existing houses."

The emerging **Draft Gloucester Cheltenham & Tewkesbury Joint Core Strategy** policy S4 requires proposals for all new developments to demonstrate how the development will "respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, addressing the urban structure and grain of the locality in terms of street pattern, layout, mass, and form and ensuring that new development is of a scale, type, density and materials appropriate to the site and its setting"

The Character of the Area

Although Greenhills Road does not fall within a conservation area, it is nevertheless a pleasant but busy road with an open aspect which is characterised by large houses set within large plots. It is a feature of the Greenhills Road/Avenue area that each of the individually designed dwellings is set in ample green space. There are restrictive covenants on every property including No 15 Greenhills Road (GR988) which flow down from title GR957 which permit not more than one dwellinghouse per plot of land and specifically prohibits "outbuildings behind or so as to extend beyond the back of the dwellinghouse to which it belongs". The restrictive covenants

were established for a very good reason-any such erection would impact on the urban grain. Every owner of land comprising the original field owned by William Henry Jordan is a successor in title who can enforce the covenant. The current owners were well aware of it when they acquired No.15 Greenhills Road and agreed to be bound by it. Is it Council policy to actively encourage a property owner to break the law and knowingly breach these covenants?

The proposed extra house will result in a massive loss of garden for the footprint of the proposed house, garage and the driveway needed to link it to Greenhills Road, which would be totally out of character with the street scene. The proposed extra house is for this reason at odds with the urban grain.

Scale and Massing

The development proposed would result in more than double the footprint of buildings on the current No 15 plot, as well as a 4 metre wide roadway to the Eastern side of the plot. As such the scale of the proposed extra house is inappropriate-size, height width and depth-massing would have an unacceptably adverse impact on the amenities of the adjacent properties.

The massing of the proposed property being a 2-storey building built close to the northern boundary is inappropriate. Although it is a chalet style design, the large footprint results in a roofline of similar height to a traditional design two storey house. The Eaves are much higher above the ground floor windows than is necessary and the result is a dominant roof line. It will result in an over bearing development with no sunshine falling on the garden at the Northern end.

It is contrary to Local Plan Policy CP4 (a) relating to safe and sustainable living which seeks to prevent development that would cause unacceptable harm to the amenity of adjoining land owners.

Privacy and Security

The latest application has moved the gate to several metres behind the back of the current No.15 property. All the properties on Greenhills Road and The Avenue have always enjoyed privacy in their rear gardens. Permitting a further house to be built at No 15 would be a massive loss of privacy to all the houses in the immediate vicinity and will reduce the existing security of both 14 & 16 and all the neighbouring properties due to the driveway providing easy access to their rear gardens (again contrary to CP4 (a)). There are invasive windows facing to East and West and certainly would affect the right to quiet enjoyment of the existing neighbouring properties.

Overdevelopment

The proposed dwelling results in an overdevelopment of the GR988 plot of land. No 17 Greenhills Road was permitted to build a similar house with few objections but the property was 80 feet wide. Repeating the style and mass of house on a 60 feet wide plot is the definition of overdevelopment. 1 metre to both West and East boundaries and 5 metres to the North would not be allowed for a house extension-why should a new build be permitted so close?

Materials, Size and Design

The application is totally inappropriate. The proposed design is far too large and is contrary to Local Plan Policy CP7 relating to design. The proximity of the building to the fence ensures that the north facing "garden" for the new property will be in permanent darkness – almost certainly it will be paved/concreted to leave no remaining greenery and increase the risk of flooding that conflicts with CP3 (f) that seeks to minimise the risk of flooding as part of a sustainable environment.

Effect on Area/Traffic

Greenhills Road is an established "rat run" for traffic on that side of Cheltenham. In rush hour, the traffic is static in both directions from Sandy Lane to Pilley Bridge making it extremely difficult to turn right or left from the properties on the North side of Greenhills Road. When traffic is flowing it is like a drag strip for many drivers who seem to wish to do 40-50 mph by the time they pass 14/15/16 Greenhills Road. Cyclists regularly use the pavement in lieu of the road, presenting another unpredictable danger. Boundary walls or hedges are only a pavement width (1.45m) from the road. A substantial house added at the back of No 15 brings further certainty of a serious traffic accident. 3.18 of the SPD, Box 6 sets out Elements of Amenity which are considered important but not addressed in this proposal.

Conclusion

The NPPF requires that good design should "contribute positively to making places better for people." This proposal is out of character with the area. It is overbearing and does not represent a good design and it has a seriously detrimental impact upon residential amenity. This development would cause harm to the local area and therefore conflicts with para 53 of the NPPF on garden land development and should not be allowed. Furthermore it is contrary to Cheltenham's SPD on garden development to build this large house in tandem style on a single plot. There are no material considerations that would justify a departure from development plan policy in this case.

We therefore urge the Council to refuse this inappropriate application to build an extra property on the land comprising GR988. In the event that Cheltenham Borough Council propose to abandon so many of their own guidelines then they need to state clearly and publicly why these policies have been disregarded.

Yours faithfully




Chairman, Green Avenue

01242 

28 July 2016

Dear Miss Payne,

**Re: 15 Greenhills Road Proposed Development
Your Reference 16/01149/FUL**

I have not had notification of this application. Its wider circulation could be something the department may wish to consider as by implication a house here may mean a house at the foot of my garden. My neighbour, [REDACTED] has passed me his observations which I fully endorse and include below. For my part I emphasize that visual impact of the potential intrusion needs close attention should it proceed. Residents do not want a repeat of glaring inconsistencies in recent works such as bright red roof tiles where no such tile has been used in the past or full length windows needlessly overlooking their property from a roof conversion several plots away-see my original point on notification.

This development conflicts with the planning guidance given in the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009. This states 'On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted'. The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. Not only is this tandem development inappropriate, but it is also 50% bigger than the frontage house.

We are strongly opposed to this development because:

- a. It would have a significant impact on the neighbouring properties, especially 14 Greenhills Road, 7 and 6A The Avenue. The immediate neighbours would suffer considerable loss of privacy, and the proposed two storey house would visually impact an even greater number of surrounding homes.
- b. The house is too big for the proposed location with only a minimal garden. It has over 2400 sq ft of living space (not including first floor area with head height below 1.8m) plus a double garage. The Northern boundary is less than 5 Metres from the back of the house and the East and West boundaries are only just over 1 metre to the side.
- c. This is another development of a back garden in the area and eventually there will be no large gardens and the green space will be lost. More building will lead to increased flooding in heavy rain.
- d. There is very little provision for off-road parking in the proposed property plan. The planning statement (para 9.1) claims 2 garage and 2 parking spaces, but the site layout only shows 1 parking space. This will increase the likelihood of visitors parking on Greenhills Road and create a serious bottleneck at a narrow point of what is now a major route in the area.
- e. Access to the proposed development is very poor as there is only 2.67 metres (8ft 9ins) from the side of 15 Greenhills to the boundary to fit in a driveway. Hence no lorries will be able to get on site¹, both during construction and subsequently. It will be extremely difficult for commercial vans as they will only have 19cms clear on each side of the van. (A Ford Mondeo would only have 27cms each side.) The likelihood of vehicles parking on Greenhills road would be greatly increased and create a serious bottleneck on this major route.
- f. The access does not meet the requirements for the fire services as it is less than 3.1

¹ Quote from construction vehicle website: if the delivery site has high walls (which the proposed driveway has) a 10ft / 3.05m gap will be needed to accommodate wing mirrors. Note that the vehicle width is 8ft 2 ins so only 3ins each side would be available even if the wing mirrors are moved, and a square on approach is unlikely.

Page 89

- metres alongside the house and it is over 45 metres from where a fire engine could park.
- g. The rear elevation with clear windows is positioned only 5 metres from the rear boundary compared to the at least 10.5 metres stipulated on page 44 of the SDP.

There are several major errors and omissions in the application:

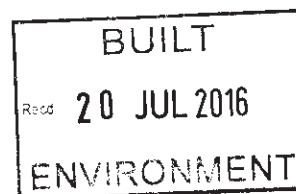
- The layout of the building shown in the full site layout differs entirely from that shown in the floor plans document.
- The size of the existing house at No 15 differs radically between that shown in the full site layout and the block plan.
- No tree survey or proper access information has been provided.
- The Design and Access statement is supposed to included a plan of the site and existing building up to 100 metres away, according to the SPD. This is missing.

We argue that these need correcting before the application is considered.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

[REDACTED]
Brown Gables
8 The Avenue
Cheltenham
Glos. GL53 9BJ
[REDACTED]
[REDACTED]



Head of Planning
Cheltenham Borough Council
PO Box 12
Promenade
Cheltenham
GL50 1PP

20 July 2016

Dear Sir/Madam

**DEVELOPMENT BEHIND 15 GREENHILLS ROAD
APPLICATION NO 16/01149/FUL**

We write to object to the proposal to develop land behind 7 The Avenue.

Despite the fact it will overlook our property we only learnt of this from our neighbour.

We have already suffered from the development of the back gardens of 16 and 17 Greenhills Road. Both severely impact our privacy and the enjoyment of our property.

16 and 17 Greenhills Road are much larger than the plot sizes warrant and both are significantly higher than the dormer bungalows further up the road. Neither should have been allowed and this proposal, on a much smaller plot is totally unreasonable not to mention against your council's own planning policy.

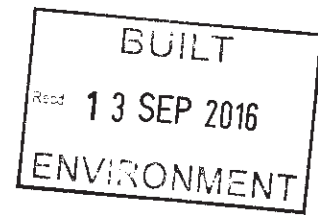
If you ignore your own policy and allow this where will it end?!

Yours faithfully

[REDACTED]

[REDACTED]
Brown Gables
8 The Avenue
Cheltenham
Glos. GL53 9BJ
[REDACTED]

Email [REDACTED]



Head of Planning
Cheltenham Borough Council
PO Box 12
Promenade
Cheltenham
GL50 1PP

Your Ref: 16/01149/FUL

12 September 2016

Dear Sir/Madam

**DEVELOPMENT BEHIND 15 GREENHILLS ROAD
APPLICATION NO 16/01149/FUL**

Thank you for your letter of 6 September.

The revisions to the original plans seem relatively insignificant. In particular the height of this "dormer bungalow (!)" remains the same.

Our objections remain.

Yours faithfully

[REDACTED]

APPLICATION NO: 16/01149/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 30th June 2016		DATE OF EXPIRY: 25th August 2016
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Allan White	
AGENT:	David Jones	
LOCATION:	15 Greenhills Road Charlton Kings Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 15 Greenhills Road and associated access drive	

Update to Officer Report

1. CONSULTATION RESPONSES

- 1.1 The following Parish Council response was inadvertently omitted from the main report:

Parish Council

20th September 2016

We reiterate our objection to this application. Our earlier comment on loss of amenity to adjacent properties stands. We also note that although the proposed building is now 6m (having moved by 1m) distant from the rear of properties in The Avenue, this is still not compliant with the Supplementary Planning Document. We are also concerned about the achievability of visibility splays. As drawn on the plans 127251-3, it would appear that the viability of the visibility splay is dependent on the cutting back of a hedge belonging to 14 Greenhills Road. Should the application be approved a condition must be made regarding the poplar tree at the north west of the proposed new building; there should be a reduction in its height and also on-going maintenance, otherwise there could be an impact on neighbours under CP4 (safe and sustainable living). We accept that an alternative arrangement could be made to counter the difficulty of a fire tender reaching the property.

- 1.2 Also, the following additional comment has been received from the Civic Society since the publication of the Agenda:

Civic Society

11th November 2016

We should like to add to our comments on this. Despite the proposed changes, we still regard this as a heavy and clumsy scheme.

- 1.3 In addition, most notably, the following late comment has been received from GCC Highways:

GCC Highways Planning Liaison Officer

11th November 2016

Further information has been submitted by the Gloucestershire Constabulary, Road Safety & Traffic Management on the 9th November 2016 regarding the speed of traffic using Greenhills Road. An independent speed survey, unrelated to this planning application, was undertaken on 10th February 2016 – 19th February 2016, device type (SDR) traffic classifier, posted speed limit of 30 mph. I have consulted the historic weather condition records and the weather between the 10th - 19th February 2016 on average was dry, therefore I have adjusted the speed survey data for the 85% percentile wet weather speed.

Speed survey results

Towards Old bath Road (Westbound of 15 Greenhills) the 85% percentile vehicle speeds of 36 mph.

Towards Sandy Lane (Eastbound of 15 Greenhills) the 85% percentile vehicle speeds of 37 mph.

The 85 percentile vehicle speed for Eastbound traffic was recorded as 37 mph, or 34.52mph with the wet weather reduction applied. Westbound traffic was recorded as 36 mph or 33.55mph with the wet weather reduction applied. Greenhills Road is on a bus route, the required visibility parameters will be determined using MfS2 visibility calculations using a 1.5 second reaction time and a 3.68 m/s m/s deceleration rate. The required visibility splays would be 56m metres to the right for eastbound traffic with forward visibility of 58m and visibility splays of 53 metres to the left for westbound traffic with forward visibility of 56 metres. The required visibility splays cannot be achieved with Highway Land or Land under applicant control.

In light of new evidence that has been received on the 9th November 2016, I formally withdraw my previous response and therefore, recommend that this application be refused on highway grounds for the following reasons:-

The vehicular access intended to serve the proposed development lacks adequate visibility commensurate with the recorded 85th percentile wet weather speeds therefore it does not meet the minimum standards necessary to serve the development, resulting in a sub-standard access that fails to create a safe and secure layout that minimises conflict between traffic or cyclists and pedestrians contrary to Paragraph 35 of the NPPF and TP1 of the Cheltenham Local Plan.

2. OFFICER COMMENTS

- 2.1 Members will note that GCC Highways have withdrawn their previous response in which no objection was raised, and now recommend that the application be refused due to insufficient visibility; this change in recommendation is as a result of new evidence being made available.
- 2.2 Although the response suggests that the results of the speed survey were submitted by the Gloucestershire Constabulary, they were in fact made available to Highways by a third party.

3. CONCLUSION AND RECOMMENDATION

- 3.1 In its revised form, the proposed dwelling is considered to be of a suitable scale, height, massing and footprint for this location and would not result in any significant harm to neighbouring amenity. Subject to a suitably worded condition, officers are satisfied that the access alongside the existing dwelling could be delivered without harming the amenity of the neighbouring dwelling.
- 3.2 However, it is not possible to provide a safe and sustainable vehicular access from the highway to serve the additional dwelling that would achieve the required visibility splays.
- 3.3 The recommendation therefore is to refuse planning permission for the following reason, as suggested by GCC Highways:

4. SUGGESTED REFUSAL REASON

- 1 The vehicular access intended to serve the proposed development lacks adequate visibility commensurate with the recorded 85th percentile wet weather speeds, and therefore it does not meet the minimum standards necessary to serve the development, resulting in a sub-standard access that fails to create a safe and secure layout that minimises conflict between traffic or cyclists and pedestrians contrary to Paragraph 35 of the NPPF and TP1 of the Cheltenham Local Plan.

INFORMATIVE

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

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

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

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

APPLICATION NO: 16/01149/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 30th June 2016		DATE OF EXPIRY : 25th August 2016
WARD: Charlton Park		PARISH: CHARLK
APPLICANT:	Allan White	
LOCATION:	15 Greenhills Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 15 Greenhills Road and associated access drive	

Comments from Councillor Baker

From: paul baker
Sent: 15 November 2016 11:58
To: Michelle Payne
Subject: 15 Greenhills Road - 16/01149/aful

Dear Michelle,

As you know I requested that this application be referred to the Planning Committee, it is therefore unfortunate that I am unable to attend this month's meeting when the item is being considered due to work commitments.

Whilst I am concerned about another back garden development resulting in the loss of open space and amenity for nearby residents, and the provision of a new home with a modest garden, my main concerns relate to highways issues. I am therefore pleased to see the latest response from Gloucestershire Highways which recommends refusal of the application.

Earlier this year I asked the Road Safety Unit to carry out speed testing along this road to understand better the actual speeds being experienced in response to concerns from residents, this was carried out over a 9 day period to give a very fair and balanced report and the results were staggering.

Whilst I appreciated that this was a long straight and busy road the results were alarming. Over the period there were 82000 vehicle movements, around 9000 a day, most of course during daylight hours, but speeds were more worrying.

There is a 30mph speed limit in operation as you are aware but 45000 vehicles travelled at between 30 and 40mph whilst nearly 4000 travelled between 40 and 50 mph, and 157 travelled in excess of 50mph. These figures clearly show there is a real traffic speed issue which makes access onto and exit from this road quite hazardous for residents living along the road, especially if their visibility is restricted.

The new dwelling proposed, as confirmed by Gloucestershire Highways, has very limited visibility for vehicles trying to join the road, it is not safe, I therefore fully support the recommendation to refuse this application,

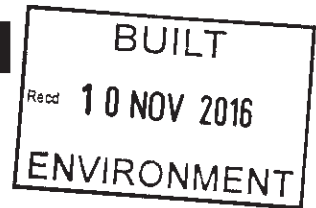
Kind regards,
Paul Baker, Cllr Charlton Park

14 Greenhills Road
Charlton Kings
Cheltenham
GL53 9EB

UPDATED VERSION

Michelle Payne –Planning Officer
Cheltenham Borough Council
PO Box 12
Municipal Offices
The Promenade
Cheltenham
GL50 1PP

Email: [REDACTED]



9 November 2016

Hand Delivered and Email: dccomments@cheltenham.gov.uk

Dear Tracy,

Proposed erection of extra house – 15 Greenhills Road - 16/01149/FUL

We and our neighbours have already raised objections to the original proposal and subsequent variations which still stand, but we note some revisions have now been made to the scheme and these have been published on the Council's website on the 27th October 2016. We understand these revisions have been made in light of concerns of the County Highways Authority.

Although some effort has been made in the latest plans to alter the access, these changes do not meet the stated Standing Advice from Gloucestershire Highways Authority. We strongly object to the application. The main objections are summarised as follows :

1. The lack of adequate visibility from the proposed access

Planning Officers and the County Highways have previously raised concerns over the proposed access arrangements, in terms of securing adequate visibility. The OS based 1:500 scale Visibility Splay plan submitted on the 27 October (CTP-SK_03) seeks to illustrate that on the basis of an X-distance of 2m the required Y-distances are achievable-44m to the West and 39m to the East "in accordance with GCC's Deemed to Satisfy Standards". But the x –distance dictated by those standards is 2.4m because the road is less than 5.5m wide.

The default X-distance in Gloucestershire County Council Standing Advice on visibility splays is 2.4m for a single dwelling unless all the criteria of 3.2.4 of the advice are met, in which case consideration can be given to a reduction to 2m. Criterion d) requires that the adjacent highway carriageway width is not less than 5.5m. When measured on the ground the carriageway at this point is between 5.42-5.44m wide. Thus visibility must be taken from a point 2.4 metres back from the carriageway edge. Mr Neil Troughton confirmed that Greenhills Road is not 5.5m wide at this point on a site visit on 9 November p.m. I believe that a replacement for the 3 November "consultee comments" will be issued.

Using a 1:500 scale OS plan to measure a visibility splay of around 54m is not appropriate- an accurately drawn plan at a much lower scale is required, and this should include exact details of boundary treatments etc. No attempt has been made to include the visibility splay line on the 1:250 scale Site Layout Plan- is that because it would clearly show that the required visibility is in fact not achievable?

A properly conducted speed survey is required. It is clear from observing traffic along Greenhills Road that vehicle speeds are actually well above the 30mph limit despite the narrowing of the carriageway at the Charlton Lane boundary. The perfunctory 3 hour survey is not representative and details of a 7 day survey earlier in 2016 are with Highways.

The Tracking Plan allegedly showing the vehicle tracking for a large 4x4 vehicle is misleading. The 4x4 vehicle shown on Greenhills Road is much larger than the vehicle squeezing through the 2.67m gap between No 14 & No15 having negotiated the S bend. Consider in particular a 4x4 entering from the East and how it can manoeuvre past the edge of the No15 house 13.3m into the driveway.

2. Size, scale and design of the dwelling

Development on this land would result in the unacceptable loss of green space, which contributes to the verdant and low-density character of the Greenhills Road/Avenue locality. We acknowledge that development of some back garden plots immediately to the West on wider plots have been judged acceptable in the past. Furthermore, we note that the plans received on the 6th September 2016, have reduced the mass of the dwelling to a limited degree. However, we would draw your attention to important differences between those schemes and the one that is the subject of the current application before you.

Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality. The design and layout of this proposed dwelling effectively replicates that of the adjacent houses permitted in the back gardens of 16 and 17 Greenhills Road.

Is this in fact the most appropriate design solution for the site in question? There are important differences between the current application site and those adjacent. The application site is some distance from Hayman Close, which therefore has no influence in townscape terms. The garden width is narrower (60 feet) than that of both No's. 16 (77 feet) and 17 (90 feet) and is less able to accommodate a building of the footprint and mass proposed. This would result in a cramped form of overdevelopment and would have an overbearing impact, occupying a fuller extent of the garden width and notably closer to the boundary with the rear garden of No. 14 and the Avenue properties.

This represents unacceptable overdevelopment of the site and is an issue that has not been suitably addressed by the current plans. There has been no reduction in the 7.51m height of the dwelling. The roof design appears top heavy and overly bulky. It is considered that this is a setting where a bungalow would be more appropriate and a less overbearing design solution. To reduce the width, the previous integral garage has been replaced with a detached single garage, which would still be read in the context of the main house and does little to reduce the apparent mass.

The reduced height and mass of a single storey building would be more in-keeping with this garden setting and would respond better to the open undeveloped gardens to the east, having a significantly less harmful impact on openness and aiding the maintenance of a spacious character in views glimpsed from the road. There is no justification for continuing to replicate a design appropriate to a different site context. As paragraph 3.5 of the Council's SPD 'Development on Garden Land and Infill Sites in Cheltenham' states, "responding to character is not simply about copying or replicating what already exists in an area".

3. The impact on the living conditions of neighbours

Simple replication of the design of the adjacent backland house at No 16 does not take account of the significant differences in landscape screening in preserving residential amenity. As clearly illustrated in the appended photographs, the design submitted creates the potential for overlooking No14's rear garden and the rear gardens of No's. 6A and 7 The Avenue, which are located directly to the rear of the application site.

The front facing dormer window and the additional side facing roof lights will give the occupiers of No 14 the feeling of being substantially overlooked, massively reducing our private enjoyment of a property we have lived in for over 17 years.

Whereas the boundary between No's 15 and 16 contains mature planting of height, including a large willow tree that importantly obscures views into the neighbouring property, the boundary with No.14 is very open and comprises low level planting below fence height. The Cypress Hedge was replaced with a panel fence in May 2016 at the request of CBC and before this application was made. This offers no protection from overlooking and loss of privacy. This represents a significant material difference from the previously permitted developments. This is further illustrated on the attached photographs.

As the layout plan illustrates, the overdevelopment of the site with a large dwelling footprint (2200 sq feet) close to the boundary with No. 14, leaves very little opportunity for meaningful and effective boundary landscaping. There are no existing mature trees within the site or opportunity for new tree planting which would assist with screening views of the neighbouring property and mitigate loss of privacy. The scheme as

proposed would result in an unacceptable loss of residential amenity to the occupiers of 14 Greenhill Road, in clear conflict with Local Plan policy CP4, which advises that development should not cause unacceptable harm to the amenity of adjoining landowners.

In addition, no effort has been made to address the issue of overlooking to the gardens of the properties to the rear at No's 6A and 7 The Avenue. These properties would be substantially overlooked in the event that trees and vegetation along this boundary are removed, for which there is no control. Planning conditions could not be used to secure a boundary treatment here in perpetuity. The Poplar tree is already looking sad up to 7.5m and must be addressed if any new build is granted.

Overall, the amendments to the plans are not sufficient to overcome the impact on neighbouring properties, nor do they reflect the degree of objection made to the original submission scheme. This adds further weight to the claim that this proposal represents overdevelopment of the plot and would be out of keeping with the character, appearance and living conditions of the area. The proposal therefore conflicts with policy CP4 of the Cheltenham Borough Local Plan.

Conclusions

The access fails to meet the minimum standards for a safe access and so fails to comply with Local plan policy TP1. Given the proposal would significantly intensify the access by doubling the amount of vehicle movements, this must be regarded as a significant increase that would have 'severe' highway safety consequences. Highways are due to revise their 3 November Consultee Response.

A properly conducted speed survey is required. It is clear from observing traffic along Greenhills Road that vehicle speeds are actually well above the 30mph limit despite the narrowing of the carriageway at the Charlton Lane boundary. Greenhills Road is an established rat run for traffic. When traffic is flowing vehicles tend to travel closer to 40mph at this point.

For these reasons, it is clear that the development would have a 'severe' impact on highway safety. The Government's policy expectation is that such development should be refused.

The latest proposal fails to meet the social and environmental dimensions of sustainable development, due to its harm to local townscape character, residential amenity and highway safety. For these reasons, the current application should be refused.

Yours sincerely



Photograph showing the lack of substantial boundary treatment along the boundary of No's 14 and 15 Greenhills Road, thus subjecting No. 14 to significant overlooking and overbearing impacts from the proposed new dwelling. Note in May 2016 the cypress hedge was replaced with panel fencing- prior to No15 planning application. Also note Poplar in bottom corner.

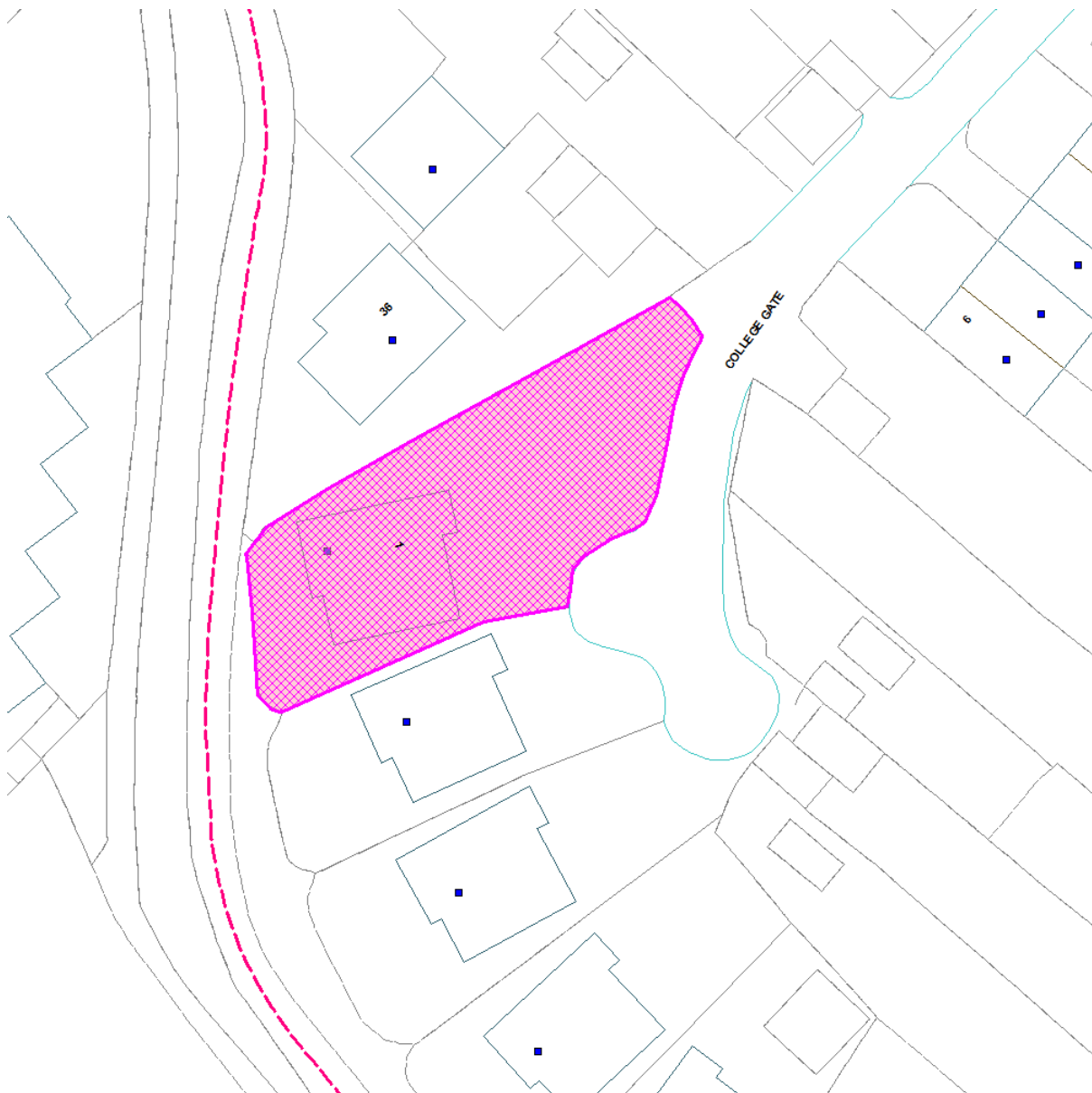


Photograph showing the existing willow tree along the boundary of No's 15 and 16 Greenhills Road, which currently provides a significant screening effect for No.15. No equivalent screening trees exist at the boundary of 14 & 15.



APPLICATION NO: 16/01337/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 27th July 2016		DATE OF EXPIRY: 21st September 2016
WARD: Charlton Park		PARISH:
APPLICANT:	Mr Andrew Yapp	
AGENT:	SF Planning Limited	
LOCATION:	1 College Gate, Cheltenham	
PROPOSAL:	Erection of double garage (resubmission of application 13/00127/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property which forms one of 5 dwellings in the development known as College Gate. The site is located off Argyll Road and is within Cheltenham's central conservation area.
- 1.2 The applicant is seeking planning permission for the erection of a detached garage at the front of the property; this application is a re-submission of a recently withdrawn application - 13/00127/FUL.
- 1.3 The application was called to planning committee by Councillor Baker to allow members to discuss issues around flooding.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Flood Zone 2
Flood Zone 3
Smoke Control Order

Relevant Planning History:

88/01570/PF 15th December 1988 PER

Construction Of 5no. Residential Units

89/01302/CD 18th January 1990 PER

Total Demolition Of Garages (Retrospective Application)

89/01515/PF 18th January 1990 REF

Erection Of Five Detached Houses And Garages (Revised Proposals) In Accordance With The Revised Layout Plan Received On 30 Nov 89 And The Exclusion Of The Garage On Plot 1 In Accordance With

90/00711/PF 26th July 1990 REF

Erection Of Five Detached Houses and Garages In Accordance With The Revised and Additional Plans Received On 24 Apr 90 And 22 Jun 90 and The Revised Block Layout Plan Received On 26 Jul 90

90/00856/PO 10th September 1990 WDN

Outline Planning Application For The Erection Of Twenty One-Bedroomed Flats

90/00974/PF 25th October 1990 PER

Erection Of Four Detached Dwellings With Ancillary Works (Deleting Plot 1 Of Previous Scheme)

90/01203/PO 21st February 1991 REF

Outline Planning Application For The Erection Of Twenty, One Bed Flats

91/01299/PF 19th December 1991 REF

Erection Of Detached Double Garage And Conversion Of Integral Garage To Habitable Room (In Accordance With Revised Plans Received On 18 December 1991)

92/00099/PF 26th March 1992 REF

Detached Double Garage With Flat Roof To Plot 1 Integral Garage Converted To Habitable Room In Accordance With The Revised Block Layout Plan Received On 11.2.92

92/00907/CD 19th November 1992 REF
Demolition Of Brick Boundary Wall

12/01631/CLPUD 2nd November 2012 CERTPU
Rear extension to create dining room

13/00127/FUL 4th August 2016 WDN
Erection of detached double garage

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
UI 1 Development in flood zones
UI 2 Development and flooding
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)
Central conservation area: St. Luke's Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison Officer
August 2016

I refer to the above planning application received on 1st August 2016.

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

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

Statement of Due Regard

Consideration has been given as to whether any inequality and community impact will be created by the transport and highway impacts of the proposed development.

It is considered that no inequality is caused to those people who had previously utilised those sections of the existing transport network that are likely to be impacted 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.

Land Drainage Officer
24th October 2016

I am satisfied that the applicant has demonstrated a material change to the circumstances that pertained at the time of the 1992 planning inspector's report. I am further satisfied that the construction of a double garage for which consent is sought via this application (16/01337/FUL), will not increase the flood risk to this or adjacent properties.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1** 4 letters have been sent to neighbouring properties, a site notice has been displayed and an advert has been published in the Gloucestershire Echo on two separate consultations for this application; 4 letters of objection have been received, the main area of concern relates to flooding.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The main considerations of this application are the design, any impact on neighbouring amenity and any implications on flooding,

6.3 History

- 6.4** An application for a detached garage in the same location was refused at appeal in 1992 (reference CB18876/07). In this appeal the inspector was considering two main points; any overbearing impact on surrounding properties and flood risk. The inspector did not consider that the proposal resulted in any overbearing impact but considered that the issues around flood risk were not satisfactorily addressed. These issues related to the siting of the proposed garage and the effect it would have on the flow of overland storm water and the potential for the backing up of water beyond the site entrance.

- 6.5** The consulting engineer for the appellant stated in a letter dated 19 March 1992 that the garage should be positioned a minimum of 2 metres from the boundary wall and 8 metres from the site entrance in order to allow for sufficient clearance of any overland storm water flow to bypass the proposed garage and to prevent any backing up of the water beyond the site entrance. The proposal did not meet these criteria and the inspector found that the proposed garage would not serve to facilitate the efficient movement of the overland storm water flow; the appeal was therefore dismissed.

- 6.6** A new application was submitted in 2013 (application number 13/00127/FUL), this application unfortunately lay dormant for a number of months as officers were awaiting further information and justification from the applicant. Upon receipt of this information from the agent, due to the length of time that had passed both officers and the agent/applicant agreed that a fresh application would be the most appropriate way to proceed. This allowed for a new consultation with neighbours and in house consultees. The 2013 application was therefore withdrawn and this current application submitted.

6.7 Flooding

6.8 Officers fully acknowledge that the most contentious issue surrounding this application is the potential flood implications. This is a concern that has been raised by a number of local resident's consistently throughout the previous and current planning application.

6.9 The concluding comment from the inspector in the 1992 appeal decision reads as follows:

'The consulting engineers for the appellant company stated in a letter dated 19 March 1992, that the garage should be positioned a minimum of 2.0 metres from the boundary wall and 8.0 metres from the site entrance. This is in order to provide sufficient clearance for the overland storm water flow to bypass the garage and to prevent any backing up of water beyond the site entrance. As the proposal before me does not meet these criteria, I am drawn to the view that the erection of a garage in this position would not serve to facilitate the efficient movement of the overland storm water flow.'

6.10 The main objective of this application has been for the applicant to provide justification as to why the previous advice regarding the siting of the garage is no longer necessary to produce a successful scheme that will not result in an increased risk of flooding. The applicant has sought to identify the circumstances that have changed since the application in 1992. This includes the details of any flood prevention schemes that have been developed that reduce flood risk at the application site and detailing any mitigation measures that can be put in place to further support the application.

6.11 Since 1992 a number of Flood alleviation measures have taken place in the locality and these are identified in the applicants Flood statement received on 10th October 2016. These measures include:

- The lowering of the access road for College Gate in 2000. It was identified that the access road was built higher than the approved plans and was therefore increasing the possibility of overland water backing up beyond the site entrance to the College Gate development. The access road has subsequently been lowered. The result of this being that any overland water flow is less likely to back up beyond the site entrance and is more likely to be directed to the collection chambers of College Gate.
- Following the floods of 2007 the Cox's Meadow defence was redeveloped. A combination of the severity of the flood in 2007 and a hydraulic malfunction at the outlet meant that the Cox's Meadow defence did not function correctly. Since then the trash screens have been redesigned to produce a more robust maintenance regime and therefore reducing the chance of any similar failure in the future.

6.12 The proposed plan 2012/03 16 Rev G received on 10th October 2016 identifies a number of works that the applicant is proposing to carry out in order to mitigate the risk of water finding its way to the Keynsham Road side of the existing wall. These include:

- Raising the kerb stones at the entrance to the site. This is intended to reduce the chance of over land water entering the site and will direct any water to its correct path down the access road of College Gate to the collection Chambers.
- Installation of a surface water drain within the bin/recycling area. This is intended to provide an outlet for any surface water flow that does enter the site at this northern point.
- Upgrading of the existing boundary wall. This work is intended to improve the durability of the existing wall.

- 6.13** The Environment Agency was consulted on the withdrawn application 13/00127/FUL. Their response concluded that they did not need to be consulted on the application due to it being a householder residential /curtilage extension. The Council's land drainage engineer has reviewed the application, provided formal comments and given advice throughout the application.
- 6.14** The land drainage engineer's formal comment concludes the measures referred to above are appropriate and that the applicant/agent has demonstrated a material change to the circumstances that pertained at the time of the inspectors appeal decision in 1992.
- 6.15** Officers have no reason to doubt the land drainage engineer's analysis of the application and therefore do not consider that the proposed development will increase the flood risk to this property or any other adjacent properties. Officers recommend a condition for the mitigation measures to have taken place within 3 months of the start of the development.
- 6.16 Design**
- 6.17** The position of the garage is in a prominent location when viewed from the entrance of the 'College Gate' development; the garage is a single storey pitched roof addition that officers consider will sit comfortably within the amenity space at the front of the property and will read as a subservient addition to the existing building.
- 6.18** The proposal is considered to be an appropriate design with materials to match the existing property and will reflect the character of the existing building and its surroundings. The garage will be set behind new gates, piers and existing high hedge planting which will reduce any impact of the development on the character of the area; it is considered to read as a sympathetic addition to the street scene.
- 6.19** In terms of impact on the conservation area, the presence of the garage is only likely to be acknowledged at the approach to the site from Argyll Road therefore any harm to the character of the conservation area is limited. It is therefore considered that the proposal will have a neutral impact on the conservation area.
- 6.20** The proposal is considered to be an acceptable design and is compliant with local plan policy CP7 and Cheltenham's supplementary planning document – residential alterations and extensions(adopted 2008)
- 6.21 Impact on neighbouring property**
- 6.22** The position of the proposed garage in the plot does not significantly differ from that of the application in 1992, therefore its relationship with the neighbouring properties is very similar. The proposal is not considered to result in any loss of light or loss of privacy to any neighbouring land user.
- 6.23** The previous appeal decision concluded that the garage would not have an overbearing impact on the surrounding neighbours. The proposal has not changed in terms of its footprint or location but the overall height of the garage has increased. The proposal is still a single storey addition; the increase in height is in the overall ridge height of the garage but given the location of the garage and its distance from the nearest neighbouring property, officers do not consider the proposal to result in any overbearing impact.
- 6.24** The proposal is therefore considered to be compliant with local plan policy CP4 which seeks to protect neighbouring amenity.

7. CONCLUSION AND RECOMMENDATION

- 7.1 With the above in mind officer recommendation is that planning permission be granted, 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 The proposed flood mitigation measures identified on drawing number 2012/03 16 REV G and detailed in SF Planning's Flood statement received on 10th October 2016, shall be carried out within 3 months of starting this development and shall be maintained as such thereafter, these works shall include the following:

- a) Addition of raised kerb stones (bin area)
- b) Installation of surface water drain
- c) Upgrade of existing boundary wall

Reason: To produce a satisfactory form of development that will mitigate any potential flood risk issues.

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 reduce any potential implications of flooding;

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

APPLICATION NO: 16/01337/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 27th July 2016		DATE OF EXPIRY : 21st September 2016
WARD: Charlton Park		PARISH:
APPLICANT:	Mr Andrew Yapp	
LOCATION:	1 College Gate, Cheltenham	
PROPOSAL:	Erection of double garage (resubmission of application 13/00127/FUL)	

REPRESENTATIONS

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

4 College Gate
Cheltenham
Gloucestershire
GL53 7SF

Comments: 2nd November 2016

Despite the comment by the Land Drainage Officer on 24 Oct 16, I am not assured that there isn't an additional risk of flooding to my property as a result of the planning proposal. I would be interested to see what evidence or flow modelling is available.

36 Keynsham Road
Cheltenham
Gloucestershire
GL53 7PX

Comments: 24th October 2016

Letter attached.

32 Keynsham Road
Cheltenham
Gloucestershire
GL53 7PX

Comments: 24th October 2016

Letter attached.

3 College Gate
Cheltenham
Gloucestershire
GL53 7SF

Comments: 1st November 2016

I live two houses down from the applicant property at 3 College Gate. With my current understanding of the application, I object to it.

Page 112

In the flood statement it outlines part of the application as producing a "raised bin/recycling area to prevent flood water flowing onto the site and facilitate water run off down the road to the collection chamber."

By "down the road" I take this to mean into the basin of College Gate to the other houses, numbers 2, 3, 4 and 5. If correct, this would clearly significantly increase the risk of flood, or at least increased water collection, to houses 2, 3, 4 and 5.

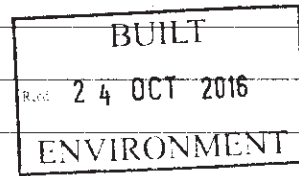
I'm not aware of a "collection chamber". If this refers to the pump in the rear garden of the immediate neighbour, No 2 College Gate, this pump is ineffective in flood waters, as demonstrated during the 2007 flooding of College Gate.

Any water flowing into College Gate cannot surely, legitimately, be diverted from one property onto another.

I request this issue is considered.

21.10.16

Re: 16/01337/EVL
1 College Gate



Dear Sir or Madam

The Public Access portal states that an objection to the above proposal has been made by 4 Bafford Approach. I live at that address, but have written on my parents' behalf.

My parents live at 36 Keynsham Road (adjoining the development site) so please amend on the portal to show the objection is from their address. Otherwise, it is somewhat misleading.

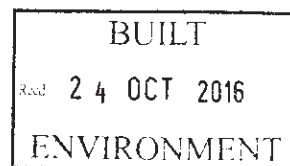
Many thanks

4 Bafford Approach
Charlton Kings, Cheltenham
GL53 9HJ

BY HAND

4 Bafford Approach
Cheltenham
GL53 9HJ

Planning: Environmental & Regulatory Services
Cheltenham Borough Council
P.O.Box 12
Municipal Offices
Promenade
Cheltenham GL50 1PP



21 October 2016

Dear Sir or Madam

Reference 16/01337/FUL - 1 College Gate

Comments following Applicant's submission of revised plan and additional information

I write on behalf of my parents, who live at 36 Keynsham Road. They strongly object to this proposal, for the reasons outlined below.

They have considered the revised plan and additional information provided by the Applicant, and this does not overcome the fundamental flood risks associated with this planning proposal.

1. On 28 January 2013, the applicant submitted a planning application for the erection of a double garage ("the 2013 Scheme"). This application was withdrawn 3 years later because the Applicant failed to demonstrate that the development would not worsen the consequences of flooding at the site, or elsewhere.
2. On 26 July 2016, the Applicant submitted the current application ("the 2016 Scheme"). This application is essentially identical to the 2013 Scheme, except that the Applicant initially sought to remove the steel-reinforced brick piers (buttresses) of the flood defence wall – **Enc 1**.

3. The Applicant has now amended the proposal so that the buttresses remain in situ, and certain "mitigation measures" have been proposed. **Encs 2 and 3** show that the 2016 Scheme is therefore identical to the 2013 scheme, save for the following measures: -
- i) Raised bin/recycling area to provide a stepped kerb at northern end of site – to prevent flood water flowing onto the site and to facilitate waster run off down the road to the collection chamber, rather than past the garage;
 - ii) Installation of a drain at the lowest point of the bins/recycling area at the northern end of the site – to catch the small amount of water that runs through;
 - iii) Upgrade of the existing wall by re-bedding of loose blue brick copings – to improve the durability of the wall and in accordance with the latest industry standards and O'Brien & Price recommendations of 1992;
 - iv) Minimum 400mm (1.3ft) gap between the garage and flood defence wall – for maintenance purposes.
4. As outlined in my letter of 17 August 2016, my parents' objections to the 2016 Scheme initially centred on the Applicant's proposal to: -
- i) demolish two of the buttresses; and
 - ii) construct a double garage extremely close to the weakened flood defence wall.

While the buttresses are no longer to be removed, the Applicant still proposes to build the double garage close to the non-durable defence wall.

5. In 1992, an almost identical proposal was refused on appeal on the basis that it would significantly worsen the consequences of flooding ("the 1992 Decision") - **Enc 4**. The Inspector stated that there must be a clear 2metre-wide channel between any proposed garage and the boundary flood defence wall, and an 8 metre-wide channel between the proposed garage and the site entrance.

6. The Cheltenham Borough Council ("CBC") Chief Engineer went further in his consideration of the College Gate drainage requirements – **Enc 5**. The asterisked paragraph explains in no uncertain terms that flood flows down College Gate – and transversely (i.e. crossways) – must not be restricted or obstructed in any way in perpetuity. The developer's consulting engineers had set out that the pumped/gravity drainage scheme at the site would only accommodate a 1:50 (Q50) year storm – **Enc 6**.
7. The Applicant's Agent, SF Planning Ltd ("SFP") alleges that it is not necessary for the 2016 Scheme to accord with the 1992 Decision. SFP say that various changes have occurred since that time, which reduce the impact and potential of flooding. The factors SFP cite are: -
- Lowering of College Gate access road in 2000;
 - River Cheltenham Flood Alleviation Scheme ("RCFAS") works;
 - The "mitigation measures" listed in para 3 above.
8. With respect, SFP has a complete misunderstanding of the implications arising from the lowering of the access road to its correct level. The raised roadway deflected storm flows into adjacent properties, whereas their historic route was downwards and directly into the College Gate basin. The lowering of the road enabled the storm flows to run into College Gate, and therefore SFP has the position back to front.
9. Turning to the RCFAS, I would suggest that the Applicant's argument that the alleviation works have sufficiently reduced the flooding risks to make this development acceptable has no basis in fact.
10. In SFP's view, the site flooded partly as a result of RCFAS failings. This included the attenuation at Cox's Meadow overflowing as a result of a failed trash screen. In SFP's letter to Ben Hawkes of 25 July 2016, reference is also made to the Dowdeswell Reservoir flood gates opening on the day of the flooding which caused excess water to flow out of the Reservoir. SFP also states that the flood defence wall was one of

the causes of surface water flooding at the site, because it acted as a dam and prevented the surface water from finding its natural course back to the River.

11. SFP states that problems with the RCFAS have been rectified and, as such, the “unprecedented circumstances” of 2007 “will not be repeated”. With respect, this statement is ill-judged, and ill-informed, for reasons I will outline below.
12. The Applicant persists with the illogical argument that the RCFAS somehow controls surface water flows from the catchment area (London Road, Keynsham Road and Old Bath Road).
13. The EA was not obliged to comment as part of the 2013 Scheme, but chose to do so – **Enc 7**. Anita Bolton, Planning Advisor (EA) wrote to the Planning Officer on 19 July 2013, sometime after the implementation of RCFAS and the subsequent improvements to the Cox’s Meadow trash screens.

She wrote: ***“The area in general is afforded protection from flooding from the River Chelt by our Flood Alleviation Scheme, however the improvements made to the River Chelt Flood Alleviation Scheme (before [the flooding in] 2007) were not designed to reduce the risk from surface water flooding in this location”.***

14. The long term flood risk information for 1 College Gate (dated 21.10.2016) demonstrates that the property is still at high risk of surface water flooding (the flood risk map indicates over 900mm), and at risk of flooding from reservoirs – **Enc 8**.
15. College Gate is a low-lying piece of land, which forms a basin. In times of flood, historically and today, it collects and stores storm waters from the area, and releases them into the River Chelt.
16. Circa 1990, when College Gate was built, the ground floors of properties 1-4 were constructed well below flood level. An earth-bund was irresponsibly thrown up alongside the River Chelt, which formed a dam to the free-flow of surface waters.

17. The College Gate developer was instructed to build a flood defence wall between 1 College Gate and 36 Keynsham Road. This was to protect Keynsham Road properties by helping contain the considerable volume and weight of storm waters on College Gate. On 20 July 2007, flood waters poured from the surrounding area, travelled along their historic paths and filled College Gate to overflowing. The heavier storm waters flowed from the south and east, traversing the site from Old Bath Road.
18. In the Richard Strauss Associates (“RSA”) letter of 19 April 2016, RSA clearly supports this position by also stating that the main volumes of storm waters to the site come from the south and east. My parents previously commented that these crossways flood flows have not been illustrated on the RSA plan of 19 April, which is misleading. We now have a letter from RSA dated 4 October 2016, that essentially cuts and pastes the previous letter. However, RSA has deleted its critical analysis of the extent and direction of the flood flows without apparent justification. In my opinion, this looks like RSA has tailored its correspondence to fit the revised application, with an unwarranted disregard of crucial and material considerations.
19. I would suggest that the RSA plan is completely misleading; not only has the substantial rear extension been removed, it illustrates a greater distance from the rear of the property to the “collection chamber”. It is in fact not a collection chamber, but an open manhole cover to accept surface water flows.
20. What we can say, is that on 20 July 2007, these flows surged towards the lowest point at 1 College Gate, which is the 2 metre-wide overland drainage channel running along the flood-defence wall. As SFP indicates, the riverside embankment and flood defence wall adjoining 36 Keynsham Road acted as dams and the inadequate Q50 drainage system could not cope.
21. There are a number of barriers to the flood flow that have not been rectified by the revised 2016 application, for example sycamore trees and hedging block the designated 2 metre and 8 metre-wide storm water channels.

22. Of greater concern is the substantial extension to 1 College Gate, which was shown on only a single occasion by the Applicant (**Enc 1**) but has now been deleted from the revised plan (**Enc 2**). The extension impedes flood flows into the open manhole next to the rear extension, in breach of the last paragraph of page 1 of **Enc 6**. The absence of the extension and manhole cover in most of the plans for both the 2013 and 2016 Schemes is therefore very misleading.

23. College Gate will always continue to act as a floodwater sump for surface waters from across the area. It goes without saying that the ineffectiveness of the College Gate drainage scheme will always be governed solely by the site's Q50 pumps. The flood defence wall and river embankment remain and, in the absence of a design overhaul of the pump/gravity system, will continue to exacerbate any surface water flooding.

24. The Environment Agency ("EA") and CBC have made clear that the RCAFS does not, in any way, improve the very poor 1 in 50 year (Q50) drainage system on the site. In Mrs Bolton's email(**Enc 7**), she states that the 1992 Decision should be upheld: -

"A clear 2 metre corridor from the boundary wall and 8 metre corridor from the site entrance should be maintained on the recommendations of a qualified Consulting Engineer (1992). This is to ensure there is sufficient clearance for overland storm water flow and prevent an unacceptable detrimental impact to adjacent property and land areas in this regard)".

Without justification, the Applicant seeks to go against the EA, the CBC Chief Engineer and the developer's consulting engineers to do away with the essential 2 metre and 8 metre-wide channels.

25. Although the 2016 Scheme constitutes minor development, CBC has perhaps been remiss by not consulting with Gloucestershire County Council as the Lead Local Flood

Authority. Mrs Bolton recommends this in her email, which is not surprising owing to the vulnerability of this site due to surface water flooding.

26. The Applicant raised the issue of lowering the access road, and the RCFAS in its submissions for the 2013 Scheme. It can only be assumed that these factors did not address the flooding issues to the satisfaction of CBC Planners and its Drainage Engineer, otherwise the 2013 application would undoubtedly not have been withdrawn.

27. The Applicant has seemingly had no other option but to revise the 2016 Scheme to incorporate "mitigation measures" to reduce the flood risk. These measures are, with respect, poorly thought-out and trivial.

It is evident that the measures go no way to negate the sub-standard Q50 drainage system. I address each in turn: -

- i) Raised bin/recycling area to provide a stepped kerb at northern end of site
SFP clearly has no concept of the volume, speed and depth of surface water flood flows which will strike College Gate. I would respectfully refer SFP to the EA's surface water flood risk map which gives an indication of the depth and speed of long term flood flows at College Gate.
- ii) Installation of a drain at the lowest point of the bins/recycling area at the northern end of the site
SFP believes this drain will capture the insignificant amount of water which flows through despite the above measures. For the reasons set out above, the amount of storm water flows will in fact be significant.
- iii) Upgrade of the existing wall by re-bedding of loose blue brick copings
In this regard, it is helpful that SFP has given weight to the O'Brien & Price recommendations of 1992 –**Enc 9**. The suggestion that the re-bedding of brick copings will redress the defective wall is, however, absurd. As O'Brien & Price identified, amongst other things, the very foundations of the wall are not deep

enough to prevent the wall moving. Further, the extent of the wall's defectiveness is supported by the former CBC Chief Engineer – **Enc 10**. While the Applicant intends to tinker with the top of the wall, they have done nothing to make the wall durable.

iv) Minimum 400mm (1.3ft) gap for maintenance purposes

When commenting on the 2013 Scheme, the EA's position was that siting the garage so close to the flood defence wall would "**reduce access to maintain the wall and potentially flood flows**" (Anita Bolton's email – **Enc 7**).

The EA's Fluvial Design Guide (Section 9.13) – **Enc 11** - emphasises the importance of being able to maintain flood defence walls, and states "**Maintenance is a design issue and not something that is addressed after the design has been completed...**"

The Applicant is proposing a minimum 400mm (1.3ft) gap between the flood defence wall and garage. I would suggest that this simply does not address potential maintenance issues. The Guide states that monitoring/inspection of the wall should stem from possible failure modes (e.g. structural failure, sliding). O'Brien & Price has reported that the wall could move; inspection/maintenance cannot take place adequately within a 400mm gap, especially when movement of the wall could reduce the size of this gap over time.

My parents strongly believe that this proposal would introduce serious additional risks, and ask that this application is considered fully in light of the above evidence.

Yours faithfully

A large black rectangular box redacting the signature of the solicitor.

Solicitor

Encs

CC Cllrs Paul Baker and Steve Harvey

ALLEGMENTS
MAY 12, 2014 2014 EXISTING WALL BUILDING AND

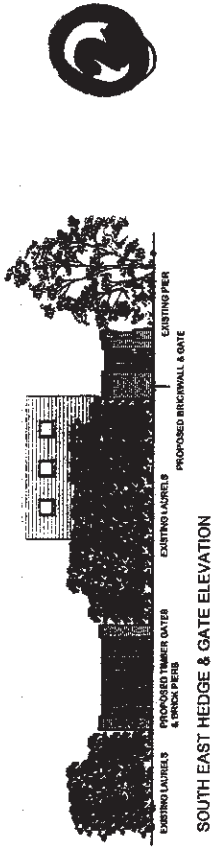
NOTE:
DO NOT SCALE THIS DRAWING
FOR CONSTRUCTION. ALL DIMENSIONS
SHOWN ON THIS DRAWING ARE TO BE
CONSIDERED AS APPROVED
CONTRACT DOCUMENTS.

ANDY FORD
TELEPHONE (01242) 577384
FAX (01242) 577384
EMAIL: andy.ford@andymford.com

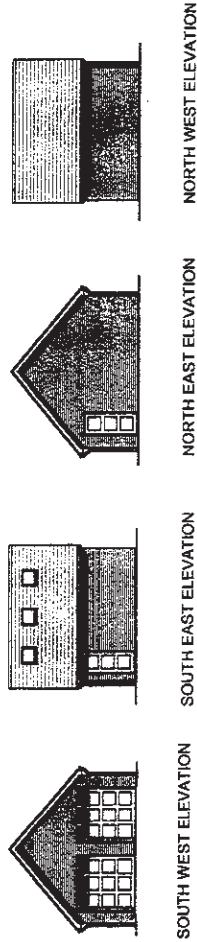
PROJECT
PROPOSED DOUBLE GARAGE
AT COLLEGE GATE
CHILTERNHAM
GLOS

TITLE
PROPOSED PLAN &
ELEVATIONS
SITE PLAN & BLOCK PLAN
SCALE 1:500 & 1:100
DATE NOVEMBER 2012

PROJECT REF: LND/NO	16
DATE: 21/10/13	

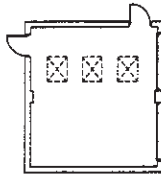


SOUTH EAST HEDGE & GATE ELEVATION

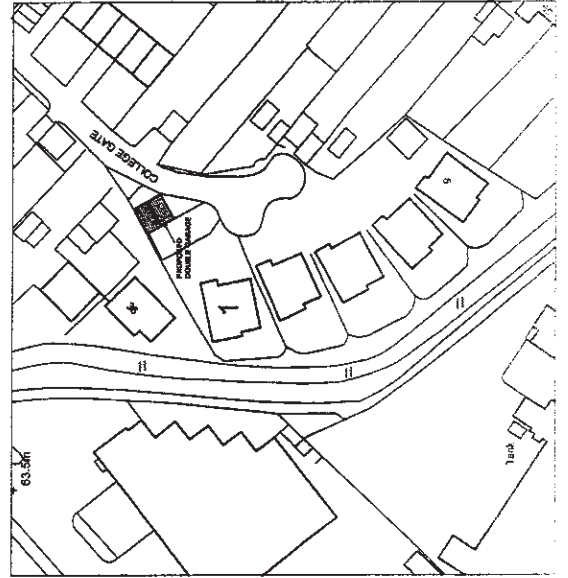


SOUTH WEST ELEVATION
SOUTH EAST ELEVATION
NORTH EAST ELEVATION
NORTH WEST ELEVATION

- PROPOSED CONSTRUCTION MATERIALS**
- 1) ROOF: TILES TO MATCH EXISTING MAIN BUILDING
 - 2) TIMBER GARAGE DOORS
 - 3) TIMBER EXTERNAL DOORS
 - 4) EXTERIOR WALLS - 6" FINE FACED BRICK TO MATCH MAIN BUILDING
 - 5) DOWNPIPE GUTTERS - BLACK PLASTIC
 - 6) YELLOW BRICK LIGHTS ON EQUAL APPROVED

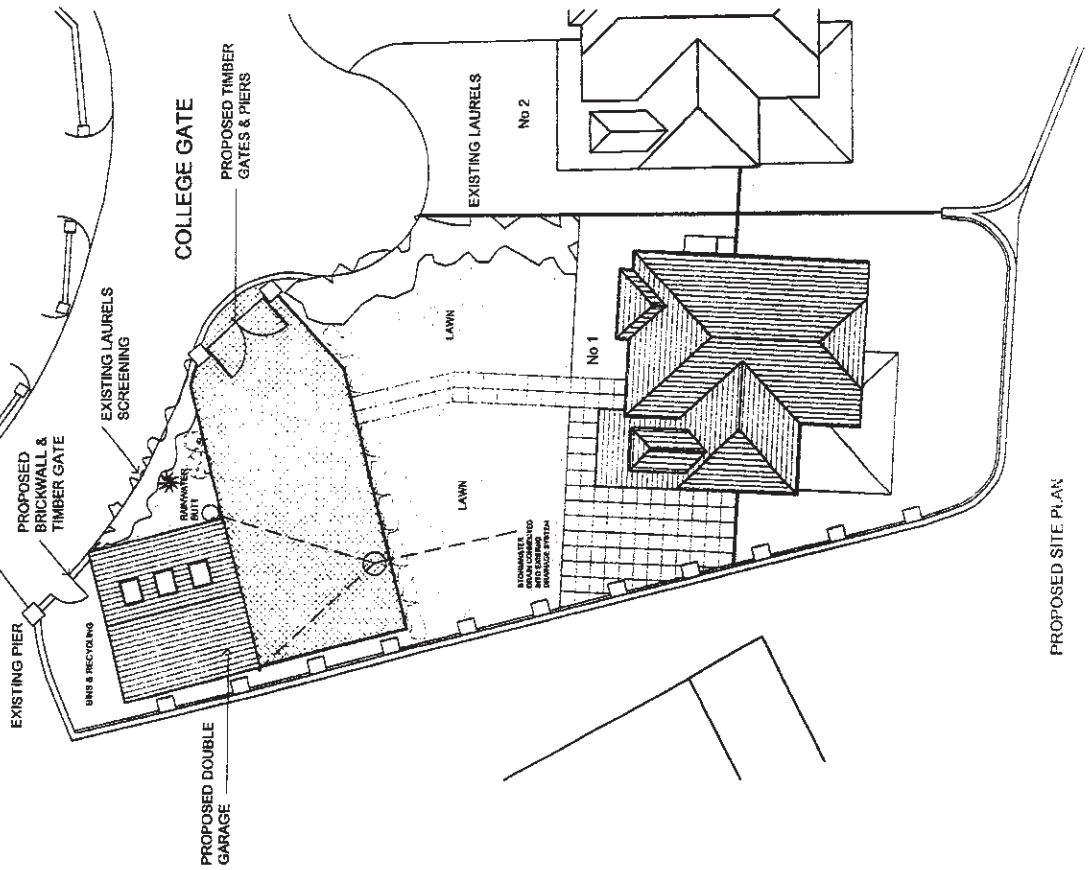


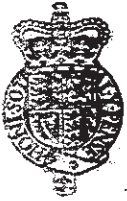
PROPOSED FLOOR PLAN



PROPOSED SITE PLAN

ORIGINAL APPLICATION
13/00127/FUL ("2013 SCHEME")
REV D 22-07-2015





The Planning Inspectorate

Page 125.

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374



The Brock Planning Consultancy
9 Montpellier Arcade
Cheltenham
Gloucestershire
GL50 1SA

Your Reference:
C.100

Our Reference:
T/APP/B1605/A/92/198498/P2

Date: 23 APR 92

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6.
APPEAL BY A H CONSTRUCTION LTD.
APPLICATION NO :- CB18876/07.

1. I have been appointed by the Secretary of State for the Environment to determine the above appeal which is against the decision of the Cheltenham Borough Council to refuse planning permission for the erection of a detached double garage and conversion of an integral garage to a habitable room at Plot 1, Argyll Road Development, Argyll Road, Cheltenham. I have considered the written representations made by you, by the council and also those made by other interested persons. I inspected the site on 3 March 1992. I have also taken into account written representations relating to the question of flooding, which have been submitted since the date of the site inspection.
2. Drawing No 91:2/50E, which shows the siting of the proposed garage, and Drawing No 91:2/61A which shows the proposed elevations, were before the council when it resolved to refuse planning permission. The reason for refusal relates solely to the impact of the development on the amenities of adjacent occupiers. However matters relating to flooding have been raised and constitute a material planning consideration.
3. From my inspection of the site and its surroundings and from the written representations, it is my opinion that there are two main issues in this case; first, whether the proposal would be unduly dominant from adjacent properties and secondly, whether it would significantly worsen the consequences of flooding.
4. The house at Plot 1 is nearing completion and forms part of a development of five dwellings bounded to the west by the River Chelt and with access along a private drive off Argyll Road. The wall to the northern boundary is about 1.9 metres high and has substantial piers. There are three modern detached houses, 32-36 Keynsham Road to the north of the site. The gable of the house at the appeal property is to the rear of No 36.
5. The proposed double garage would be sited to the front of the house on Plot 1. The ridge of its pitched roof would be roughly parallel to the rear of the house at No 34 and would rise to a maximum height of about 3.65 metres. The proposed building would be sited at an angle to the northern boundary but



24

at its closest point it would be only 0.5 metres from the boundary wall. The garage would be a minimum of about 4.0 metres from the entrance to the development

6. The creation and maintenance of a high standard of amenity is one of the main themes of the adopted Cheltenham Borough Local Plan, 1986. Policy 16 indicates that regard shall be had to the effect of domestic extensions on adjoining properties. The emerging Local Plan Review seeks similar policy aims and Policy GP5 states that new development should not spoil the amenities of adjoining residential occupiers.

7. With regard to the first issue, the back garden of 34 Keynsham Road is about 10.0 metres in depth and its rear boundary is marked by a fence and conifer hedge. It is separated from the appeal site by a strip of land between about 2.0 metres and 4.0 metres wide, which forms part of the curtilage of 36 Keynsham Road. The main aspect from the rear of No 34 is towards the site of the proposed garage, as the outlook to the south-east is restricted by an existing garage with a pitched roof and to the south-west by the gable of the adjacent house. However bearing in mind the separation between the proposed building and 34 Keynsham Road, I do not consider that a garage with a ridge height of 3.65 metres would appear unduly overbearing from that property.

8. 36 Keynsham Road has a very restricted amenity area to the rear. However the site of the proposal is to the south-east so that there would not be a direct aspect onto the garage from windows within the rear elevation of the dwelling. I therefore consider that the development would not be unacceptably overbearing when viewed from No 36. Occupiers of 32 Keynsham Road would not be substantially affected, as that house is set at a significant distance from the appeal site.

9. Turning to the second issue, the Consulting Engineers for the appellant company stated in a letter dated 19 March 1992, that the garage should be positioned a minimum of 2.0 metres from the boundary wall and 8.0 metres from the site entrance. This is in order to provide sufficient clearance for the overland storm water flow to bypass the garage and to prevent any backing up of water beyond the site entrance. As the proposal before me does not meet these criteria, I am drawn to the view that the erection of a garage in this position would not serve to facilitate the efficient movement of the overland storm water flow.

10. I conclude that whilst the proposal would not be unduly dominant from adjacent properties, it would nevertheless significantly worsen the consequences of flooding. A revised plan 91/8040/02 was submitted with the appeal documents in order to meet the criteria of the Consulting Engineers. However although the revised location would result in the proposed garage being sited away from 34 Keynsham Road it would be significantly closer to No 36. In these particular circumstances I consider that the revisions amount to a new proposal which ought to be the subject of a fresh application.

11. The site is within the Cheltenham Conservation Area which takes its general character from the attractive Regency architecture of the town. The proposed garage would have a pitched roof and would be in brick and tile to match the existing dwelling at Plot 1. I am satisfied that a building of the design and materials proposed would serve to preserve the character and appearance of its surroundings. Consequently in this case the impact on the conservation area does not weigh against the development.

12. I have taken into account all the other written representations made but have found nothing to alter my conclusion that the proposed garage would

significantly worsen the consequences of flooding and that the appeal should be dismissed.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen

Your obedient Servant



MRS E EDWARDS BA MRTPI
Inspector



CHELTEM Page 128 borough council



DIRECTORATE OF ENVIRONMENTAL SERVICES C. M. Ride, MIEH., MBIM., Director.
P.O. Box 12, Municipal Offices, Promenade, Cheltenham, Gloucestershire, GL50 1PP.

Harvey, McGill and Hayes,
Consulting Engineers,
17, Rodney Road,
Cheltenham,
Glos.,
GL50 1HX.

telephone: 0242-262626
facsimile: 0242-227131
direct dial:

your ref: DJH/AMW/91/8040
our ref: PJP/DER/CH8
ask for: Mr Phillips
extension: 2230

6th September, 1991

For the attention of Mr D. Hughes

Dear Sirs,

River Chelt - Development off Argyll Road, Cheltenham

Thank you for your letter and enclosures dated 2nd September, 1991 relating to the surface water drainage provision at the above development. I confirm the comments made by Mr Phillip's during his telephone discussion with Mr Hughes on 4th September, 1991.

I agree that an area of 1870 m² is a reasonable assessment of the impermeable area comprising the access road from Argyll Road, the site road, and garages and associated hardstandings which is likely to drain towards the site. I also agree with your assessment of the impermeable areas within the site comprising property roof plan areas and hardstandings. Therefore, I concur with your total impermeable area of 0.28 hectares. I also consider that the semi-permeable area within a boundary formed by the site and access off Argyll Road, Argyll Road, Old Bath Road and the River Chelt which may drain onto the site is approximately 0.5 hectares. This assumes that the roofs of houses in both Argyll and Old Bath Roads drain to the combined or surface water sewers within these highways.


Given the above parameters, a single flygt pump capability of 26 l/s and a drainage system of commensurate capability, I concur that your proposed system will accommodate an average rainfall intensity of 36.0 mm/hr. over the impermeable area utilising a single pump. This represents a storm of one hour's duration having a return period of 50 years, as you have indicated. However, I would draw to your attention that during such a rainfall event the rainfall intensity will peak at about 3.75 times the average intensity. Similarly, I estimate that run-off discharge would also peak in excess of 3.3 times the average discharge rate. These factors should be taken into account in your

/continued

MA

2.

detail design of the run-off collection and disposal systems. I believe that the 50 year protection your system offers is reasonable. In the event that overland flow from the semi-permeable surfaces outside the site area coincides with impermeable surface flows, I estimate that a similar discharge rate of 26 l/s will occur. Therefore, as you indicate, provision will have to be made for both pumps to operate in tandem in this event.

As the overland flow from semi-permeable areas will not be accommodated within the drainage system, and you have proposed that such flows continue overland to the collection chamber prior to the pumping chamber, it is imperative that ground levels are sufficiently lower than floor levels to accommodate this flow, and also that the flow paths are not restricted or obstructed in any way in perpetuity. These conditions apply not only in the direction of flow but also transverse to it. Also, I am slightly concerned that, in the vicinity of the collection chamber, the river boundary/property boundary walls intersection splays may interrupt the flow regime of the overland flow.

Finally, whilst I consider that the design storm parameter which you have adopted is reasonable, I believe that your Client should be made aware that more intense, shorter duration storms may adversely affect the site. Whilst the overall concept of your surface water drainage proposals for this site concerns me, as a result of your Client constructing the houses at a low level, the detail design of the collection systems and pumping station must remain your responsibility.

Yours faithfully,



for Chief Engineer

17 Rodney Road, Cheltenham, Glos. GL50 1HX Tel: (0242) 228862 Fax: (0242) 228982

Our Ref: DJH/AMH/91/8040
Your Ref:

FAO Mr Phillips
Cheltenham Borough Council
P.O. Box No. 12
Municipal Offices
Promenade
CHELTENHAM
Glos
GL50 1PP

Cheltenham Borough Council Directorate of Environmental Services	
REC'D	03 SEP 1991
PASSED TO	MA PP

CH B
Replied 6/9/91

2 September 1991

Dear Sir

RE: DEVELOPMENT AT ARGYLL ROAD, CHELTENHAM, GLOS.

Further to our recent discussions, please find enclosed our amended calculation sheets numbered 1A to 3A inclusive.

These calculations now contain a road area of 170m x 11m to allow for nearby hardstandings etc.

With the increased catchment area, a single Flygt C/D 310.2.180 CS.LT.412 pump can still accommodate a 1 in 50 year storm with a duration of 60 minutes and any storm outside the shaded area on page 3A of our calculations.

With regard to the difficulty of defining the exact catchment area we feel that the standby pump could be employed if a greater discharge of stormwater were required. The two pumps in unison could cope with a total catchment area of 0.5 hectares.

The final pipework runs within the existing stormwater drainage would need to be capable of carrying 26 litres per second of flow in order to cope with the 1 in 50 year scenario taken as our design parameter, i.e. the pipework into the final manhole would need to be 150 millimetres in diameter not 100 millimetres.

To aid the flow of stormwater over the ground adjacent to the houses, the ground levels should form a channel between plot one and the boundary wall and between plot one and plot two.

Cont'd...

Partners:
B. C. Hampton, CEng, FStructE, FIWEM, FCIArb.
MConsE, FASl
D. N. Lane, CEng, MStructE

Consultants:
J. C. T. Arnold, ERD, BSc(Eng), CEng, FICE
FStructE, FIWEM, MConsE
J. M. Walkey, BSc(Eng), CEng, MICE, FIWEM

Associates:
K. Lewis, CEng, MICE, FIWEM.
R. W. Hoskins, BSc, CEng, MStructE
T. R. Jones, CEng, MICE

D. Brooks, AMSST
P. J. Chapman, MIMEM, MRSH

- 2 -

It may also be necessary to replace the last manhole with a larger diameter chamber having a safety cover which will allow surface flowing stormwater to flow into the chamber from above to alleviate ponding in the corner as quickly as possible.

Would it be possible for you to confirm in writing that the concept of the pumped stormwater system as detailed by ourselves is acceptable to your department as this statement is required to complete the Planning Application.

We hope that this covers all of the conceptual queries, however should you want to discuss any points relating to the stormwater drainage design, do not hesitate to contact us.

Yours faithfully


for HARVEY MCGILL AND HAYES

Encs.

c.c. Mr R C Brock - The Brock Planning Consultancy (Cheltenham)
Mr B Stack - Alexander Haines Construction Co Ltd
Mr J Haines - John Haines Developments Ltd



Cheltenham Borough Council
Development Control
PO Box 12
Cheltenham
Gloucestershire
GL50 1PP

Our ref: SV/2013/107089/01-L01
Your ref: 13/00127/FUL
Date: 19 June 2013

Dear Sir/Madam

**ERECTION OF DOUBLE GARAGE- 1 COLLEGE RD, CHELTENHAM, GLOS
GL53 7SF**

*******EMAIL SENT 19 JUNE 2013*******

Hi Wendy

Further to our telephone conversation yesterday, we wish to provide the following comments:

As you are aware we were originally consulted on the above application, and provided a low risk return letter back in March. Subsequently we were made aware of a previous appeal for a similar proposal on the same site, which was dismissed on flood risk grounds. Following receipt of the Appeal Decision Notice and supporting information, including a letter of representation from the residents at 36 Keynsham Road, we were asked to provide further comments in response to those concerns raised in relation to flood risk.

Following the submissions, and the site visit on the 11th June attended by Matt Kerry, we can confirm that the boundary wall in question does not form part of our Flood Alleviation Scheme and the proposals would not have an effect on our Flood Defence Infrastructure. Therefore, based on the scale and nature of the development (Minor), and in line with our initial comments, we would not ordinarily be a statutory consultee in accordance with the DMPO (England) Order 2010.

Whilst we do not intend to make bespoke comments on the proposals, following a review of the evidence and our site meeting we understand the following:

- The wall between the application site and properties off Keynsham Road (32, 34, 36 etc) was finished as a flood defence;
- This wall was modified to alleviate the risk of flooding from surface water to those properties in Keynsham Road;

Environment Agency
Newtown Industrial Estate (Riversmeet House) Northway Lane, Tewkesbury, Gloucestershire, GL20 8JG.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
Cont/d..

- The wall was constructed as a requirement for development of the 5 properties at the end of the College Gate road;
- A clear 2 metre corridor from the boundary wall and 8 metre corridor from the site entrance should be maintained on the recommendations of a qualified Consulting Engineer (1992). This is to ensure there is sufficient clearance for overland storm water flow and prevent an unacceptable detrimental impact to adjacent property and land areas in this regard;
- This property and neighbouring properties suffered from external and internal flooding in 2007.
- The wall includes some substantial support piers and visible waterproof membrane which highlight it's function as a flood wall. To site the garage in the proposed location would potentially remove two supporting piers (although this is not clear from their drawings) and thus risk the integrity of the wall and its function as a flood defence, reduce access to maintain the wall and potentially divert flood flows.

The area in general is afforded protection from flooding from the River Chelt by our Flood Alleviation Scheme, however the improvements made to the River Chelt Flood Alleviation Scheme (before 2007) were not designed to reduce the risk from surface water flooding in this location.

County and Unitary Authorities have been given the role as Lead Local Flood Authorities (LLFA's) to manage local flood risk including surface water, groundwater, and rivers and streams that are not main rivers. In this instance we would therefore recommend consultation with your own Land Drainage Department and Gloucestershire County Council as the LLFA to assess whether consideration of those concerns previously raised by the inspector relating to flooding are still valid.

In the meantime I trust the above is of assistance, and clarifies our position with regards to this application.

Regards

Anita

Yours faithfully

Mrs Anita Bolton
Planning Advisor

Direct dial 01684 864529

Direct fax

Direct e-mail anita.bolton@environment-agency.gov.uk

End



BETA This is a new service – your [feedback \(https://www.gov.uk/long-term-flood-risk/feedback\)](https://www.gov.uk/long-term-flood-risk/feedback) will help us to improve it.

1
COLLEGE GATE
CHELTENHAM
GL53 7SF



This address is in or near a flood risk area

Be prepared: things you should do

1

[Sign up for flood warnings \(https://www.gov.uk/sign-up-for-flood-warnings\)](https://www.gov.uk/sign-up-for-flood-warnings)

This service is free. You can get warnings by phone, email or text message.

2

[Learn about flood planning \(https://www.gov.uk/prepare-for-a-flood/make-a-flood-plan\)](https://www.gov.uk/prepare-for-a-flood/make-a-flood-plan)

Know how you'll respond to a flood if:

- your home is at risk, for example how to get sandbags
- you're responsible for a school, hospital, care home or other community group
- you run a local business

3

[Protect your property \(https://www.gov.uk/prepare-for-a-flood/improve-your-property-s-flood-protection\)](https://www.gov.uk/prepare-for-a-flood/improve-your-property-s-flood-protection)

Get organised now and improve your property's flood resilience.

Being at risk of flooding can affect your [insurance \(https://www.gov.uk/prepare-for-a-flood/get-insurance\)](https://www.gov.uk/prepare-for-a-flood/get-insurance). Check if your buildings and contents policies cover flood risk.

4

Know what to do during a flood (<https://www.gov.uk/prepare-for-a-flood/get-help-during-a-flood>) or get help after a flood (<https://www.gov.uk/prepare-for-a-flood/get-help-after-a-flood>)

- Flooding can affect transport networks and disrupt your travel plans
- Flooding can impact your gas, electricity and water supplies
- Even if flooding hasn't affected you directly, check on friends, family and the wider community

5

This address is in or near a flood risk area.

The flood risk from rivers or the sea is low

View map of river and sea flood risk (<https://www.gov.uk/long-term-flood-risk/map?easting=395446&northing=221590&address=100121234786&map=RiversOr>:

The flood risk from surface water is high

View map of surface water flood risk (<https://www.gov.uk/long-term-flood-risk/map?easting=395446&northing=221590&address=100121234786&map=SurfaceV>:

There's a risk of flooding in this area from reservoirs

View map of reservoir flood risk (<https://www.gov.uk/long-term-flood-risk/map?easting=395446&northing=221590&address=100121234786&map=Reservoir>:

View detailed flood risk information for this area (<https://www.gov.uk/long-term-flood-risk/risk-detail?address=100121234786>)

► Other ways of getting this information

View the flood risk information for another location (<https://www.gov.uk/long-term-flood-risk/>)

21 October 2016



Are there any current flood warnings here?

([https://flood-warning-information.service.gov.uk/warnings?location=GL53 7SF](https://flood-warning-information.service.gov.uk/warnings?location=GL53%207SF))



National flood information service
(<https://flood-warning-information.service.gov.uk>)



View the latest river and sea levels near you



View the current national flood situation

8th January, 1992

O'BRIEN PRICE

CONSULTING
CIVIL & STRUCTURAL ENGINEERS

RODNEY LODGE, RODNEY ROAD,
CHELTENHAM, GLOS. GL50 1JF.
TELEPHONE: (0452) 317227
FAX: (0452) 234227

Re: Boundary wall between 36 Keynsham Road and the development land of Argyle Road

As you now we have been continuing our enquiries into the above and have had some success now in gaining additional information concerning the boundary wall. We can advise the following:

1. The wall is constructed of a Dartford brick, type Mediera which has the following properties.

Water absorption,	22.5%
Durability classification as BS3921,	FL
Efflorescence,	Slight
Compressive Strength,	fk 28N/mm ²

The above information means that the brick is frost resistant, but because of its high water absorption characteristics it does not comply with the requirements of BS3921 or BS5628 for use as a damp proof course. This means that the wall will always show rising dampness, but that this will not effect its strength.

2. The comments made in our report of May last year under items 3, and 8 still stand, that is:
3. We believe the mortar below ground is not of the appropriate quality.
8. The foundations are not deep enough to prevent the wall suffering movement due to variations in soil moisture content as a result of the presence of nearby trees.

3. In addition we note that Page 137 of the wall has been finished with a capping of engineering brick. This does not comply with BS5628 part 3 which requires DPC's to be installed beneath cappings, or if an Engineering brick is used as the DPC it should be laid in two courses with broken joints, and in 1:3 Portland cement:sand, mortar. The consequences of this are that water will be able to penetrate the body of the brickwork and unless the mortar is of 1:3 cement:sand this will gradually be broken down by weathering.
4. Some of the deficiencies noted in our Report have been addressed by modification works that have been undertaken to the wall specifically items 1, 4, 5, 6 and 7.

Re items 1, 4, 6 and 7.

Stiffening piers have been constructed at the back of the wall. We have not been able to obtain the full engineering design of this, but from the information available it would appear that the piers will stiffen the wall sufficiently to enable it to withstand retained flood water. This would be achieved without relying on the flexural strength of the original wall at the base (weakened by the presence of blockwork). The stiffening would also provide sufficient strength for the 1.9m high wall to resist wind loads.

The addition of the new brickwork skin on the developers side of the wall appears to have been undertaken simply as a protection to the damp proof membrane which has been laid against the wall.

Re item 5

We understand that the deficiency in bonding noted in our report has been rectified by the addition of remedial wall ties.

In conclusion we feel the wall is very much improved for the work that has been done. It can be regarded as safe, but there are still some significant items outstanding affecting its durability, particularly in the long term.

Yours sincerely
O'Brien & Price



M. R. Hewett



ENVIRONMENT DIRECTORATE

CHIEF PLANNING OFFICER

MEMO TO

JP/SW/CB/18876/02

2230

Your ref:

Ext. No.

PJP/MC/CH8

Mr Phillips

My ref:

Ask for:

12th September, 1991

Date:

River Chelt - Development of Five Houses on Land off Argyll Road

With reference to your memorandum dated 5th September, 1991, I have been studying proposals and also been corresponding with the Developer's Consulting Engineers regarding the provision of a surface water drainage scheme for the above site. A copy of my letter dated 6th September, 1991, to Harvey, McGill and Hayes adequately expresses my current views on their proposals for a pumped surface water disposal system. I am studying their further proposals for dealing with overland flow.

With regard to the detail submitted for upgrading the boundary between the development and Keynsham Road properties, this correctly re-introduces the visqueen barrier which had been shown on the approved drawings, but omitted by the Developer during construction. I would question the ability of the ground and footing to sustain the 2m high wall loads applied to a footing width of 450mm. However, it is the Developer's responsibility to ensure the structural integrity of the wall and its foundations, ensure its durability and ensure that due account is taken of the proximity of trees and other factors which may affect the wall foundations. It is important that the visqueen barrier is protected from damage as far as possible, including the long-term effects of sunlight.

It has been brought to my attention that the boundary wall, as constructed, and shown on the current planning application, comprising a curved section at the site entrance, is several metres shorter than that shown on the approved plans. In the context of rainfall run-off, water from the access road off Argyll Road could enter Keynsham Road properties over this length which would otherwise have been protected by the length of dwarf wall shown on the approved plans.

I also attach, for your records, a copy of the latest correspondence with Mr Woodward. I would also re-iterate the comments contained in the Borough Engineer's memorandum dated 12th June, 1991.

.....
For Chief Engineer.

Cheltenham Borough Council	
Directorate of Environmental Services	
RECD	13 SEP 1991
PASSED TO	

C E Rickard

vibrations within the building and it was necessary to modify the construction method to reduce this adverse impact.

9.13 Maintenance of floodwalls and flood embankments

Designers should never forget that maintenance is a design issue and not something that is addressed after the design has been completed, or worse still overlooked altogether.

Failure to address maintenance requirements as part of the design can lead to unsafe and expensive asset management activities, and may result in the structure failing to perform its design function(s).

The design of any flood defence structure should therefore include, as an output to be passed to the responsible party, clear definition of the inspection, monitoring and maintenance requirements for the structure. The monitoring and inspection requirements should stem from a clear understanding of the possible failure modes of the structure, so that the management of flood defences can be performance-based.

The biggest issue for maintenance is often access. Wherever possible, flood embankments should allow safe vehicular access for inspection and maintenance activities. Where space permits, it is usually preferable to place vehicular access at the base of the flood embankment rather than along the crest, to avoid the possibility of vehicles running off the crest and overturning. Such an access road can also be used in the construction process as a haul road.

Where it is necessary to provide access on the crest of the bank, the minimum crest width should be 3m and the edges of the bank should be clearly marked. Where frequent vehicular movements are to take place, the bank crest should be at least 4m wide.

It is vital that the designers of flood embankments consult the operations delivery team (that is, those people responsible for maintaining the bank) to agree safe dimensions for the crest and side slopes. Unsafe dimensions are very difficult to correct after construction. For example, for safe grass cutting of an embankment crest, the current recommendation is that the crest width is 2m wider than the grass cutting machine that will be used (that is, a one-metre clearance each side) (see GN02 – Flood embankments).

There should also be appropriately spaced access ramps to the crest that allow plant to turn on the crest. Depending on the spacing of ramps, there may be the need to incorporate intermediate turning points. Turning points are also needed at the ends of the defence whether or not a ramp is provided at the end.

At the time of design, it is important to define a suitable inspection and maintenance regime, tailored to the nature of the floodwall or embankment. For grass surfaces, for example, this should include keeping the grass trimmed.

- This improves the quality of the grass sward and the erosion protection that it provides.
- It reduces problems with weeds taking over (to the detriment of the grass cover) and reduces the cover provided for vermin.
- It increases the chances during routine inspections of detecting undue seepage, surface slips, embankment deformation and evidence of burrowing animals.

Flood embankments within or adjacent to farmland may often be conveniently grazed by small herbivores such as sheep, which maintain a short sward, normally without undue damage to the earth structure (sometimes the paths that sheep create can result in low spots on the crest of the bank).

Although floodwalls generally require much less maintenance than flood embankments, they must still have clear inspection and maintenance instructions to address maintenance issues which, if ignored or neglected, may lead to deterioration in the defence. The deterioration may compromise the effectiveness of the wall as a flood defence (for example, through the loss of joint sealer) or its

appearance (for example, proliferation of graffiti or deterioration of planting schemes incorporated in the wall design).

Gates in floodwalls require regular attention to ensure they operate effectively in a flood event. Maintenance works include oiling of hinges and inspection of seals. The asset management regime should include at least one trial closure of each gate every year.

Built-in parts for demountable defences should be inspected and cleaned out regularly to ensure there are no delays to the erection procedure in a flood event.

Since the crest level of a flood defence is a fundamental aspect of its ability to perform its flood defence function, regular checks on crest level must be performed. More frequent checks are generally required for embankments than for walls, but the designer should initially define the checking frequency based on:

- the nature of the wall;
- the foundation conditions;
- likely traffic use (pedestrians, animals, vehicles).

In the case of a flood embankment, the designer should also define a minimum crest level which the asset manager must maintain in order to ensure that the defence meets its service level requirement.

The asset manager may refine the checking requirements during the service life of the defence, depending on the results of previous surveys.

Key references

Defra and Environment Agency (2007). *Management of flood embankments – a good practice review*, Technical Report FD2411/TR1. Environment Agency. Available from: http://sciencesearch.defra.gov.uk/Document.aspx?Document=FD2411_6509_TRP.pdf.

This report from the joint Defra/Environment Agency flood and coastal erosion risk management R&D programme presents an overview of issues that can affect flood embankment performance and provides guidance on good practice for dealing with many aspects of design, operation (including inspection) and management (including adaptation). The guide has four main parts: A – Function and management of flood embankments; B – Performance and characterisation of flood embankments; C – Risk and risk management; and D – Good practice reference.

Kirby, A M and Ash, J R (2000). *Fluvial freeboard guidance note*, R&D Technical Report W187. Environment Agency. Available from: <http://publications.environment-agency.gov.uk/pdf/STRW187-e-p.pdf>.

This comprehensive guide is now perhaps a little out-of-date but is the most up-to-date guide on the subject. Some of the content is a little academic but if you want to know the full story of freeboard – this is it! It defines all the elements of freeboard and presents details of how to estimate appropriate values for each.

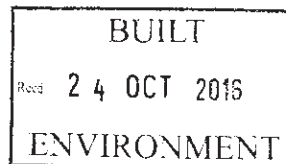
Ogunyoye, F and van Heereveld, M (2002). *Temporary and demountable flood protection: interim guidance on use*, R&D Publication 130/1. Environment Agency. Available from: http://sciencesearch.defra.gov.uk/Document.aspx?Document=TDFD_phase_1_1628.PDF.

This report presents the output of a detailed research project under the joint Defra/Environment Agency flood and coastal erosion risk management R&D programme into the pros and cons of temporary and demountable defences and their appropriateness for use in England and Wales. It covers the subject from the preliminary planning to installation and operation, and has outline details of a range of alternative systems.

The Planning Department
Cheltenham Borough Council
The Promenade
Cheltenham

22 Oct 2016

32, Keynsham Road
Cheltenham
Gloucestershire
GL53 7PX



Dear Sir/Madam

**Reference Double garage – 16/01337/FUL
1 College Gate Cheltenham Gloucestershire**

We write to object to this planning proposal at 1 College Gate. This application is almost exactly the same as that submitted under 13/00127/FUL.

This garage would be built at a location in the River Chelt's flood plain, where properties suffer from surface water flooding.

The proposed garage would interfere with, and hinder, surface flood water, which comes down from the back gardens of Keynsham Road and Old Bath Road.

In my view, the proposed garage would significantly interfere with flood flows. Secondly, the small capacity pumps under College Gate properties, can only deal with modest storms of up to a one in fifty year event, for the development already built. The small capacity of the surface water storage chamber, and its pumps, means that the improved River Chelt Scheme cannot help, in any way, to ameliorate the serious risk of surface water flooding to homes on College Gate.

When College Gate, and its homes are filled to the brim with surface waters from all the gardens in the neighbourhood, the surface water lake on College Gate will outflank our flood defence wall, and put our home at risk. This submission must surely be an unthinkable proposal.

We agree with our neighbour's objections to this application, and those made by residents for the previous scheme. It is crucial that earlier correspondence is presented to the Planning Committee, because **this proposal is almost exactly the same as 13/00127/FUL.**

Would you kindly acknowledge receipt of our objection.

Yours faithfully



APPLICATION NO: 16/01337/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 27th July 2016		DATE OF EXPIRY : 21st September 2016
WARD: Charlton Park		PARISH:
APPLICANT:	Mr Andrew Yapp	
LOCATION:	1 College Gate, Cheltenham	
PROPOSAL:	Erection of double garage (resubmission of application 13/00127/FUL)	

OFFICER REPORT UPDATE

1. CONSULTATIONS

The land drainage officer has provided additional details on his original response, with further analysis of the application and the reasons behind his conclusion.

Land Drainage Officer

24th October 2016

I am satisfied that the applicant has demonstrated a material change to the circumstances that pertained at the time of the 1992 planning inspector's report. I am further satisfied that the construction of a double garage for which consent is sought via this application (16/01337/FUL), will not increase the flood risk to this or adjacent properties.

Further comments

11th November 2016

In 1992, the planning inspector dismissed an appeal in connection with the construction of a double garage at 1 College Gate, on the grounds that the proposed garage would significantly worsen the consequences of flooding. This conclusion was based upon comments made by the appellant's consultant that the garage should be sited a minimum of 2m from the boundary wall and 8m from the site entrance in order to provide sufficient clearance for the overland flow to bypass the garage and prevent water backing up beyond the site entrance. In my opinion, those dimensions are fairly random and a garage sited accordingly would not necessarily facilitate flow through the site and could be argued to present more of an obstruction. However, prior to this most recent application, and with due respect to the inspector's 1992 decision, I had not been presented with any new information that would allow me to confidently contradict his findings.

With regard to the material change to the circumstances that pertained in 1992, the most significant is the alteration to the road levels within the College Gate development. The currently existing reduced levels now mitigate the risk of overland flow backing up beyond the site entrance and encourage any such flow towards the collection chamber at the rear of No. 1. Overland flow is further encouraged around and beyond the proposed garage by locally raised kerbs immediately adjacent the entrance to the site and the garage itself.

The proposal does not compromise the existing boundary wall and in fact some minor improvements to the wall are proposed. In addition, sufficient space shall be provided between the garage and the wall to facilitate any future maintenance activities. The boundary wall returns in a south-easterly direction towards the site entrance. In my opinion,

14th November 2016

it is sensible to “tuck” the garage in behind this return to minimise any obstruction to overland flow entering the site. This, in conjunction with the lowered road levels and the proposed locally raised kerbs serves to mitigate the risk of any backing up of water beyond the site entrance.

Cox’s Meadow flood storage area overtopped during the flood event of July 2007 and undoubtedly overland flow from the direction of Old Bath Road entered the site. Operational failures at Cox’s meadow were a contributory factor. Since then, the Environment Agency (EA) have carried out a number of improvements to the defences afforded by Cox’s Meadow and the River Chelt flood alleviation scheme generally. Whilst the risk of flooding resulting from such an event cannot be totally eliminated, the improvements carried out by the EA post 2007 have certainly reduced flood risk in this locality.

No. 1 College Gate lies within Flood Zone 3 (high probability), but is the construction of a garage as proposed going to significantly increase the flood risk to this or adjacent properties? I cannot argue that it will.

APPLICATION NO: 16/01337/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 27th July 2016		DATE OF EXPIRY : 21st September 2016
WARD: Charlton Park		PARISH:
APPLICANT:	Mr Andrew Yapp	
LOCATION:	1 College Gate, Cheltenham	
PROPOSAL:	Erection of double garage (resubmission of application 13/00127/FUL)	

ADDITIONAL REPRESENTATION

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

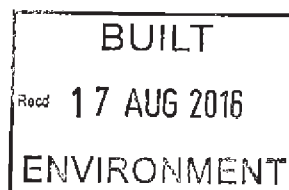
36 Keynsham Road
Cheltenham
Gloucestershire
GL53 7PX

Comments: 11th November 2016
Letter and enclosures attached.

(Please note, this representation was originally submitted in August, but was not logged on the system, in error.)

4 Bafford Approach
Cheltenham
GL53 9HJ

Planning: Environmental & Regulatory Services
Cheltenham Borough Council
P.O.Box 12
Municipal Offices
Promenade
Cheltenham GL50 1PP



17 August 2016

Dear Sir or Madam

Reference 16/01337/FUL - 1 College Gate

I write on behalf of my parents, who live at 36 Keynsham Road. They strongly object to this resubmitted planning proposal on the following grounds:

1. Their understanding is that this application is the same as the Applicant's 2013 submission; save that the Applicant seeks the surprising step of removing the steel-reinforced brick piers (buttresses) of the flood defence wall.
2. My parents believe that the 2013 application was withdrawn because the Applicant had not addressed the flooding issues to the satisfaction of the LPA.
3. With respect, the Applicant's submission contradicts virtually all of the calculations and assessments made by the Environment Agency, O'Brien & Price Consulting Structural Engineers, planning, drainage and structural engineering experts from within Cheltenham Borough Council, The Department of the Environment and Harvey, McGill and Hayes Consulting Engineers who designed College Gate's drainage system.

4. The proposed detached double garage would be situated within Cheltenham's Central Conservation Area. The application seeks consent to:
 - i) demolish two of the buttresses; and
 - ii) construct a double garage extremely close to the weakened flood defence wall.

Removal of Buttresses

5. The flood defence wall retains the considerable volume and weight of storm waters, trapped in College Gate.
6. The Applicant's appointed Engineer, Mr Strauss, claims that it is a reasonable assumption that the flood defence wall was built to defend the College Gate development from flooding. This is an incorrect assumption. The wall was built as a Condition of planning permission, with the insistence of the LPA that the wall be modified to form a flood defence for 32, 34 and 36 Keynsham Road (email from EA to CBC dated 19.08.13 - attached).
7. The flood defence wall was duly strengthened with the buttresses. CBC and O'Brien & Price determined that, while the flood wall was safe, it was not adequate. CBC was unable to order the developer to rebuild a durable flood defence wall, because the company was being wound up. No action was taken to remedy the significant defects of the flood defence wall, which remain to this day.
8. The removal of the buttresses would return the wall to its original, unsafe condition. I attach a letter from O'Brien & Price - Consulting Structural Engineers – dated 08.01.92. This letter is evidence that shows the wall was rendered safe by the installation of these buttresses.
9. This is reinforced by the EA's comments – "The flood wall includes some substantial support piers and visible waterproof membrane which highlight its function as a flood wall. To site the garage in the proposed location would potentially remove two

supporting piers....and thus risk the integrity of the wall and its function as a flood defence (EA to CBC dated 19.08.13).

Siting of the garage close to the weakened wall

10. Siting the garage so close to the flood defence wall will "reduce access to maintain the wall and potentially divert flood flows" (EA to CBC dated 19.08.13).
11. The EA's Fluvial Design Guide (Section 9.13) emphasises the importance of being able to maintain flood defence walls, and states "Maintenance is a design issue and not something that is addressed after the design has been completed...".
12. Mr Strauss refers to a previous planning application for a garage at 1 College Gate that was turned down on appeal. This appeal was determined on 23 April 1992, and related to an almost identical proposal. The Inspector accepted that there must be a clear 2metre-wide channel between any proposed garage and the boundary flood defence wall, and an 8 metre-wide channel between the proposed garage and the site entrance.
13. The Applicant suggests that a major difference between the application refused on appeal in 1992, and the current application is that the River Chelt has undergone significant flood alleviation works. As such, the flood risk is in some way removed. This is simply not the case.
14. The EA and CBC have made clear that the flood alleviation scheme does not, in any way, improve the very poor 1 in 50 year (Q50) drainage system on the site. College Gate will always continue to act as a floodwater sump for surface waters from across the area. It goes without saying that the ineffectiveness of the College Gate drainage scheme will always be governed solely by the site's Q50 pumps.
15. The EA, as part of the 2013 application (for which it was not obligated to comment, but chose to do so), taking into account the flood alleviation scheme, stated that the 1992 decision should be upheld to ensure: -

"A clear 2 metre corridor from the boundary wall and 8 metre corridor from the site entrance should be maintained on the recommendations of a qualified Consulting Engineer (1992). This is to ensure there is sufficient clearance for overland storm water flow and prevent an unacceptable detrimental impact to adjacent property and land areas in this regard).

Without justification, the current application does away with the essential 2 metre and 8 metre-wide channels.

16. CBC's Chief Engineer went further in his consideration of the College Gate drainage requirements. I refer to his letter of 6 September 1991, in particular the paragraph marked with an asterisk on the attached copy.

17. In essence, this paragraph explains in no uncertain terms that flood flows down College Gate – and transversely (i.e. crossways) – must not be restricted or obstructed in any way in perpetuity.

This current application would evidently contravene this clear directive.

18. College Gate is a low-lying piece of land, which forms a basin. In times of flood, historically and today, it collects and stores storm waters from the area, and releases them into the River Chelt.

19. Nos.1, 2, 3 and 4 College Gate were built, with their ground floors recklessly constructed well below flood level. The development company added further to its problems, by throwing up an embankment alongside the River Chelt, on CBC-owned land. It was pointed out that this bund, consisting of concrete rubble and brick debris, formed a dam to the historic, free-flow of surface waters into the Chelt.

20. On 20 July 2007, floodwaters poured from the surrounding area, travelled along their historic paths and filled College Gate to overflowing. The River Chelt-retaining wall to the rear of 1 College Gate acted as the predicted dam, and the inadequate

Q50 drainage system could not cope. As a consequence, most of College Gate's homes were submerged, including the Applicant's property.

21. Mr Strauss states that "As the garage stood in dry land during the July 2007 floods, it has been shown to be outside the flood zone and a compensatory flood area is therefore not required...Given the proposed location of the garage is outside the flood zone...". In my opinion, these statements have no basis in fact for the following reasons: -

- i) there was, and is, no detached garage in 1 College Gate and therefore it could not have stood on dry land during the flood of 20 July 2007;
- ii) the removal of two of the flood wall's buttresses would revert the wall back to its original, unsafe condition;
- iii) the proposed garage would stand inside Flood Zone 2 and Flood Zone 3. These zones are stated under 'Constraints' on the 2013 and current applications, by the LPA. As such, a compensatory flood area is required.

22. It would appear that Mr Strauss has little knowledge of the actual flood event of 2007, or the designated Flood Zones. My parents and others were witnesses to the flood, and it is a matter of record that storm waters backed up beyond the College Gate entrance. This means the proposed garage, and its contents, would not have stood on dry land, during a heavy storm, but would have been inundated.

The Applicant's suggestion that College Gate will never flood again contradicts the flood risk maps held by both the EA and the LPA.

23. Mr Strauss also says that floodwaters "came from all directions, mostly the south and east, rather than the access road". He then proceeds to show only the lesser flood flows, which travel downwards, from the access road, towards the river. For some reason, he fails to illustrate the acknowledged, heavier, storm water flows from the south and east, which traverse the site from Old Bath Road. These flows, from the south and east, surge towards the lowest point in College Gate, which is the

2 metre-wide overland drainage channel running along the flood-defence wall. I presume Mr Strauss has omitted the heavier flood flows, because the Applicant would thereby negate his own argument, in which he is saying that the 2 metre-wide and 8 metre-wide channels are no longer required.

It is of some concern that Mr Strauss has removed the recently built, and important, rear extension that presently impedes flood flows, from this application.

CBC has video recording evidence of the torrents, cascading transversely into the site, from the rear gardens of 29, 31, and 33 Old Bath Road.

24. The current pumped/gravity drainage system can only cope with a moderate Q50 storm. The river-retaining wall acts as a dam, which prevents surface water finding its natural course into the river. On that basis, the Applicant has failed to show the way in which the very poor, Q50 drainage system can adequately protect College Gate from flooding, even before the additional impedances of this double garage proposal and the recent, rear extension.

25. The Applicant has not illustrated that flood flows are presently obstructed by a row of dense laurels planted around the curtilage of 1 College Gate. Sycamore trees and hedging block the designated 2 metre and 8 metre-wide storm water channels. In addition to these obstructions, there would be even more barriers, which include the detached double garage, new brick wall, a pair of timber gates and their support piers. The existing barriers, and the proposed flood flow impediments, contravene the Borough Engineer's express criteria of 6 September 1991.

My parents strongly believe that this proposal would introduce serious additional risks, and ask that this application is considered fully in light of the above evidence.

Yours faithfully

A large black rectangular box redacting the signature of the solicitor.

Solicitor

Cheltenham Borough Council
Development Control
PO Box 12
Cheltenham
Gloucestershire
GL50 1PP

Our ref: SV/2013/107089/01-L01
Your ref: 13/00127/FUL
Date: 19 June 2013

Dear Sir/Madam

**ERECTION OF DOUBLE GARAGE- 1 COLLEGE RD, CHELTENHAM, GLOS
GL53 7SF**

*******EMAIL SENT 19 JUNE 2013*******

Hi Wendy

Further to our telephone conversation yesterday, we wish to provide the following comments:

As you are aware we were originally consulted on the above application, and provided a low risk return letter back in March. Subsequently we were made aware of a previous appeal for a similar proposal on the same site, which was dismissed on flood risk grounds. Following receipt of the Appeal Decision Notice and supporting information, including a letter of representation from the residents at 36 Keynsham Road, we were asked to provide further comments in response to those concerns raised in relation to flood risk.

Following the submissions, and the site visit on the 11th June attended by Matt Kerry, we can confirm that the boundary wall in question does not form part of our Flood Alleviation Scheme and the proposals would not have an effect on our Flood Defence Infrastructure. Therefore, based on the scale and nature of the development (Minor), and in line with our initial comments, we would not ordinarily be a statutory consultee in accordance with the DMPO (England) Order 2010.



Whilst we do not intend to make bespoke comments on the proposals, following a review of the evidence and our site meeting we understand the following:

- The wall between the application site and properties off Keynsham Road (32, 34, 36 etc) was finished as a flood defence;
- This wall was modified to alleviate the risk of flooding from surface water to those properties in Keynsham Road;

Environment Agency
Newtown Industrial Estate (Riversmeet House) Northway Lane, Tewkesbury, Gloucestershire, GL20 8JG.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
Cont/d..

- The wall was constructed as a requirement for development of the 5 properties at the end of the College Gate road;
- A clear 2 metre corridor from the boundary wall and 8 metre corridor from the site entrance should be maintained on the recommendations of a qualified Consulting Engineer (1992). This is to ensure there is sufficient clearance for overland storm water flow and prevent an unacceptable detrimental impact to adjacent property and land areas in this regard;
- This property and neighbouring properties suffered from external and internal flooding in 2007.
- The wall includes some substantial support piers and visible waterproof membrane which highlight it's function as a flood wall. To site the garage in the proposed location would potentially remove two supporting piers (although this is not clear from their drawings) and thus risk the integrity of the wall and its function as a flood defence, reduce access to maintain the wall and potentially divert flood flows.



The area in general is afforded protection from flooding from the River Chelt by our Flood Alleviation Scheme, however the improvements made to the River Chelt Flood Alleviation Scheme (before 2007) were not designed to reduce the risk from surface water flooding in this location.

County and Unitary Authorities have been given the role as Lead Local Flood Authorities (LLFA's) to manage local flood risk including surface water, groundwater, and rivers and streams that are not main rivers. In this instance we would therefore recommend consultation with your own Land Drainage Department and Gloucestershire County Council as the LLFA to assess whether consideration of those concerns previously raised by the inspector relating to flooding are still valid.

In the meantime I trust the above is of assistance, and clarifies our position with regards to this application.

Regards

Anita

Yours faithfully

Mrs Anita Bolton
Planning Advisor

Direct dial 01684 864529

Direct fax

Direct e-mail anita.bolton@environment-agency.gov.uk

Our Ref:

08.01.1992

O'BRIEN & PRICE

**CONSULTING
CIVIL & STRUCTURAL ENGINEERS**

RODNEY LODGE, RODNEY ROAD,
CHELTENHAM, GLOS. GL50 1JF.
TELEPHONE: (0242) 237227
FAX (0242) 234227

**Re: Boundary wall between 36 Keynsham Road and the develop-
ment land of Argyle Road**

As you now we have been continuing our enquiries into the above and have had some success now in gaining additional information concerning the boundary wall. We can advise the following:

1. The wall is constructed of a Dartford brick, type Mediera which has the following properties.

Water absorption,	22.5%
Durability classification as BS3921,	FL
Efflorescence,	Slight
Compressive Strength,	fk 28N/mm ²

The above information means that the brick is frost resistant, but because of its high water absorption characteristics it does not comply with the requirements of BS3921 or BS5628 for use as a damp proof course. This means that the wall will always show rising dampness, but that this will not effect its strength.

2. The comments made in our report of May last year under items 3, and 8 still stand, that is:
3. We believe the mortar below ground is not of the appropriate quality.
8. The foundations are not deep enough to prevent the wall suffering movement due to variations in soil moisture content as a result of the presence of nearby trees.

3. In addition we note that the top of the wall has been finished with a capping of Engineering brick. This does not comply with BS5628 part 3 which requires DPC's to be installed beneath cappings, or if an Engineering brick is used as the DPC it should be laid in two courses with broken joints, and in 1:3 Portland cement: sand, mortar. The consequences of this are that water will be able to penetrate the body of the brickwork and unless the mortar is of 1:3 cement:sand this will gradually be broken down by weathering.
4. Some of the deficiencies noted in our Report have been addressed by modification works that have been undertaken to the wall specifically items 1, 4, 5, 6 and 7.

Re items 1, 4, 6 and 7.

* Stiffening piers have been constructed at the back of the wall. We have not been able to obtain the full engineering design of this, but from the information available it would appear that the piers will stiffen the wall sufficiently to enable it to withstand retained flood water. This would be achieved without relying on the flexural strength of the original wall at the base (weakened by the presence of blockwork). The stiffening would also provide sufficient strength for the 1.9m high wall to resist wind loads.

The addition of the new brickwork skin on the developers side of the wall appears to have been undertaken simply as a protection to the damp proof membrane which has been laid against the wall.

Re item 5

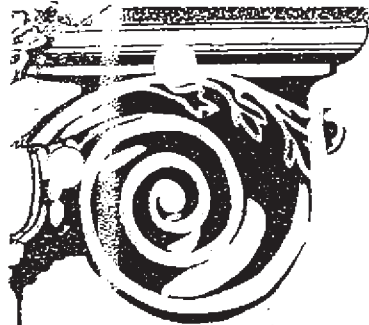
We understand that the deficiency in bonding noted in our report has been rectified by the addition of remedial wall ties.

In conclusion we feel the wall is very much improved for the work that has been done. It can be regarded as safe, but there are still some significant items outstanding affecting its durability, particularly in the long term.

Yours sincerely
O'Brien & Price



M. R. Hewett



CHELTEM Page 156, borough council

DIRECTORATE OF ENVIRONMENTAL SERVICES C. M. Ride, MIEH., MBIM., Director.
P.O. Box 12, Municipal Offices, Promenade, Cheltenham, Gloucestershire, GL50 1PP.

Harvey, McGill and Hayes,
Consulting Engineers,
17, Rodney Road,
Cheltenham,
Glos.,
GL50 1HX.

telephone: 0242-262626
facsimile: 0242-227131
direct dial:

your ref: DJH/AMW/91/804
our ref: PJP/DER/CH8
ask for: Mr Phillips
extension: 2230

6th September, 1991

For the attention of Mr D. Hughes

Dear Sirs,

River Chelt - Development off Argyll Road, Cheltenham

Thank you for your letter and enclosures dated 2nd September, 1991 relating to the surface water drainage provision at the above development. I confirm the comments made by Mr Phillip's during his telephone discussion with Mr Hughes on 4th September, 1991.

I agree that an area of 1870 m² is a reasonable assessment of the impermeable area comprising the access road from Argyll Road, the site road, and garages and associated hardstandings which is likely to drain towards the site. I also agree with your assessment of the impermeable areas within the site comprising property roof plan areas and hardstandings. Therefore, I concur with your total impermeable area of 0.28 hectares. I also consider that the semi-permeable area within a boundary formed by the site and access off Argyll Road, Argyll Road, Old Bath Road and the River Chelt which may drain onto the site is approximately 0.5 hectares. This assumes that the roofs of houses in both Argyll and Old Bath Roads drain to the combined or surface water sewers within these highways.


Given the above parameters, a single flygt pump capability of 26 l/s and a drainage system of commensurate capability, I concur that your proposed system will accommodate an average rainfall intensity of 36.0 mm/hr. over the impermeable area utilising a single pump. This represents a storm of one hour's duration having a return period of 50 years, as you have indicated. However, I would draw to your attention that during such a rainfall event the rainfall intensity will peak at about 3.75 times the average intensity. Similarly, I estimate that run-off discharge would also peak in excess of 3.3 times the average discharge rate. These factors should be taken into account in your

detail design of the run-off collection and disposal systems. I believe that the 50 year protection your system offers is reasonable. In the event that overland flow from the semi-permeable surfaces outside the site area coincides with impermeable surface flows, I estimate that a similar discharge rate of 26 l/s will occur. Therefore, as you indicate, provision will have to be made for both pumps to operate in tandem in this event.

As the overland flow from semi-permeable areas will not be accommodated within the drainage system, and you have proposed that such flows continue overland to the collection chamber prior to the pumping chamber, it is imperative that ground levels are sufficiently lower than floor levels to accommodate this flow, and also that the flow paths are not restricted or obstructed in any way in perpetuity. These conditions apply not only in the direction of flow but also transverse to it. Also, I am slightly concerned that, in the vicinity of the collection chamber, the river boundary/property boundary walls intersection splays may interrupt the flow regime of the overland flow.

Finally, whilst I consider that the design storm parameter which you have adopted is reasonable, I believe that your Client should be made aware that more intense, shorter duration storms may adversely affect the site. Whilst the overall concept of your surface water drainage proposals for this site concerns me, as a result of your Client constructing the houses at a low level, the detail design of the collection systems and pumping station must remain your responsibility.

Yours faithfully


for Chief Engineer

APPLICATION NO: 16/01672/FUL	OFFICER: Mr Ben Hawkes
DATE REGISTERED: 17th September 2016	DATE OF EXPIRY: 12th November 2016
WARD: Pittville	PARISH:
APPLICANT:	Mr C Hill
AGENT:	The Surveying Practice
LOCATION:	Rear Of 178 Prestbury Road, Cheltenham
PROPOSAL:	Proposed new dwelling

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a piece of land to the rear of 178 Prestbury Road, which currently accommodates garages and outbuildings associated with the residential building of 178 Prestbury Road.
- 1.2 The applicant is seeking planning permission for the erection of detached 3 bedroom dwelling.
- 1.3 The application has been called to planning committee at the request of both Councillor Lillywhite and Councillor Parsons who wish members to consider the parking implications of the new dwelling and the potential loss of light to the neighbour of number 3 Oakland Avenue.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

None.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Cheltenham Civic Society

19th October 2016

It is difficult to make a reasoned comment on the basis of the information provided beyond that the site is adequate for a dwelling of this size

GCC Highways Planning Liaison Officer

7th October 2016

I refer to the above planning application received on 20th September 2016.

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

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

Statement of Due Regard

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

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

Architects Panel

13th October 2016

Design Concept

The panel had no objection to the principle of the development.

Design Detail

Although no drawings were submitted to show the site context, the panel felt the building position and plot size looked suitable.

The building design is uninspiring but acceptable.

Recommendation

Supported.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	12
Total comments received	4
Number of objections	4
Number of supporting	0
General comment	0

- 5.1 12 letters were sent to neighbouring properties; 4 letters of representation have been received; the areas of concern that have been identified relate to:

- parking
- loss of light to number 3 Oakland Avenue.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations of this application are the principle of a new dwelling, the design, any impact on neighbouring amenity and parking.

6.3 The principle of a new dwelling

- 6.4** A previous pre-application was submitted (15/01308/PREAPP) where officers were asked to consider the principle of a new dwelling in this location; at the time of the pre-application submission the size of the plot was considerably less and officers did not consider the available space sufficient to be able to accommodate a new detached dwelling. This planning application identifies additional land which will form part of the proposed development site; officers consider the plot to be sufficient in size to accommodate a new dwelling; the principle of a new dwelling so is now considered to be acceptable.

6.5 Design

- 6.6** The proposed new building is considered to be an appropriate size for its location and its plot. The size and layout allows the development to respect the existing pattern of development and provides adequate space around the property with provision for front and rear private amenity space, off street parking and access to the rear of the site for bin and cycle storage.
- 6.7** In terms of design, comments have been received from both the Civic Society and Architects' Panel. Whilst the principle of a new dwelling was considered to be acceptable, concerns were raised regarding the design and its context. The architects' panel comment suggested that further contextual information was needed in order to fully assess the proposal. In response to this, a number of 3D images have been submitted and show the relationship of the new dwelling with its immediate neighbour. Officers consider the proposal to sit comfortably in the plot and to have a positive relationship with the neighbouring buildings.
- 6.8** There are a range of different styles and sizes of property in the immediate locality, with a varied use of red brick and render. The new dwelling is proposed to replicate the size, design and appearance of the property directly opposite the application site at number 4 Oakland Avenue with materials to match, Officers consider this to be an appropriate design for a new dwelling in this location that will not result in any unacceptable harm to the character of the existing street scene.
- 6.9** In order to create an acceptable design which reflects the neighbouring property conditions have been suggested for the external finish to be painted render, the roof tiles to be slate and the windows to be UPVC Sash windows.
- 6.10** Officers consider the replacement of the existing garage buildings with a new dwelling of the proposed design to be an improvement to the character of the area. The building will be a positive addition to the street scene.
- 6.11** The proposal is considered to be compliant with the requirements of the local plan policy CP7 and the Supplementary Planning Document – Garden land and infill sites in Cheltenham (adopted 2009) which requires development to respond to the existing layout and pattern of development, to respect the built form and the age and architectural style of its surroundings.

6.12 Impact on neighbouring property

- 6.13** The design of the proposed new dwelling includes the use of Velux windows on the rear elevation at first floor. Given the position of the windows and the distance to the boundaries it is not considered that these windows will result in any direct overlooking of the neighbouring properties. The proposed first floor front elevation windows will overlook the highway which is considered to be appropriate and reflects other development in the street. Officers do not consider that the proposed development will result in any loss of privacy to any neighbouring land user and no letters of objection have been received in this regard.

- 6.14** In terms of loss of light, a concern from the neighbour at number 3 Oakland Avenue has been raised which specifically relates to a ground floor side elevation window which serves the kitchen to this property. On site the window is not clearly visible as it is located behind the garage lean to structure of this property. An additional site visit has been made to this property to view the proposed site from this neighbouring window; whilst it is difficult to assess the impact of the development due to the existing lean to garage compromising light to this room, the impact to this room has been assessed as though the lean to garage is not there. An advanced detailed light test has been carried out to assess loss of light and whilst officers acknowledge that the development will have an impact on light to this room, the light test identifies that the development will still enable sufficient light to this kitchen window and it will therefore remain as a 'well light' room. In addition a glazed door to the rear of the property also serves this room and will provide additional light. The view of officers is that the siting of the building and its relationship with this neighbouring property means that the proposal will not result in an unacceptable loss of light.
- 6.15** The proposal is considered to be compliant with local plan policy CP4 which requires development to protect neighbouring amenity.
- 6.16 Parking and access**
- 6.17** There is no new access proposed for this development. Access to the off street parking space will be via the existing dropped kerb; there is therefore no change that will affect highway safety.
- 6.18** A number of concerns have been raised by local residents with regards to parking congestion around the site. The development will result in the loss of one off street parking space for the existing property but includes one off street parking space for the proposed new dwelling. It is acknowledged that there will be some parking displacement as a result of the development. Officers have visited the site on 3 separate occasions with parking outside the application site not being an issue. On street parking on Oakland Avenue and Prestbury Road is unrestricted. Oakland Avenue is a no through road and therefore the demand for on street parking is mainly that of the residential properties. For these reasons and given the scale of the development, a parking survey has not been considered necessary.
- 6.19** Officers do not consider the proposal for one additional dwelling in this street to result in any unacceptable impact on parking congestion. The application site is also considered to be within a sustainable location with easy bus and bike routes into the town centre. The proposal is considered to be compliant with local plan policies TP1 and TP6 relating to highway safety.

7. CONCLUSION AND RECOMMENDATION

- 7.1** With all of the above in mind, officer recommendation is that planning permission be granted, 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.

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

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

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

- 3 The external appearance of the proposed development shall be painted smooth render and shall be retained as such at all times.

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 The external roof material of the proposed development shall be slate and shall be retained as such at all times.

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).

- 5 All front elevation windows shall be upvc sash windows.

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).

INFORMATIVES

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

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

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

APPLICATION NO: 16/01672/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 17th September 2016		DATE OF EXPIRY : 12th November 2016
WARD: Pittville		PARISH:
APPLICANT:	Mr C Hill	
LOCATION:	Rear of 178 Prestbury Road, Cheltenham	
PROPOSAL:	Proposed new dwelling	

REPRESENTATIONS

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

7 Oakland Avenue
Cheltenham
Gloucestershire
GL52 3EP

Comments: 10th October 2016

As a resident of Oakland Avenue for 28 years we have experienced a vast increase in vehicle parking in this road. A residence of this size is likely to require at least 1 or 2 additional parking spaces which cannot be accommodated in the road. The plans do not appear to provide any off road parking and in any case manoeuvring would be albeit impossible given the fact that there are cars on each side.

44 Oakland Avenue
Cheltenham
Gloucestershire
GL52 3EP

Comments: 23rd October 2016

After reviewing the plans and associated documents I do not believe there is sufficient space for off street parking. With Oakland avenue already over its limit for parking this new build would only accentuate the problem hence the objection to the proposed development.

3 Oakland Avenue
Cheltenham
Gloucestershire
GL52 3EP

Comments: 5th October 2016

Letter attached.

Comments: 24th October 2016

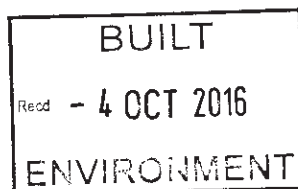
Letter attached.

14 Oakland Avenue
Cheltenham
Gloucestershire
GL52 3EP

Comments: 2nd October 2016

The parking on Oakland Avenue is already at its limits, any extra housing will only increase the problems. Not only will the house need parking but building it will reduce the amount of parking available.

Mr Ben Hawkes
Cheltenham Borough Council
Planning Offices, PO Box 12,
Municipal Offices, Promenade,
Cheltenham, Glos,
GL50 1PP.



3, Oakland Avenue,
Cheltenham,
Glos, GL52 3EP.

4th October 2016

RE: Planning Proposal 16/01672/FUL New dwelling at rear of 178 Prestbury Road

Dear Mr Hawkes,

My property adjoins the proposed development and I am writing to put forward my views and concerns regarding the above. I have looked at the proposed planning application on line and feel I must make my concerns heard for consideration by the planning committee.

The application itself has a number of points of inconsistency and raise some concerns on my part. These concerns include the lack of provision of parking for this new build in what tends to be a busy road at the best of times during the day and totally congested with parked vehicles for the rest of the time. I have enclosed photographs showing the parking situation along this piece of road at 16:05 on a typical weekday (30th Sep). The section in the application on parking says that there will be a total of one parking space allocated (described as Cotswold chippings/Cobble set) but the site layout does not show any parking spaces. Further, there appears to be insufficient depth at the front of the property to manoeuvre a vehicle via existing access adjacent to the frontage. Other parts of the application describe parking as "on street". This all seems a bit ad hoc and ambiguous, I believe that a new build three bedroom detached property would be expected to have at least two off road parking spaces without loss to existing parking arrangements. As a resident who regularly has difficulty turning into my own drive due to the congestion caused by parked cars then I must press this position needs to be considered carefully.

A further concern I have is about the likely impact of loss of daylight caused by the proximity of the build profile in front of my kitchen window on the south side of my property. Looking at the site layout and making some calculations of scale and position, it appears that the northern face of the new property will be in front of my south facing kitchen window and this will impact the daylight into that living space. I have made some initial calculations based on the BRE guide which indicate that the site layout and height of the new build will not meet the BRE recommendation. I therefore request that a thorough and detailed light assessment be completed and the results taken into consideration by the planning committee.

Finally, I note from the covering letter accompanying the application that it is hoped this will be considered under "Delegated Authority". As an impacted party with reasonable apprehensions about this build I would not want this application to by-pass the standard planning committee process.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

A small black rectangular redaction box, likely covering the sender's address.

16:05
30/9/16

BUILT
Recd - 4 OCT 2016
ENVIRONMENT



From: [REDACTED]
Sent: 24 October 2016 11:02
To: Internet - Planning Comments
Cc: [REDACTED]
Subject: 16/01672/FUL

Ben - as discussed I have viewed the latest drawings showing the position of my kitchen window and note two points;

1. My original calculations regarding the position/height of the new development wrt my window remain pretty much the same and clearly to not meet the BRE regs.
2. The relative position of my double doors and my property boundary as shown are most definitely inaccurate. Should this not be corrected then it could cause further issues.

I will be in touch again to follow up on these aspects. Many thanks.

APPLICATION NO: 16/01672/FUL		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 17th September 2016		DATE OF EXPIRY: 12th November 2016
WARD: Pittville		PARISH:
APPLICANT:	Mr C Hill	
AGENT:	Mr A Browne	
LOCATION:	Rear of 178 Prestbury Road, Cheltenham	
PROPOSAL:	Proposed new dwelling	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. The wording of Condition 5 referred to in the officer report has been amended and an additional condition has been added, as set out below:

Reworded Condition 5:

All windows in the approved development shall be traditional sliding sash and shall be maintained as such thereafter.

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).

Additional Condition 6:

All windows and doors in the approved development shall be set in minimum reveals of 75mm and maintained as such thereafter.

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).

2. CONCLUSION AND RECOMMENDATION

- 2.1 Officer recommendation remains that planning permission be granted.

