



Notice of a meeting of Planning Committee

**Thursday, 15 December 2016
6.00 pm
Council Chamber - Municipal Offices**

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

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

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 16)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS**
 - a) **16/00383/FUL Lilley Brook Golf Club, 313
Cirencester Road** (Pages 17 - 78)
 - b) **16/01577/FUL 83 Hewlett Road** (Pages 79 - 118)
 - c) **16/01756/CONDIT Travis Perkins, Brook Road** (Pages 119 - 132)
 - d) **16/01794/FUL 1 Sandford Court, Humphris Place** (Pages 133 - 156)
 - e) **16/01909/FUL 53 Beeches Road** (Pages 157 - 170)

f) 16/02012/FUL & LBC Lypiatt Lodge, Lypiatt Road (Pages 171 - 178)

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

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

17th November 2016

Present:

Members (14)

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

Substitutes: Councillor Rowena Hay (RH)
Councillor Paul McCloskey (PM)

Officers

Tracey Crews, Director of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Ben Hawkes, Planning Officer (BH)
Nick Jonathan, Legal Officer (NJ)

1. Apologies

Baker (PB); Colin Hay (CH); Hobley (KH);

2. Declarations of interest

There were none.

3. Declarations of independent site visits

16/01337/FUL 1 College Gate: Councillors Paul McCloskey and Lillywhite both visited this site independently.

4. Public Questions

Two questions were submitted by Councillor Willingham re (i) S106 monies available in St Peter's Ward, and (ii) monitoring of S106 contributions. Officer responses were circulated with the agenda. Councillor Willingham was not present at the meeting. The responses were taken as read.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 20th October 2016 be approved and signed as a correct record *with the following correction:*

16/01597/FUL 6 Wards Road, Page 11

PT: there are ~~likely~~ likely to be more and more applications of this kind.

6. Planning applications

Application Number:	16/01149/FUL		
Location:	15 Greenhills Road, Charlton Kings, Cheltenham		
Proposal:	Erection of a single dwelling to the rear of 15 Greenhills Road and associated access drive		
View:	Yes		
Officer Recommendation:	Refuse		
Committee Decision:	Refuse		
Letters of Rep:	8	Update Report:	(i) Comments from Councillor Baker (ii) Additional representation

MJC introduced the application as above, confirming that the recommendation is to refuse. Members will remember it was originally included on September's agenda, but was deferred to allow for a further consultation response from the County Council. Highways officers originally raised no objection on road safety issues, then changed their recommendation to refuse on the grounds of poor visibility. Following a police speed consultation on Greenhills Road, the recommendation was changed back to permit, but as a result of a further speed survey submitted by a third party, suggesting the 30mph speed limit is frequently broken, the County objected to the application for not providing safe and sustainable access with regard to visibility. The application is at Committee at the request of Councillor Baker and because the Parish Council has objected. The recommendation to refuse is on highways and visibility grounds, although officers consider the principle of a dwelling here to be acceptable if suitable access can be found.

Public Speaking:

Mr Borrie, neighbour, in objection, on behalf of neighbours at 14 Greenhills Road, and 6A and 7 The Avenue

The case officer, parish council and Highways officer all recommend refusal. Would like to re-emphasise three points of detailed objections already made. Firstly, safe access to the site: the highways authority has determined that the proposed access fails to meet the requirements to ensure the safety of other road users and pedestrians, and has recommended refusal based on the width of the road and the police speed survey of February 2016. Does not consider that the proposal should be rejected on these grounds only, however. In Paragraph 3.1 of the report update, the case officer states that the proposed dwelling is considered suitable in terms of scale, height, massing and footprint, and would not result in any significant harm to neighbouring amenity. Considers the proposed house to be unnecessarily tall at 7.265m, and together with the detached garage will harm all three neighbouring properties. A single-storey house or true dormer bungalow would substantially reduce this impact. Also, including the garage, the proposed dwelling's footprint is the same as those at Nos. 16 and 17 Greenhills Road, but their gardens are wider and longer, making this proposal out of scale with the plot and seriously oppressive to neighbouring properties. The Civic Society considers it a 'heavy and clumsy scheme'. Finally, the chosen position for the dwelling is just 6m from the rear boundary, for no compelling reason; the Council's SDP states that houses with clear glass windows should not be positioned within 10.5m of the boundary.

Member debate:

SW: apologised for not having been on Planning View, but has visited this site before on a previous occasion. Has grave concerns about the information on the blue paper. Appreciates the case that visibility may not be good enough when cars are travelling along Greenhills Road at 50mph as

demonstrated by the police survey, but this means that for the single reason that people are *breaking the law*, the applicant can't be permitted to go ahead with this development. If people are breaking the law, the police should deal with it. The exit is identical to that at No. 16. Has concerns about this refusal reason.

BF: agrees with SW; spoke to the officer about it today. The speed survey was requested by Councillor Baker, but pre-dates this application. It therefore shouldn't be related to it. It is critical, and a representative of Gloucestershire Highways should be present at the meeting to explain the logic. If speeding on this road is a problem, it is an enforcement issue; it is not part of planning guidance to slow traffic, but a police and highways matter, to ensure cars don't exceed 30mph on this stretch of road. The average speed appears to be slightly over that, but we have given planning permission for developments which access roads with a 40mph speed limit. It isn't possible to do a speed survey for all applications. Is considering moving to approve this proposal; checking speed is not a planning issue.

PT: is inclined to agree with this. This recommendation calls into question the approval for the developments in adjacent gardens, accessing the same highway with cars travelling at the same speed. It is not in our remit to turn this down because of the speed of passing traffic. The police or county council should be doing something about it – such as putting in a chicane or speed bumps – if the speed limit is being broken to the danger of those exiting onto Greenhills Road.

KS: it's a shame PB is not here as he requested a Committee decision. Is county councillor for this site, and the traffic survey referred to is not the only one that has been done. Charlton Kings Parish Council owns mobile VAS signs, which were in place for six weeks this year. These collect data on traffic volume over a long period of time, and recorded one vehicle travelling at 82mph. This is a very busy, very fast road. As county councillor, this problem comes up all the time, and residents are concerned. Due to budget cuts there are no resources for police to keep a check on it, and as a result we need to design planning permissions for real world behaviour. The problem here has arisen from individual applications for back garden development, resulting in no S106 contribution to improve road safety. We need to get the mobile VAS unit back to Greenhills Road – it is the most worrying road in Charlton Kings. Traffic is not the only issue here. Is concerned about another back garden development, and urges Members to refuse, or at very least defer while the County Council gives further consideration to the speed issue. If this scheme is permitted, we will be passing a development where there is evidence that it will be dangerous. It is the job of councillors not to do so, and is personally satisfied that this proposal represents enough of a danger for Members to vote against it.

BF: if there is an increase in traffic volume, this will usually slows traffic down, by increasing the number of journeys. It should be remembered that if one person drives along the road at 80 mph, this will put the average speed of travel up significantly - and we can't legislate for idiots. Many developments open onto 40mph roads in Cheltenham – onto the A40 in Charlton Kings, Shurdington Road, Tewkesbury Road – and if the average speed along Greenhills Road is 30-something, a lot of drivers will be doing under 30mph, with the occasional person going at 60. If the application is refused on highways grounds and the applicant makes a successful appeal, any costs will be against CBC, not Gloucestershire Highways. Highways officers are not justified to say what they are now saying; their original recommendation in September was acceptable. They have had a change of heart and are skating on thin ice.

GB: if this application does go to appeal, costs will not necessarily be made against CBC; the County could be liable as its recommendation is the refusal reason. Sight lines are part and parcel of that objection; it is not just the speed element, but also the position of the hedging.

TO: shouldn't the highways speed test be based on the legal speed limit, not the actual speed at which drivers travel? What will the effect of this decision be on future applications?

MJC, in response:

- concerns about this road led to the speed survey being done, which showed that the average speeds are 37-38mph, higher than the legal speed limit, and TO is asking if this should influence the decision. Members have to determine the application on the evidence before them. The evidence shows that cars travel an average speed of 37-38mph; the visibility splay that the County requires must be shown to comply with those figures. Essentially this is the nub of the County recommendation. If there was a further speed survey or change of circumstance, visibility could change too. The underlying principle is that the speed at which motorists travel dictates visibility requirements to make the junction safe. Highways officers say that at average speeds of 37-38mph, the visibility splays have to be X, and the site doesn't allow that;
- to BF, regarding junctions to 40mph roads around Cheltenham, if the County is asked to assess a new junction onto such a road, it will want to be assured that access is safe and appropriate. Detailed work has been done for this application to assess whether a safe junction is possible – it would be, but the land necessary to achieve it is third party land and not forthcoming;
- to BF, the speed survey *is* a planning consideration; it dictates if the access is safe and in this case, it is not;
- to PT, regarding the inconsistency between similar decisions, other accesses were allowed at a point in time and advice given in a certain way accordingly. There were no accident records, and highways officers felt that additional cars would not make the situation any worse. The question they always have to ask themselves is whether developments could have a severe cumulative impact, and with the other proposals along Greenhills Road, they have not felt that they would;
- this application has brought about a change in stance, and highways officers now appear to be interpreting the NPPF in a different way, asking whether the proposal will ensure that the road is safe for all users; in this case, they say it will not be. There is some inconsistency here, but it all comes down to interpretation of the NPPF;
- to KS, comprehensive development of this parcel of land and a brief to avoid this current situation would indeed have been a better way to plan;
- to her suggestion of a deferral, what would this achieve? The application has already been deferred once, there has been much to-ing and fro-ing, and three different recommendations from the County. The same will happen again if the decision is deferred – we will be no further along. This application deserves a decision, and whether it is to approve or refuse is up to Members. If they go with the officer recommendation to refuse, we will see what the Inspector thinks, and his/her decision will be a helpful interpretation of this situation for future reference.

PT: has been on Planning Committee for a number of years, and has heard all sorts of things from officers during that time. At one time, would have been laughed out of the Chamber for bringing up speed as a reason to refuse, and told that it is not part of our remit to discuss. The County Council has the perfect right to cut back the hedge if it is an obstruction; this has been done over the years and has worked well. There do not appear to have been any accidents on this stretch of road, which would be expected if the road was as dangerous as is being suggested. Is concerned at the prospect of CBC having to pay costs if an appeal is lost, even though the application was refused at the behest of the County – will the Inspector take that into account?

CN: this is an interesting issue, and has three comments to make. Firstly, knows this stretch of road well; is aware of the speed at which traffic travels it and is surprised that there have been no accidents. Safety issues have come up before when considering buildings in back gardens along this road, but visibility and access to the main road were not considered to be substantive issues at the

time. Secondly, is uncomfortable about building in gardens for a range of reasons. Natural rules support building and development but policies and guidance, particularly with reference to impact neighbours are important too. CBC missed the chance to develop a policy on this and is suffering the consequences now. Thirdly, from a lateral thinking point of view, there have been proposals in the past whereby police say a development could create a situation which makes people more vulnerable to crime – for example, dark areas, lack of light. If we want to be consistent, the same could be said of this situation; information from the police raises the issue of road safety, and although motorists shouldn't be speeding along this road, it is a fact of life that they do and will. Thinking laterally along these lines, can officers come up with anything to make Members happier about the recommendation to refuse?

PM: PT mentioned the problem with the hedge reducing visibility and asking the Highways Authority to cut it back. Another challenge for this application is the position of the gatepost at Number 16, which also contributes to the poor visibility. Assumes that that backland development came to Committee and was approved, making that access more dangerous. There is something not right in this process.

MJC, in response:

- to PT, with reference to the speed survey and being told that the speed of traffic on the road was not in our remit, Members can be assured that it absolutely is our remit, and it is Highways officers' jobs to make sure the junction to the highway is safe;
- this application has brought a lot of science to light. A lot of factors govern the policy – speed, how far back from the road the access is, how far people are likely to see etc. The County Council wants to ensure that all requirements are satisfied. With this application, they are not. The appropriate advice is that this is very much the remit of the planning authority;
- regarding the trimming of the hedge, PT is right that the County can ask for a hedge to be trimmed back if it is on highway land, but this particular visibility splay crosses the land of a third party, and that permission is therefore not in the County's gift;
- to PM, regarding the gatepost at No. 16. Cannot recall the specifics, but imagines it must have been approved by Members;
- to CN, regarding his lateral thinking concept, and whether the authority has approved or refused developments that make people more vulnerable to crime: with this scheme, the junction is the issue, but the junction isn't the crime, the motorists breaking the speed limit are committing the crime. The new junction might make that more of an issue and make people more vulnerable to accidents. The application itself doesn't encourage speeding but does have the potential to create an accident;
- Members are questioning County Council advice. If they are minded to overturn the officer recommendations, they will need strong reasons to do so. The decision notice will need good reasons for approval, to protect the decision from being challenged, and officers need to understand what these are. Currently understands that Members are concerned about the inconsistent approach and the speed issue;
- understands that Members feel they have been taken round the houses and are not happy, but they should still follow the professional advice of County Council officers, and if they don't, they will need strong reasons which cannot be challenged.

GB: if the scheme is approved and an accident occurs subsequently, will it reflect on CBC and its decision, against the advice of Highways officers?

MJC, in response:

- is not sure of the answer to this question, but imagines if the scheme is approved and an accident happens, CBC's decision could be revisited. Members need to bear this in mind, as it strengthens

the need for good strong reasons to approve against officer advice. Members have to be happy with the decision they make.

BF: the speed survey is not relevant to this application; additional cars accessing Greenhills Road will not mean an increase in speeding, which is the main issue here. It is more likely to slow it down. There are many similar developments with junctions to roads with 40mph speed limits. If the applicants ask for a speed survey before the application is considered, it is relevant, but this speed survey is a separate issue and not part of the planning permission.

KS: has been on Planning Committee for many years and getting a Highways officer to recommend refusal on highways issues is very rare. These are professional officers giving their advice. If the applicant goes to appeal, CBC will have a solid case. The traffic won't slow down as a result of this application, and this creates a major highway safety issue. As an aside, if it isn't possible to have a highways officer present at Planning Committee meetings, would it be possible to ask them questions and get their answers in advance of meetings, without prejudicing the debate?

SW: understands that there are reasons to refuse this application – is very concerned about the speed, and those issues have to be addressed. Can we use the fact that the police and highways authorities are not addressing the problem as an argument in favour of ignoring the advice of Gloucestershire Highways?

MJC, in response:

- it could be used as a reason for approval. The application needs to be determined on the evidence, which shows that at speeds of X, visibility should be Y;
- to permit the application would be to say that this doesn't matter and officers cannot endorse that position. The enforcement of speed limits on certain roads is a lobbying issue.

GB: this application has had a good airing, and it is now up to Members to decide.

Vote on officer recommendation to refuse

9 in support
3 in objection
2 abstentions
REFUSE

Application Number:	16/01337/FUL
Location:	1 College Gate, Cheltenham
Proposal:	Erection of double garage (re-submission of 13/00127/FUL)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	4
Update Report:	None

BH introduced the application as above, at Committee at the request of Councillor Baker, due to flooding issues in this area. A previous application was dismissed at appeal, because the proposed garage was not positioned a minimum of 2m from the boundary wall and 8m from the site entrance, to facilitate the efficient movement of overland storm water flow, in accordance with the engineer's advice. Since that time, there have been some significant redevelopment of flood alleviation measures at Cox's Meadow, lowering the access road for College Gate, and additional mitigation

measures, which have resulted in officers concluding that this proposal will not add to the flood risk. This view is endorsed by CBC's engineer, and the recommendation is therefore to permit.

Public Speaking:

Ms Helen Woodward, on behalf of neighbours, in objection

College Gate is low-lying basin, vulnerable to surface water flooding of over 900mm - 3 foot – as shown on the flood risk map. This is water from the sky, not the river; College Gate acts as a catchment area, and CBC engineer's opinions regarding the River Chelt are therefore irrelevant. The report is illogical and unreasonable. Building a garage so close to the weakened flood defence wall makes no sense – it will obstruct the natural course of flood water. There has been no flow analysis and officer comments are simply based on opinion. The applicant has offered three absurd mitigation measures: a stepped kerb to facilitate surface water running down to the collection chamber rather than past the garage; installation of a drain to catch the small amount of water run-off; and upgrading of the boundary wall, though not its weak foundations. The gap for maintenance proposed between the garage and flood defence wall proposed is too narrow. Members should ask Officers exactly how the River Chelt flood alleviation scheme will reduce the risk of flooding, and ask the Environment Agency for further clarification. A letter from applicant's own engineer does not take into account some crucial material considerations, and would therefore urge the Committee to consult with the County Council on the potential effect on surface water of this proposal.

Mrs Yapp, applicant, in support

The external design of the proposed garage is similar in style to that at No. 5 College Gate, and the building materials match the house and the rest of the College Gate development. The planning officer recommendation is to permit, based on a positive analysis of the proposal. His report summarises the flood mitigation measures which have taken place over the past ten years, since 1992 and 2007. Four neighbours have objected. Three are concerned about the increased flood risk to their properties, but the comments of the land drainage officer distributed to Members this week confirm that the proposed garage will not increase the flood risk to the area. One neighbour is concerned about the raised kerb and the effect of this on the flow of water, but the raised kerb is limited to the bins and recycling area only; the flow of water is over the front garden of No 1 College Gate, and into the collection chamber in the rear garden, as shown in a letter from Richard Strauss Associated submitted as part of the application. No water is diverted to any other property. Other issues raised were taken into account by the officer and summarised in his support. Has lived at No 1 College Gate for 24 years and has not suffered from any natural surface water flooding. In 2007, the drainage system of College Gate was coping until Cox's Meadow overflowed, and the problems which caused that have now been resolved.

Member debate:

SW: would like some advice from officers regarding the flood issue, as this is the nub of the discussion between the objector and the applicant. Doesn't quite understand where either is coming from. If flooding is already an issue there, will one additional garage cause such tremendous problems?

MJC, in response:

- the analysis in the report sets out the reasoning used by officers to reach their decision. The 1992 appeal decision stated that the positioning of the proposed garage did not meet the required distance of 2m from the boundary wall and 8m from the site entrance to allow water to flow past the garage and not back up beyond the site entrance:
- since the 1992 refusal of planning permission due to flood issues, a lot has changed – there has been a lot of development in the area, and the current decision must fall back to this;

- officers required the applicants to demonstrate the change in circumstances, which they have done as follows:
 - the lowering of the road to encourage water to flow along College Gate;
 - flood mitigation measures at Cox's Meadow;
 - some mitigation measures to direct flows to College Gate to the collection chambers and then to the river;
 - there is a wall to protect properties in Keynsham Road;
- officers need to be sure that the proposed development won't make the situation worse, and the drainage engineer's comments are quite comprehensive about that, taking into account the fact that it is in Flood Zone 3, proximity to the River Chelt, Cox's Meadow, and the flood defence wall;
- the question must be whether the garage will significantly increase the flood risk to College Gate; officers cannot argue that it will. This is the judgement Members have to make.

BF: cannot see that building a garage will increase the risk of flooding, but wonders why this proposal has not been run past Gloucestershire County Council as the Lead Local Flood Authority.

KS: this is the sort of application for which she wishes she had some background knowledge in flooding issues. Was councillor for this area in 2007 when Cox's Meadow failed spectacularly, and three properties flooded – it was very fast and the force of the water was very frightening. Is not sure how this garage will affect the situation. The area is on a level with the natural bed of the river, the lowest point of the River Chelt, and is interested to know whether a lot of surface water in the town, coming down the road, would be pushed into someone else's property as a result of the garage at No. 1. Is confused, despite knowing the area well.

MJC, in response:

- to BF regarding comments from the LLFA, a proposal of this small scale is outside its remit – it only considered major developments, rather than householder ones, which are left to be dealt with at local level by CBC's land drainage engineer – as in this case. The last application considered by the LLFA was Pittville School – which indicates the scale of the schemes it comments on;
- to KS, CBC's land drainage engineer is well-qualified to give sound advice. If/when water is coming from London Road, the proposal is trying, through a reduction in the road levels, to encourage it to find a natural course. The 8m/2m gaps allow water to flow freely;
- this application won't affect that. It allows water to take its route and flow its natural course.

Vote on officer recommendation to permit

13 in support

1 abstention

PERMIT

Application Number:	16/01672/FUL
Location:	Rear Of 178 Prestbury Road, Cheltenham
Proposal:	Proposed new dwelling
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	4
Update Report:	Officer update re. conditions

BH introduced the application as above, at Committee at the request of Councillors Parsons and Lillywhite, due to neighbours' concerns about parking and loss of light. The officer recommendation is to permit.

Public Speaking:

Mr Brooking, neighbour, in objection

Lives adjacent to 178 Prestbury Road, and is concerned about loss of daylight to his living space, and increased parking issues on Oakland Avenue, as set out in his letter dated 4th October. Regarding loss of daylight and sunlight, the tests used by the local authority are set out by the Building Research Establishment, and the 25° test uses scale drawings and relative distances to establish whether any new development is below 25° relative to an existing window. Calculations have been made based on the provided drawings, considering the relative positioning and distances between his kitchen window and the new structure, which offer a figure of 40°, a significant breach of the test, yet the planning officer has stated that the proposal will 'not result in unacceptable loss of light'. Fails to find this statement a realistic and reassuring conclusion, especially as a 6m wall will sit just 4m from his kitchen window. Regarding parking, Planning Portal Residential Parking Standards require a single 3-bedroomed detached house to have at least two off-road parking spaces. In fact this proposal has only one. In addition, the positioning of this space is such that a car cannot be easily manoeuvred into it, due to unrestricted parking along the development frontage, which means this space is only a notional one and unlikely to be of any practical use. As a result, all vehicles will be parked on the road, adding to the existing congestion. Finally, this development is a garden grabbing exercise, which takes away amenity space from three properties.

Mr Hill, applicant, in support

Members will be aware that Oakland Avenue is an attractive road with some impressive properties, and also his own, a storage yard with asbestos sheds strewn across it. Following pre-application discussion 18 months ago, approached the neighbour to the rear of Prestbury Road and agreed that if the outcome was successful, to procure a small parcel of her rear garden to provide the new development with ample amenity space. As well as the small number of objection letters, mostly relating to parking issues, has received quite a lot of positive feedback particularly from nearby residents who will welcome the replacement of the unsightly yard with a new dwelling, which is almost a carbon copy of the property directly opposite and acts as a complimentary book end. Regarding parking, would like to assure local residents that it has always been his intention to have off-road parking; this was expressed in the application but not shown on the original plans and may have caused concern. The plans have now been amended to show clearly the off-road parking arrangements. Has been open and honest with immediate neighbours throughout the process, explaining his intentions for the site, and if planning is approved, his life's ambition of building his own home can be realised. It is therefore important that he gets along with the neighbours.

Member debate:

HM: is concerned by comments from the first speaker, who does not feel that the light test has been satisfied. Would like more advice from officers about this.

SW: ditto.

BH, in response:

- the basic 25° light test assesses whether an existing window will be affected by new development, but only works with parallel development;

- the lay-out of this site means that the proposed development is not parallel to the neighbour's property, so an advanced light test has been used which calculates the areas the light is being taken from with reference to position;
- that test concludes that the room in question will still be considered a well-lit room, based on orientation and outlook.

PT: is the officer confirming that the objector's figures are correct or not? Is still confused.

MJC, in response:

- the 25° light test is a crude assessment of whether or not light will be lost to a window. A line is projected, and if it is breached, more work is needed. A more detailed analysis looks at the amount of light reaching a window from around and over the adjacent building, and it doesn't ultimately matter what angle it takes to get over the building;
- officers have considered the amount of light the proposed gable will take from the neighbour's window. There is a lot of light between the building and the window, and the detailed assessment resulted in a clear pass;
- another consideration is that the window in question is already compromised by an existing car port, which has an impact on the amount of light reaching the window. The test was carried out as if the car port was not there, but officers were still satisfied that the proposal passes the test.

Vote on officer recommendation to permit

12 in support

2 in objection

0 abstentions

PERMIT

The meeting ended at 7.20pm.

RECOMMENDATION: Refuse



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Lilley Brook Golf Course is an 18 hole, private members' golf course which sits at the foot of Leckhampton Hill on the western side of Cirencester Road. The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) to the south of the borough, outside of the Principal Urban Area (PUA).
- 1.2 The golf course extends through to Sandy Lane to the west, and backs onto a number of residential properties. To the north and east, the golf course backs onto residential properties in Longway Avenue, Charlton Kings Business Park, and the Cheltenham Park Hotel.
- 1.3 There has been a golf course at Lilley Brook since 1922, with Cheltenham Golf Club having leased 132 acres of land including Lilleybrook Lodge in 1921. In 1964, the club purchased the land and lodge to include a further 27 acres, and later obtained an additional parcel of land. The current course layout was completed in 1969 together with a new clubhouse.
- 1.4 The application site is a parcel of land, some 5.35 hectares, located at the western edge of the golf course adjacent to Sandy Lane and includes an access through the site from the Cirencester Road.
- 1.5 The site is located within Flood Zone 1 and is therefore at a low risk of flooding; however, Southfield Brook lies to the west of the site, and Lilley Brook to the east.
- 1.6 The application is seeking full planning permission for engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole, academy golf course by importing 100,000 cubic metres (approximately 150,000 tonnes) of inert fill material.
- 1.7 It is proposed that the fill material would be imported to the site over a period of 18 months between 8am to 6pm Monday to Friday, and 8am to 1pm on Saturdays when necessary. Access to the site for deliveries would be from Cirencester Road.
- 1.8 In addition to plans and drawings, the application has been accompanied by the following documents:
 - Planning Statement
 - Transport Statement
 - Flood Risk Assessment (revised November 2016)
 - Landscape and Visual Report
- 1.9 The application supersedes a previous application which was withdrawn in 2015. The previous application proposed the importation of approximately 50,000 cubic metres of inert fill material to be delivered via Sandy Lane following reinforcement of the unrestricted byway.
- 1.10 The application is before planning committee at the request of Cllr Baker and Cllr Smith due to the level of concern amongst local residents. Charlton Kings Parish Council has also objected to the proposal, although the site sits just outside of the parish boundary. Additionally, an objection has been raised by the Cotswold Conservation Board. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Smoke Control Order

Relevant Planning History:

15/00328/FUL

WITHDRAWN

21st April 2015

Re-grading of existing practice facility using approximately 50,000 cubic metres of inert landfill material. Works to include additional tree planting and areas of native shrub and wild flower planting. Reinforcement of unrestricted byway (Sandy Lane) to accommodate material delivery requirements

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
GE 5 Protection and replacement of trees
GE 6 Trees and development
CO 1 Landscape character
CO 2 Development within or affecting the AONB
CO 14 Development abutting the countryside
NE 1 Habitats of legally protected species
RC 11 Recreation and sport in the countryside
RC 12 Golf courses
UI 2 Development and flooding
UI 3 Sustainable Drainage Systems
TP 1 Development and highway safety

National Guidance

National Planning Policy Framework (NPPF)

4. CONSULTATION RESPONSES

County Archaeology

18th March 2016

In connection with the above planning application I wish to make the following observations concerning the archaeological implications of the proposed development.

I advise that I have checked the application site against the County Historic Environment Record. In 1939 a Roman burial was discovered during gravel digging there, and for that reason there is in my view high potential for further Roman burials to be present within the proposed development area. I therefore have a concern that the proposed development will have an adverse impact on significant archaeological remains relating to Roman burials.

I note that archaeology is very briefly considered within the Planning Statement submitted in support of this planning application, which states that there will be no archaeological impact because no digging of the ground is proposed.

However, in my experience an engineering operation of this character and scale has the potential to have a considerable impact on archaeological remains, both from the rutting and churning of the ground through the use of heavy machinery and plant, and also from

the compaction of the ground during the operation. For those reasons, it is my view that there may be a very considerable adverse archaeological impact arising from this scheme.

Therefore, in accordance with the NPPF, paragraph 128, I recommend that in advance of the determination of this planning application the applicant should provide the results of a programme of archaeological assessment and field evaluation which describes the significance of any archaeological remains contained within the site and how these would be affected by the proposed development.

I look forward to advising you further when this information is made available.

Environment Agency

21st March 2016

Thank you for referring the above consultation, which we received on 11 March 2016. We do not object to the proposed development and would offer the following comments to assist your consideration at this time.

For completeness, we commented on a similar planning application at the above site, planning reference 15/00328/FUL, on 9 April 2015 (our reference SV/2015/108392/01-L01).

Based on volume of material involved, the proposed activity will require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting Regulations. The applicant will need to apply to us for this, it is a separate process to planning, and they will need both planning permission and an Environmental Permit in place to carry out the activities proposed. We have no land use planning reasons to object to the proposed development, but that is not to say that an Environmental Permit would automatically be granted. We cannot pre-determine a Permit decision and the applicant will need to submit appropriate information to us for the Permit application to be granted. We recommend the applicant contacts our local Waste Team to discuss this at the earliest opportunity. Contact details are: 01684 864395, martin.quine@environment-agency.gov.uk

As part of the Environmental Permit process, the applicant will need to submit various information to us, including a waste recovery plan and details of where the waste material will come from, what it consists of and acceptance procedures. The Environmental Permit would only be granted if appropriate inert waste types were to be accepted and it can be demonstrated that there will not be unacceptable environmental impacts.

It should be noted that whilst the Permit would cover aspects such as the material types and operational dust control, it does not regulate operational hours, access/traffic arrangements or associated impacts from the traffic generated. As such you may wish to consider these aspects in your decision making along with any relevant conditioned controls if you decide to grant planning permission.

Finally, please note that we have not reviewed the proposed development from a flood risk perspective as the site is not located in a floodplain and there are no main rivers present. There are however watercourses nearby, the catchment area is steeply sloped and the change in soil/material may have an impact on surface water runoff. As such we recommend you consult the Lead Local Flood Authority (LLFA) on the proposals. The LLFA (Gloucestershire County Council in this instance) has lead responsibility for surface water flood risk under the terms of the Flood and Water Management Act.

I trust the above will assist in your decision making. Please do not hesitate to contact us if you have any queries. A copy of the subsequent decision notice would be appreciated.

Cotswold Conservation Board

22nd March 2016

The Cotswolds Conservation Board wishes to raise an objection. Many of the issues covered in the current application for 100,000 cubic metres of inert fill material were covered in the last application (15/00328/FUL).

The Board considers the importation of 100,000 cubic metres of inert landfill material into the nationally protected AONB to be a form of "major development" and therefore paragraphs 115 and 116 of the NPPF are relevant in this case. Accordingly the Board considers the proposal does not meet the exceptional circumstances tests of Paragraph 116. The landscaping proposals, at the scale of 100,000 cubic metres, seems to be a figure derived at based on a waste operation rather than what is actually needed (if at all) to re-profile the golf course? The Board continues to question whether the predominant purpose of the development actually involves profiting from waste disposal rather than engineering for the benefit of the golf course. The Board also questions, given the location in the "sensitive" AONB landscape (as stated within the EIA guidelines), whether this proposal has been screened for the need for an EIA. The proposal will result in a substantial level of HGV movements which will erode the rural road network and result in the importation of waste into the AONB. Although in landscape terms the scheme offers restoration of the landscape, the short term harm and wider impacts of this development on the environment of the AONB, have not been adequately assessed.

Concerns in respect of this form of development specific to golf courses were originally raised in a letter from the DCLG to Chief Planning Officers in 2009 (see Appendix 1 & 2). The Council are therefore requested to fully consider these issues before forming a decision on this application.

Land Drainage Officer

1st April 2016

Subject to GCC Lead Local Flood Authority (LLFA) being satisfied with the further information requested (see comment dated 22/3/16) and to be provided by the applicant; I raise no objection to the proposed development.

Landscape Architect

15th April 2016

Following our site visit yesterday I would like to make the following comments:

- In terms of the long-term visual effect on the landscape there is no overriding objection to the proposals.
- The loss of the tree in the middle of the site is regrettable and a scheme which retained it within the new landscape design would be welcome. The planting plan submitted with a previous application (15/00328/FUL) retained this tree. CBC's Tree Section should be consulted in all matters relating to trees.
- The Cotswold Conservation Board's concerns regarding the importing of fill material for re-profiling the site are noted and agreed with.
- A SuDS scheme based on landscape elements (e.g. ponds, swales) would be preferable as this would provide the opportunity to attenuate surface water run-off by storing water on site. Another benefit of such a scheme is that it would help to support biodiversity by providing food and habitat for wildlife. Consider creating a golf course design which integrates SuDS into the landscape scheme (e.g. a balancing pond could be a 'water hazard' for the golf course). It may be necessary to engage the services of a specialist Landscape Architecture practice to achieve this.
- Should planning permission be granted, please could the following conditions be applied:
 - LAN02B Landscaping scheme (short version)

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- LAN03B Landscaping - first planting season
- A long-term maintenance plan for the landscaped areas should be provided.

Trees Officer

18th April 2016

The Tree Section welcomes the proposal to the 79 new trees to be planted in association with this application. These new native trees will make a significant visual as well as ecological benefit to this site as the trees establish and grow.

There are no objections to the proposed access requirements required to bring in this soil.

However there are concerns regarding the removal of the large mature (previously surveyed under BS5837 (2012) and considered a 'Category A' oak tree within the middle of this proposed range. Whilst it is not shown as been retained or removed, on site discussion said the tree was to be removed as a part of the application. Whilst the tree is not currently formally protected by a TPO, it is considered that this tree is has a 'high roosting potential' for bats (given the amount of cracks, crevices and potential cavities observed during a site visit). As such a secondary formal (rather than 'Scoping') bat assessment should be undertaken by someone suitably qualified eg is chartered by CIEEM with a view to undertaking such a specialist survey.

It is noted that the previous 2015 application (15/00328/FUL) showed the retention of this tree (drawing no LBGC PG-005 Vegetation Removed). As such it is recommended that this tree could still be retained. Providing a root protection area shown as a circle with 15metres radius from the centre of the trunk (as shown previously) is adhered to, the re-profiling of the soil area outside this zone would not have a significant impact on this local landmark within the site.

Trees Officer

30th November 2016

Whilst it is regrettable that the fine oak tree in the middle of the proposal is recommended to be removed as a part of this application, it is noted that it is not a bat roost (as confirmed by the ecologist). Similarly, the replacement 79 trees will mitigate for this tree's loss in the longer term.

Please could you condition that all replacement trees must achieve establishment and grow to maturity/or a min of 10 years. In the meantime any/all failures will need to be replaced with the same species.

GCC Local Flood Authority (LLFA)

17th March 2016

I refer to your communication received on 14th March 2016 regarding the above application and your request for the Lead Local Flood Authority (LLFA) to provide advice regarding the proposed management of surface water.

The site is situated in Flood Zone 1 according to the flood maps for planning provided by the Environment Agency and this would indicate that the site is at very low risk of flooding from fluvial sources. The updated surface water flood maps indicate the potential for significant accumulations of surface water on parts of the existing site.

The applicant has given appropriate consideration to the potential increase in surface water run-off from the development and the flood risk this would otherwise have on downstream existing development. The flood risk assessment and drainage strategy has demonstrated that the development will incorporate an adequate sustainable drainage system to capture the run off, provide attenuation and infiltration sufficient to ensure the site discharge will not exceed the pre-development flows after allowing for the future impact of climate change.

The proposed scheme should also mitigate the pre-existing risk from surface water accumulations.

On the basis of the evidence submitted I am therefore satisfied that the application is compliant with the relevant standards and I have no objection to the proposals.

GCC Local Flood Authority (LLFA) (revised comments)

21st March 2016

I refer to your communication dated 14th March 2016 regarding the above application and my response dated 17th March 2016 in connection with the management of surface water on the proposed development.

I have now received further information relating to this application relating to the severity of the existing surface water accumulations at the lower points of this site and on the land downhill of this development. I have therefore undertaken a review of the applicant's proposals in light of this information.

The applicant has provided details of a proposed sustainable drainage system based on the deployment of a series of infiltration/attenuation/conveyance trenches which eventually discharge via a drain connection and outfall to the Lilley Brook. In principle, on the basis of the information provided by the applicant, this proposal would seem appropriate, however I would now require further clarification from the applicant relating to the proposed method of peak flow control. In particular I need the applicant to submit further information to demonstrate how the peak run off rate from the development will be controlled for the 1 in 1 and 1 in 100 year rainfall event in order that it will not exceed the pre development rate for the same event after making allowance for climate change and that it will not exacerbate the existing surface water flooding problems downhill of the site.

Please note that our earlier advice of no objection to this application is therefore rescinded until the requested information has been provided and these matters have been satisfactorily addressed by the applicant.

GCC Local Flood Authority (LLFA) (further revised comments)

21st April 2016

I refer to your communication dated 18th April 2016 regarding the above application and the email from Matthew Kendrick, the applicant's representative dated 18th April 2016. I also refer to my previous letter dated 13th April 2016.

The applicant's drainage engineers have suggested that the values outlined for the volume/rate of run off are "likely to be overestimated". I request further evidence to support this statement. I also require evidence to demonstrate that the proposed trench system will provide sufficient attenuation and infiltration to manage the excess run off over the pre development greenfield equivalent after allowing 40% for climate change, this is to comply with the recent changes to climate change allowances published by the Environment Agency. The applicant needs to show how the proposed trench will manage the excess run off and avoid the risk of flooding. The applicant is requested to consider the possibility that the proposed inclusion of a pipe in the trench may accelerate the conveyance of water rather than slow it down and I have concerns that this could increase flood risk in the lower areas below the development site, the applicant is required to demonstrate how this risk will be avoided. It is suggested that the applicant should consider providing a system of attenuation at the lowest point of the piped trench to address this risk.

In my letter dated 13th April 2016 I advised of my concerns regarding the potential for overland flow from the catchment above the site and the impact this could have on the development site itself and the adjacent areas. The applicant is requested to describe how that flow will be managed including how the risk of this water being diverted into Sandy Lane can be avoided.

The applicant's proposal to incorporate a control device is welcomed; this will need to restrict the discharge rate to the watercourse at the pre development flow rate after allowing for an increase of 40% arising from the impact of climate change. It is also requested that the applicant should provide evidence to confirm that the drain connecting the SUDS to the watercourse has sufficient capacity to receive water from the development site after allowing for any other surface water captured by the same pipe.

GCC Local Flood Authority (LLFA) (final comments)

2nd December 2016

I refer to the above application, your request for advice from the Lead Local Flood Authority (LLFA) on the applicant's proposals for the management of surface water and my previous responses.

I note the applicant's revised strategy dated 7th November 2016 and their revised assessment of the required attenuation volume. The applicant has acknowledged the need to manage the flows from the upper catchment and to include this in their mitigation proposals. They have stated that the attenuation volumes will be made sufficient to accommodate excess flows the development site and the upper catchment comprising a total of 10.2 Ha. The applicant has also agreed to include an allowance of a 40% increase in rainfall intensity arising from the effects of climate change. The applicant has agreed to restrict the discharge rate to the pre development equivalent.

The Environment Agency has indicated that it has no objections in principle to the applicant's proposed point of surface water discharge subject to the applicant obtaining a permit for Flood Risk Activities if this is deemed a requirement. The applicant should also ensure any requisite Land Drainage Act consent is obtained from the Principal Engineer, Civils and Flood Risk Management, Cheltenham BC.

The strategy documents provide only a conceptual plan with indicative information of the location and scale of the swale, basin and outfall. The LLFA will require further information to clarify the detailed design of the swale, basin, control device and channel connection to the existing watercourse.

On the basis of the information provided the LLFA is satisfied that the proposals are broadly compliant with the requirements for a viable SUDS and I can advise that **the previously recorded objection may now be withdrawn**. However, there applicant has not yet provided the design details and therefore, if the LPA is minded to approve the application, **it is recommended that the following condition be included in the approval;**

Condition: Development shall not begin until drainage design details of the proposed swale, basin, control device, connecting channel and outfall structure have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be completed in accordance with the approved details before the development is first brought into use/occupied. **Reason:** To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

NOTE 1: The Lead Local Flood Authority (LLFA) will give consideration to how the proposed sustainable drainage system can incorporate measures to help protect water quality, however pollution control is the responsibility of the Environment Agency.

NOTE 2: Future management of Sustainable Drainage Systems is a matter that will be dealt with by the Local Planning Authority and has not, therefore, been considered by the LLFA.

NOTE 3: Any revised documentation will only be considered by the LLFA when resubmitted through suds@gloucestershire.gov.uk e-mail address. Please quote the planning application number in the subject field.

GCC Highways Development Management

5th April 2016

I refer to the above application received on 15th March 2015, submitted with application form, planning statement, transport assessment and drawing refs. KWW/011/02, KWW/011/04 and KWW/011/05.

Proposal

The proposal to carry out engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole golf course by importing 100,000 cubic metres of inert fill material is located at Lilleybrook Golf Club, 313 Cirencester Road, Charlton Kings.

The proposed development comprises engineering works required to re-profile and re-contour the existing practice ground to address a number of golf related issues that currently affect this area. The proposal will create a mini 9 hole academy golf course to enable adults and juniors to practice sufficiently, as well as raising tee levels for the practice ground. This will provide a safe practice area for such players away from the main course which will engender the teaching of the sport and greatly assist the club professional in delivering tuition to both existing and potential club members.

Location

Lilleybrook Golf Club is located on the southern edge of Cheltenham, on rising land at the foot of the Cotswold escarpment. The application site is situated in the western part of the existing golf course.

Visibility

Construction vehicles will utilise the main point of access to gain access to a temporary construction route that will be created through the car park. Sufficient visibility can be gained from the access point of the golf club. At a set back of 2.4m from the centre line of the access 215m visibility can be achieved to the right (south) and 120m can be gained to the left (north). The section of highway that runs adjacent to Lilleybrook Golf Club is subject to a 40mph speed limit.

The site uses separate entrance and exit accesses located along the A435 frontage separated by a low boundary wall.

Access & vehicular trip generation

The construction traffic generated from this proposal has a natural limit. The proposed total amount of vehicle movements generated on the suggested basis of 8.5 cubic metre loads will give a total of 11,765 deliveries for the importation of materials. The applicant intends to limit the number of expected deliveries to approximately 31 per day. This equates to 4 trips an hour (4 arriving and 4 departing), based on an 8 hour window Monday to Friday. At the maximum rate of importation the traffic movements would last eighteen months.

Whilst the construction of the mini 9-hole golf course is being undertaken there will be an increase in traffic movements generated onto Cirencester Road (A435). Cirencester road is a class 1 A road. There will be no significant impact as a result of the temporary increase in traffic movements from Lilleybrook Golf Club onto Cirencester Road during the construction period and no change to the existing traffic patterns will occur once construction has been completed.

The submitted planning statement outlines the criteria set within a construction method statement. All information included within the planning statement shall be adhered to

throughout the construction period. This will reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

Summary

The highway authority recommends that no highway objection be raised.

Note: The safe, secure and convenient pedestrian movements within the private golf course car park should be considered and maintained in order to reduce any potential conflict resulting from the proposed construction route.

Charlton Kings Parish Council

12th April 2016

Charlton Kings Parish Council considers that it should have been a statutory consultee on this application, as although it is outside the parish, it is adjacent and has impact on the parish and its residents. We know that this latest application from the Lilleybrook Golf Club has again generated considerable concern amongst residents and we are aware of the distribution of a local flyer and the responses from officials of the club.

We object to this application as we are not fully satisfied with some key elements of the scheme and share the concerns of several statutory consultees/bodies who are seeking additional information. Likewise we are seeking reassurance and wish to comment in the following areas:

Flooding and drainage: We agree with the comments made by the GCC Local Flood Authority i.e. further evidence must be provided regarding peak flow controls. We believe that the current standard of safeguard controls for 1 in 100 year events no longer apply in the light of storm rainfall events regularly exceeding these controls levels. This aspect has been of most concern to residents in our parish living close to the site (in Sandy Lane for instance) and reassurance is required from the appropriate expert authorities that all drainage and flooding issues have been addressed and safeguards put in place. There are too many question marks for us to have confidence that the scheme will not adversely impact on drainage in the locality. For instance, might there be additional flood risk to properties in our parish, especially those in Chancel Way on the edge of the Environment Agency's Flood Risk Zone 2 area?

Regarding drainage, an effective drainage and attenuation scheme that manages the flows from the proposed development area, and those from uphill of it, would not only help prevent possible flooding to properties downstream of the course, but would also help the club reduce water-logging issues on the lower course. The proposal is unclear as to whether the water from the drainage system ultimately discharges to the Lilley Brook or Southfield Brook. Without this information, analysis of the effects downstream cannot be made.

The land-drainage / attenuation scheme appears to be designed to manage the rainfall on the area, but not that of the catchment uphill of the development area. From our understanding of the scheme, the proposed land-drainage / attenuation system will not effectively store water within the land-drains. Due to the difference in level, with the ground falling from the south to the north, water from the southernmost drains will surcharge the more northerly drains, preventing them from discharging water and, if the connecting carrier drain reaches full capacity, the more northerly drains will actually discharge water onto the ground, to then flow overland, onto the lower course.

We note that the Environment Agency has raised the issue of nearby watercourses and the implications for surface water run-off; we support its call for the appropriate flood authorities to be fully consulted.

Traffic movements: We are pleased to note that this latest proposal is much less invasive than the earlier one, as no construction traffic will travel along Sandy Lane; it is important that this is stipulated as part of any permission. In other words, no traffic associated with any part of the plan is permitted to use Sandy Lane and access/egress to the site must only be from Cirencester Road. We have read the submission by GCC Highways and while we understand that the additional traffic movements on the A435 may not reach their 'significant' threshold, we are nonetheless concerned by the large number of daily movements by heavy trucks, presumably OGVs, in and out of the golf club and up and down the A435. By our calculations this equates to 31 movements per day over 18 months and this may damage the carriageway. From a safety perspective we recommend that consideration be given to introducing a temporary lower speed limit of 50mph further up the hill, well before it currently changes to 40. The number of lorries turning right into Cirencester Road across the path of traffic flowing downhill would cause a very real safety issue for fast downhill traffic.

Environment: Again we agree with the consultee comments, which raise a number of important issues that need clarifying, in particular the type of waste and its impact on the habitat and potential harmful impact on local watercourses. We note that a licence will be required, alongside any planning permission.

AONB: While in the long term the site will visually apparently not look that different, the scheme needs to provide a detailed landscape plan setting out the vision and the final landform, with consideration given to the potential for features such as ponds. The Cotswold Conservation Board makes some good points about importing inert landfill into an AONB and there could be policy implications here.

Archaeology: The sheer scale of this project in an area which has a high probability of housing Roman remains (according to County Archaeology) causes us concern. We would like to see an archaeological assessment and field evaluation carried out and reviewed by County Archaeology before a decision is made on the application.

Trees: to our knowledge there is an oak tree in the middle of the proposed site and we would like the Tree Officer to take a view on this.

Charlton Kings Flood Action Group

3rd May 2016

I am writing on behalf of the Charlton Kings Flood Action Group, which as I mentioned in a previous letter of 23 December 2015, is a group recently formed under the auspices of the National Flood Forum to represent collectively the views and concerns of residents on issues of water management and flood mitigation to the various agencies and local government.

This letter voices our objections to the recent proposal for work at Lilleybrook Golf Club cited above. It reiterates in more outline form the detailed and extensive objections that we know you have received on this proposal. Our central concerns are these, that the proposed work will significantly increase the flow of water downstream in times of storm, and that the proposal sets a poor precedent for this kind of work, with a Flood Risk Assessment that does not comply satisfactorily, for instance with the principles for Sustainable Drainage System as set out in the H R Wallingford manual of 2015. In particular, the assessment does not model serious rainfall events of the kind that took place in 2007, apparently basing its assessment on 120 minute winter storms. Nor does it build into its plan for a sloping site the desired or specified kinds of ways of diversifying, absorbing and slowing the flow of water on what is not a permeable site, a feature of the catchment as a whole as identified in the Cheltenham Surface Water Management Plan. In these respects the assessment differs from the assessment for a comparable project for

flood alleviation 15/02131/FUL near Southfield Manor Park, which is of a much more rigorous standard. Other letters to you have indicated how cursory the assessment is in its desk-top examination of likely flooding effects downstream, with no reference, for instance, to Environment Agency Surface Flooding Maps that could contribute to a necessarily wider view of the situation.

On issues of procedure and transparency, we also notice, as with the previous proposal to which we objected in December, that this proposal was initially given a very short consultation period over a public holiday. In this case too, we notice that the responsibility was given to a single planning officer rather than the planning committee, and this seems inadequate for a plan of this significance.

From the point of view of residents, further, you will know that some houses in Sandy Lane and downstream from this area were flooded in 2007, and since then Charlton Kings residents have naturally been monitoring and recording the run-off from the course. They have noted that this has been significant in recent years, with springs appearing on the course for instance when there is rain. They are concerned too that there was inadequate consultation between the Golf Club and residents, and that there is a lack of transparency on both the very large amounts of money involved and the possibility of future, larger projects on the course. In our discussions on this matter we questioned the actual need for the scheme, since we noted that there are certainly other possible and more suitable sites for the disposal of this kind of material. We also questioned how the developer could justify the volume of material imported when it has more than adequate resource in its own land for landscaping work.

We note too that more information has been requested by the Gloucestershire County Council Local Flood Authority who share our concerns about the lack of clarity about the downstream effects of this proposed work and we wholly support this. Members of our group also share the concern expressed by a civil engineer at the Charlton Kings Parish Planning meeting that the proposed draining system was inadequate and could lead in a storm to backing up which would ultimately exacerbate the surface run off at lower levels.

In particular, the Charlton Kings Flood Action Group is focussed on ensuring that future developments in or near vulnerable areas which affect our community are reviewed against the standards established in the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy Sustainable Drainage Systems for Local Development Framework FINAL REPORT Volume 3 October 2011 . This document is very relevant to this proposal in calling for higher standards in reviewing development proposals in vulnerable areas as detailed below:

5.1.4 In areas of identified surface water flood risk and or where the receiving watercourse has insufficient channel capacity, a greater reduction in surface water runoff should be required. In all instances, opportunities to improve runoff rates from a site and reduce flood risk should be sought.

5.1.5 It is recommended that landraising is not undertaken to ensure overland flow paths are kept clear. This will involve the use of SUDS techniques which should take into account the local geological and groundwater conditions.

Further, with respect to the Golf Club application, in our recent meeting we discussed how a more adequate plan from the hydrological point of view might also be one that enhanced the course itself, with the introduction of lakes, vegetation, sumps, ponds, swales, and different levels or zones. Certainly, were the work to go ahead in the future in any form, we would suggest that it is reasonable to expect that the Club plans must be amended to take responsibility for ensuring that the FRA materially reduces flood downstream risk, and that the system is properly maintained and managed over its lifetime. To ensure that these aims are secured, we would also like to see that the quality of any works of this scale developed

by the club now or in the future are subject to independent external professional inspection at completion and regularly thereafter which holds the developer accountable for monitoring and remedial measures. Ideally too, any such developments should demonstrably comply with current best practice requirements of improving flood risk and water management. If I had collated the many objections of which I am aware that itemise how inadequate the current plans are in this respect, this letter would run to several pages.

Finally, as I mentioned in my previous letter, despite these objections, I would like to assure you that our aim is to engage positively and productively with the County Council and other bodies to ensure that we can contribute to the development of a sustainable flood policy that benefits the whole area, and to increasing community representation.

Charlton Kings Flood Action Group (revised comments)

5th December 2016

Further to our earlier letter of objection, I am writing to you as chair of the Charlton Kings Flood Action group to relay continuing concerns from our residents about this application and both the broader issues it raises about flood policy and mitigation in Cheltenham and Charlton Kings, as well as the specific issues about the lack of clarification about the scheme itself. In this latter respect, we are very concerned that there is a lack of detail at the moment about what is involved in the construction phase of this project and the engineering involved.

With reference to the actual planned construction phase of this development we have a number of concerns about implementation, responsibility and oversight. To begin with, there is a lack of clarity about the nature, source and composition of the waste material to be used for the proposed land-raising, and this prevents analysis of the proposed structure, for instance with respect to issues relating to contamination or the transportation of sediment (either downstream and/or potentially blocking the proposed swale-pipe and rendering it useless). Related to this, given the scale of the proposed development we would consider it reckless to progress this application without giving the public and the council's advisors the opportunity to scrutinize any existing plans for the construction phase, and be able to comment if need be. We would also like reassurance that a suitable Environment Agency review has been conducted, and that the EA will be formally consulted and involved throughout the process. We would think that this would be a minimal requirement for proposal of this scale and environmental/ecological sensitivity.

Such concerns raise broader issues also, and we have three recommendations. In the first place, we believe strongly that: -

- The site would be best served by being classified as a Designated Structure in accordance with the DEFRA policy on the Designation of structures and feature for flood risk management purposes (<https://www.gov.uk/government/publications/designation-of-structures-and-features-for-flood-and-coastal-erosion-risk-management-purposes-information-note--2>) adopted as policy by the Gloucestershire Council Local Risk Strategy Implementation Plan. This would allow for an integrated approach to the management of flood risk in the area, with the broader view of community interest and flood protection as the key and over-riding factor.
- Secondly, we urge the Gloucestershire Council to progress the promised establishment of a SUDS Approval Body role under Schedule 3 of the Flood and Water Management Act 2010 (FWMA) (ref Gloucestershire Annual Progress and Implementation Plan_(15-16)) And that these Designated structures should come under the supervision and control of this SUDS body when formed at Gloucestershire Council. This would ensure a better process of managing and guaranteeing planning outcomes than is currently the case through the passive devolution of this responsibility to the Lead Local Flood Authority.

- Thirdly, should this Lilleybrook plan be progressed further, we would expect that a non-performance bond as provided for in para 11 of schedule 3 of the FWMA would be put in place prior to development so that flood risk management can be assured in the event of any interruption of work.

Further, with reference to the plan documents currently available, we have a number of additional serious concerns that have not yet been addressed. Perhaps the main one, currently, in addition to those raised in our previous letter, is about the shortcomings of the plan in terms of its failure to clarify its proposals to ameliorate the downstream effects of the work, as well as to consider the effects of the works themselves, and issues arising from their maintenance, in this respect. For instance, section 4 concentrates on on-site impacts, but neglects full consideration of those off-site, even though the Gloucester Council identifies the site and downstream land as 'medium- high flood risk location' due to the specific soil and surface water flooding characteristics of the location.

Regarding the 'Sandy Lane bund' itself, it has been pointed out to one of our group that the LLFA scrutiny of the flood control plans is based on satisfying itself that there will be 'no increase' of run off that would be observed in a 1 in 100 year and climate change event. We consider this benchmark to be highly unsatisfactory, particularly as the DEFRA policy used as a reference for applying this test specifically authorises planning authorities to apply more stringent tests. Progressing this proposal using such an outdated standard would be in marked contrast to the Southfield scheme that was based on modelling that predicted a roughly 10% reduction of 1 in 100 year flow rates after development (see section 4.11 of Modelling Report of 16 Feb 2016). The water velocity and volume leaving the catchment basin and swale should be similarly reduced, we strongly feel.

In this regard, we feel the Council should fulfill its obligations to protect the adjacent community and rigorously apply national policy to reduce flood risk in known areas of risk, and comply with its SUDS guidance document, which goes beyond the minimum standard of flood management (that it is not increased elsewhere) adopted here. In place of this, the document offers detailed guidance for planning approvals meeting the basic principle of SUDS policy: to reduce flood risk among other key factors, as in the 2010 Flood and Water Management Act which states (our use of bold):

"Sustainable drainage" means managing rainwater (including snow and other precipitation) with the aim of—

- (a) **reducing** damage from flooding,
- (b) improving water quality,
- (c) protecting and improving the environment,
- (d) protecting health and safety, and
- (e) ensuring the stability and durability of drainage systems.

Finally, we would like reassurance, in line with the Minerals and Waste Policy for Gloucestershire, that the proposal for disposing of what is effectively around 150,000 tonnes of waste material does not contravene the guideline that states:

A failure to assess proposals against all relevant development plan policies, including in circumstances where 'waste' issues need to be firmly established, could risk undermining the legitimacy of any decision taken by the determining local planning authority.

GCC Minerals and Waste Policy

13th May 2016

The proposal appears to suggest that 100,000 m³ of recycled material is to be used, which is likely to equate to around 150,000 tonnes. This represents quite a significant amount of material and the potential issues resulting from its importation should be given the requisite

attention. It is assumed that prior-processed, recycled materials will make up the vast majority of the material to be used and that "as dug" material will be materially insignificant. In order for the proposal to avoid being classified as a 'waste' application, all imported material must have been subject to some form of processing activity and no further processing should be allowed to take place on site. If this was to be the case, the policies contained within the adopted Gloucestershire Waste Core Strategy (WCS) and the relevant saved policies contained within the adopted Gloucestershire Waste Local Plan would need to be considered. A failure to assess proposals against all relevant development plan policies, including in circumstances where 'waste' issues need to be firmly established, could risk undermining the legitimacy of any decision taken by the determining local planning authority.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 118 properties surrounding the site on receipt of the application in March. In addition, two site notices were posted, one on Cirencester Road and one on Sandy Lane. In addition, 139 letters were sent out to notify neighbours and other interested parties of the revised FRA received in November 2016.
- 5.2 In response to the publicity, objections have been received from 26 local residents. All of the representations received during the course of the application have been circulated to Members in full; however, the main concerns raised in the representations relate to flooding, impact on the highway network, and the type of fill material proposed.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application relate to the impact on the AONB, flooding, traffic and highway safety, trees and landscaping, ecology and biodiversity, and archaeology.

6.2 The application

6.2.1 It has been queried whether the submitted planning application is the appropriate form of application, or whether the proposals should be considered by the waste planning authority, the County Council, as a 'waste disposal' operation.

6.2.2 In this regard, the County Waste and Minerals Team have commented on the application and have confirmed that the proposal should not be classified as a 'waste' application on the assumption that prior-processed, recycled materials will make up the vast majority of the material to be used and that all imported material will have been subject to some form of processing activity with no further processing allowed to take place on site.

6.2.3 The Planning Statement submitted with the application confirms that it is proposed to use inert soil, soil forming material and other suitable granular material that would have been screened and processed prior to being imported to the site. Moreover, the predominant purpose of the development would be for 'waste recovery' engineering works to create a mini 9-hole golf course rather than a simple 'waste disposal' operation.

6.2.4 Officers are therefore satisfied that CBC should be the determining authority.

6.2.5 It is not known as this time where the fill materials would be imported from as this would be dependent on availability at the time of the development. However, should planning permission be granted, the applicant would need to apply for an Environmental Permit from the Environment Agency (EA) under the terms of the Environmental Permitting Regulations. This is separate to planning and the applicant would need both planning permission and an Environmental Permit in order to carry out the proposed works.

6.2.6 As part of the Environmental Permit process, the applicant would need to submit information to the EA, including a waste recovery plan with details of where the waste material would come from, what it would consist of, and acceptance procedures. An Environmental Permit would only be granted if appropriate inert waste types were to be accepted and it could be demonstrated that there would not be any unacceptable environmental impact. The Permit would also cover aspects such as operational dust control.

6.3 Environmental Impact Assessment

6.3.1 The proposal is considered to be a Schedule 2 development, as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011, by virtue of the fact that it is listed in the first column of Schedule 2 at 12(f) (Golf courses and associated developments) and the site is located within the AONB, a 'sensitive area'. In accordance with the Regulations, the proposal has therefore been screened by the Authority to determine whether significant effects on the environment are likely and whether an Environmental Impact Assessment (EIA) is required.

6.3.2 The NPPG at paragraph 018 identifies that only "a very small proportion of Schedule 2 development will require an assessment", and the table at paragraph 058 provides an indication of the type or scale of development that is likely to require an assessment for each development type. For golf course and associated developments, the indicative criteria and threshold is for "New 18 hole golf courses"; however, each development must be considered on its own merits.

6.3.3 In screening the development, the Authority has taken account of the selection criteria in Schedule 3 of the Regulations which are: the characteristics of development; the location of the development; and the characteristics of the potential impact.

6.3.4 Having done this, officers can confirm that an EIA is not required in respect of the development proposed. However, that is not to say that there would be no environmental impact and the report will now discuss the various material considerations.

6.4 Impact on the AONB

6.4.1 Local Plan Policy CO2 seeks to prevent development which would harm the natural beauty of the landscape within the AONB and states that 'major' developments will only be permitted in exceptional circumstances; this policy is consistent with advice set out in paragraphs 115 and 116 of the NPPF.

6.4.2 Paragraph 115 requires 'great weight' to be given to conserving the landscape and scenic beauty of the AONB, which has the highest status of protection in relation to landscape and scenic beauty. In addition, paragraph 116 states that, '*Planning permission should be refused for major developments in designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest*'.

6.4.3 It is therefore necessary to consider whether the proposal would amount to 'major' development within the AONB. The emerging JCS states that whilst major development can be defined in quantitative terms (i.e. a threshold number of dwellings), "*consideration of what constitutes 'major' development is both a matter of context and a matter of fact*".

and degree: what is deemed to be 'major' in one area may not be deemed to be so in another" due to the varied natural form of the AONB.

6.4.4 Having considered the scale and nature of this proposal, officers are strongly of the opinion that it would not constitute major development in the AONB, and therefore the works must be assessed against their impact on the natural beauty of the landscape, with "great weight" being afforded to the conservation of the landscape and scenic beauty of the area.

6.4.5 Given the works proposed in this application, it would be difficult to argue that the development would result in any long term harm to the natural beauty or visual amenity of the landscape. Whilst the works would alter the contours of the land within the application site, the change in levels is limited in its extent, and on completion, the development would fully integrate with its surroundings, as part of the wider golf course facility. No new buildings or structures are proposed as part of the development.

6.4.6 At the same time, however, it is important to acknowledge that during the construction period, the provision of the temporary access through the site would result in limited short term harm. Indeed it is the short term harm and wider impacts of this development on the environment of the AONB by importing waste materials, that the Cotswolds Conservation Board raise objection to, whilst acknowledging that *"in landscape terms the scheme offers restoration of the landscape"*.

6.4.7 The Council's Landscape Architect also comments that *"In terms of the long-term visual effect on the landscape there is no overriding objection to the proposals."*

6.4.8 Therefore, whilst there would undoubtedly be a short term visual impact on the AONB during the development, in the long term the proposal would blend with its surroundings as part of the wider golf course facility, and is compliant with local plan policy and paragraph 115 of the NPPF.

6.5 Flooding

6.5.1 Local Plan Policy UI2 seeks to prevent development that would increase the quantity or rate of surface water run-off; this policy is consistent with advice set out in paragraph 103 of the NPPF.

6.5.2 Although the site is located in Flood Zone 1 and therefore at low risk of flooding from fluvial sources, given the site area, a Flood Risk Assessment (FRA) has accompanied the application. The updated surface water flood maps indicate the potential for significant accumulations of surface water on parts of the existing site.

6.5.3 The Lead Local Flood Authority (LLFA) has been duly consulted on this application. The LLFA are responsible for managing local flood risk, including from surface water, ground water and ordinary watercourses, and for preparing local flood risk management strategies. During the course of the application, the surface water drainage has been the subject of extensive discussion and negotiation between the applicant's Flood Water Management Consultant and the LLFA.

6.5.4 The submitted FRA proposes *"that a surface water drainage scheme is implemented to ensure that the proposed re-development of the site does not increase flood risk to third parties downstream of the site."* The surface water drainage scheme proposes a swale, bund and attenuation basin on the site.

6.5.5 On initial receipt of the application, the LLFA raised no objection to the proposals; however, having received additional information relating to the severity of the existing surface water accumulations at the lower points of the site and on the land downhill of the development, they rescinded their initial advice of no objection until further information

had been provided to satisfactorily address a number of matters. In particular, the applicant was required to demonstrate how the peak run off rate from the development would be controlled for the 1 in 1 and 1 in 100 year rainfall event in order that it would not exceed the pre-development rate for the same event after making allowance for climate change and that it would not exacerbate the existing surface water flooding problems downhill of the site.

6.5.4 Subsequently, further evidence was requested by the LLFA to include evidence to demonstrate that the proposed trench system would provide sufficient attenuation and infiltration to manage the excess run off over the pre-development greenfield equivalent after allowing 40% for climate change, so as to comply with the recent changes to climate change allowances published by the Environment Agency. The applicant was also requested to provide evidence to confirm that the drain connecting the SUDS to the watercourse has sufficient capacity to receive water from the development site after allowing for any other surface water captured by the same pipe.

6.5.5 In their latest response, the LLFA confirms that they are “*satisfied that the proposals are broadly compliant with the requirements for a viable SUDS*”. However, only a conceptual SUDS design has been prepared to show the arrangement of the drainage system, and the LLFA would require further information to clarify the detailed design of the swale, basin, control device and channel connection to the existing watercourse. The LLFA therefore recommend that the detailed drainage design of the proposed swale, basin, control device, connecting channel and outfall structure be secured by way of a condition, should planning permission be granted.

6.5.6 The applicant has acknowledged the need to manage the flows from the upper catchment and to include this in their mitigation proposals in their revised strategy and their revised assessment of the required attenuation volume. They have also stated that the attenuation volumes will be made sufficient to accommodate excess flows the development site and the upper catchment comprising a total of 10.2 Ha. In addition, the applicant has also agreed to include an allowance of a 40% increase in rainfall intensity arising from the effects of climate change, and restrict the discharge rate to the pre-development equivalent.

6.5.7 The Environment Agency has indicated that it has no objections in principle to the applicant's proposed point of surface water discharge subject to the applicant obtaining a permit for Flood Risk Activities if this is deemed a requirement.

6.5.8 The Council's Land Drainage Officer raises no objection to the proposed development.

6.5.9 To conclude, the proposed development would not result in any increase in the quantity or rate of surface water run-off and is therefore compliant with local plan policy and paragraph 103 of the NPPF.

6.6 Traffic and highway safety

6.6.1 Local Plan Policy TP1 seeks to prevent development that would endanger highway safety and is generally consistent with advice set out in Section 4 of the NPPF.

6.6.2 All materials would be delivered to the site via Cirencester Road (A435); it is not proposed to access the site from Sandy Lane. An existing egress from the golf club would be temporarily widened to accommodate simultaneous entry and exit by HGVs so as to ensure that vehicles are not required to wait on the public highway.

6.6.3 The materials would be transported to the site using large, 8.5m³ capacity tipper trucks and would require a total of 11,765 deliveries over the proposed 18 month construction period. This is likely to result in a reasonably consistent flow of deliveries

throughout the day, Monday to Friday, for the duration of the works. The number of daily deliveries is expected to equate to 31, with an average of 4 deliveries an hour.

6.6.4 Specific routing would be imposed upon HGVs entering and exiting the site through a Construction Traffic Management Plan. The submitted Transport Statement recommends that HGV traffic is restricted to the south of the site along the A435 utilising the A436/A417 to access the M4 or M5. Temporary signage and wheel washing facilities would be installed throughout the construction period. This could be controlled by way of condition and should planning permission be granted it is recommended that conditions requiring the submission of a Construction Traffic Management Plan and Construction Method Statement be attached.

6.6.5 The County Highways Development Management Team has considered the proposed development in conjunction with the submitted Transport Statement and raises no objection. Whilst the works were underway there would be a temporary increase in traffic movements but this would not result in any significant impact on the highway network.

6.6.6 Members are advised that the site plan at Appendix A of the FRA shows the proposed site access to be via Sandy Lane; however, this is an error and would not impact on the determination of this application. The red line on the formally submitted site location plan, and the information set out within both the Planning Statement and the Transport Statement, clearly proposes an access from the Cirencester Road.

6.7 Trees and landscaping

6.7.1 Local Plan Policies GE5 and GE6 seek to resist the unnecessary felling of trees and will seek their retention or the planting of new trees where appropriate.

6.7.2 Many of the trees within the golf course are covered by a Tree Preservation Order (TPO) but a large, mature Oak tree centrally located within the application site, which is proposed to be removed, is not currently protected. The tree has however been previously surveyed and identified as being a high quality 'Category A' tree.

6.7.3 The Tree Section, whilst acknowledging the loss of the mature Oak as being regrettable, welcomes the 79 new native trees proposed as part of the application. These new trees would mitigate for the loss of the tree and result in a significant visual, as well as ecological, benefit to the site as the trees establish and grow. Additionally, they raise no objection to the proposed access requirements.

6.8 Ecology and biodiversity

6.8.1 Local Plan Policy NE1 seeks to prevent development that would materially harm, either directly or indirectly, a site supporting any legally protected species.

6.8.2 Much of the application site is mown and managed grassland, typical of the golf course, and offers little in the way of biodiversity; however, the hedges and trees surrounding the site do have some value in providing habitats and are to be retained.

6.8.3 The proposed landscaping scheme would provide some enhancement to the habitat value through the planting of rough grassland around the fairways, improved copse planting, and an area of calcareous wildflower mix along the western boundary. Additional tree planting would also strengthen the existing vegetation along the site boundaries, particularly the western boundary adjacent to Sandy Lane.

6.8.4 Should planning permission be granted, it is recommended that a phased planting scheme be required by way of a condition; this would secure the timely planting of the

trees along the site boundaries, where they would be unaffected by the construction works.

6.8.5 Gloucestershire Centre for Environmental Records (GCER) has not alerted the Authority of any ecological information that they hold which indicates that further consideration should be given to biodiversity issues when determining this application. However, it was noted on site by the Trees Officer that the large, mature Oak tree, proposed for removal, had a high roosting potential for bats due to the amount of cracks, crevices and cavities. Therefore in accordance with the requirements of policy NE1, a bat survey was requested.

6.8.6 A bat survey was subsequently undertaken which concludes that two identified features within the Oak tree with the potential to support roosting bats, a rot hole and cleft, do not currently support bat roosts. Additionally, no evidence of past usage was found. However, it recommends that if the tree is not felled within 12 months of the survey, a further survey should be undertaken.

6.9 Archaeology

6.9.1 The County Archaeologist has advised that the County Historic Environment Record shows that in 1939 a Roman burial was discovered on the application site during gravel digging there. He therefore considers that there is high potential for further Roman burials to be present within the development area and that the proposed development could have an adverse impact on significant archaeological remains relating to Roman burials.

6.9.2 In response to this, during the course of the application, a desk-based Archaeological Assessment was submitted. The report confirmed that the application site may contain significant archaeological remains of Roman date, and that there is also the potential for prehistoric and Anglo-Saxon remains to be present that could be adversely affected by the development. The County Archaeologist therefore recommends that the archaeological impact of the development should be investigated by way of an archaeological field evaluation, the results of which should be provided in advance of determination of this application. This is in accordance with paragraph 128 of the NPPF.

6.9.3 At this time, due to the cost of the necessary trenching work, the applicant's agent has confirmed that the field evaluation requested by the County Archaeologist will not be carried out prior to determination, and it is therefore suggested that the application be refused based on a lack of information on this matter. If this is the sole reason for refusal, it is anticipated that the applicant will commission the necessary field evaluation and resubmit for planning permission.

6.10 Other matters

6.10.1 Given the nature of the application and proposal which ultimately seeks to provide a new 9 hole academy golf course, officers consider it necessary and appropriate to secure the completion of the works, and therefore the provision of the academy course, within a reasonable timescale through a s106 agreement. However, such an agreement has not been entered into by the applicant at this time.

6.10.2 In the absence of a legal agreement, there would be no requirement for the applicant to complete the works in their entirety, therefore opening up the possibility that only the importation of the fill material would occur. The implication of this would be that ultimately a waste 'disposal' operation would have been carried out; one that should have been considered by the County Council as the waste planning authority. A secondary reason for refusal is therefore suggested relating to the absence of a legal agreement.

7. CONCLUSION AND RECOMMENDATION

- 7.1 In principle, the proposal is considered to be an acceptable form of development within the AONB. Whilst there would undoubtedly be a short term visual impact on the AONB during the development, in the long term the proposal would blend with its surroundings as part of the wider golf course facility.
- 7.2 During the course of the application, the surface water drainage has been the subject of extensive discussion and negotiation between the applicant's Flood Water Management Consultant and the LLFA. Following receipt of a revised FRA, the LLFA confirm that they are *"satisfied that the proposals are broadly compliant with the requirements for a viable SUDS"*. The detailed drainage design could be secured by way of a condition.
- 7.3 The County Highways Development Management Team has considered the proposed developed in conjunction with the submitted Transport Statement and raises no objection. Whilst the works were underway there would be a temporary increase in traffic movements but this would not result in any significant impact on the highway network.
- 7.4 The Tree Section, whilst acknowledging the loss of a large, mature Oak within the site, welcomes the 79 new native trees proposed as part of the application. These new trees would mitigate for the loss of the tree and result in a significant visual, as well as ecological, benefit to the site as the trees establish and grow.
- 7.5 The proposal to implement a landscaping scheme is welcomed and would provide enhancement to the habitat value of the site through the planting of rough grassland around the fairways, improved copse planting, and an area of calcareous wildflower mix along the western boundary. Additional tree planting would also strengthen the existing vegetation along the site boundaries, particularly the western boundary adjacent to Sandy Lane.
- 7.6 A bat survey was undertaken which concludes that two identified features within the Oak tree with the potential to support roosting bats, a rot hole and cleft, do not currently support bat roosts. Additionally, no evidence of past usage was found.
- 7.7 Notwithstanding the above, the application is recommended for refusal for the following reasons:

8. REFUSAL REASONS

- 1 There is the potential for Roman burials, and prehistoric and Anglo-Saxon remains, to be present within the development area that could be adversely affected by the development. In the absence of an archaeological field evaluation it has not been possible to fully assess the archaeological resource within the area or understand the archaeological implications of the proposed development. In the absence of such information, the proposal fails to accord with national guidance set out within the NPPF at paragraph 128.
- 2 No legal agreement has been completed to secure the completion of the works, and therefore the provision of the academy course, within a reasonable timescale. In the absence of such an agreement, there would be no requirement for the applicant to complete the works in their entirety, therefore opening up the possibility that only the importation of the fill material would occur. The implication of this would be that ultimately a waste 'disposal' operation would have been carried out; one that should have been considered by the County Council as the waste planning authority. An agreement is therefore necessary to make the development acceptable in planning terms in accordance with national guidance set out within the NPPF at paragraphs 203 and 204.

INFORMATIVE

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

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

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

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

APPLICATION NO: 16/00383/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 8th March 2016		DATE OF EXPIRY : 7th June 2016
WARD: Charlton Park		PARISH:
APPLICANT:	Lilleybrook Golf Club	
LOCATION:	Lilleybrook Golf Club, 313 Cirencester Road, Charlton Kings	
PROPOSAL:	Engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole golf course by importing 100,000 cubic metres of inert fill material	

REPRESENTATIONS

Number of contributors	29
Number of objections	26
Number of representations	2
Number of supporting	1

42 Bafford Lane
Cheltenham
Gloucestershire
GL53 8DP

Comments: 4th April 2016

I OBJECT to this planning proposal on grounds of (a) long-term adverse impact on the Lilley Brook water course, including as it crosses my garden, and (B) adverse impact on traffic on the Cirencester Road during construction.

The Flood Risk Assessment attached to the planning documents shows (Figure 3.1) that the current contours of the development site naturally direct any surface water towards the Southfield Brook, and personal observation shows that excess surface water also leaves the site under the hedge into a drain running alongside Sandy Lane, and thence into the Southfield Brook. Figure 3.1 also shows a drain within the golf course but to the east of the development area; this drain heads generally north-east towards the Charlton Kings industrial estate and presumably eventually joins the upper Lilley Brook. The contours shown on Figure 3.1 make it very unlikely that water from the development area is at present able to reach this drain.

Appendix B to the Flood Risk Assessment (The Conceptual SuDS Layout) shows the outfall from the SuDS to be directed away from Sandy Lane and the Southfield Brook in a north-easterly direction, towards the drain flowing into the Lilley Brook. If this indeed what is intended, the result will be damage both by reducing the flow in the Southfield Brook and by increasing it in the upper Lilley Brook between the golf club and the point where the Lilley Brook and Southfield Brook meet. The upper Lilley Brook is constricted at several points by culverts, for example under Bafford Approach and Bafford Lane, which already cause the stream to back up at times of heavy flow, and extra run-off from the golf course will make this worse. For me, the consequence will be to aggravate the loss of amenity in terms of my ability to enjoy the lower part of my garden when the stream backs up, increased dumping of sediment and damage to plants etc and increased erosion of stream banks.

The Flood Risk Assessment shows at Tables 6.1 and 6.2 that the development will lead to a very significant increase in the rate and volume of run-off, which would clearly make the adverse effect of diverting the run-off into the upper Lilley Brook even worse.

It is not reassuring that the proposals are based only on two hours of heavy winter rain: while the stream can rise very quickly in such circumstances, stream levels can also change dramatically both after much shorter summer cloud bursts (the worst recent floods have been in the summer), and after extended periods of moderate rain.

Subsidiary concerns as regards drainage include pollution of the Lilley Brook by mud and soil etc both while the material is being tipped and afterwards; at present the stream is clouded with sediment at times of heavy rain, but otherwise runs clear. I anticipate that disturbance of the ground and tipping of material will lead to the water being continuously clouded for a protracted period until the soluble material has been washed out. For a volume as large as is proposed that is likely to take years.

The SuDS scheme relies on gradual percolation through gravel. The assessment makes clear both that maintenance will be required to keep the scheme's works clean enough to continue to operate, and that the responsibility for carrying out this work will lie with the golf club. I suggest that the planning authorities should investigate this with the golf club to ensure both that the works required to keep the SuDS in operation are in fact practical (digging up the golf course to clean the gravel?) and that the golf club has made adequate financial provision to carry them out into the indefinite future.

Cirencester Road Traffic: the concern here is the obvious one of a large number of heavy lorries having to negotiate the steep hill down from Seven Springs, including the section where one lane is coned off because the road surface is unstable, and perhaps shedding mud onto the road making it slippery; more distantly, this route perhaps also entails the heavy lorries using Chatcombe Pitch (A436) or Crickley Hill (A417), neither which looks like a good idea! The alternative is to make their way through the constriction between the new Sainsbury's and the Croft Road junction where for much of the time the road width is reduced by parking to a single lane, at least for heavy lorries, busses etc, and complicated by traffic waiting to turn into Sainsbury's, Bafford Lane/Newcourt Road, and Croft Road.

Comments: 14th November 2016

These comments respond the Flood Risk Assessment published on 10 November 2016 and are in addition to those previously made.

The new proposal does nothing to answer points made by others concerning the propriety of this development in an AONB, the nature of the material to be tipped etc.

The new proposal accepts that the development work has the potential to decrease the permeability of the existing ground and so to increase the risk of down-stream flooding. The question is whether or not the proposed sustainable drainage scheme (a ditch and a storage pond) is adequate to dissipate this risk. The primary issue is absolute peak flows - the harm which might come to down-stream properties could well occur over a very short period of excess water - and figure 6.1 of the report indicates a potential for a very substantial (more than double) increase in run off, in a situation where the streams affected already pose significant concerns at times of flood.

In this context, paragraph 6.4 is wrong to say that flood events which exceed the capacity of the storage scheme would result in water running over ground "as per the existing scenario". On the contrary the increased rate of run off would make the risk of serious flooding much worse.

A secondary issue, which I do not think the report addresses, is the rate of flow over longer periods. All the water reaching the storage pond - even at times of more normal rainfall - has eventually to be drained away and at normal times will not be impeded by the flow control device. If there is indeed to be something like twice the current rate of run off, the implication is that at times of normal rainfall the water will reach the outfall more quickly and in a more concentrated period of time than in the past, resulting in faster down stream erosion.

I can judge the quality of the design assumptions and calculations etc in this report only by external appearances, but the repeated inability to tell north from south, the focus on the risk of flooding to the golf course itself, the sketchy representation of the storage pond on the plans, and the statement that "drainage feature alignments are subject to change ... following survey ... and detailed design" do not inspire confidence. I hope that Council will obtain an independent assessment of the scheme before considering granting approval.

34 Hillary Road
Cheltenham
Gloucestershire
GL53 9LD

Comments: 7th April 2016

The views of the Cotswold Conservation Board, as guardians of the AONB, should be the major factor in this decision - this should be the case in all AONB matters. In this specific instance the CCB notes the "major development" is of a type that has become a national issue as golf courses use waste disposal plans to generate profits.

Flood risk assessments are still inadequate even at this second application - the LLFA acknowledges that more information is needed. The proposed eventual discharge into the Lilley Brook raises further issues - can the Brook cope with the extra run-off and, if so, what will the impact be further downstream in the watercourse system; it is likely that waste material chemical extracts and soil/sand will be leached out into the watercourses; what impact will all this run off have on site stability?

Controls and standards must be imposed as part of the planning process or by later permits:

- to cover the physical & chemical nature of the waste material and to ensure that this is monitored throughout the 18 months of the project;
- similarly for the topsoil, to avoid importation of noxious weeds or alien, invasive flora/fauna;
- dust control;
- traffic arrangements to protect A436 from damage, to prohibit use of residential roads in all circumstances (given the likelihood of traffic jams, accidents etc leading to hold ups on the A roads)
- to exclude all site traffic from Sandy Lane

17 Southfield Manor Park
Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DJ

Comments: 11th April 2016

Casual car parking opposite the entrance to Southfield by LBGC users of their practice ground already impedes private and commercial vehicles to Southfield land and property. LBGC must make parking provision on their land.

7 Parkland Road
Cheltenham
Gloucestershire
GL53 9LS

Comments: 11th April 2016

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I strongly object to this proposal on the grounds of danger to the local access road users from the high volume of heavy traffic. Environmental pollution from Dust, Noise, etc - all in a rural quiet area used by many people old & young together with their dogs. And also spread out over 18 months.

This development is unnecessary and unwanted by the local residents and is a money generating scheme to help support a failing elitist business.

I also believe the water run-off/drainage changes may lead to flooding of domestic properties

The Little House
Sandy Lane Road
Cheltenham
Gloucestershire
GL53 9DA

Comments: 3rd April 2016

I am submitting this comment on the basis of having been a resident in this road for the last 20 years.

My first concern is that neither the council or the golf club have seen fit to involve residents who would potentially be affected by this development both from the point of view of a significant increase in traffic on residential roads and the noise/nuisance and damage to road surfaces that will inevitably result whilst the work is going on (possibly as long as 18 months).

There is also the considerable concern of a deleterious change in water run off and the increased risk of flash flooding and land slips. In the last few years we have witnessed a number of episodes of flash flooding in our road. The Lilley Brook runs past the back of our house and I have concerns that if work proceeds then this could lead to silting up of the Brook with and increased risk of flooding. I do not understand why the existing practice course cannot be developed into a nine hole course without this landfill and there is the strong suspicion that this is principally a revenue generating exercise to benefit a few hundred club members.

To approve this scheme would result in major short and long term repercussions for local residents.

29 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DF

Comments: 1st April 2016

Before this development is permitted to proceed, we feel that there are certain issues that need to be addressed, as follows:

- The A435 has been under repair for a couple of years now and the ability of the road to withstand the lorry traffic proposed should be properly determined. Consideration should be given to asking the contractors to pay for the strengthening of the road.
- The flood scheme only addresses the issues of surface water and does not explain what happens to the water coming from the springs that rise in the proposed area of development during periods of prolonged rain.
- There has to be proper monitoring of the material being taken to the site and presumably the council will need to devote some considerable resource to this given the volume of material being brought in.

Comments: 14th November 2016

In the new Flood Risk Assessment, it is stated that the OS map shows no springs on the site, but there are springs on the site, notwithstanding that these are not marked, and the impact of these need to be taken into account.

The following clip, taken in June this year, should also be viewed before any decision is made:

<https://www.youtube.com/watch?v=9uof7RVKWHQ>

18 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 12th April 2016

I object to this application for the following reasons:

1. The papers supporting the application are of poor quality and should not therefore be relied on.
2. Paragraph 1 of the Flood assessment states that "The flood assessment is in line with "Drainage Guidance for Cornwall". Why? Has this been cut and pasted from another report?
3. The following statement suggests that the local rivers DO pose a flood risk: "The main hydrological features within the vicinity of the site are the Southfield Brook to the west of the site and the Lilley Brook to the east of the site. Neither of these are considered to not pose a significant risk to the Golf Course."
4. It goes on to say that the land slopes from north to south, this is palpably incorrect.
5. It also states that Sandy Lane will be used as access
6. The applicant denies this last statement.
7. The report also annotates Sandy Lane as a "Claimed Byway Open to All Traffic". Minutes of the County Council Commons and Rights of Way Committee, 6 December 2007 shows that the BOAT application was rejected and Sandy Lane is classified as a "Restricted Byway" and hence only available to non-mechanically propelled vehicles.
8. The flood assessment mentions, a number of times, that there is no risk of flooding to the applicant's site. (e.g. Para 4.1 says:" it is anticipated that groundwater flooding does not pose a flood risk to the site"). Well, what a surprise, it's on a slope (albeit from south to north). The point is that it will divert the flooding to areas down the hill.
9. All of the above seriously brings into doubt the validity of the Flood assessment report; did the author actually take the trouble to read it after it was written?
10. The site is in an AONB and we should make every effort to preserve this asset together with the tranquillity and visual amenity that it provides.
11. The impact on the road network of the massive number of heavy lorries will be huge. As has been stated, the A435 is already in a poor state. Will the applicant make suitable contributions to the maintenance of these roads in acknowledgement of the damage that will be caused?
12. What is "inert" waste? And how will this be policed?

13. The applicant states that there will be 100,000 cubic metres of waste transported to the site and that this will take 18 months. This assumes that there are 100,000 cubic metres of waste readily available. If such a quantity is not readily available then the project will take much longer than 18 months.
14. The golf club has suggested that if this application is successful they may, in future, promote a project significantly bigger. I have seen previous local planning applications that start in a small way and then, when the principal has been established, become much larger.

10 Bafford Approach
Cheltenham
Gloucestershire
GL53 9HP

Comments: 5th April 2016

Many details of the application regarding volumes, loads, flooding possibilities have not been thoroughly investigated and the confidence of the public in knowing the case details is sadly lacking.

Sandy Lane itself is not suitable for heavy vehicular traffic.

I believe that this proposal results from the need to offset the national decline in support for golf. They hope that by improving the facilities they will generate more income. This may happen but only at the expense of the local community to an unacceptable extent. The cost will also rise and thus fewer people will find golf accessible.

Southfield Gate
78 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 11th April 2016

I am a member of the club. I would like to object to the proposal as submitted. However, my objection is somewhat "procedural", in that I support the club trying to enhance it's facilities and if it sees an opportunity to do so with some financial upside, that can be considered good for the immediate ability of the club to remain viable in the current economic climate. I would like to make several comments in the following sections.

Enhancement to Amenities

The existing practice facility is grossly under-utilized. It is also frustrating in that at the current time, only one green is maintained to a reasonable playable standard. Providing a multi-hole "pitch and putt" facility would be of immediate benefit, allowing not only academy sessions, but allowing several members to practice their short game at the same time.

Financial Considerations

Golf courses across the country are feeling the pinch in terms of a general decline in active members. I think all parties want the club to continue to thrive. It is reasonable for the club to explore ways to bring in revenue. To this extent the proposal cannot really be viewed as being an exercise just to make money nor just a means to enhance facilities - it's both. It would be a much more worrying scenario if the club were forced to sell off parcels of land for development or even worse, completely go to the wall and thereby put the entire grounds at risk of development.

Due Diligence

The application documents a project that is massive in scale. It literally would change the "lay of the land" in the area being developed. There are plenty of concerns raised about the impact of the scheme on water run-off and flooding, land stability and ensuring compliance with all relevant environmental regulations. Another serious concern is that the project carries a significant element of risk, in terms of liabilities which could ultimately compromise the club's ability to survive were something to go wrong in the short or long term. To that extent I think it's essential that the planning committee have to demand that all of the questions relating to these issues are addressed, not by lay people or parties with an interest, but by independent professional assessments.

Adjacent Application

The project proposed is to develop land that is adjacent to a site that has a pending application submitted by CBC for the installation of a flood control scheme (15/02131/FUL). I would hope that the planning committee would not consider these applications in isolation, as it would appear that they both have potential impact on flooding in the immediate area. I agree with others making the comment here, that there is a significant discrepancy in the two applications in terms of the quantity and quality of analysis being submitted to address these issues.

Summary

In summary, I support in principle the idea of the golf course enhancing a facility, bringing in some income as part of this work. However, this project should NOT be allowed to proceed unless all of the necessary work has been done, to a professional standard, to ensure it will not create ANY short or long term problems in the areas documented in the comments already submitted.

Comments: 25th November 2016

I wish to provide some brief comments, further to those made in my previous two submissions. I still classify myself an objector - mainly as I think this status can only be altered based on concerns as actually having being seen to have been addressed.

I welcome the modification of the application to include provisions that are consistent with SUDS methodologies. I do have some reservations about the flow rates being discussed and also the size of the bund and swale being considered. I hope that there is a point in deliberations where those calculations can be validated before approval. Furthermore, if the implementation is found to be deficient, is there some mechanism whereby the applicant can be required to perform remedial improvements if the project is approved.

I gather there is still some concern amongst local residents about access to the site and the possibility that access via Sandy Lane is still open to question. I personally would object most strongly to this - the original application received comments from the Traffic Officer that this was not a feasible idea and I would sincerely hope that there are no concessions made at all in this regard. Local objection to access via Sandy Lane is as strong as ever and I would hope that the plans documenting HGV access from the Cirencester Road are strictly adhered to and enforced.

Lastly, many local people - myself included - believe that this project cannot readily be considered in isolation from another project documented in application Ref 15/02131/FUL. That project involves the construction of a bund in the field to the north & west of the practice ground site. Both of these areas currently affect run-off into the ditches running down Sandy Lane and the surrounding area. It would seem logical that the impact of both projects must be considered together in terms of the combined effect on water run-off management.

I personally captured video evidence of the degree to which run-off from both areas aggregates at the south end of Sandy Lane.

<https://www.youtube.com/watch?v=TzTUn4uCw5g>
<https://www.youtube.com/watch?v=6QlidRfWY4w>

<https://www.youtube.com/watch?v=9uof7RVKWHQ>

The last video in particular shows the run-off coming directly from the practice ground. These videos were filmed on 12th June 2016.

The Brick House
Charlton Drive
Cheltenham
Gloucestershire
GL53 8ES

Comments: 10th April 2016

My earlier comments were submitted on the assumption that the advertised closing date for comments of April 1 was correct. They were therefore submitted in haste. This contribution develops ideas covered in that original. It is based on further analysis of the Flood Risk Assessment submitted by the applicant and reading of the recently published (November 2015) update of The SuDS Manual, largely authored by HR Wallingford and published by CIRIA.

I note that, despite the FRA claiming to propose a Sustainable Urban Drainage Scheme (SuDS), this latest SuDS manual is not referenced in it.

Does the FRA incorporate SuDS principles ?

Earlier reading had failed to identify the extent to which the title of the FRA is misleading. The FRA claims to be a Flood Assessment Risk Incorporating Sustainable Drainage System. In Section 1 of the document (paragraph 3) the purpose of the Assessment is stated to be: "to demonstrate how surface water can be managed in a way to ensure both the playability of the various holes will be improved whilst ensuring that there will be no detriment to the local flood risk".

This statement is a clear indication that the Assessment does not seek to consider off-site impacts. Off-site impacts are a central tenet of the SuDS process.

The importance of off-site factors is clearly stated in the introduction of the latest SuDS Manual. In the opening chapter, entitled The Philosophy of SuDS, there is the following statement. The SuDS approach involves slowing down and reducing the quantity of surface water runoff from a developed area to manage downstream flood risk, and reducing the risk of runoff causing pollution (Section 1.0, paragraph 3).

The proposed SuD scheme is in practice a series of cross-slope interception channels, where none presently exist, linked by a single down-slope channel which would deliver water directly to an off-site stream. It therefore appears that it is intended that the "improved playability of the various holes" is to be achieved by removing as much water as possible from the site as rapidly as possible. This is the complete antithesis of the SuDS approach.

The SuDS Manual continues (again paragraph 3 of Section 1) "This (ie slowing down and reducing the quantity of surface water runoff) is achieved by harvesting, infiltrating, slowing, storing, conveying and treating runoff on site, and where possible on the surface rather than underground."

The FRA presented ignores all of the amelioration options raised by the Manual and does not therefore conform to SuDS principles. Indeed, the proposal cannot be considered to be a Sustainable Urban Drainage Scheme.

Both the anti-SuDS approach adopted and the failure to consider amelioration options are grounds for rejecting the FRA, and hence the entire Application.

Moreover, given the nature of the site, including its impermeable sub-soil, and the proposals made for its use, it is difficult to envisage how all the necessary water control features could be fitted into the limited area of land available for them.

The Sloping nature of the site

The new SuDS Manual has a section (Section C, Chapter 8) that includes a consideration of the application of SuDS principles to Sloping Sites. The following points raised in this section are relevant to the proposed development.

- The difficulty in applying SuDS solutions to steeply sloping sites.
- The importance of effective utilization of storage capacity within SuDS components.
- The likely velocity of water in channels.
- The risks of infiltrating water appearing as spring lines further down the slope.
- Successful SuDS design on slopes usually involves:
 - splitting the run-off catchment into small, manageable, sub-compartments;
 - looking for all potential opportunities for runoff conveyance and storage.

The critical issue of spring lines, which are known to be present on the site, is particularly stressed, with a separate section (8.4.3) devoted to this topic.

Given the sloping nature of the site, all of the above factors are important, but none are dealt with in the FRA. Of particular significance are that the SUDS design proposes that all runoff be channelled into one drain, the converse of good SuDS design, that this drain does not run into a water storage feature and that there is no reference to the springs that are present.

The failure of the FRA to address the issues relating to the sloping nature of the site is a clear reason for rejecting the application.

Chapter 8 of the Manual gives examples of some physical structures that could be used on sloping sites to trap runoff, but these would seem to be incompatible the proposed use of the site.

Land management of a SuDS area

The SuDS Manual also deals at various points with the management of the land from which the runoff is to be collected by a SuDS scheme. For example, Table 4 in the chapter entitled Design for Water Quality includes golf courses as a form of land use that "can be a major source of pollution". Elsewhere, it is suggested that in critical situations the use of fertilizers and pesticides should be kept to a minimum, with specific reference to "ensuring minimal use of herbicides on lawns". It would be reasonable for the Council to make minimal use of herbicides, and pesticides, a condition of any approval that is given. Applying such constraints on this site could restrict its effective use as a golf course.

Strategic Flood Management

Also since my earlier comment I have learnt that some years ago the Borough Council commissioned a review of the need for, and possible nature of, a Strategy for Flood Management in its area. I do not know the full contents of any report, nor whether its recommendations were accepted by the Borough. If there is a strategy in place, then I would expect it to cover some of the matters listed below, and would expect the absence of such features to be an automatic reason for rejecting an Application.

- A requirement for an effective SuDS scheme to be agreed before any proposal for development was accepted.
- Any proposed SuDS scheme to be designed using best practice as outlined in the SuDS Manual, with it being demonstrated that special attention had been paid to the sequential process for such design.

- A minimum requirement of any SuDS scheme that it resulted in a "betterment" of the control of runoff (I interpret "betterment" to mean both reduced flow rates and reduced overall volumes).
- An agreed regime for the future management of any SuDS infrastructure.

Other relevant Planning Applications

I have also in the last few days learnt that the Council is itself applying for Planning Permission for works in connection with flood alleviation for an area near Southfield Manor Park. This site is close to, and in a similar geographical location to, the Golf Club and also has issues relating to surface runoff. The proposed works are for water storage features. The contrast between the quality of the documentation supporting the Council's application and that supporting the Lilleybrook proposal is stark. The Council's being of much higher quality.

Two observations can be drawn from comparing the two proposed schemes:

- That to be approved the Lilleybrook scheme must mirror that of the Council in providing water storage, or an equivalent mechanism, adequate to provide a betterment to the wider drainage system.
- When considering the Lilleybrook proposal, the Council could well use its own application as a guide to the quality and quantity of the information it might require from the Golf Club before the Council can seriously consider that organisation's application.

Comments: 11th April 2016

I would submit a further issue that the Council should take into account when considering this application. This issue is that there may be other, more suitable, locations that appear to be owned by the Golf Club on which the proposed nine-hole and training facilities could be located. The triangle bounded by the three approximate Grid References 961186, 965188, and 966183 appears to be within the boundary of land owned by the Golf Club and to be exploited as a southwards extension of its course. For the purposes of this submission, this triangle can be divided into three parcels of land.

One parcel, lying adjacent to the Cirencester road is occupied by two "golf holes" (ie tees, fairways, hazards and greens). These occupy less than half of the triangle.

West of the two holes there is a very extensive area, much larger than the application site, of grassland that is not currently used for golf. This parcel of land slopes to the east at a relatively uniform angle

To the south of the holes there is a land parcel of complex topography that has a vegetation cover of scrub and grassland. It is not used for golf.

The only apparent distinctions between the western grassland and the course seem to be in the angle of slope and in the cutting regime.

From a distance, there is no indication that there are springs on the parcel of land occupied by golf holes, or that it is affected by any drainage or flooding issues. Springs and flooding are important issues for the area for which planning permission is being sought.

If it is the case that there are no springs in the parcel of land with holes, then it seems likely that there are none in the other two, since they are higher up the Cotswold Scarp.

No features of the vegetation of the two upslope parcels suggest that springs are present.

These observations suggest the following.

It would appear to be other locations owned by the Club where the proposed developments could be located.

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The area of land involved is very large and the locations are not currently used for golf.

The topography of these locations and the apparent absence of springs in them would suggest that they could be developed without the need to raise surface levels by the importation of spoil.

With no need to raise soil levels, there would be no associated traffic movements.

The costs of development would be lower.

In contrast to the application site, it seems highly likely that at these locations there would be less, perhaps much less, need to remove surface water to ensure that holes are playable.

If a Sustainable Urban Drainage Scheme were required for these locations, then there would appear, because of their position in the landscape, to be a much greater potential for developing a design that delivers an acceptable level of amelioration and betterment.

Comments: 30th March 2016

You have on file my objections to the earlier application for this scheme. I see nothing in the present proposal, nor its supporting documentation, to alleviate my concerns at the possible impact of approval for the present application will have on properties adjacent to the lower reaches of Lilleybrook stream. Especially one such as myself who has been removing golf balls and sand (from bunkers ?) from the stream since the floods of 2007.

I note the objection lodged by the Cotswold AONB and its reference to Government guidance on the dumping of spoil on golf courses. I see no reason why this guidance should not be an adequate ground for rejecting the proposal.

I note in the documentation references to the nature of the material to be deposited, but do not find persuasive the suggestion that this nature means that Government guidance should not apply in this case.

If the proposal is approved, then I would reiterate the points made in my previous letter regarding the needs for: a clear specification of the material to be dumped; rigorous on site checking of what is being deposited; very careful supervision of process of deposition to ensure that there is good infiltration of rainfall.

I am not familiar enough with the site to know its present drainage state, but I note the following.

- The Topographical Survey suggests a height difference of 20m between the highest and lowest points of the site. This level of slope clearly provides considerable opportunity for surface run-off if the proposed alleviation is not effective.
- The single (at present) supporting comment states that "Recent wet winters have made the lower parts of the golf course very challenging to maintain", presumably as the result of high water levels. It is not clear to me whether the same situation applies to the application site. If it does, then there are reasonable grounds to ask whether the application site is one where the present development is appropriate.

Taken together these issues suggest that much more information is needed before a sound judgement can be made on the merits of the application.

The previous application lacked much necessary documentation. The remainder of this comment relates to the Flood Risk Assessment now provided by the applicant.

I note, Section 3, that the report suggest that the "site is shown to fall from north to south" ! My impression is the reverse!

I note the following relating to this report.

1. No soil or geological information is provided.
2. The report concentrates on flood risk "at the site", using this term on at a number of points.
3. Several sections of the report specifically deal only with the application site.
4. Emphasis is on Groundwater Flooding, with no reference to the possible impact on springs.
On at least one occasion in early 2016 a sudden increase in the level of the Lilleybrook, as recorded by the Environment Agency gauge, did not seem to be linked to any marked rainfall event, but could possibly be explained by a spring beginning to flow.
5. There is no adequate treatment of possible downstream flooding impacts.
6. It is not clear whether the SUDS calculations took account of the severe slope of the site, or whether they assumed a level site.
7. The SUDS amelioration seems to be located uniformly over the site.
8. The report suggests that the proposed SUDS system may give "some degree of natural attenuation" to the rate at which drainage water "enters the watercourse".
9. The diagram showing a possible section of a proposed drain gives no dimensions other than that of a pipe to be placed in it.
10. There is no indication in this diagram, nor in the text, of the likely relationship between the bottom of the proposed drains and the present land surface or any permeable soil layer below that surface.
11. No provision is proposed for increasing the on-site infiltration rate so that the amount of water entering streams is reduced.

Given the above I would make the following points.

- A. A more detailed report, for example dealing with downstream impacts, is needed before any judgement on the application is made.
- B. The possibility that the SUDS proposal might result in "some degree of natural attenuation" in the rate at which water leaves the site is not adequate.
- C. The drains proposed for SUDS alleviation system is scattered across the site and all are linked to a single outflow. Given the steep slope and the permeable nature of the drains, there could be situations in which large volumes of water rapidly reach the lowest point of the site before significant infiltration has taken place. Water storage capacity at this low point might be inadequate for the storage capacity available. If this did happen, then the SUDs proposals would not be effective and downstream flooding would be increased above its present frequency and extent.
- D. Given this possibility, and the other issues above, then alternative SUDS proposals should be explored, aimed at either reducing the rate at water leaves the site or increasing the amount of water infiltrating into the subsoil on site. These might include the following.
 - a. Not linking cross slope drains to a downslope drain, giving increased water storage and infiltration potential across the whole site.
 - b. If a downslope drain is retained, then have larger drains, with a greater water holding capacity, at the lowest points of the site.
 - c. Create a specific water storage feature at the lowest point of the slope.
 - d. Ensure that drains are deep enough to intercept a soil horizon into which water can infiltrate.
- E. If the proposal meets other Council criteria, then approval should be delayed until a system has been agreed that ensures that there is no increase in downstream flooding as a result of that approval.

Given the above weaknesses with the proposal and the potential for a better system, I do not think that the application should be approved.

In my opinion, even an improved application could fall foul of Government guidance.

Comments: 24th November 2016

Thank you for the opportunity to comment on the Flood assessment Report submitted in support of this application. This I do below.

My summary points are as below.

1. The report makes takes no account of the important concept of planning water management at the catchment level.
2. Planning for no increase in the rate of water flow out of the site is unacceptable.
3. The proposed drainage scheme is at odds with the modern guidance for both urban and rural drainage (SUDS and RSuDS).
4. The applicant should be required to develop a scheme that reduces the rate at which water exits the site under flood conditions.
5. The recently approved Southfields scheme creates a precedent for reducing flow rates in flood conditions.
6. Ideally the amount of water passing out of the site in flood conditions should also be reduced.
7. The proposed Sustainable Drainage Scheme misses an opportunity to contribute to the Natural Flood Management scheme for the River Chelt and the Lilleybrook being discussed by the Charlton Kings Flood Action Group.
8. The Stroud Rural Sustainable Drainage (RSuDS) project demonstrates how landowners can contribute at negligible cost to Natural Flood Management approaches that improve water management and reduce flood risk.
9. Any approval of the proposal should be dependent on additional works to both increase water infiltration on site and reduce flow rates out of the site in flood conditions.
10. The Assessment should not be accepted as a final justification for the proposal until such uncertainties within it have been clarified.
11. The overall proposal does not make an adequate case for a new waste disposal site.
12. The overall proposal does not provide adequate information on vehicle movements and their implications.
13. The Council should set requirements for the nature and frequency of maintenance works and for records of these being available for public inspection. I provide justification for these views below. In my judgement the overall proposal should be rejected in its present form.

Fate of surface waters

In my view submitted Flood Assessment is anachronistic in its approach. In particular, it makes nor reference to current approaches to water management in the countryside and makes no suggestions as to how these approaches might be incorporated into the proposed scheme. In contrast to this there are now many schemes, at a wide variety of scales, that take full account of the need to plan water management on a catchment scale, an approach fully supported by the Government and the Environment Agency and legitimised by the implementation in the UK of the Water Framework Directive.

The need to manage water on a catchment scale is implicit in the Sustainable Drainage Systems (SUDS) approach to new developments. The report claims to be SUDS compliant, but it focuses almost exclusively, especially so in Section 4, on the possible impacts of the scheme on the "site". Any reference to land outside the "site" is solely in terms of there being no increased risk of flooding downstream (eg Section 6. 2).

This site based focus is at odds with guidance for Rural Sustainable Drainage Systems (RSDS) issued by the Environment Agency, that defines a RSuDS as a system designed to attenuate water flow by collecting, storing and improving the quality of water. This definition is close to that for urban schemes, also issued by the Environment Agency, that a Sustainable Drainage System approach should include measures to Reduce surface water runoff at source.

Section 6.1 of the Assessment, that seeks to outline the concept of SUDS, fails to mention the Reduction of surface water runoff at source !!

In my opinion any scheme such as that proposed should include both on-site provision, ideally distributed over the site, for water to infiltrate into the underlying geology and a reduction in the maximum rate at which water leaves the site. If permission is given for the development, then it should only be given subject to these conditions.

Flow rate downstream could be reduced by the simple step of reducing the capacity of the proposed Control Device.

A possible precedent for such a requirement might be the recently approved Southfields scheme, where the Modelling Report (dated 16/02/16) predicts a reduction of about 10% in downstream flow rates in flood conditions.

Plan 4.1 in the Report recognises that there are areas of Medium flood risk downstream on the Lilleybrook. This in itself is a reason to consider possible off-site impacts and to incorporate works to both reduce flow rates in flood conditions and to increase infiltration on site.

- The report makes takes no account of the important concept of planning water management at the catchment level.
- Planning for no increase in the rate of water flow out of the site is unacceptable.
- The proposed drainage scheme is at odds with the modern guidance for both urban and rural drainage (SUDS and RSuDS).
- The applicant should be required to develop a scheme that reduces the rate at which water exits the site under flood conditions.
- The recently approved Southfields scheme creates a precedent for reducing flow rates in flood conditions.
- Ideally the amount of water passing out of the site in flood conditions should also be reduced.

Catchment Drainage in Charlton Kings

The Council will be aware of the submission by the Charlton Kings Flood Action Group CKFAG). This Group is seeking to introduce a Natural Flood Management scheme, also known as a Slow the flow or a Working with natural processes approach, to the River Chelt and the Lilleybrook. This project seeks not only to reduce flood risk, but also to enhance the natural status of the two tributaries.

If the Golf Club's proposal is agreed and the scheme goes ahead, then the site would be eminently suitable for incorporation into CKFAG's project. Moreover, such active involvement would clearly demonstrate the Golf Club's support for the SUDS principle of consideration to the requirements of the local community (Assessment, Section 6.1).

The recent, but already successful, Stroud Rural Sustainable Drainage (RSuDS) project demonstrates both the effectiveness of Natural Flood Management and the willingness of a wide range of landowners to be part of it.

- The proposed Sustainable Drainage Scheme misses an opportunity to contribute to the Natural Flood Management scheme for the River Chelt and the Lilleybrook being discussed by the Charlton Kings Flood Action Group.
- The Stroud Rural Sustainable Drainage (RSuDS) project demonstrates how landowners can contribute at negligible cost to Natural Flood Management approaches that improve water management and reduce flood risk.
- Any approval of the proposal should be dependent on additional works to both increase water infiltration on site and reduce flow rates out of the site in flood conditions.

Uncertainties / Lack of clarity

Several sections of the assessment leave scope for clarification. The some examples are given below.

In Appendix B, the nature of the junction between the proposed bund alongside Sandy Lane and the proposed swale is unclear. Is it to be assumed that all water intercepted by the bund will run into the swale?

Section 6.4 of the Assessment (Exceedance Events) ends by suggesting that It is anticipated that this poses a very low risk. It is unclear as to whether the this applies to the occurrence of a greater than 100 year event or to proposed drainage system becoming blocked.

Also in Section 6.4, it is unclear as to both how low risk is defined and on what grounds this judgement is made.

- The Assessment should not be accepted as a final justification for the proposal until such clarifications are available.

Waste and Transport

The Council will be aware of the warnings in the submission by Minerals And Waste Policy Gloucestershire regarding the need that it take account of both all relevant policies relating to waste materials and to the likely implications of transporting the proposed volume of material to the site. Given these concerns, it would appear that proposal:

- does not make an adequate case for a new waste disposal site;
- does not provide adequate information on vehicle movements and their implications.

If the Council considers that these issues do not provide sufficient justification for rejecting the proposal, then it should at least make approval dependant on receiving fully acceptable commitments as to how they will be addressed in a manner acceptable to the Council.

Maintenance of structures

The effectiveness of the proposed Sustainable Drainage Scheme depends on the adequate and regular maintenance of the structures being proposed.

- The Council should set requirements for the nature and frequency of maintenance works and for records of these being available for public inspection.

46 Longway Avenue
Cheltenham
Gloucestershire
GL53 9JJ

Comments: 12th April 2016

There are many reasons to object to this application, most of which have been set out by others, and with which we agree. In addition, a specific and very major issue for some houses on Longway Avenue and Sandy Lane, is the proposal to divert groundwater to the stream which runs between the two roads. We understand this stream caused major issues to a house on its bank some years ago, which resulted in very significant underpinning works having to be done. As it is, the stream also causes constant erosion to the steep banks of the gardens along it. Any additional water could be a very serious issue. This is even shown by the Environment Agency map in the documents. Lastly, the stream is close to our houses and gardens and we would object very strongly if it contained any runoff from whatever fertilisers or chemicals are used by the golf course, let alone possible effects from whatever were to be used for the infill.

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By the way, the documents presented on behalf of the golf course read the map of the area inaccurately, getting north and south muddled up, and the elevations wrong. If those making these proposals cannot even do these factual straightforward things correctly, they inspire no confidence whatsoever that this project would be trustworthy.

On a more general point, the golf course company makes no effort to be part of our community. The golf course takes up a large part of the local area, yet offers nothing to local inhabitants. There are many things it could do to be part of the community, from an offer to local youngsters to outreach of various types to other local residents. But it has never sought to be inclusive. This proposal is fully in line with that approach, and we object strongly.

I would also like to make the point that others who are affected have been unable to comment online and by the deadline, one because the online system has not worked for her, and another because he has no access to the internet. The owners of the house which was affected by the stream in the past have also not been able to comment because they are not here at the moment.

12 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 31st March 2016

Many of the negative comments made in connection to the previous unsuccessful application (15/00328/FUL) and which remain on file also apply to this current application, relating to the risks of worsening flooding, the destructive influence in an Area of Natural Beauty etc. In addition we concur with all the comments made by the Cotswold Conservation Board on 22nd March.

This proposed waste disposal and income generation scheme for the Golf Course will have a significant deleterious influence in the AONB - we note that the proposed area abuts closely on the Sandy Lane track which is used extensively as a recreational and leisure facility and is a main pedestrian access to the hill. As regular users of this area for walking, running and cycling, and as residents who are concerned about the environmental and flooding risks in the surrounding area, we object to this proposed development.

Bella Vista
14 Greatfield Drive
Cheltenham
Gloucestershire
GL53 9BU

Comments: 13th April 2016

Letter attached.

52 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DQ

Comments: 13th April 2016

Letter attached.

49 Sandy Lane
Charlton Kings
Cheltenham
GL53 9DQ

Comments: 1st April 2016

It's time for a reality check. Cheltenham Borough Council has submitted a planning application for major engineering works to reduce the risk of flooding to properties in Southfield Manor Park, Hartley Close and Sandy Lane (15/02131/FUL). Obviously the scarp slope adjacent to Sandy Lane has run-off, drainage systems and soil types that have a high probability of generating a damaging flood. The Council's flood alleviation project and its works are contiguous with the proposed land fill and re-contouring work at Lilleybrook. The current ground water drainage of the slope to be developed in at Lilleybrook is working so why would you, in a flood prone area, jeopardise this by large scale alteration of the gradient and the drainage pattern?

The sensible and risk-free approach is to delay approval of the Lilleybrook development until completion of the Council's flood prevention works, ascertain the effectiveness of the works and then assess and understand the impact and risk of the Lilleybrook development.

The risk and frequency of flooding and its traumatic effects is increasing in the United Kingdom. Non-essential projects that increase risk should not be undertaken.

11 Branch Hill Rise
Charlton Kings
Cheltenham
Gloucestershire
GL53 9HN

Comments: 26th March 2016

I am a member of another local golf club but live near Lilley Brook GC and I fully support this application.

Recent wet winters have made the lower parts of the golf course very challenging to maintain and it makes every sense for the club to develop its extensive practice area into a short 9-hole course. This can be used by members and visitors in the winter time and reduce pressure on the lower part which can then recover in time for the summer.

Anything that will improve the financial position of this old and respected club will help to preserve this good golf course and retain a very important open space in Charlton Kings. The pathways are extensively used by local people and provide a lovely space for locals and golfers to co-exist happily. We must avoid any scenario whereby the club sells land for building development. This re-contouring of the practice ground will help to secure the finances of the club and preserve this very pleasant open space.

Comments: 11th April 2016

Letter attached.

10 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 12th April 2016

Waste Management Development/Waste recovery?

At 150,000 tons of waste, deposited in an AONB, it strongly suggests this proposal should come under the scrutiny of the County Waste authority for approval, despite, unsurprisingly, repeated claims to the contrary in the Planning Statement.

9 Hole Mini course

*Planning Statement 7.4 states "*for players including members & non members*". Surely this represents a new venture & is "Pay & Play" by another name?

*Siting the 1st tee & the final green on the most westerly club boundary, immediately adjacent to the Sandy Lane restricted byway, begs the question as to how the club can ensure use by authorised golfers?

It should be further noted, that access from the lane/track, will heavily influence users approach to the course with traffic & parking implications in the event of approval.

*The inadequate capacity of parking at the top of Sandy Lane has already been commented upon however "mitigating" club parking say, within the western side of the course would come with further implications:-

*Golfing traffic would be attracted in the knowledge of parking capacity.

*Increased traffic would ensue on a narrow lane already affected by "rat run" use.

*A new & secondary "Official" entrance to the course would be created without any guarantees that further applications would not be forthcoming.

Further proposals could include "infrastructure" to support the 9 hole course such as permanent buildings to house monitoring staff/storage/ticket sales etc, "unforeseen" in the current project?

It should not be overlooked that a previous application; 70/00142/FUL sought access to the course to allow housing development.

Should current finances be strained, LBGC could well continue to harbour such ambitions, of which this proposal could represent only the first step?

"Pay & Play" courses are generally flourishing, giving some credence to the 9 hole proposal however reshaping a geographically inappropriate area with access issues, to the detriment of local residents & hill users would not appear to present the "exceptional circumstances" required by government guidelines to allow redevelopment of an AONB.

Having already mooted to members a further course "development", involving circa 400,000 tons of landfill & proceeds approaching £2 million on approval of the current application, (Resume' of "Chairman's Forum on Ground Reconstruction"), finance would seem to be the driving force for the proposal at the expense of the local environment.

I concur with all the previous comments regarding noise/disturbance & flood risks & seek the committee's support in rejecting this application.

44 Longway Avenue
Cheltenham
Gloucestershire
GL53 9JJ

Comments: 12th April 2016

Agree with other comments about transport. Even a lorry stuck at Sainsbury's (happens quite often) in Cirencester Road can cause tailbacks, and a Crickley Hill problem can block the whole of CK.

Most concerned with

1. Spoiling the whole atmosphere in Sandy Lane-hope cars will not be allowed access to the new facility from it.
2. Surface water is a problem in the bottom field at back of houses in Longway Avenue and the footpath to Sandy Lane becomes impassable.

Concern about adding more drainage to Southfield brook as some houses in Longway Avenue have already suffered from eroded bank

53 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DG

Comments: 12th April 2016

I cannot support the current application which is disproportionate in its planned use of waste material, has inadequate surface water management controls, and still fails to comply with a number of core planning policies.

I hope the review process will take the public and consultee objections into consideration so that any final plan which might be approved can be suitably amended to secure robust, sustainable and proportionate standards of control that fully address the key issues raised.

- Plan Execution Quality

Given the weaknesses identified in the previous and current application for this development we must have assurance that any plan that may be subsequently approved is properly executed. Given the club's inexperience of managing this type of project on this scale, any approval should have a condition that requires the applicant to pay for a building inspector to conduct regular inspections during construction and on project completion to ensure full compliance with all standards stipulated as conditions for approval.

- Long term site maintenance/ Development longevity

The application should clarify the financial resources and management resources that will be reserved and put in place to ensure the safe management and maintenance of the waste installation after construction and during the lifetime of the development - which should not be less than 25 years.

- FRA - Flood Risk Assessment (FRA)

It is noted that the LLFA has rejected the original FRA submitted and called for more detail. In the next review process the LLFA and planning committee must satisfy themselves on the following matters:

- Construction Phase Risk

Any FRA plan amendment or re-submission presented must include a comprehensive level of detail that demonstrates how the elevated surface water run-off risks are to be safely controlled during the circa 18 month construction phase.

- Use of Sandy Lane for site access

"Appendix A Site Location Plan" of the FRA shows Sandy Lane as the proposed site access track for construction, this must be ruled out of all sections of the plans for the reasons established in the previous proposal for this project.

- SUDS Technical Standards

It has already been demonstrated in other correspondence that the proposed SUDS plan is not adequate. The next FRA plan must incorporate SUDS best practice design standards and controls. Specifically, reference should be made to Section 8.6 of the CIRIA report C753(CRC) concerning potential surface geology instability, and the special risks to SUDS infrastructure that arise when the underlying surface is landfill. Additionally Chapter 25 of the CRC which focuses on infiltration design and methods is very relevant as the current FRA fails to use this guidance to properly consider the extent to which the proposed infiltration systems can and should be used on the site (if at all). Any amended plan submission must detail an authentic SUDS design that is suitable for the soil type and slopes of the site. The amended plan must be specific about which HOST classifications of material have been used to support its storage and run off calculations.

- Cheltenham Surface Water Management Plan (SWMP)

The FRA should apply the SWMP recommendations that define the best practice modeling techniques for supporting site specific flood risk assessment (the council standard appears to be Innovyze's Infoworks ICM software). This or equivalent technology should be used to accurately demonstrate the "before and after" impacts of the proposed development and to support the SUDS plan .

- Sustainable Drainage Core Strategy

Any amended FRA plan should be designed to achieve a greater reduction of surface water than the original greenfield site, as is stipulated in the Gloucester, Cheltenham & Tewkesbury Joint Core Strategy Sustainable Drainage Systems for Local Development Framework Para 5.1.4 . Furthermore Para 5.1.5 recommends that land-raising is not undertaken in such areas to ensure overland flow paths are kept clear.

- Watercourse impacts

The amended plan must clearly document how the SUDS and drainage plan for the development will impact all downstream watercourses.

- Transport Statement

The planning committee should focus on securing road safety, and in addition to approving a design that satisfies a minimum "visibility splay" the committee should insist on the use of the entrance and exit closest to the 30mph zone for access because it will provide a safer visibility framework. At present the applicant operates a one way system for entry and exit from its premises and its site entry point is already positioned closest to the 30mph zone.

- This waste disposal operation should not be located in an AONB as specified in County Policy

The process should take into consideration the recent Appeal Court ruling in "Regina (Lafarge Aggregates Ltd) v Secretary of State for Environment, Food and Rural Affairs and another. In this November 2015 ruling the Appeal Court set aside previous case law and provided a new criteria to define whether a waste use operation should be considered a recovery or a disposal operation. The Appeal Court ruled in that case that since the use of waste material would provide an ecological improvement to the site (using materials generated on the same site) it passed the test for definition of recovery and could be defined as such.

Since the plans to use the waste in the current proposal would not provide any ecological improvement to the site and also not re-use any materials that originated on site, the applicant's suggestion that this development represents waste re-use (or recovery) is inconsistent with this recent case law and must be considered to be a waste disposal operation.

The developer has not provided any reasonable (engineering) evidence to justify the absolute quantum of material required for the proposed development.

The environmental agency has documented tests for differentiating between recovery or disposal operations and these should be applied here. Using their criteria detailed below the suggestion that this operation is a recovery operation fails. Specifically, the tests outlined in Paragraphs 3.13 Direction of Payment (in this case substantial payment moves from waste disposer to landfill site operator) , 3.14 Marginal Benefit, and 3.15 Excessive Quantities, in the document referenced below are all relevant.

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69353/pb13569-wfd-guidance-091001.pdf)

- County Council Referral - Gloucestershire Waste Core Strategy 2012 (WCS)-

The Communities and Local Government letter of 20 Jan 2009 gave clear guidance on the treatment of Large Scale Landscaping Using Waste. Both CLG and Defra consider that landscaping developments of the scale of the current examples involving importing over 100,000 tonnes of waste would not have been undertaken if the material used to construct the landscaping were not waste.

There is a clear case for the waste planning authority of the County Council to be involved in reviewing this application who should review this application against the WCS.

The current proposals are not consistent with the WCS in a number of areas. The WCS has established that there is more than adequate provision for the reception of C and D waste in the county for the foreseeable future. The proposals fail to comply with the spirit or letter of policy statements WCS4 - Inert Waste Recovery - and Recycling, and WCS 8 -Landfill.

This application also contravenes the County's locational strategy which specifies that new waste management facilities to be located outside the AONB in "Zone C".

- Remaining Planning Application Gaps

The Cheltenham County Council Senior Planner's email to the applicant dated 16 April 2015 advised the applicant on what would be required to support any future application following their withdrawal of a similar application 15/00328/FUL.

This proposal still does not fully satisfy those requirements to disclose - the tonnage of waste proposed, the exact origins of the waste, specific details of the "inert" waste composition, details of safeguards proposed to prevent pollution, 5 specified cross sections and a 3d visualization of the site and adjacent area showing the landform before and after re-grading, and an Archeological report.

- Biodiversity Survey and Report

There is no impact assessment of the proposed development on protected species even though the Biodiversity Audit Cheltenham Reference RT-MME-3879-rev01 confirms the presence of protected species in this specific area.

Environmental Permit

Any environmental permit review and application process must include suitable engagement with the public and local planning authorities.

Comments: 5th December 2016

Letter re bat survey attached.

68 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 11th April 2016

Whilst I am supportive of Lilley Brook Golf Club and wish it to flourish, I object to the proposed practice field development:

Flood risk

The proposal lacks detail in a number of key areas

The current land profile retains water within the practice field and releases it over a broad area

The proposed terracing and drainage will increase the flow of water by a series of land drains routed into a main drainage channel. The plan does not identify the eventual outflow of this concentrated water discharge

The proposal is based upon a terraced design with all land drains routing into a single down drain. The system may not cope with heavy and/or sustained rainfall resulting in unforeseen overflows

To alleviate the risk of flooding, Cheltenham Borough Council have submitted a plan for a bund to retain water running down the same hill. Perhaps constructing a reservoir at the bottom of the terracing would moderate run off whilst providing a water source to irrigate the new greens and tees

An independent consultant, not a subcontractor to the main contractor, should properly assess the risks and produce an acceptable method statement.

Whilst perhaps not a planning issue, was an experienced golf course architect involved in the design of this facility.

Land stability

The proposal does not detail the exact construction method for the terraces.

An independent consultant should evaluate the proposal and establish that the site will be stable during and after construction. The consultant should produce an independent method statement.

Traffic

The plan is premised on traffic entering and leaving the site through the existing car park. Whilst the Highways Agency has not raised an objection I have concerns regarding:

The actual flow of vehicles: it is highly unlikely that a lorry will arrive every 15 minutes as stated in the plan - bunching is inevitable

The safety risk as empty lorries turn right across downhill traffic to ascend the hill

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Disruption to traffic driving down the hill: for safety reasons heavy lorries will descend at a speed lower than the existing limit

Disruption to traffic driving up the hill: the road is currently single carriageway and additional heavy lorries will have an adverse affect on traffic flow

Appendix A of the Full flood risk assessment shows access to the site through Sandy Lane, any application should explicitly exclude such access

AONB

I fully support the views of the Cotswold Conservation Board

Other matters

The proposal fails to consider all the issues which the applicant was asked to consider when the previous application was withdrawn

This proposal is based on 100,000 cu mt being delivered in 18 months, the previous proposal was based on 50,000 cu mt being delivered in 4 months. Is this development proportional and could time scales be condensed to minimise the disruption to the local community.

72 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 25th November 2016

Could you please note for the above planning application.

We are concerned that the building of the practice range will increase the risk of flooding by increasing the flow of water by the stream running next to Sandy Lane.

We would like to reiterate the words of other residents that the bug to collect the water coming off the hill needs to be increased to the largest that is practical.

76 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 15th November 2016

I do not object to this scheme in principle.

However this application still has concerns.

Appendix A has reverted to proposing access via Sandy Lane. I trust this is a mistake because, for all the obvious reasons given previously, this route is totally impractical. Access must be from Cirencester Road as detailed in the Transport Statement submitted in March.

The FRA refers several times to the fact the site is not in a flood risk area. One hundred metres downstream of the site Sandy Lane has suffered flooding in 2007 and 2016. It is an actual twice in a decade event, not a theoretical once in 100 years.

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The video at <https://www.youtube.com/watch?v=9uof7RVKWHQ> shows the volume and force of the water.

Both events were flash floods during the summer caused by run off from the site area. The video referred to above shows the stream that develops on the golf course which discharges into and overwhelms the drainage ditch alongside Sandy Lane. Note that this section of the video was taken after the water had subsided because access was impossible at peak flow.

Appendix B of the FRA proposes an attenuation basin to slow the rate of water released from the site. Despite the desk top calculations it is obvious that the volume of water currently flowing off the site at times of flash flood would quickly overwhelm this small pond.

The FRA states that soil on the site will be more compacted exacerbating the run off issue. The proposed bund seems to serve no useful purpose but would actually divert water down to the pressure point at the bottom of the site. In other words the proposal will increase the likelihood and severity of run off from the site.

I would be in favour of this application if the attenuation basin is constructed at several times the size proposed and have a bund constructed along the bottom of the site or along the boundary of the golf course with Sandy Lane to further attenuate run off from the site into Sandy Lane.

80 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 1st April 2016

The work will recontour the area by filling in a large natural hollow in the side of the hill. This area is steeply sloped and the landfill will accelerate the runoff of surface water into the various tributaries of Southfield Brook and Lilley Brook. This is already a high flood risk area as evidenced by the excellent analysis undertaken to support the construction of an earth flood bund (application 15/02131/FUL) VERY close to the site of the landfill proposal. It is essential that an independent flood risk assessment is made of the risk to the surrounding area from the planned works.

The application suggests all traffic will access the site via the A435/ A436 roundabout .This should be mandated and enforced by camera recording equipment at the entrance to the club. The road from the hungry horse round about to the golf course has already suffered land slippage .Can we be sure the movement of so many heavy lorries to and from the site will not make this worse (can the landfill agent be made liable for any new damage ?).

The Golf Club has sent a letter to residents making promises. Any approval should be subject to these conditions being met e.g. No movement of materials or equipment outside 8-5 (not 6 as proposed) Monday- Friday, only screened and processed soil imported .good site codes of practice etc.

82 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 12th April 2016

Page 63

I object to this application. Many very detailed and compelling objections have been raised in other comments. I wish to make some random observations.

The Flood Risk Assessment contains tables and spreadsheets intended to impress by using accepted percentages and other statistics. However there are no greater experts with knowledge of the risks of flooding in the locality than the residents whose gardens and houses have been flooded in recent times. The land drains proposed for the site carry all the surface water to the west side of the site combining into one at the north west corner. From here the drains are shown, rather optimistically, to carry the flow across the course to combine with the Lilley Brook (this could be a problem in itself). Any silting up in this corner would mean the flow would follow its natural course down the Sandy Lane track to the point where it would combine with the Southfield Brook. This has the great potential to cause flooding further down Sandy Lane, as during the floods of 2007.

A nearby Golf Club recently imported "inert soil" onto its course in a similar revenue raising project. It is my understanding that this unexpectedly contained a large proportion of clay. The course which hitherto had no problem with waterlogging now has one! The quality of the imported material to this site cannot be guaranteed.

LBGC claim that their ambition is to create a mini 9-hole course with specific characteristics to encourage beginners to golf and to form a Golfing Academy. They say the proposals predominantly involve re-contouring and levelling of the site. However, they don't appear to have contacted any Golf Course Construction firms for this purpose. Instead they have encouraged firms experienced in landfill to tender for the project. The applicant is clearly at pains to avoid the possibility that the proposal is a landfill project which would carry implications of greater regulation of the works and many more stringent conditions would apply. The saying comes to mind: "If it looks like a duck, walks like a duck and quacks like a duck - it is a duck!" This is a revenue raising landfill project and should be treated as such.

In their proposal they state that there would only be 3 employees working at the site. Presumably they wouldn't be working with shovels and a rake! The heavy earth moving equipment required will create noise and dust for five days a week (plus maybe a Saturday) for eighteen months. This site is only 150 metres away from my house and will be an unacceptable disturbance for myself and other neighbouring houses over a prolonged period.

6 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 8th April 2016

As a long-standing resident of property adjacent to the proposed development I have to object to it.

1. The benefits it brings to the (very) few seem to be heavily outweighed by the dis-benefits and long-term risks associated with it for the many.
2. The adjacent land is an area of outstanding natural beauty and known for rare and sensitive species of bats and orchids which rely on a chemically clean environment and unmanaged and undamaged land. To place so large a quantity of waste so close to such an area and then turf it over with closely mown and chemically treated grass will inevitably degrade this sensitive environment.
3. Sandy Lane is not so-called for nothing. The underlying geology is relatively unstable and the land below the hill has always been liable to periodic flooding and heavy run-off into the town.

Page 64

To place so significant development on this land without making extensive special provision for drainage is highly risky. No proper professional calculation has been offered.

4. The extensive investment made for run-off in the Cox's Meadow and Sandford Park areas may not be able to cope with this additional run-off. The risk of these facilities being overwhelmed should be calculated properly. Who would pay for the necessary uplift of these facilities if flooding risk is increased?
5. If flooding risk is increased who would pay for the increased insurance premiums on the affected properties adjacent to the golf course?
6. There is no such thing as inert waste. All such waste carries with it the risk of chemical seepage. The very large volume proposed would be impossible to control and inspect as it was delivered.
7. Golf is a declining sport and increasing facilities for it in a town that already has plenty of facilities is unnecessary. I do not believe there is a true demand for this proposal.

South Lawn
9 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 1st April 2016

1. Lilleybrook Golf Club's website still contains the following statement.

"Lilley Brook Golf Club has an excellent practice ground which offers you the choice of either playing from the grass or the superb Huxley all weather practice mats"

Is there a need for the development of such an excellent existing facility?

2. The application declares that the site is not in a flood zone. However, the watercourses relevant to the application run into an area within Cheltenham classified as a Flood Zone 3. This is the highest ranking within the Environment Agency's classification defined on its website as having a more than 1% chance of flooding every year. This is a critical issue regarding this development and I note that GCC Local Flood Authority (LLFA) have not supported the application.

There needs to be an independent study which must conclude with a high degree of certainty that the flood risk downstream is reduced. There is a real danger that works on this scale could increase the risk.

3. The application should be clearer on the type of waste and how it and the risk of fly tipping is going to be controlled.
4. We agree with the comments made by the Cotswold Conservation Board. Landfill within an AONB does not seem appropriate

7 Parkland Road

Cheltenham
Gloucestershire
GL53 9LS

Comments: 21st November 2016

My wife & I still strongly object to this proposed work. We feel the work will benefit only a small number of "local" residents, and become very intrusive for many more - especially residents adjacent to the club boundaries.

If approved, it is currently unclear if the landfill lorry access will be via the Cirencester Rd or Sandy Lane. If the latter is used that will cause much chaos and damage to the main lane and the BOAT footpath to the south. The bridge over the old railway track is already restricted in weight and who knows what damage might be caused by so much extra heavy traffic. The Lane already becomes congested with parking for Old Pats Rugby events etc. There should be NO vehicle access via Sandy Lane (road or boat) and only pedestrian access to use the long standing footpath across the club as now.

Councillor Baker
Ward Councillor
Municipal Offices

Comments: 15th November 2016

Further to my earlier email some initial comments from me:

1. Do we know that the material will be sourced from within Gloucestershire noting that great play is made on reducing the county's need for reducing waste landfill ?
2. How do we ensure the quality of the landfill, where is it sorted, at source or on site ?
3. There must be a condition which prevents lorries accessing or exiting the site from the south or to the south, this being the case how is that enforced please ?
4. can it be conditioned that after the landfill has been completed the area is developed as proposed and not just left and within an agreed timescale ? Great play is made of enhancing the golf facilities, cynics might think this is a revenue generation exercise as we know that accepting such a large amount of material will in itself generate revenue
5. Can it be conditioned that there is no access to the new facility or the golf course from Sandy Lane and the adjacent bridle way ? We do not want people using this new facility parking in Sandy Lane which is a narrow residential road.
6. Given the extended time scale of delivery over 18 months is it really necessary to allow Saturday working ?
7. Have you seen the video footage of the recent flooding down Sandy Lane which resembled a river and the subsequent flooding downstream around Moored Road ? The report notes the site is a low flood risk, that may be, the concern is the displaced water accentuating the situation we experienced only months ago which caused much damage, but not to homes, the worry is a repeat would result in damage to homes.
8. Where is the response of the lead flood authority ?

68 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 16th November 2016

As someone who has recently moved to Sandy Lane, I was aware of the proposal to build a 9-hole course on the Golf course. Prior to purchase I checked the proposed plans with regards to flooding and access to the site (both for construction and once finished and open).

I wholeheartedly object to any of the new planned changes with regards to both any increased Flood risk and access to the site.

Flooding - anything which causes an increased risk to flooding for any of the residents in the area, not just Sandy Lane, should be of major concern and mitigations and guarantees put in place.

ACCESS - Suddenly in Appendix A - there is the proposal to access the site via Bafford Approach and Sandy Lane! This was never in the original proposal - Access was always going to be via Cirencester road and across the golf course itself. I have major concerns about the size and number of heavy lorries and heavy plant equipment that will use this very small access road. Sandy Lane at the top end is barely passable with two cars once you get past Highland Road and it narrows again past Hartley Close. If the A435 doesn't have the capacity to withstand the proposed lorry traffic then Sandy Lane certainly doesn't.

This also sets a dangerous precedent for future access. Not only would this impact detrimentally on the residents but the increased amount of traffic would also create an unnecessary hazard for dog walkers, hikers and cyclists who use this road to gain access to the hills. The walkers, cyclists etc already have to walk on the road as there is no pavement area for them to safely use!

Access must be from A435 Cirencester Road across the Golf Course grounds as detailed in the Transport Statement submitted in March 2016

14 Greatfield Drive
Charlton Kings
Cheltenham
GL53 9BU
8 April 2016

Tracey Crews
Built Environment
PO Box 12
Municipal Offices
Cheltenham Borough Council
GL50 1PP
Ref. 16/00383/FUL

Dear Tracey

Proposal: Landfill and Reprofiling of Practice Golf Area
involving 100,000 cu mtrs of soil off Sandy Lane

One year ago Lilley Brook Golf Club proposed a very similar Landfill and Reprofiling for the Practice Golf Area involving half this current figure of 100,000 cu mtrs. Like many other objectors I was fearful of the potential flooding consequential, remembering then the flash flood off the hill which affected properties around Southfield Manor and adjacent area which also undermined the Footbridge linking Old Patesians playing field/Southfield Approach/Everest Road with Greatfield Drive. This vital footbridge was out of action for months and has been closed again in 2015/2016 because it was inadequately repaired and is currently structurally unsound.

As before I wish to register my objection to this Proposal for both Environmental and Archaeological grounds.

The area is immediately adjacent to the point where the unmade surface of Sandy Lane steepens sharply and is prone to very substantial erosion by water following rainstorm conditions. Any major alteration of the natural profile will affect the water table and associated spring line. This might result in an increase in the likelihood of soil-polluted flash flooding down Sandy Lane whose drainage ditches already require regular maintenance to cope with heavy rain.

My concern from an Archaeological consideration is that a Roman or Romano-British burial was found in the middle of what is now used as the Practice Golf ground. The grid reference is SO 959192 and it was then known as "William's Pit, Sandy Lane." This fact is listed in "Pre-Regency Cheltenham, an Archaeological Survey" compiled by Alan Seville, published and printed by Cheltenham Art Gallery and Museum July 1975. In light of this no Landfilling or Re-profiling should even be considered without obtaining a current assessment of potential archaeological damage using modern methods such as a geo-physical survey etc.

Yours sincerely



52, Sandy Lane
Charlton Kings

12.4.16.

Re:- proposed work at
Lulley Brook Golf Club

Further to our letter written regarding the first planning proposal submitted to you last year, we have looked carefully at the revised plans and ask that, when you meet to discuss whether permission is to be given for the proposed work to go ahead, you will carefully consider the following very important point. We think that

There should be no entrance to the site from Sandy Lane at all. If there is even a small path this will inevitably encourage people going there to be dropped off and cars will be parked up the lane. Many walkers, especially families with small children regularly, and particularly during holidays, weekends and out of school hours. We have already pointed out the dangers that extra traffic ^{will} ensue. Already, entrances to lanes are being blocked all the way up Sandy Lane by overflow traffic when events occur in the local playing field & this would be exacerbated.

The entrance to the Golf Club should be only from the existing one off the Gloucester Road.

We wonder why plans have been drawn up

to make the new range in such an
inconvenient ~~very~~ distance from the golf club
& car park.

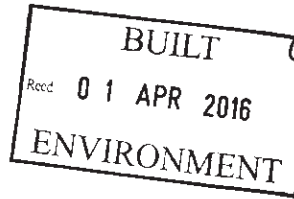
We also ~~foresee~~ that access to this proposed site may
well be sought at a later date.

We object to this.

Yours faithfully,



11 Branch Hill Rise,
Cheltenham,
GL53 9HN.
1.4.16.



Tracey Crews,
Planning Dept,
Cheltenham Borough Council,
Ref. 16/00383/FUL
Dear Mrs. Crews,

This application seems a more reasonable one than last year's, when Willeybrook Golf Club wanted to access their practice ground via the Sandy Lane footpath with about 40 lorry loads of landfill per day. I am concerned that the finished product, if allowed, should not significantly alter the view up Leckhampton Hill from the 10th. tee where the footpath starts to rise near the Sandy Lane gates. This is after all, in the AONB and is one of the best views in the Cotswolds.

Willeybrook Golf Club is ~~one~~ short of members and money. This scheme would bring them income from the builder who gets rid of his infilling material, as well as ensuring all-year round

P.T.O.

play on the proposed min ^{cause on the} Page 71 site of the current practice J. and. Given the wet winters we now experience, the lower level of the cause becomes so boggy during November - February, it is often unplayable. The Club may need to sell if the Council turns them down again, and that would probably be to a developer for building - land and I hope it would not count as "bracken-field". If it were sold as it ~~is~~ ^{is} a club, but it is in the A.O.N.B. so hopefully, it is protected.

Obviously, there would be flooding issues in Longway Avenue and Parkwood Grove if a developer were to divert water from the Litley brook, as water has to go somewhere. I also very much fear a loss of amenity for the people of Charlton Kings, who use the footpath along the edge of Litleybrook to access Heckhampton Hill, to say nothing of the desecration of the AONB, which may happen if the Club is not given permission to alter its practice-ground.

Yours sincerely,

By the Tenti — at Willeybrook

Page 72

(With apologies to John Betjeman)

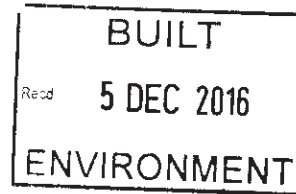
I wander here on sunny days
And look up "Lucky Hill",
A peaceful vista meets my gaze,
The air is balmy, still.
Pray God no builders will arrive
To make me wish I weren't alive....

● I wander here on evenings light
And rest upon the wall
And in the bushes, out of sight,
My dog may find a ball.
How sad I'd be, were we to lose
This very best of Cotswold views.

Beyond the fairway lush and green
There lies the Practice Ground,
The centre of a pastoral scene
Where wild life is found —
Let Man reshape it, but not mar
The Cotswolds with an ugly scar!







53 Sandy Lane
Cheltenham
G53 9DG
4 Dec 2016

Dear Ms Payne

PLANNING APPLICATION 16/00383/FUL

BAT SURVEY

I would like to comment specifically on the bat survey summarized in an email to the planning office dated 4 August 2016.

I am concerned that the survey has been performed does not appear to meet DEFRA requirements, and I wonder whether an undisclosed potential conflict of interest may be present here.

Potential Conflict of Interest

Mr Matthew Kendrick is named at Companies House as an officer of both the ecological adviser Grass Roots Ecology and a Director of Grass Roots Planning the developer.

Grass roots Ecology states on its website "We believe our pragmatic, developer-friendly and cost-effective approach separates us from other companies". This "developer friendly disposition" and the common directorship may be considered by some to impact the independence and quality of this report.

Bat Survey Shortcomings

It is my understanding that there is limited validity to conducting bat surveys on trees in January as it does not fall within the Bat Active season of May to September. Government guidance also states that tree inspections are not recommended in this period.

Contrary to the earlier assertions of the property owner (which denied the presence of bats) the survey has confirmed the presence of the protected bat species in the area and cannot rule out the use by bats of the grand old oak tree that the developer wants to destroy.

The consultants offered mitigation to provide "like for like" provision of bat boxes is contrary to DEFRA policy which states "***Don't use bat boxes as a like-for-like replacement for existing roosts.***" (<https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects#mitigation-and-compensation->).

The report fails to consider the potential impact of the considerable noise and disturbance over the minimum 18month planned duration of the project will have on bat roosting habits, foraging and commuting routes.

When the presence of protected species are confirmed the DEFRA guidance also calls for an Environmental Impact assessment " ***Provide an impact assessment showing what effect this development would have on bats if no mitigation were to take place. Include this with your planning or licence application.***"

Grass Roots Ecology has said the "Ecological Assessment" will follow but this is contrary to best practice.

The public and committee have a right to inspect and satisfy itself that the environment impact assessment for the development is presented for public scrutiny so that environmental/ecological risks are properly identified and assessed prior to progressing any approval.

Finally I would also ask if the committee to consider why, since the presence of at least two species of bats on the site has been confirmed, the consultant has not recommended that the developer apply for a Natural England Bat Mitigation Licence.

Accordingly, any progression of this proposal should be held pending receipt of the Environment Impact Assessments.

Also if the development proposal is ultimately sanctioned the approval is conditioned by a requirement that the developer applies for and is granted a Natural England Mitigation Licensing – Bats Licence under The Conservation of Habitats and Species Regulations 2010 prior to starting any work Yours Sincerely



APPLICATION NO: 16/00383/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 8th March 2016		DATE OF EXPIRY: 7th June 2016
WARD: Charlton Park		PARISH: N/A
APPLICANT:	Lilley Brook Golf Club	
AGENT:	Mr Matthew Kendrick	
LOCATION:	Lilley Brook Golf Club, 313 Cirencester Road, Charlton Kings	
PROPOSAL:	Engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole golf course by importing 100,000 cubic metres of inert fill material	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1 The following comments have been received from Charlton Kings Parish Council in response to the revised Flood Risk Assessment:

Objection: Further to our earlier comments in April 2016, we wish to make the following points regarding the latest Flood Risk Assessment. (1) Maintenance of the completed scheme will be essential and we note that in this document it is pointed out that this will be the responsibility of the owners. A detailed maintenance plan needs to be in place as part of the application. This maintenance responsibility and the associated plan needs to be made a legally binding condition of any planning consent, because of the potential for flooding problems elsewhere should the scheme not be adequately maintained. (2) In our view there is insufficient detail of the method of controlling the rate of release of water from the swale. (3) We note in Appendix 1 there is a diagram showing vehicular access via Sandy Lane; this should be via Cirencester Road. As noted earlier it needs to be stipulated that no construction traffic is allowed to use Sandy Lane.

- 1.2 Some additional representations have also been received which have been circulated to Members. One of these representations specifically relates to the bat survey and questions whether it meets requirements.
- 1.3 Following receipt of this representation, the survey method and results were informally discussed with the County Ecologist, and officers are satisfied that it does meet the general requirements. Natural England provides standing advice for local planning authorities who need to assess planning applications that may affect bats. It sets out that visual inspections can be done all year round but that bat activity surveys should be carried out in the bat active season, May to September. Where possible, endoscopes should be used to visually inspect cavities in trees.
- 1.4 The features identified as having the potential to support roosting bats, a rot hole and cleft, were first searched in January 2016 using an endoscope and no evidence of recent occupation was found. Notwithstanding this, two emergence surveys were subsequently conducted during the bat active season, one in late June and one in mid-July 2016. Further inspections using an endoscope were carried out prior to these surveys. Again, no evidence of usage was found, with cobwebs observed throughout. Additionally, no emerging bats were seen and only limited bat activity was observed nearby.

- 1.5 Officers therefore remain satisfied that the proposal to install two bat boxes on suitable trees within the locality is sufficient given the results of the survey. The provision of these bat boxes could be secured by way of a condition, should planning permission be granted.

2. RECOMMENDATION

- 2.1 The recommendation remains to refuse planning permission for the reasons set out in the main report.

APPLICATION NO: 16/01577/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 10th September 2016	DATE OF EXPIRY: 5th November 2016
WARD: All Saints	PARISH:
APPLICANT:	Mr Paul Haskins
AGENT:	SF Planning Limited
LOCATION:	83 Hewlett Road, Cheltenham
PROPOSAL:	Alterations and extensions to the building and conversion to provide 7 additional flats and ground floor retail unit

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a public house which was most recently known as The Maple Leaf which is now closed. It is located on the corner of Hewlett Road and Duke Street within the Fairview and All Saints Character Area of the Central Conservation Area. The character area appraisal identifies the building as a positive building within the conservation area.
- 1.2 The site is adjacent to the Hewlett Road Neighbourhood Centre with the neighbouring property being a café fronting Hewlett Road. To the rear of the site are the terraced houses of Duke Street. The area is characterised by a mixture of building types fronting Hewlett Road with traditional terraced housing in the side streets.
- 1.3 This application proposes the change of use of the building from public house (use class A4) to a mixture of residential (C3) with a retail unit (A1) on the ground floor. There is a flat within the building at present and the proposal would create a total of 8 flats, hence an increase of 7. The proposal includes an extension at second floor level, over the part of the building which presently has a parapet roof. The extension would project this parapet upwards by a storey. Further alterations to the existing building comprise the following:

- Installation of doors to a new bin store and pedestrian door on the Duke Street elevation
- Opening up of blind windows on the Duke Street elevation and insertion of new windows on the same elevation
- The raised bar area would be demolished to create a patio area for the 2 ground floor flats
- An additional window would be inserted in the inward looking wall of the rear wing and roof lights would be installed within the roof slope of the bedroom of flat 6.

- 1.4 The resultant accommodation comprises:

Ground Floor: Retail unit, 2 x 1 bedroom flats, bin storage and bike storage

First Floor: 1 x studio apartment, 3 x 1 bedroom flat

Second Floor: 1 x 1 bedroom flat, 1 x 2 bedroom flat.

- 1.5 The plans have been amended since the original submission of the application. The amendments comprise the reduction in the size of the second floor extension which has also resulted in the loss of one studio apartment. The original application also included two smaller retail units at ground floor level and these have been combined to create a larger unit.
- 1.6 Planning permission was sought in December 2015 for *“Alterations and extensions to the building and conversion to provide 9 additional flats”*. Officers recommended the application for approval, however on 18th February 2016 the Planning Committee overturned the recommendation, thereby refusing the application. The reasons for refusal were as follows:
- 1 The proposed development of the site for a total of 10 flats represents a cramped overdevelopment of the site. The density of the residential use would result in a development which fails to respect the character of the locality. As such the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan adopted 2006.

- 2 The proposal results in the loss of a public house and associated function room which is a valued local community facility. Its loss would therefore be detrimental to the quality of life of local residents and to the sustainability of the Fairview Community. As such the proposal is contrary to Policy RC1 of the Cheltenham Borough Local Plan adopted 2006 and paragraph 70 of the National Planning Policy Framework.
- 1.7 The previous application was considered by the planning committee at the request of Cllr Steve Jordan. No specific request has been made in respect of this application however due to the level of public interest and the overturn of recommendation in respect of the previous application it was considered appropriate that this application also be determined by the planning committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area

Relevant Planning History:

15/01035/PREAPP 28th July 2015 CLO

Proposed first floor external terrace and installation of new sliding folding doors to create cafe style open on the ground floor

81/00367/PF 27th August 1981 PER

The New Inn Hewlett Road Cheltenham Gloucestershire - Alterations To Public House Including Blocking-Up Of Existing External Door

94/00010/PF 17th February 1994 PER

The Pump And Optic Public House - Alterations To Existing Public House Extending Trading Area And Forming New Catering Kitchen And New Access To Function Room (In Accordance With Revised Plans)

94/00608/AI 25th August 1994 PER

Various Illuminated Signs

15/02269/FUL 24th February 2016 REF

Alterations and extensions to the building and conversion to provide 9 additional flats.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
RC 1 Existing community facilities
RC 6 Play space in residential development
TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Central conservation area: Fairview and All Saints Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Heritage And Conservation

10th October 2016 (in response to original plans)

Analysis of Site: Prominent corner site, C19th in origin with 20thC single storey extension to the front with central opening and large windows to each side. The side of the building adjacent to Duke St is older and the extension on this side dates from between 1932 and 1954 whilst the other side is much later and of a different style. Recently in use as a public house identified in the Fairview Character Area Appraisal as a positive building within the conservation area but it appears to have ceased its primary use as a public house sometime ago and the condition of the building is deteriorating.

Comments:

1. This application is for a revised scheme following refusal of a similar scheme earlier this year.
2. In many ways the alterations to this proposal are more harmful to the setting of the listed buildings (No.79 and 81 Hewlett Road) and the conservation area than the previously submitted scheme for which I wrote comments.
3. As previously commented it was considered that the front of the building on Hewlett Road could accommodate an additional storey subject to appropriate period detailing but the rear range, which differs in terms of scale and design should remain two storey. This was advised due to the character of the existing building and its subservient relationship with the primary building on the Hewlett Road frontage and to retain the historic hierarchy between the larger Regency terrace and the smaller scale artisan terraces behind.
4. The revised scheme now proposes an additional storey and increasing the side and rear of the primary building from three to four window range and reducing the rear building from three to four.
5. The effect is unduly bulky and disproportionate creating an unbalanced composition that does not relate well to the existing buildings.
6. The proposal will obscure the historic legibility of the ensemble: despite both front and rear range being two storey currently, a visual and hierarchical difference between the two is evident from the polite architectural language used on the front and the vernacular language on the rear. The additional storey on the front would not detrimentally alter this relationship but increasing the mass of the primary building, as proposed, will.
7. The enlarged front range will be over-bearing and unacceptably dominate the entrance to Duke Street. This will detrimentally impact the setting of the listed buildings, on the opposite corner, and the character of the conservation area.

Conservation and Heritage summary

This application is not supported due to the harmful impact on the setting of the listed buildings and the conservation area that would result from this poorly composed and over-bearing development.

Suggested refusal reasons relating to Conservation and Heritage matters:

The proposed additional storey by virtue of its height, bulk and massing would harm the character and appearance of the conservation area. Accordingly, the proposals are contrary to section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, national policy set out in the NPPF and Historic Environment Good Practice Advice In Planning and policy CP7 of the Adopted Cheltenham Borough Local plan.

Cheltenham Civic Society

19th October 2016

This seems well-executed. The additional storey will improve the streetscape. We welcome the retention of the retail units in what used to be the pub.

Building Control

14th September 2016

No comment

GCC Highways Planning Liaison Officer

29th September 2016

The application site is located in close proximity to the junction of Hewlett Road and Duke Street. There are parking restrictions in place along Hewlett Road and the adjoining junctions. There is not a history of recorded personal injury collisions in the area related to the parking of vehicles. Although it would be desirable to provide on plot parking, it is accepted that given the nature of the existing use and the need to make full use of the building, this is not possible. It is not considered that there are any dangerous locations where cars owned by residents and/or visitors could park, given the parking restrictions in place. Parking is available in the side streets. Although this parking is limited in peak times, it not considered that there are any highway grounds to object to the development, as the development will NOT have a severe impact on the surrounding highway network.

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

Prior to first occupation, 10 secured cycle parking spaces shall be provided within the site and those facilities shall be maintained for the duration of the development.

Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework.

Architects Panel

13th October 2016

Design Concept

The panel had commented on a previous scheme for this site and had been in favour of the development in principle but had reservations over the design. This new scheme was an improvement on the earlier proposal but the panel was still unhappy with elements of the design and felt it needed further refinement before it could be supported.

Design Detail

The Duke Street elevation appears unresolved - first floor unit 5 bedroom window needs to match adjacent windows in the block; the elevation would have a better composition and the contorted plan layout would be much improved if the redundant chimney wall was removed and window openings adjusted to suit; the new front door is too close to the adjacent windows and its position on plan and on elevation doesn't match; the bin store doors are most unattractive and arguably unnecessary with a more efficient plan.

The passage looks too narrow for bike storage.

The bedroom 2 single storey extension into the courtyard spoils what could be an attractive external space.

Elevation F-F could be improved with additional windows, though it is unclear, due to lack of contextual information, if there may be overlooking problems with adjoining properties.

The panel felt the plans were not successful and questioned whether the scheme could be much improved by having fewer but larger units making better use of the space available.

Recommendation

Submit revised scheme proposals.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	86
Total comments received	29
Number of objections	28
Number of supporting	0
General comment	1

5.1 The application was publicised by way of letters to 86 neighbouring properties, a site notice and a notice in the paper. A re-consultation process was carried out on receipt of revised plans. Comments from 29 properties were received.

5.2 The main issues arising from the consultation were as follows:

- Lack of parking and increased demand for parking
- Access issues – concerns about access by emergency vehicles
- Consider residents parking
- Overdevelopment – too many small flats
- Flats do not meet the housing guidelines
- Commercial use on ground floor is welcome
- Concerns about the design and height
- Would prefer retention of function room
- Still results in the loss of community facilities
- Lack of green space
- Impact on light to neighbouring gardens
- Noise from flats
- Overlooking

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) the principle, (ii) Design, layout and conservation issues, (iii) impact on neighbouring properties, (iv) parking and highways issues.

6.2 The site and its context

The pub is located adjacent to the Hewlett Road Neighbourhood Centre which comprises a variety of uses, however the surrounding area is primarily residential. The pub currently lies empty, having most recently been known as The Maple Leaf.

6.3 Principle

6.3.1 Background

As mentioned above the previous application for the 100% residential scheme was refused for the following reason:

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

Since the refusal of the application the applicant has been in discussions with the Fairview Community Association (FCA) which have resulted in this revised application being made with some retail space on the ground floor. A group has been formed which is looking into exactly how they could make use of this space but initial ideas are a retail or food offering perhaps with classes being run from the unit. The application was revised to combine the two units to better suit this potential use and the group have been offered storage space within the basement. On this basis the FCA are supportive of the proposal.

6.3.2 Loss of the Pub

Since the submission of the previous application the pub has been designated as an asset of community value (ACV). This is not a planning designation and the Authority have no planning policies relating to ACVs. However appeal decisions have established that the designation can be a material consideration in determining applications. As the asset is not being 'disposed of' i.e. sold, there is no requirement for special marketing arrangements or procedures to be followed as was the case at the Ryeworth Inn which members recently considered.

The relevant Local Plan Policy is policy RC1 which reads as follows:

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

- (a) The use is replaced within the new development; or*
- (b) Alternative provision is made in an appropriate location; or*
- (c) There is no longer a need for this site to remain on community use.*

Officer advice at the time of the previous application was that RC1 was not directly applicable to public house use, bearing in mind the views of the Inspector in the appeal at

The Greyhound Inn, 198 Hewlett Road. Officers are still of the view that the applicability of RC1 is questionable, however members were of a differing view and there has been a change in circumstances with the pub now being an ACV.

The proposal results in the provision of a retail unit, which in officers opinion is capable of fulfilling a community need. Therefore, whilst the floor space available to the public will be reduced the proposal does retain a publically accessible element. This has been done in consultation with the local community although the exact nature of the eventual use/user is unknown at present.

Paragraph 70 of the NPPF states that planning policies and decisions should:

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

As such the NPPF groups local shops with public houses, giving them the same status in policy considerations.

Therefore it is considered that the proposal overcomes the previous reason for refusal in relation to the principle of the use.

6.3.3 Introduction of retail unit

As mentioned above negotiations are on-going between the owner and the community, however in planning terms the principle of an A1 unit in this location is acceptable regardless of end user. It is directly adjacent to the existing neighbourhood centre and is within a run of other commercial uses. As such this use would be entirely appropriate for the location.

6.4 Design and layout

The building is not listed however it is historic and relatively prominent in the conservation area. The second floor extension has been the subject of negotiation to reduce its scale to that of the front section of the building.

The comments of the Conservation Officer and the Architects Panel were made in advance of these negotiations and the revisions have overcome the majority of the issues raised.

There are three storey buildings on both sides and as such the increase in height would not be imposing or incongruous in the street scene. The building drops down to two storeys to meet the buildings of Duke Street and this is both historically and visually appropriate.

The detailing of the extension and new windows and doors appear to be acceptable although further detail is required by condition.

The building retains the façade of the public house at ground floor and this is considered to be appropriate as it allows the history of the building to be understood.

The design is now very similar to that which members considered through the previous application. The application was not refused specifically on design grounds.

The previous application was refused for the following reason:

The proposed development of the site for a total of 10 flats represents a cramped overdevelopment of the site. The density of the residential use would result in a development which fails to respect the character of the locality. As such the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan adopted 2006.

The proposal is now for a total of 8 flats due to the introduction of the retail space on the ground floor. This reduces the density of accommodation within the building although it is acknowledged that the proposed flats are similar in size and layout as those within the previous application. Circulation is now more generous due to revised corridor layouts etc and this helps relieve the 'cramped' feel.

Some of the flats are relatively small however they have been assessed against the national space standards and fulfil the criteria.

Therefore on balance it is considered that this reason for refusal has been overcome and that the proposal is in accordance with policies CP3 and CP7 of the Adopted Local Plan.

6.5 Impact on neighbouring property

The impact upon neighbouring property is largely unchanged from the previous application and no reason for refusal was given on amenity issues.

6.5.1 6 Duke Street

This property has a two storey rear wing adjoining the application site and is therefore somewhat shielded from the proposal. The second floor extension is over 11m from the amenity space of this dwelling which is sufficient to avoid excessive overshadowing. The new windows facing towards this property are a shower room and kitchen window on the rear elevation of the second floor extension, however this is 16m from the amenity space of this property and therefore would not result in significant overlooking. There is also a window within the rear elevation of flat 6 and it is suggested that this be obscure glazed. A concern has been raised by the occupant of this property in relation to the provision of a living/dining room within flat 6 directly adjacent to the master bedroom of 6 Duke Street. This has been discussed with Environmental Health and they would not raise an objection on these grounds, however they did consider that it might be appropriate to attach a condition requiring soundproofing to be installed where the two buildings meet in order to avoid future conflicts.

6.5.2 85 Hewlett Road

The ground floor of this unit is in use as a café and a meat processing unit to the rear. What would have once been the garden of this property is now covered over in association with this use. It is assumed that the floors above are in use as flats. The proposed extension complies with the light tests with regards to the windows on the rear of this neighbouring building. There are side facing windows on the rear section of the building which might result in overlooking to a window in the side return of this property and as such it is suggested that these are obscure glazed.

6.5.3 81 Hewlett Road

The proposed extension is 10 m from the garden of this property which is an acceptable distance between buildings and gardens, common in residential areas.

For these reasons the proposal is considered to be in accordance with policy CP4 of the Local Plan and advice contained in the NPPF.

6.6 Access and highway issues

The previous application was not refused on highway grounds and the revised application has two fewer dwellings than the previous application.

The proposal does not provide for any off street parking. The Highways Officer has confirmed that there is no objection on Highway grounds as detailed above. It confirms that there are parking restrictions in the area which prevent parking from occurring in inappropriate and dangerous locations. There are opportunities for parking on nearby streets, although these can be limited at peak times. Whilst this might result in inconvenience for residents who are unable to find a space, the test in planning terms is whether the proposal results in severe impacts upon the surrounding highway network. The advice of the Highways Officer is that this is not the case.

The proposal provides for sufficient cycle parking and this is secured by condition.

As such it is considered that the proposal is in accordance with policies TP1, TP2 and TP6 of the Local Plan and advice contained in the NPPF.

6.7 Other considerations

6.7.1 Bins

The bin storage area is in a location accessible by residents. It provides sufficient space for communal waste and recycling storage in accordance with the advice given by UBICO.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The site is a vacant public house the condition of which is starting to deteriorate. Members refused the previous application based on the loss of the community facility and the density of the residential use. The revised proposal reduces the number of apartments within the scheme and introduces a retail unit on the ground floor. This is considered to be an appropriate use of the building which would bring it back to viable use. It is considered to overcome the concerns which have been previously raised.

8. CONDITIONS / INFORMATIVES

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

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

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

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

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

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

- 4 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).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order) the following shall be glazed with obscure glass and shall be maintained as such thereafter:
- South east facing bedroom window to apartment 6
 - North east facing living room window to apartment 5
 - North east facing bedroom window to apartment 7

Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 6 Prior to the installation of any new windows or doors full details to include the design, materials, colour and finish (including cills) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.

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

7. Apartment 6 shall not be occupied until sound insulation has been installed within room which adjoins 6 Duke Street, in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the adjoining property, having regard to Policy CP4 of the Cheltenham Borough Local Plan (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 amendments to overcome the concerns raised.

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

APPLICATION NO: 16/01577/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 10th September 2016		DATE OF EXPIRY : 5th November 2016	
WARD: All Saints		PARISH:	
APPLICANT:	Mr Paul Haskins		
LOCATION:	83 Hewlett Road, Cheltenham		
PROPOSAL:	Alterations and extensions to the building and conversion to provide 7 additional flats and ground floor retail unit		

REPRESENTATIONS

Number of contributors	29
Number of objections	28
Number of representations	1
Number of supporting	0

11 All Saints Road
Cheltenham
Gloucestershire
GL52 2EY

Comments: 28th November 2016

I object to this application for 2 main reasons:

Firstly parking - I live on All Saints Road and parking is already a complete nightmare as we are one of the few streets that does not have permit parking. Most days I have to drive around for at least 10 minutes to find a parking space. I know a lot of people who park on the road don't live on the road itself. Whilst I appreciate parking is not a right and everyone is allowed to park on a public road, another 7 flats without dedicated parking is only going to add to the issue locally. Alternatively, make All Saints Road resident parking - with parking on one side of the road only there is not enough capacity for the residents as it stands and this development will only exacerbate the problem.

Secondly, I can see no need for a development of studio apartments in this area. It is a residential area with a high number of families and what the area needs is 2 bedroom apartments/houses. The only reason I can think of for squeezing 7 tiny flats into this space is for the developer to maximise profits.

Comments: 1st December 2016

Further to my previous comments would also like to complain about the lack of consultation on this issue. Despite living in close proximity to the development, the first I heard about the new development plans was a letter from my Councillor (dated November 2016) which was only delivered on Sunday 27th November. Within this letter it stated comments must be received by 29th November. Hardly sufficient time to consider the plans in much detail.

Meanwhile my friends who live on Fairview Road, and who objected to the development last time, knew nothing of the new plans at all so have not been given the opportunity to comment.

I would presume that with any such development, especially one which as caused such feeling within the community, that it would be standard practice for all previous objectors to be made aware of any new submissions. In addition a simple letter drop to the surrounding streets would

seem a minimum expectation of any developer who actually wanted to consult with the local community.

11 Princes Street
Cheltenham
Gloucestershire
GL52 6BE

Comments: 27th September 2016

Letter attached.

Comments: 22nd November 2016

The current owner has revised the proposals put forward to accommodate some of the concerns raised with the submitted proposal.

Looking at these revisions the increase in floor area put forward for Commercial, Class A use is welcome. The number and size of suggested flats I believe still needs to be reconsidered. A couple of the flats need to be re-measured as the floor areas of these units appears to be less than the current Technical Housing Standards Guidelines where a 1 bedroom unit is to have a min. gross floor area of 39m² (37 with just a shower). The flat density suggested in this current proposal is, we believe, still contrary to policy CP7 of the Cheltenham Borough Local Plan adopted 2006.

Again, if the owner of this property does succeed in the redevelopment of this site the council must ensure the Use Classes Order is maintained so the retail unit remain Class A3 or A4 and cannot be converted to Class C3. In our view the retention of part of the ground floor as a single commercial unit is welcome but the number of flats over should be limited to just face Hewlett Road.

The building of a further floor is in balance with the existing facades on Hewlett Road. However consideration has not been taken, to the chimneys of this property or the neighbouring property 85.

The inclusion/ retention of the existing function room would also be very much appreciated by the Fairview Community.

Contrary to the applications and Highways thinking this area is at saturation point with parking so any increase will be detrimental to the quality of living in this area. This will be a very dense residential building with no parking to either face. These residents and their visitors will most probably have vehicles but with no designated parking. Parking needs to be provided in this type of proposal but in this situation is not practical on the site.

Conclusion

The housing in this application is still too dense and should not be considered by Cheltenham Borough Council. It is contrary to Policy RC1 of the Cheltenham Borough Local Plan adopted 2006 and paragraph 70 of the National Planning Policy Framework.

10 Leighton Road
Cheltenham
Gloucestershire
GL52 6BD

Comments: 19th September 2016

1. I understand that a previous application was rejected on the grounds that it removed local community facilities from the now extant pub without any attempt to replace them. This

new application is clearly business rental oriented, and does nothing to address the concerns about community facilities which were the basis of the rejection of its predecessor. This in itself may be sufficient to reject this application.

2. In parallel with the above, I believe that there are other considerations which are centred on traffic and parking. Hewlett Road has heavy traffic, and parking is prohibited to in the area of No 83 by double yellow lines and a pedestrian controlled set of traffic lights. The only access to local parking for deliveries and the new residents is in Duke Street and Leighton Road - which also happen to be the nearest free and unregulated parking available to Cheltenham business and club areas during the day and evening. This means that, in the absence of any off-road parking, residents of Duke Street and Leighton Road already find it very difficult to park at all times of the day and evening. Adding shops and 8 extra flats can only make matters worse for residents and, in the absence of action to change this situation, should result in the rejection of this application.

Irrespective of the outcome of this application, there is a strong case for the introduction of residential parking in both Duke Street and Leighton Road, such that every house has good access to at least one parking space at all times by displaying a "Resident Pass". Access to any remaining space would then be controlled by closely monitored metering (eg, a maximum of 1 hour for cash, with a waiver for tradesmen working at a house in that road, and a "visitor badge" issued to each house).

In addition, the parking situation in Leighton Road effectively forces it to be restricted to one-way traffic. Duke Street is effectively in the same situation, except that it currently has traffic rights in both directions without the means by which opposing traffic can pass each other. Logic might imply that restricting traffic in Duke Street to single flow (ie Hewlett Road towards Princes Street) would be beneficial - in effect making a one-way block with entries to Duke Street from Hewlett Road and to Leighton Road from Princes Street, and exits from Leighton Road to the Hewlett Road roundabout and to Princes Street from Duke Street.

If any application based on extra residential accommodation were to be approved, I hope that it will only be allowed to proceed after resolving the traffic and parking issues outlined above.

56 Leighton Road
Cheltenham
Gloucestershire
GL52 6BD

Comments: 16th November 2016

We object to this proposal and echo the comments made by many.

The revised plans still show overdevelopment of the site contrary to policy CP7 of the Cheltenham Borough Local Plan 2006.

The increased traffic and parking will be detrimental to the area and those people who live in it. Whilst the developer might think that those who purchase the flats will have bicycles, most people own a car and many households have two. There is no parking contingency for the proposed flats and this will result in added pressure to neighbouring streets which are already full of shoppers and workers during the day. In the evening you can't get parked near your home as there are too many vehicles owned by the residents already. People will park on the double yellow lines which obstructs the view into the road. It is an accident waiting to happen.

Additionally there have been occasions when the rubbish has not been collected in Leighton Road because the lorry could not get down due to people parking on the yellow lines. This will get worse. If a rubbish lorry can't get down the road, could a fire engine or ambulance?

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The Local Development Framework 2008 states that on-street parking is identified as a problem with a "negative impact on the character of the Fairview area". Additional traffic and parking will be detrimental to the local people of Fairview and lessen their quality of life.

The loss of the pub which closed LAST year and not a number of years ago is a loss to the community and only closed because the brewery were greedy and made it impossible for anyone to make it a success. If it was a free house I believe it would have a better chance of success. This loss of an community asset is very disappointing and the developer's plan to provide space for retail units is an attempt to pay lip service. There isn't a market for additional shops here so he knows that they will be able to turn them into flats at a later date subject to change of use planning permission.

Obviously it is desirable to do something with the building rather than let it fall into disrepair, but this proposal is simply overdevelopment.

10 Duke Street
Cheltenham
Gloucestershire
GL52 6BP

Comments: 27th September 2016

Parking:

This is a huge issue. An additional 8 flats, with many, if not all of their occupants having one/two vehicles the issue will be magnified terribly. The junction is already dangerous as there are often cars parked on both sides of Duke Street, right up to Hewlett Road in the evening and early morning. There is not enough space as it is. Adding this many more vehicles to the mix is not acceptable or fair to the current residents struggling to park their vehicles on a day to day basis.

Building height:

Increasing the height of the building is not acceptable either. Even though there are taller buildings on Hewlett Road, the majority of number 83 is on Duke street where the houses are all 2 story. The houses at the bottom end of Duke Street will be overlooked with the residents enjoyment of their own properties negatively affected. In addition it could set a precedent for the over development of other buildings on Duke Street to this height.

Comments: 22nd November 2016

I can only echo what has already been stated by many residents on many occasions that the parking in local streets will be made worse than it already is. People with families and shift workers already have huge problems in the day time trying to find somewhere to park. It is clear that with parking being such an issue for the local community, then suitable provisions surely must be made.

61 Duke Street
Cheltenham
Gloucestershire
GL52 6BS

Comments: 26th September 2016

I would like to raise the following objections to planning application 16/01577/FUL, 83 Hewlett Road.

SCALE AND PROPORTION; the existing streetscape is formed by the development of individual buildings and small groups and subsequent infill to create the appearance of terraces while retaining a mix of architectural styles and roof heights leading to an interesting roof line. To take the height of the existing taller buildings and suggest this as a precedent to allow other

development to be increased in height risks losing the variation in height that leads to the unique character of the street scene in the immediate vicinity. An increase in height at this location would, when considered with the height of the four storey building to the south, risk creating the illusion of narrow and unwelcoming gateway into Duke Street from the Hewlett Road.

DENSITY; although the application address is 83 Hewlett Road, the impact on local residents will mainly be in Duke Street. The predominant local housing pattern is two to three bedroom terraced housing mainly occupied by individuals or families and to introduce the proposed number of residential units into a single building will be overdevelopment relative to the existing pattern.

OPENSOURCE; All Saints ward has the lowest provision of open and green space in the borough. The audit within the councils own 'Parks people and wildlife, a Greenspace Strategy' indicate that there is .07 hectares of greenspace per 1000 population in All Saints. The Cheltenham average is given as 3.1ha/1000. There should be a consideration for the provision of an element of public or private green and open space when developing in this ward. The application makes mention of a 'flatted scheme in the vicinity along Hewlett Road'. The accompanying photograph shows that outdoor space, although small was considered and provided in that scheme.

PARKING AND HIGHWAYS; the flatted scheme mentioned above also provides parking within their site. This provision is absent in the scheme proposed for 83. Irrespective of any comments from highways, there is a problem with parking in Duke Street and surrounding streets. This has been made worse by other parking schemes and car parking charges in the locality. Any scheme of this scale and with the potential to introduce many additional vehicles should only be supported when there is a cohesive parking strategy for the town centre and this locality that will address commuter and long stay parking, trade vehicles and those from neighbouring residents parking areas avoiding payment by using these adjacent unregulated streets. The proposed development will increase the number of vehicle movements along Duke Street. There is two way traffic in Duke Street but the predominant movement is from the Hewlett Road driving to the east; the occasional vehicle travelling in the opposite direction can cause chaos. As with parking, there should be a cohesive strategy developed for vehicle movement within the locality before further development is supported. The street layout could provide for a local system of no entries and/or one way sections that go some way to reduce non-residential vehicle movements.

COMMUNITY; when this building was operating as a public house, it provided an informal as well as formal venue for locals to meet. Although formal events may be catered for to some degree elsewhere, the loss of an informal meeting place is to the detriment of community cohesion and a sense of local identity.

21 Leighton Road
Cheltenham
Gloucestershire
GL52 6BD

Comments: 13th October 2016

Our objection to this development is the same as for the previous application ie PARKING.

This aspect was completely ignored as a reason for planning refusal on that occasion in spite of this being one of the major reasons for the 70 objections. One must conclude that the council cares little for the problems that a lack of parking spaces causes local residents especially in the late evening.

Hopefully when this application is considered Councillors will take note of the residents concerns over where 8 or more cars will park.

We can but hope!

68 Duke Street
Cheltenham
Gloucestershire
GL52 6BP

Comments: 23rd September 2016

As we are the most densely populated ward of Cheltenham and live in a terraced street with no off road parking, increasing the number of car owning residents by 8 or more would increase the pressure of parking in an already overcrowded area. It can be dangerous pulling into or out of Duke Street at the Hewlett Road end because of cars parked on double yellow's, there simply is not enough legal parking available.

Using the building for business will increase the problems, with business owners, staff and visitors needing parking space too.

Introducing a residents parking scheme doesn't provide any more spaces either just puts money in the council coffers.

Comments: 16th November 2016

In the twenty years we have lived in Duke Street, the pressure on parking has steadily increased due to the density of housing in the area and the proximity to local shops. Adding another seven residences to the street with no extra provision for parking will place even greater pressure on residents.

Parking is already used by hospital workers, town centre shoppers and is a much needed facility for our existing local shops, hairdressers etc for short term parking.

The attempt by the council to offer residents parking only some years ago was rejected as it produces no extra parking spots and would cause inconvenience to many Cheltenham residents.

6 Duke Street
Cheltenham
Gloucestershire
GL52 6BP

Comments: 3rd October 2016

We object for the following reasons:

Noise

The clear lack of respect to the community from the developer. He has not even taken into account his direct adjoining neighbour. There is a living room currently connected to the master bedroom. This historically has not been an issue being 'owner to owner'. However I expect these to be sold off to landlords who will rent these properties out. Having a kitchen/living/dining area connected to my master bedroom is ridiculous and shows the profit is only on his mind.

I currently work in the lettings industry and we have to deal with noise complaints regularly. I would like to nip this in the bud from the start by changing this to a bedroom as it is sensible (maybe even fitted wardrobes on that wall).

Privacy/Light

Adding the third storey will severely affect the sun light to my property. The sun sets at the second storey of the current building so adding a third storey will mean I lose the sun sooner! The people on that floor can easily see across all of the gardens of Duke Street which removes all privacy.

Parking

Like everyone else who is objecting, the parking is a serious issue for Duke Street/Princes Street/Leighton Road as it all has a knock on effect. In the past 6 months I have parked directly outside my property (not on yellow lines).....5 times? Adding these flats will knock on for everyone and will never be able to park outside their property again. This is due to people working in town parking on the road. I come and go from the area all day and living at number 6 I class a good space being as close as number 26 however I normally end up number 52 or even Leighton Road!

Overdevelopment

Studios and 1 bedroom apartments add very little to the property market. Tom Price Close covers that perfectly and is only around the corner. The market is in need of 2 bedroom apartments in Sales and lettings, first time buyers needing something bigger or a great investment for someone. A studio does nothing and just causes issues to the community for more parking issues.

Loss of community space

The retail units add nothing. They are not community space they are just another way the investor can make some money by selling/renting retail units. The Fairview area is not going to turn into the popular 'Bath Road' with 2 more retail units.

In conclusion I feel some issues of the plan have been improved:

- Bin storage
- Bike Storage inside
- Access to the building

Things which have not improved:

- Adjoining wall to my master bedroom
- Light and privacy to the surrounding gardens
- Parking
- Overdevelopment
- Loss of Community Space

Overall the plans have improved and I feel if we keep working on this we can get this resolved. However as it stands the plans are way off being something the community and myself will agree with.

Comments: 28th November 2016

I can only reiterate what the neighbours and myself have said previously.

As you can see from the drawings my house is already slightly lower yet they want to add another storey which will overlook my garden a privacy. Just keep to the building which is already there and utilize it correctly. I understand it will inevitably be flats but proper space management could have some fantastic 1/2 bed flats. Pokey small studios are not needed. I would love to see the dimensions of flat '2' as it seems extremely small and useless to put in.

Leading on from all of this is a parking issue which some how the 'Highway Officer' deems sufficient. During the middle of the day myself and 2 other cars were continuously circling Duke Street/Princes Street/Leighton Road until slowly but surely (10/20 mins later) we all got parked. It is just obscene no one takes any notice of this.

I contacted the developer directly being an adjoining neighbour however I had no response! I would have liked the living/dining room not against my master bedroom wall. Seeing as it is a 1 bedroom flat I know where they will be cooking and sitting (partying?). This shows a lack of respect to neighbours and the development itself. Luckily I have had Emma Pickering out to help

with that matter as the developer clearly didn't care. However they will not move the living/kitchen/diner but will supposedly sound proof it.

I did say previously ideas were getting better with the retail unit which I still agree on. On the other hand the flats seem to be getting worse!

86 Hewlett Road
Cheltenham
Gloucestershire
GL52 6AR

Comments: 1st October 2016

I can only add to other objectors comments in respect of the parking/traffic problems that will be exacerbated by the potential of 16 additional vehicles requiring parking space in an already grossly overloaded area and the inevitable commercial vehicles which will be involved with retail units. As things stand at present there are commercial vehicles parking on double yellow lines whilst making deliveries to existing retail units or causing obstruction to pedestrians by parking on pavements. Local residents find it extremely hard to find parking for their vehicles and frequently require to park some distance away from their property.

The inevitable increase in demand which would be caused by this planning application is unacceptable. Any planning application should incorporate its own parking facility albeit at a cost to the developers if such a requirement reduces the number of apartments that could be incorporated in the same plot. I object most strongly to this selfish and profit motivated application.

72 Hewlett Road
Cheltenham
Gloucestershire
GL52 6AR

Comments: 20th November 2016

Parking is a HUGE problem here.

I am a resident in Hewlett Road and in the last year I have found it increasingly hard to find spaces to park and on some occasions have driven round for quite a while looking for somewhere.

In the last 4 months I have been subjected to 2 incidents of verbal abuse from residents in Westdown Gardens because I have parked outside their houses - and do not want to risk having my car scratched by them.

I know I am legally entitled to park there but do I have to be subjected to such abuse.

The point is that parking is a massive problem. The council must consider this seriously with respect to any developments here as it is so densely populated already.

Perhaps the property could provide some parking for the existing residents - that would be something useful and positive for the community!!

22 Leighton Road
Cheltenham
Gloucestershire
GL52 6BD

Comments: 16th September 2016

Parking is awful in the area. We already need permit parking. Adding 8 additional dwellings as well as commercial space will further add to the problem. It is also a concern about the type of resident who may live in the flats. The area is bettering itself and does not need anything to jeopardise this! For these reasons I object strongly!

27 Duke Street
Cheltenham
Gloucestershire
GL52 6BS

Comments: 22nd September 2016

I strongly object to these proposals. Adding additional flats will worsen the extremely dire parking problems, which have reached a point where action has to be taken to alleviate the unbearable pressure on residents. There is a strong possibility that an additional 16 cars will be introduced by the residents of these premises. The junction at the end of Duke Street has become extremely dangerous and double yellow lines are not adhered to at any point of the day, which poses the question, what impact will this have with the possibility of potentially 16 additional cars. If this situation is to continue, I am tremendously concerned for the safety of pedestrians. My son walks to the local school and I have strong concerns about his safety, particularly if the building work was to go ahead with the introduction of heavy machinery/lorries.

I feel that comments/concerns haven't been given consideration about the use of the building and the loss of a community hub. Fairview has a strong community spirit, one of the main reasons why we moved here to raise our children. I can't help but feel that this development will only erode this further.

36 Duke Street
Cheltenham
Gloucestershire
GL52 6BP

Comments: 25th November 2016

Whilst we appreciate that the owner is making efforts to appease with amendments to the plans, we still object for the reasons listed at length previously:

The high density nature of the proposed flats in the building are not in keeping with the area.

The fact that parking/traffic issues that are already bad will get worse. Any suggestion that nobody moving into the flats will have cars because there's bike parking is nonsense.

We don't want to see what is a nice old building fall into disrepair and would love to see it put to good use but the new proposal is not suitable.

Comments: 5th October 2016

We object on the same basis as many others already have. This is an overdevelopment of the property that is not in keeping with the area. The purpose built complex further up Hewlett road is not comparable as precedent. Its also at practically the other end of Hewlett road so not in the immediate vicinity. Furthermore the strain that 8 extra residences will place on the parking and

road system on Duke Street and the surrounding streets in general is unacceptable when the whole thing is at breaking point as it is.

16 Leighton Road
Cheltenham
Gloucestershire
GL52 6BD

Comments: 17th September 2016

Adding more residents to the immediate area will put greater pressure on the already huge problem of local parking.

Where does the developer and council planning office propose the new residents park? Not Hewlett road as it is not marked for public parking nearby. Duke street and Leighton Road will become the target for even more cars which these roads cannot absorb.

The immediate roads now suffer from town workers/shoppers/ visitors parking in both roads during the day. More residents to the area is not a solution. Better local development that includes accommodating the need for parking must be addressed.

I object to the proposal.

56 Duke Street
Cheltenham
Gloucestershire
GL52 6BP

Comments: 2nd October 2016

An objection to this application because of the impact on parking for residents of Duke Street and Princes Street.

There is a well-known problem with parking in Duke Street and the surrounding streets, which are now one of the only areas of unrestricted parking near to the town centre, with other between here and the town centre being permit parking and/or metered parking.

Unrestricted parking on Duke Street and Princes Street is now completely full with cars and vans throughout the whole day, evenings, overnight, both weekdays and weekends. This is not just cars/vans belonging to residents and visitors, or people shopping on Hewlett Road or visiting the dentist, but all-day parking by people working or shopping in the town centre, and overnight parking for contractor and delivery vans.

Many people park on the single and double yellow lines at the ends of the street which makes it hazardous for drivers, cyclists & pedestrians.

This parking problem is well known to CBC as these streets formed part of the study on permit parking a few years ago, but the problem has become much worse since the introduction of parking restrictions on nearby streets.

Although this development at 83 Hewlett Road may only bring a few more car owners, any number of additional cars will definitely have an impact, and there can be no guarantee that each flat will not bring 2+ cars. As well as this, during the development of the site, there are bound to be contractors parking and potentially vans and lorries associated with the building work.

I would like to raise particular attention to the statement by the GCC Highways Planning Liaison Officer, who says

"Parking is available in the side streets. Although this parking is limited in peak times..."

I would disagree strongly with the statement that parking is available side streets. Parking is not available for the new flats. People buying or renting the new flats should not be led to believe that they will be able to park easily close to their homes. Parking (in side streets) is extremely limited not only at peak times but throughout the day, evening, night and weekends.

I see that several other commenters also refer to the parking problem as a major concern.

Please would the GCC Highways Planning Liaison Officer and CBC planning officers please consider this impact of this application in the light of this and numerous other comments about parking. If the application is permitted then CBC needs to review how the new parking restrictions surrounding Duke Street are affecting parking for residents and local businesses.

A final point is in reference to application which states that the pub has not being in use for "a number of years". Rather than this vague statement which could suggest the pub has been closed for "several years", it would be good to give the date when it was last open as a pub, which I think was around April 2015.

13 Duke Street
Cheltenham
Gloucestershire
GL52 6BS

Comments: 3rd October 2016

Whilst I have no objection to the flats in principle, given that it is highly unlikely that the occupants of the flats will not have at least a vehicle per flat. Those 8 additional cars would already stretch access and parking in the area, Duke Street in particular.

I am not satisfied that any robust enough conditions or provisions have been made to either provide parking and or to alleviate traffic in the road.

A suggestion might be that if considering this increase in residences, Duke Street be made one-way with the No Entry end at Hewlett Road.

This would discourage casual parking whilst not prohibiting it and encourage drivers looking for a place to park who are not residents to use Carlton Street and from there parking would disperse across the area rather than be concentrated in Duke Street as it now is. Duke Street is only effectively a single track road when the normal daily parking is in place. Carlton Street is wide enough for vehicles to pass both ways even when cars are parked on both sides.

So my objection is that these extra dwellings/flats would bring an intolerable burden of parking an access to an already problematic area unless adequate additional provisions are made.

2 Leighton Road
Cheltenham
Gloucestershire
GL52 6BD

Comments: 3rd October 2016

We object for the following reasons:

Overdevelopment

The proposed reduction from 10 flats to 8 does little to address the concerns of cramped overdevelopment as cited in the decision of the former application. The revised submission, now

inclusive of two ground floor retail units, appears to be denser than the original and therefore remains contrary to policy CP7 of the Cheltenham Borough Local Plan 2006.

Loss of local amenity

It is not clear how the proposed provision of ground floor retail units will replace the loss of the pub, which was a valued community facility and kept the area active and vibrant. The balance is the wrong way around and there should be more community space and fewer if any flats. This proposal is contrary to the National Planning Policy Framework, paragraphs 69 and 70, for promoting a healthy community. It further erodes the quality of life for local residents.

Contrary to the applicant's Planning, Design and Access statement, the pub has not been vacant for a number of years - it was shut in 2015 and had been a popular and well-used meeting place.

Traffic and parking

The Local Plan 2006 states that the proportion of people travelling to work by car within Gloucestershire rose from 57% in 1981 to 68% in 2001. Fifteen years on, this percentage must certainly be greater, especially in the face of the tough economic climate where many are having to travel further to find work, but not being met by adequate public transport facilities. Despite efforts to promote cycling and bus or train use, owning a car is the norm and it can be expected that eight new residents will expect to bring with them at least eight extra vehicles.

This application does not include a parking contingency for the proposed flats and as there is no provision for them on Hewlett Road, added pressure will be put on side streets, in particular Leighton Road and Duke Street. These very narrow roads are jam-packed throughout the day in a symbiotic relationship between local businesses during working hours and residents in the evenings onwards. Those of us doing shifts and returning at 2pm or 10pm have little to no chance of parking near our homes.

Squeezing a further eight flats and their accompanying - possibly multiple - vehicles into this neighbourhood will compound traffic congestion at all times and put drivers, pedestrians and cyclists at further risk of harm.

Additionally, in the 'key issues' of the Local Development Framework 2008, on-street parking is identified as a problem with a "negative impact on the character of the Fairview area". The 'spatial analysis', 4.2, states that these areas generally have "high levels of on-street parking and consequently appear to be cluttered". In 2016, the cluttered effect is even worse with a number of the artisan-style properties in the area already having been converted into houses of multiple occupation, bringing with them multiple car owners.

Conclusion

This proposed development is contrary to a number of planning policies and fails to serve or maintain the character of the Fairview Community. It should not be approved.

Comments: 20th November 2016

The objections we stated in our previous comment stand as strongly as ever for this revised application, since the proposed reduction of flats to seven still has little impact on the earlier concerns of cramped overdevelopment. The scheme remains contrary to policy CP7 of the Cheltenham Borough Local Plan 2006.

The proposed provision of ground floor retail units does not reassure us that it will be an adequate replacement for the loss of the pub which was, as widely indicated, popular and well-used. We note the suggestion in another comment that A3 retail usage may be applied for. It is difficult to define what this means for the scheme at this stage, but if it amounts to hot drinks and snacks, we are already well-served by Londis and Vitlers. What will be missing is a licensed premises that brings people together socially and provides entertainment. Again, this proposal does not meet the requirements in the National Planning Policy Framework, paragraphs 69 and 70, for promoting a healthy community.

We feel that the absence of a parking contingency cannot be ignored. The revised application still does not address the concerns that further vehicles would add pressure to the side streets - notably Duke Street and Leighton Road - and upset the symbiotic relationship between local businesses and residents, as well as compound the headache faced by shift-workers.

While highways officials may feel that parking is a perk, not a privilege, it is clearly the single biggest concern for this community with regards to this development. Hoping that tenants of these proposed flats will use bicycles or public transport instead of vehicles is an improbable ambition. As previously highlighted, official figures show the numbers of people travelling to work by car within Gloucestershire continue to rise, and owning a car is the norm, even if you can walk to work. Seven flats, generating at least seven extra vehicles vying for a parking space in this already congested neighbourhood will erode the quality of life for local residents and increase the risk of harm to drivers, pedestrians and cyclists.

Converting this building into a house of multiple occupation will continue to add to the cluttered effect of the neighbourhood, such that 'on-street parking' will worsen and continue to have a "negative impact on the character of the Fairview area" as stated in the Local Development Framework 2008.

Conclusion: The revised application should not be approved, as it continues to be contrary to several planning policies and fails to serve or maintain the character of the Fairview Community.

23 Duke Street
Cheltenham
Gloucestershire
GL52 6BS

Comments: 4th October 2016

I would like to object to the proposed planning application on the grounds of traffic.

I have noted in the application that the developer has made allowance for cycle parking in their proposal, I can only presume that this is to make use of the 'Car Free Developments' section of Planning Services Parking Standards document.

Annex A

A1:

In special circumstances, in some inner urban locations, 'car-free' developments may be considered appropriate - where it can be demonstrated that households will not own a car or will keep it elsewhere.

I cannot see how Fairview, Cheltenham can be designated an 'inner urban area' or how the developer is going to demonstrate non ownership of a vehicle.

With this in mind using the departments own figures (Table 7 Total number of parking spaces per dwelling),

10 1 bed @ 1.25

1 2 bed @ 1.5

Total 14 spaces

Total space required 67.2 metres.

This space would be needed in the non-residential parking streets of the area.

I simply cannot see how this can be justified.

35 All Saints Road
Cheltenham
Gloucestershire
GL52 2EY

Comments: 2nd October 2016

!

8 Duke Street
Cheltenham
Gloucestershire
GL52 6BP

Comments: 16th November 2016

Once again I have strong objections to the proposal as many of my previous concerns noted remain and I see many others continue to echo such sentiments through the comments listed.

At no point has there been consideration in any of the applications of the increased traffic and parking in this area, which is the worst, I have ever seen it in the 11 years I have been a resident on Duke Street, even when the building was operating as a Public House.

Further residential units will only have a detrimental impact on the area. This is emphasised by the use of the single yellow line after the hours of 6 o'clock up to the junction with Hewlett Road, which makes driving into the street very difficult at times as well as dangerous.

The reference made by others about the overdevelopment of the site and contrary to policy CP7 of the Cheltenham Borough Local Plan 2006, the revised plans once again shows little change to support the site not being overdeveloped.

With the Local Development Framework 2008 stating that on-street parking is identified as a problem with a "negative impact on the character of the Fairview area". Additional traffic and parking will be detrimental to the local people of Fairview and lessen their quality of life.

Since the owner of the property has made no attempt to establish the property as public house, which has proven to be a success in the past and in the right ownership could be so once again. It would be a real loss of a community asset and it is very disappointing the developer's plan to provide space for retail units is a mere token gesture. Should these units become unsuccessful then ultimately they will be turned in to residential.

Therefore in conclusion I strongly object to the proposal once again.

Comments: 4th October 2016

NONE GIVEN

Comments: 4th October 2016

The revised proposal reducing the number of flats from 11 flats to 8 is still an over development of the premises, and was referred to in the previous application. I understand the owner is looking to maximise his financial return but squeezing the amount of flats / or studio apartments is not what the property or area requires.

In addition, the third storey proposed will have an impact on the privacy of the neighbouring properties, one of which is mine, and additionally it will also have impact on the sunlight into the neighbouring gardens.

Parking remains an issue in this area especially in Duke Street and Leighton Road. The personal letter received from the owner stating, "These flats are almost all for single person occupancy, for which car ownership is low", is unsubstantiated and given the latest nation trend - car ownership is continuing to grow in the UK with latest figures reporting 25.8 million (department of transport 2015). This application does have any contingency for parking and will add pressure to the already problematic area.

Many others have already highlighted this but comments from No 2 Leighton Road and local development framework remain as poignant as ever in this application.

In conclusion, I strongly object to the proposal.

58 Duke Street
Cheltenham
Gloucestershire
GL52 6BP

Comments: 19th September 2016

My husband and I object to flats being built within this property as the parking issue has not been resolved. Every day, we struggle to park in our streets due to local businesses parking/loading/unloading their vehicles, not only in Duke Street but on the pavement outside 83 Hewlett Road - as well as town workers and shoppers using Duke Street and the surrounding streets as a free car park. How does the council propose to accommodate upwards of 16 new vehicles parking in Duke Street and/or the surrounding streets?

Duke Street can be a very dangerous street to pull out of into Hewlett Rd and indeed in to from Hewlett Rd, due to vehicles parking on the yellow lines right up to the end of the street and on the pavement outside 83 Hewlett Road. Making the street one way (as has been done with Leighton Road) would stop head to head conflicts. However, parking would still be a nightmare. We have lived in Duke Street for 12 years and parking is getting worse and worse. Parking permits would not help as there simply aren't enough parking spaces for the amount of residents in the area - adding more residents without tackling the parking issue would be extremely irresponsible.

29 Duke Street
Cheltenham
Gloucestershire
GL52 6BS

Comments: 1st October 2016

The proposed reduction from 11 to 8 flats does little to change our opinion that this property is unsuitable for such a development.

We raise objection in respect of the impact on the community by the loss of this pub which has performed this function for over 150 years. This pub is geographically distinct from the concentration of town centre pubs and the unique community spirit provided by this building as a pub is one of the reasons we sought to live in Fairview.

We maintain our objection to the addition of a second floor, which will overshadow the entrance to Duke Street and have negative impact on the quality and availability of light in the surrounding properties.

We also object in respect of parking. Parking is a known issue in the area. Bike parking does not discourage or prevent flat owners from owning a vehicle. Any new resident who is able to purchase a flat may require a vehicle for work.

38 Duke Street
Cheltenham
Gloucestershire
GL52 6BP

Comments: 21st September 2016

I strongly object to the proposal of flats being built here as the parking has reached saturation point in Duke Street and surrounding roads. Residents have now taken to putting cones out to secure their spaces making hard for the rest of us. Adding another potential 16 cars to this problem is completely absurd and should not even be considered. People are also taking to parking on the double yellow lines at the ends of the street as they can find nowhere else to park - this makes it impossible to see when pulling out of Duke street and thus very dangerous. Someone will be seriously hurt around this area if something is not done about the parking. All the residents want is to be able to park in the street where they live. This development should not pass planning!

39 Duke Street
Cheltenham
Gloucestershire
GL52 6BS

Comments: 21st November 2016

I wish to reiterate my objection to this application based solely on the severe parking problems in this area. With the potential of up to at least 7 more cars vying for spaces in the surrounding streets, I feel this will make an area which most of the time is full to capacity much worse. Many times I have had to drive around for up to 10 minutes to find a space that isn't half a mile away or more. It is so difficult for parents with young children and it will only get worse. The situation has been exacerbated by the fact that we are now supposedly unable to park in Victoria Place due to it being a "private" road although I am not sure of the legality of this..

141 Hewlett Road
Cheltenham
Gloucestershire
GL52 6TS

Comments: 18th November 2016

Letter attached.

3 St Anne's Terrace
Cheltenham
Gloucestershire
GL52 6AP

Comments: 20th November 2016

As an individual that is affected by the proposed (and amended) alterations and extensions that are being put forward by the developer, I would like to strongly object on the following grounds:

1. Parking and traffic - it is concerning the comments that have been made with regards to parking and traffic (that parking is not a right, not a problem in the area etc). It is quite clear that

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the individual making these statements has no direct knowledge of the area and its parking issues, nor have they bothered to inform themselves. There are CONSTANT issues with parking in this area and this development willacerbate an already difficult situation.

2. Loss of local amenity - the community does not require further retail units - we do, however, require a communal gathering area where we can continue to get to know our neighbours and develop our community spirit.

I feel that this proposed development will not have a positive impact on our community but rather the opposite effect. We should be preserving and making our area more of a cohesive community. As such, this proposed development should be rejected.

21 Leighton Road
Cheltenham
Gloucestershire
GL52 6BD

Comments: 17th November 2016

As we, and almost everyone else has stated, parking is one of the main reasons for objecting to this development.

In this latest revision the number of potential cars, vans etc has been slightly reduced to a possible 14 or so. Not much change there then!!

Unless off street parking is included in this proposal, as I believe was required in the past, this development will cause great problems and aggravation to all residents in the area.

Why is the planning committee blind to these problems?

Kelsey
St Anne's Road
Cheltenham
Gloucestershire
GL52 2ST

Comments: 4th October 2016

I would firstly like to re-iterate and amplify all that was said in the objection from AJ Architects Ltd.

As many objectors here I believe that this application has not reflected community or the authority's concerns relating to density of development and loss of community space.

Two physically separate retail units was not the community space requested by the community at a good size community meeting which the developer's representative, Steve Jordan and Alex Chalk attended in July. At that meeting the community asked that the whole of the existing pub space be made available whilst accepting the loss of the previous function room to residential development. Since that meeting various community members (including myself) have been working closely with the FCA and local businesses to explore usage and business plan options for the pub space.

Retention of the pub space for community use is entirely in line with National Planning Policy Framework section 8 "Promoting Healthy Communities" and in particular sections 69-71.

No meeting has occurred between the FCA and the developer since the community meeting or the submission of this application so it has not been possible to have substantive discussions about options for the community space and the community's reaction to this latest proposal.

A request for such a meeting prior to submission of this planning application was sent to the developer on the 19th of August and concerns regarding the current proposal were raised on 21st August for discussion but no meeting has occurred.

Despite this the application's covering letter states that "These revised proposals, which now include two ground floor commercial units, are supported by the FCA as dialogue continues". In addition the developer has written to all previous objectors stating that after "regular meetings" with the FCA their designs now include "suitable space to serve the local community".

Given the lack of detailed dialogue with the community it is unclear how these statements can be fully accurate or comply with section 71, section 8 of the National Planning Policy Framework which directs that issues are identified and resolved with local communities before applications are submitted.

I therefore suggest that the application is premature.

Comments: 18th November 2016

Thank you for your letter of 15th November.

I have lived in St Anne's Road since 1989. In July the Fairview Community Association carried out research amongst community members about usage they would like to see in number 83. That research culminated in a community meeting which the developer's project manager attended and at which I presented feedback from local business and residents. I was then asked by the FCA to set up a steering group to review options for use of the space, to talk to local businesses and residents and identify resultant needs in terms of layout etc.

Two weeks ago I was able to meet and discuss our conclusions with the developer and his project manager. My understanding is that these new plans are the result of that conversation. To the extent that they relate to the space that would eventually be allocated for community use (currently marked retail) the plans have the steering group's and the FCA's support.

In terms of the A1 retail designation; the proposed community use will combine various functions, but we are at early stages in mapping this out and securing funding so will need to work closely with the developer to work out options based on this layout. At some point therefore we anticipate that we will need either to make a further application or go through the prior approval process on various matters to change the use to for example A3. However we would not want the current application delayed for this reason as we cannot reasonably expect the developer to discuss detailed layouts, utilities, servicing and fit-out options with us until he has overall planning.

Aj Architects Ltd.

11, PRINCES STREET, CHELTENHAM, GLOS, GL52 6BE.
Tel (01242) 581101.
Mobile (07813) 941017
e-mail ajarchitects@blueyonder.co.uk

Cheltenham Borough Council
Directorate of Environmental Services
Municipal Offices
Promenade
Cheltenham
Glos GL50 1PP

Ref: AJ/FA
26th September 2016

Re: 83 Hewlett Road, Cheltenham, Glos
App. no. 16/01577/FUL

Following the refusal of the previous submission earlier this year:
15/02269/FUL, the owner of this property has submitted this current
application.

Please note from this previous application the attached Planning Application
Support letter has been duplicated and not revised.

Paragraph 1.4 lists the proposed accommodation to be for 10 flats. Whilst this
application clearly states, and the drawings attached describe it as for 8
additional flats and ground floor units.'

This document is therefore not valid and should be dismissed by the council so
the owner is able to revised and update it.

The grounds for the refusal of this previous application were:

1. The proposed development of the site for a total of 10 flats represents a
cramped overdevelopment of the site. The density for the residential use would
result in a development which fails to respect the character of the locality. As
such the proposal is contrary to policy CP7 of the Cheltenham Borough Local
Plan adopted 2006.

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

We would assume this latest application would have addressed these two stated reasons for refusal to make this a valid submission.

‘Cramped overdevelopment of the site.’ We would assume this would have resulted in an application for a smaller scale development with less units. However this application has enlarged the redevelopment volume by extending the second storey development to be able to accommodate 9 flats as well as the addition of two commercial units to the ground floor.

Perhaps the addition of a second storey on the plot line to the front of Hewlett road could be considered but the suggested development now tapering down Duke Street is ill considered and would be detrimental to the street scene. Refer to Cllr Steve Jordans and the comments of the Heritage and Conservation team as attached to the Planning Application Support letter where this was muted previous to the refused application earlier this year.

Duke street consists of two storey artisan style housing. The development of the public house on the end facing the commercial street, Hewlett Road, forms a ‘node’ and as such was originally well planned. The original building plot lines need to be considered and we feel retained.

The density suggested in this current proposal is an increase on the previous submission and is therefore contrary to policy CP7 of the Cheltenham Borough Local Plan adopted 2006.

To the ground floor the present proposal forms two commercial units. To enable the formation of these units the previously suggested vertical bike store has been reduced in size considerably. i.e. more than would appear necessary for the reduction of dwellings by one flat.

This application we feel does not address the second reason for refusal: the loss of the public house and associated function room. The suggestion of two retail units is welcome but the overall development is denser than the previous application and will still not serve the local Fairview Community. The design of these two commercial units means they could very easily be converted to two additional flats now or in the future.

If the owner of this property does succeed in the redevelopment of this site the council must ensure the Use Classes Order is maintained so the two retail units remain Class A3 or A4 and cannot be converted to Class C3.

In our view the division of the ground floor commercial unit into smaller units may well be welcome but the number of flats over should be limited to face Hewlett Road only. The inclusion/ retention of the existing function room would be very much appreciated by the Fairview Community.

Contrary to the applications and Highways thinking this area is at saturation point with parking so any increase will be detrimental to the quality of living in this area.

Conclusion

This application is denser than the previously refused submission so should not even be being considered by Cheltenham Borough Council. It is completely contrary to Policy RC1 of the Cheltenham Borough Local Plan adopted 2006 and paragraph 70 of the National Planning Policy Framework.

1 Stonyhurst
141 Hewlett Rd.
Cheltenham
GL 52 6TS.
16th Nov.

Tel [REDACTED]
email. [REDACTED]

Dear Sirs / Madam,

83 Hewlett Rd. (Sx Pub).

Thank you for how letter dated 15th Nov, received this morning.

I have written to you before objecting to the planned development of this building.

I cannot believe the amount of flats is 7. The parking situation is still non-existent, and we at the Fairview Residents Association have been told by the developer that he would let us have most of the ground floor for community use. I see from the current proposal that he has applied for an L shaped retail unit.

If the locals had known about this at the Community fireworks on the 4th of Nov

They would have seen up in arms
as we get fed back. ^{Page 113}

we have no public house or
meeting place in Hewlett Rd any
more and we have a great
community spirit.

Yours faithfully



APPLICATION NO: 16/01577/FUL		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 10th September 2016		DATE OF EXPIRY: 5th November 2016	
WARD: All Saints		PARISH:	
APPLICANT:	Mr Paul Haskins		
AGENT:	Mr Paul Jenkins		
LOCATION:	83 Hewlett Road, Cheltenham		
PROPOSAL:	Alterations and extensions to the building and conversion to provide 7 additional flats and ground floor retail unit		

Update to Officer Report

1. CONSULTATIONS

Heritage And Conservation

6th December 2016

Analysis of Site

Prominent corner site, C19th in origin with 20thC single storey extension to the front with central opening and large windows to each side. The side of the building adjacent to Duke St is older and the extension on this side dates from between 1932 and 1954 whilst the other side is much later and of a different style. Recently in use as a public house identified in the Fairview Character Area Appraisal as a positive building within the conservation area but it appears to have ceased its primary use as a public house sometime ago and the condition of the building is deteriorating.

Comments

1. These comments are in response to a further revised scheme received on 11th November 2016.
2. The revisions have largely addressed my concerns regarding the retention of a clear hierarchy between the two ranges of the building as demonstrated by the retention of the two storey rear wing, which is of a similar scale and character to the artisan terraces on Duke Street.
3. As previously commented it was considered that the front of the building on Hewlett Road could accommodate an additional storey subject to appropriate period detailing but the rear range, which differs in terms of scale and design should remain two storey. This was advised due to the character of the existing building and its subservient relationship with the primary building on the Hewlett Road frontage and to retain the historic hierarchy between the larger Regency terrace and the smaller scale artisan terraces behind.
4. It is unfortunate that the existing chimneystacks are not retained or rebuilt on either range. In my opinion the loss of chimney stacks and pots diminishes the character of a traditional building and erodes the special interest of the conservation area and this aspect of the scheme should be reconsidered prior to determination.

2. OFFICER COMMENTS

Further to the previous report comments on the revised scheme were received from the conservation officer as detailed above. These comments confirm that the revisions overcome the majority of concerns but there remained a concern about the lack of chimney pots.

13th December 2016

In response to these comments revised plans have been submitted which introduce chimney pots. The conservation officer has confirmed that the revised plan is acceptable.

3. CONCLUSION AND RECOMMENDATION

The recommendation is unchanged and remains to approved the application subject to conditions.

4. CONDITIONS/REFUSAL REASONS

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

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

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

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

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

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

- 4 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).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order) the following shall be glazed with obscure glass and shall be maintained as such thereafter:

- South east facing bedroom window to apartment 6
- North east facing living room window to apartment 5
- North east facing bedroom window to apartment 7

Reason: To safeguard the amenities of the adjoining properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 6 Prior to the installation of any new windows or doors full details to include the design, materials, colour and finish (including cills) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.

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

- 7 Apartment 6 shall not be occupied until sound insulation has been installed within room which adjoins 6 Duke Street, in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenity of the adjoining property, having regard to Policy CP4 of the Cheltenham Borough Local Plan (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.

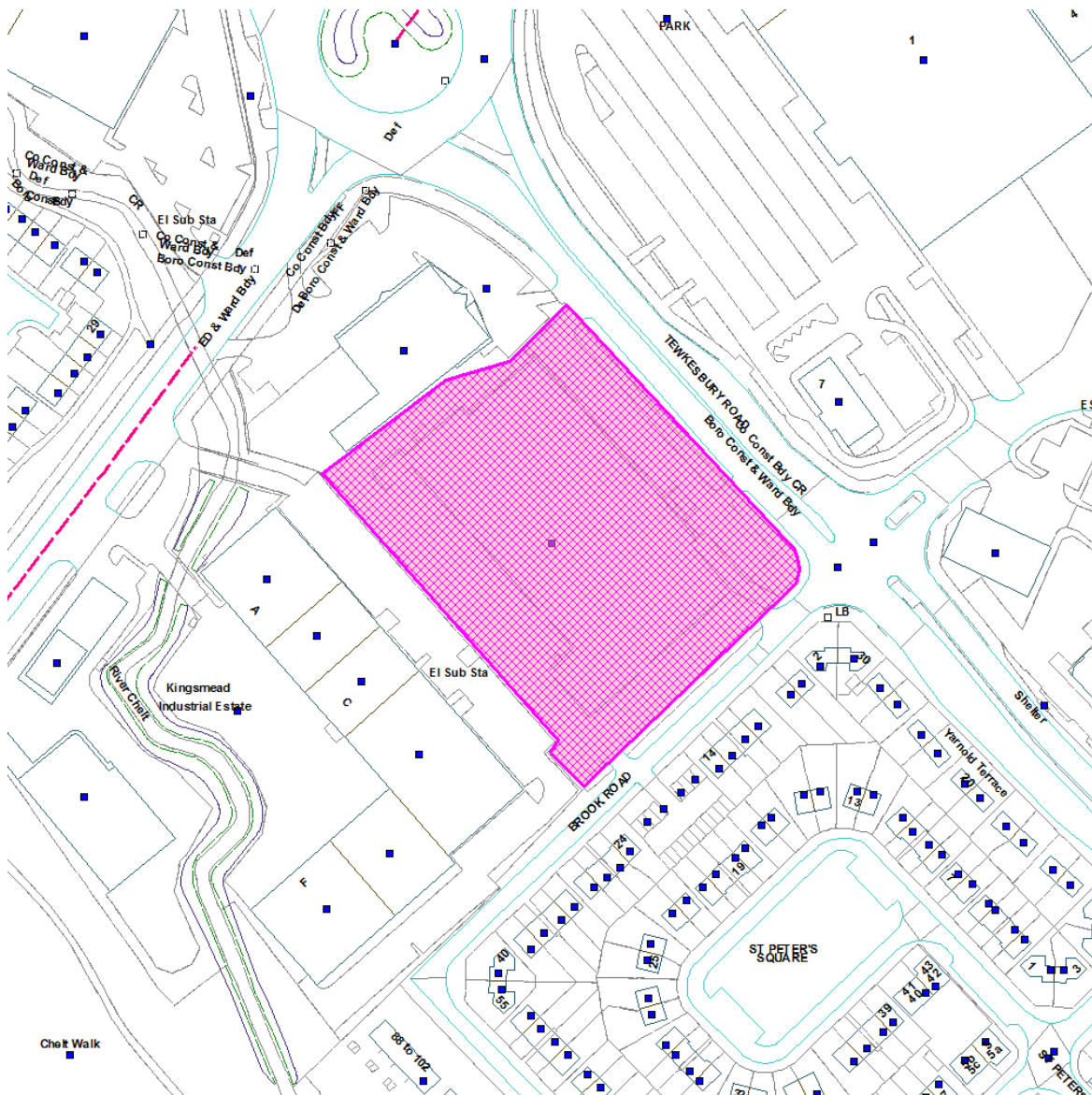
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

In this instance, the authority sought amendments to overcome the concerns raised.

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

APPLICATION NO: 16/01756/CONDIT	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 7th October 2016	DATE OF EXPIRY: 2nd December 2016
WARD: St Peters	PARISH:
APPLICANT:	Travis Perkins (Properties) Limited
AGENT:	Quod
LOCATION:	Travis Perkins, Brook Road, Cheltenham
PROPOSAL:	Variation of Conditions 11 (Servicing Hours) and 13 (Trading Hours) of 16/01446/CONDIT to allow extended opening hours (revised hours proposed - see revised covering letter)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

1.1 The application site is a recently opened Travis Perkins Builders Merchants located on the junction of Tewkesbury Road and Brook Road.

1.2 Planning permission is sought to vary conditions 11 and 13 of the existing consent which currently read:

- Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and shall not take place at any time at the weekend.

Reason: To safeguard the amenities of occupiers of nearby residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living

- The builders merchants use hereby permitted shall not be open to customers outside the hours of 0700 to 1730 on Mondays to Fridays inclusive; 0800 to 1200 midday on Saturdays and at no time on Sundays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

1.3 It is proposed to vary these conditions to the following wording:

- *Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and between 09:00 and 17:00 on Saturdays and Sundays.*

Reason: To safeguard the amenities of occupiers of nearby residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- *The builders merchants use hereby permitted shall not be open to customers outside the hours of 07:00 to 17:30 on Mondays to Fridays inclusive, 08:00 to 17:30 on Saturdays and 10:00 to 18:00 on Sundays and Bank Holidays.*

Reason: To safeguard the amenities of nearby residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

1.4 The application has been amended during its consideration in order to reduce the additional hours proposed for deliveries and trading. The hours originally sought were:

Deliveries – Mondays to Fridays inclusive and 07:00 to 17:30 on Saturdays and Sundays.

Trading – 07:00 to 17:30 Mondays to Sunday (i.e. all week).

1.5 The application is being determined by planning committee at the request of Cllr Willingham who states:

“Having looked at the site, the issue would seem to predominantly be the loss of amenity suffered by residents of Brook Road due to the increase in traffic on Saturday afternoons, Sundays and Bank Holidays.

Given the residential nature of the area, it is common for children to be seen playing in the street during the weekend. The road safety implications of permitting HGV deliveries during weekends does not seem to have been adequately considered, and

notwithstanding the noise report, HGVs are inherently noisy both in themselves and due to the vibration they cause, and residents deserve relief from this during the weekend."

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

11/01487/DEMCON 12th January 2012 NPRIOR

Existing building to be demolished

13/00111/FUL 4th July 2013 PER

Erection of builders' merchant's premises (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works

15/02197/DISCON 26th February 2016 DISCHA

Discharge of conditions 7 (full engineering details of vehicular accesses), 16 (surface water drainage system) on planning permission ref: 13/00111/FUL

16/00143/DISCON 24th February 2016 DISCHA

Discharge of Conditions 4, 8, 9, 10, 13 of Planning Permission 13/00111/FUL, Erection of builders' merchant's (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works.

16/00242/DISCON 13th April 2016 DISCHA

Discharge of condition 15 (site investigation report) on planning permission ref: 13/00111/FUL

16/00462/DISCON 13th April 2016 DISCHA

Discharge of condition 3 of planning permission 13/00111/FUL - materials

16/01261/ADV 25th August 2016 GRANT

Various warehouse signs

16/01375/DISCON 25th August 2016 DISCHA

Discharge of condition 18 on planning permission 13/00111/FUL - on site signage details

16/01446/CONDIT 5th October 2016 PER

Variation of conditions 2 and 6 of planning permission 13/00111/FUL - changes to elevations including additional roller shutter doors and glazed doors, internal alterations and reconfiguration of parking areas and road layout

16/01814/TPO 10th October 2016 PER

T1 - Maple - fell due to condition replace with 3 No Ginkgo, T3 - Maple -canopy lift to 4m above footpath level, T4 - Maple - remove deadwood and reduce canopy height by 3.5m and monitor, T5 - Maple - lift canopy to 4.0m by the removal of the 4 lower branches and deadwood removal, T6 - Maple - lift canopy by the removal of the 3 lower branches and deadwood removal, T7 - Maple, remove deadwood

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

RT 7 Retail development in out of centre locations

TP 3 Servicing of shopping facilities

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Environmental Health

1st November 2016

In the current form I must recommend refusal of this application to change the delivery hours and opening hours of Travis Perkins at Brook Road.

The hours currently granted in the existing consent were recommend to prevent nearby residents from being affected by noise from heavy vehicles delivering to and from the premises. I see no information in this application which suggests a way to mitigate the effect of these activities. I note from the application that the firm proposes to allow trading on Sunday morning from 7am, however it may be worth noting that the council currently recommends that building works are only carried out from 7:30 - 18:00 Monday - Friday and 8:00 -13:00 Saturdays, with no noisy work on Sundays or Bank Holidays.

NOTE: Further to the receipt of the revised proposed hours as outlined above the Environmental Health Officer confirmed that there are no objections to the revised proposal.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	20
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

The application was publicised by way of letters to 20 neighbours and a site notice. The neighbours were re-consulted upon the amendment to the proposal. Objections have been received from 6 addresses.

The issues raised can be briefly summarised as follows:

- Increased noise and disturbance
- Increased pollution
- Parking problems
- Increased rat-running
- TP were happy to build knowing the restrictions – they should stick to them
- Question accuracy of noise assessment
- Would be difficult to change back if there were an issue
- Why are longer opening hours required than TP had at the Gloucester Road site?

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be the impact on neighbouring property and any highway implications.

6.2 The site and its context

The site is a recently constructed builders merchant on the site of a former factory, Bonella Works. It is surrounded by industrial development on all sides other than the south eastern edge of the site which is bound by Brook Road which is residential on its south eastern side.

The main access to the site is via Brook Road with a secondary HGV only access onto Tewkesbury Road.

6.3 Impact on neighbouring property

The main issue here is the additional hours of deliveries and trading which are being proposed and the potential impact these may have on neighbouring properties.

The approved opening and servicing hours were those sought through the original application. It is understood that at that time the applicant sought to simply replicate those hours which were in place in the Gloucester Road site. There was no detailed discussion or negotiation upon the opening and servicing hours at the time of the original application. There has now been a review by Travis Perkins management as to how the new store will operate which has given rise to this request.

To repeat, the additional hours for deliveries requested are 09:00 – 17:00 Saturday and Sunday. The additional hours for trading requested are 12:00 – 17:30 on Saturdays (they already trade between 08:00 and 12:00) and 10:00 – 18:00 on Sundays. It must be pointed out that under Sunday trading laws Travis Perkins would only be permitted to trade for 6 hours within the 8 hour window sought on Sundays.

The proposed hours have been reduced in consultation with the Environmental Health Officer who confirms that there is no objection to the hours currently proposed.

Whilst the concerns of neighbours are understood it is considered that the hours now proposed are not unreasonable given the commercial use of the site and the wider context within the Tewkesbury Road. The areas of the site closest to Brook Road are used for parking and the entrance to the site is relatively close to the junction. As such it may be that neighbours of the site experience some noise of cars entering the site and car parking, however this is unlikely to be significantly harmful to their residential amenity within the hours proposed. The site has been laid out such that HGVs and deliveries take place within the building or on the north part of the site away from neighbouring properties. Signage is in place which encourages HGVs to exit via the Tewkesbury Road exit, rather than Brook Road.

The application was accompanied by a noise report which concludes the impact of plant (over 115m away from Brook Road properties), deliveries/collections and use of the car park will be of low or negligible impact.

In the light of this evidence and no objection from the Council's Environmental Health Officer it is not considered that a recommendation for refusal could be sustained.

Therefore it is concluded that the impact on neighbouring properties is acceptable and in accordance with policy CP 4 of the Local Plan which requires that development should not cause unacceptable harm to the amenity of adjoining land users and the locality.

6.4 Access and highway issues

Some concerns have been raised regarding the additional vehicular movements associated with the additional hours. It is not anticipated that this should give rise to any new highway issues that do not exist within the approved opening hours. Furthermore the reasons given for the conditions were not related to highway issues, rather the amenity of nearby residential properties. However Highways Officers have been consulted and their views will be reported.

6.5 Other considerations

Of relevance to the consideration of the application are the economic benefits arising from the potential additional employment and trading within the additional hours. The application is considered to be acceptable in any event, however this is considered to add weight to that conclusion. Paragraph 21 of the NPPF asks that Local Planning Authorities seek to support appropriate business sectors, adopting a flexible approach where necessary.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons outline above the revised proposal is considered to be acceptable and as such it is recommended that the stated conditions are revised. As an application to vary conditions, the approval of the application essentially results in the issuing of a new consent and as such it is necessary to repeat all relevant conditions from the original consent. In this case the site is now operational and therefore the conditions have been updated accordingly.

8. CONDITIONS / INFORMATIVES

- 1 The cycle storage facilities approved on 2128/07 Rev F shall be retained for the duration of the development.

Reason: To ensure that adequate cycle parking is provided on-site in line with the Government's declared aims at reducing the reliance on the private motor vehicle.
- 2 The vehicular parking and turning and loading/unloading facilities shall be maintained available for those purposes for the duration of the development.

Reason: To reduce potential highway impact by ensuring that adequate parking and manoeuvring and loading/unloading facilities are available within the site.
- 3 The landscaping proposal shall be carried out no later than the first planting season following the date when the development is ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. The scheme shall specify species, density, planting size, layout, protection, aftercare and maintenance. The size of the trees shall be at least a Selected Standard as per BS 3936-1:1992. The trees shall be maintained for 5 years after planting and should they be removed, die, be

severely damaged or become seriously diseased within this period they shall be replaced with another tree as originally required to be planted.

Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 4 Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and between 09:00 and 17:00 on Saturdays and Sundays.

Reason: To safeguard the amenities of occupiers of nearby residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 5 The builders merchants use hereby permitted shall not be open to customers outside the hours of 07:00 to 17:30 on Mondays to Fridays inclusive, 08:00 to 17:30 on Saturdays and 10:00 to 18:00 on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVES

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

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

In this instance, the authority sought amendments to the proposal in order to allow a recommendation of approval to be made.

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

APPLICATION NO: 16/01756/CONDIT		OFFICER: Mrs Emma Pickernell	
DATE REGISTERED: 7th October 2016		DATE OF EXPIRY : 2nd December 2016	
WARD: St Peters		PARISH:	
APPLICANT:	Travis Perkins (Properties) Limited		
LOCATION:	Travis Perkins, Brook Road, Cheltenham		
PROPOSAL:	Variation of Conditions 11 (Servicing Hours) and 13 (Trading Hours) of 16/01446/CONDIT to allow extended opening hours (revised hours proposed - see revised covering letter)		

REPRESENTATIONS

Number of contributors	6
Number of objections	6
Number of representations	0
Number of supporting	0

24 Arle Avenue
Cheltenham
Gloucestershire
GL51 8JR

Comments: 10th October 2016

I am writing on behalf of my 85 year old mother who lives at Brook Road opposite the new opening to the Travis Perkins site. She suffers from Parkinson's Disease as well as other health issues which makes her virtually housebound.

We already have concerns regarding noise, annoyance, pollution and future parking problems when T/P opens, especially at 7.00am.

The planning conditions imposed were to protect the residents. T/P were happy to build under those rules.

To increase operating hours by approx. 30% would be an insult to the residents in both Brook Road and Moors Avenue as traffic will be using the non traffic light entrance to Moors Avenue as a detour/shortcut to T/P to avoid the traffic lights.

It will be interesting to see how T/P manage to comply with the noise laws regarding bleeps, chimes, bells etc close to residential properties at certain times of the day according to the Gov/UK site.

Comments: 10th October 2016

I would also like to question how an accurate Noise Assessment could be possibly have been carried out as the site is not open yet for business.

Comments: 24th November 2016

As stated in my comments on the application for extended hours, Travis were happy to build under the condition imposed to protect the nearby residents. They are entitled to some peace and quiet. It is impossible to judge what impact they will have as they have only been open a week.

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Several years are needed to assess any impact. Once extended hours are allowed, it would be difficult and probably costly to the council to reverse if problems/nuisance arose.

2 Brook Road
Cheltenham
Gloucestershire
GL51 9DZ

Comments: 10th October 2016
Letter attached.

14 Brook Road
Cheltenham
Gloucestershire
GL51 9DZ

Comments: 5th October 2016

I currently live in Brook Road with my wife and 2 children. I strongly object to the proposed changes in operating hours of the Travis Perkins site opposite my house. The reasons given for limiting operational hours on the original proposal have not changed since that proposal was submitted, and read as follows.

The consent was subject to 19 conditions, with Conditions 17 and 19 of relevance as it limits the servicing and customer operational hours. Condition 17 states:

"Deliveries of materials to the builders merchants hereby approved shall only take place on weekdays (Mondays to Fridays inclusive) and shall not take place at any time at the weekend."

The reason for the above condition is as follows:

"To safeguard the amenities of occupiers of nearby residential properties in the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living."

Condition 19 is also of relevance and reads:

"The builders merchants use hereby permitted shall not be open to customers outside the hours of 07:00 to 17:30 on Mondays to Fridays inclusive; 08:00 to 12:00 midday on Saturdays and at no time on Sundays."

The reason for the condition is given as follows:

"To safeguard the amenities of nearby residential properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living."

The extending opening hours of the Travis Perkins site will have a much higher impact to the residents of Brook Road and nearby properties than 'low impact' and 'minor adverse'. On a morning at 07:00 hrs you can hear everything that is happening in the site already and that is without it being a builders merchants yard, and also get woken up by the noise all the time. I urge you to look at the current Travis Perkins site and monitor the amount of noise and pollution that is coming from this site. It is far more than negligible, and this site is situated on a busy main road, and not right next to a quiet residential area. There will be lorries queueing up to access the site, engines running, reversing horns beeping, workers within the site shouting directions and orders, fork lift trucks moving about, timber, metal and other related building material being moved about loading/unloading etc. This will be bad enough 5 days a week, and just not fair for us, as residents, to put up with it 7 days a week.

I urge the council to reject these extending opening hours and take into consideration the health and well being of current residents.

The opening times of the current site do not include Saturday afternoon or Sunday opening times, so therefore the new site should operate in the same time limits of the original proposal. It is my belief that Travis Perkins always had weekend opening and operational times in mind years ago, but did not put them forward on the original planning applications as they knew it would have a high chance of being rejected in the early stages, so have waited until the site is ready to operate before applying for these changes.

Once again, I implore you to take the residents into consideration and reject these extending opening/operational hours. The management of Travis Perkins knew they were building their new site in the middle of a quiet residential area, so it is completely unethical of them to put these proposals forward.

16 Brook Road
Cheltenham
Gloucestershire
GL51 9DZ

Comments: 3rd October 2016

I am a tenant in Brook Road, house number 16. I am writing about the proposal for extended working hours at the new Travis Perkins opposite my house . I have no real problem with the Saturday times they are asking for, but Sundays at 7am is a bit of a joke. and this is why. I have a 5 year old severely autistic son who has several problems ranging from sensory needs and lack of sleep. My son is currently attending a sleep clinic part of the NHS for this problem, he is also on a drug called melatonin which is a prescribed medication for people i.e children who cant sleep, this drug helps get my son to sleep but will not keep him asleep. He can go to sleep at 9pm and be awake by 12am and then be awake for a further 3 to 4 hours . This means my son's sleep is completely out of routine. meaning he misses quite a lot of special needs schooling (Bettridge). Weekends are a real rest bite for our son for myself and my partner to catch up on our sleep especially Sunday mornings.

We have already tried getting a move though Cheltenham Borough Homes because of all of the noise over the last year from building works , heavy machinery which really affects my son's sensory needs .at times he has to wear ear defenders because he cannot cope with the noise. This is why I am rejecting the proposals for Sunday opening times, and I am sure you will be having further letters and complaints from other residents about this proposal. I would be very grateful if you were to take this letter into consideration when making a decision.

14 Brook Road
Cheltenham
Gloucestershire
GL51 9DZ

Comments: 18th November 2016

This latest application by Travis Perkins to extend operational and opening hours beyond the original Monday to Friday and Saturday mornings should be rejected.

All the objections and reasons put forward by myself and other residents still stand, and nothing at all has changed from the environmental comments made urging these applications to be rejected. We already hear the noise from customers loading, reversing horns, loud voices and the general nuisance of the entrance/exit gates. There is nothing that Travis Perkins can do to make this any different.

Once again, the original conditions attached to the planning permissions given back in 2013 still stand today and should still be honoured. Once again I would like to add that Travis Perkins knew and agreed to these original plans when they applied to build right next door to residential properties, and should be honouring these original agreements and not trying to sneak extra opening/operational hours through the back door.

The original Travis Perkins site before moving to this site was only open Monday to Friday and Saturday mornings so there is no reason why they should be applying to extend the opening/operational hours now. Please see my comments dated earlier as to the wordings of the original conditions attached to the Planning Permission to which Travis Perkins agreed too. This once again needs to be rejected and Travis Perkins should not be allowed to submit any other variations to extend opening/operational times.

Planning Department

Cheltenham Borough Council Offices,

Promenade,

Cheltenham,

Gloucestershire

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BUILT

Recd 10 OCT 2016

ENVIRONMENT

2 Brook Road

Cheltenham

Gloucestershire

6/10/2016

Ref: 16/01756/CONDIT

Dear Mrs Emma Pickering,

With regard to the application by Travis Perkins to extend the opening hour of the new site on the Tewkesbury Road.

I am aware that the company has traded from the Gloucester Road site without extending the hours into Saturday afternoon or at all on a Sunday. I wish to state that I believe the same conditions should apply to the new Tewkesbury Road site. The residents of Brook Road have endured an extremely intrusive building programme with the constant pounding of heavy excavating machinery and a constant stream of heavy lorries and delivery trucks with a level of equanimity that is both admirable and commendable. The residents endured this with the belief that eventually the noise and disturbance would cease. It is acceptable to endure the arrival and departure of lorries and the increased traffic during the working week but to be forced to contend with commercial activity at the weekend is intolerable. The added noise and congestion that the increased traffic and footfall will produce will be extremely intrusive and with the proposed increase of opening hours on a Saturday afternoon and all day Sunday would ensure no respite from this intrusion into, what is in effect, a small residential street. Young children often play in the street and the elderly residents are forced to be constantly vigilant when leaving their homes and attempting to cross the road.

Increased traffic has the potential to be a health and safety issue and could increase the levels of stress for residents leading to the possible rise of mental ill health. I recognise that the council has a responsibility to balance commercial issues but they also have a duty of care to the health of the residents.

A refusal to allow the extension of the opening hours should have a small impact on Travis Perkins clients, as most buildings and building contractors do not work on a Saturday or Sunday. If the proposed increase in hours is passed, it will have a disproportionate effect upon the local community. The pollution and noise increase may cause untold damage to the health of residents and reduce community morale.

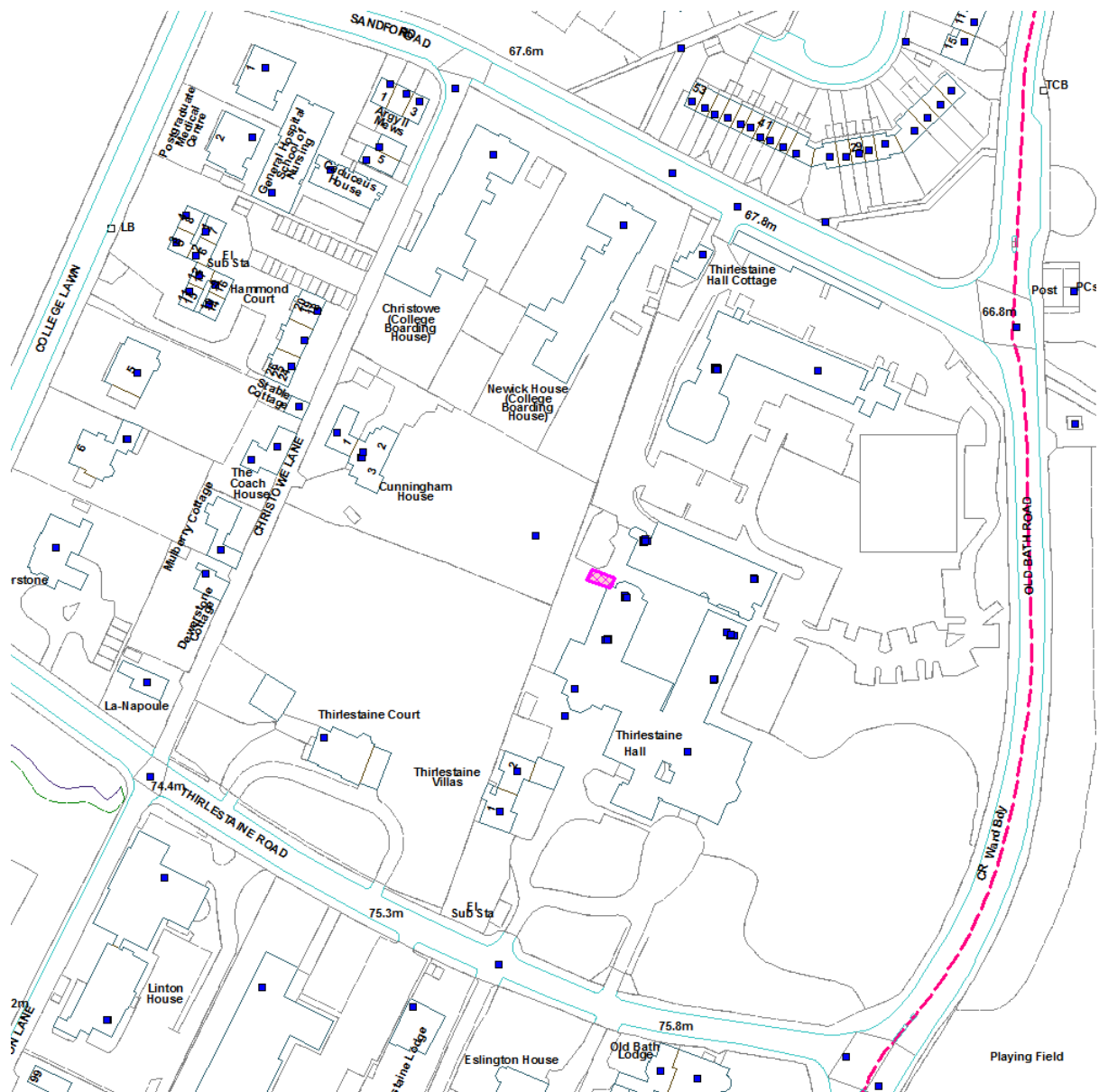
I object as vociferously as I am able.

Yours Faithfully



APPLICATION NO: 16/01794/FUL	OFFICER: Mr Gary Dickens
DATE REGISTERED: 4th October 2016	DATE OF EXPIRY: 29th November 2016
WARD: College	PARISH:
APPLICANT:	Mr M Gough
AGENT:	Archstone Projects Ltd
LOCATION:	1 Sandford Court, Humphris Place, Cheltenham
PROPOSAL:	Erection of two trellis fence panels adjacent to patio (retrospective)

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 1 Sandford Court. The site is a ground floor flat located in a recently completed residential development in the central conservation area.
- 1.2 The application is for the retention of two trellis fence panels located adjacent to a patio area.
- 1.3 The application is before the planning committee at the request of Cllr Klara Sudbury on behalf of local residents. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

Relevant Planning History:

11/01909/PREAPP CLO

Change of use from B1 to a mixed use including C2 and C3.

13/00092/PREAPP CLO

Conversion of existing building to residential accommodation

13/00735/PREAPP 10th May 2013 CLO

Advice regarding listed wall

11/00480/CACN 9th May 2011 NOOBJ

1) Monterey cypress on boundary with Old Bath Rd - fell. 2) Twin stemmed cypress to right of Thirlestaine Rd entrance - fell. 3) Acacia along North West boundary - remove primary branch over car park

2)

12/00870/FUL 12th November 2012 OBL106

Demolition of former office buildings and redevelopment to create a mixed residential and care redevelopment of the site for a total of 147 units including the conversion of Thirlestaine Hall, Villas and Cottage

12/00870/LBC 12th November 2012 GRANT

Demolition of former office buildings and redevelopment to create a mixed residential and care redevelopment of the site for a total of 147 units including the conversion of Thirlestaine Hall, Villas and Cottage

12/00870/CAC 12th November 2012 GRANT

Demolition of existing former office buildings associated with the Chelsea Building Society

12/01889/FUL 20th June 2013 OBL106

Proposed amendments to assisted living block (building C) to include 4 additional assisted living units (24 to 28 units); revision to fenestration at ground level and internal layout; revisions to boundary wall at Thirlestaine Hall Cottage and relocation of cycle storage for the assisted living building

12/01889/LBC 20th June 2013 GRANT

Proposed amendments to assisted living block (building C) to include 4 additional assisted living units (24 to 28 units); revision to fenestration at ground level and internal layout;

revisions to boundary wall at Thirlestaine Hall Cottage and relocation of cycle storage for the assisted living building

13/00175/DISCON 3rd June 2014 DISCHA

Discharge of conditions 3, 7, 9, 11, 15, 18, 19 and 40 of planning permission ref: 12/00870/FUL

13/00280/ADV 8th May 2013 GRANT

Erection of three strings of illustrated hoarding, seven free standing sign boards and six flag poles and flags

13/00380/DISCON 5th August 2013 DISCHA

Discharge of conditions 3, 6, 7, 21, 22, 24, 33, 40 and 41 in respect of building D (also identified as building 6) only on planning permissions 12/00870/FUL and 12/01889FUL.

13/00733/DISCON 3rd June 2014 DISCHA

Discharge of conditions on planning approval 12/00870/FUL. Nos 4 (schedule of works) , 6 (design and details of finishes) , 8 (method statements , 11 (sample panel of new render) , 13 (external lighting plan) , 26 (pedestrian improvements) , 27 (Sandford Road Access Works) , 36 (installation of fire hydrants), 38 (measures re seagulls) and 41 (landscaping

13/00734/DISCON 3rd June 2014 DISCHA

Discharge of conditions on planning approval 12/00870/LBC. Nos 3 (detail and finishes) , 4 (method statements) and 5 (render sample)

13/01379/AMEND 4th November 2013 PAMEND

Non-material amendments to planning approval 12/00870/FUL- 1. Building drawn to brick dimensions vertically and horizontally, 2. roof feature above main entrance added, 3. false window to side of central door to 2nd floor terrace changed, 4. window sizes amended to brick dimensions vertically and horizontally, 5. external door next to sun lounge beneath balcony removed, 6. WG36, WF31, WS42 moved 440mm to accommodate shower in corner of ass. bath, 7. roof lights increased in size and 8. replacement of ground floor windows - WG61, 58, 57, 54, 53, 50, 49, 45, 44, 41, 39, and 37 with door to garden area

14/01711/DISCON 29th January 2015 DISCHA

Discharge of condition 37 (Management plan - observatory) on planning permission ref: 12/00870/FUL

C12/00029/DEMO 4th October 2012 REC

Demolition of Thirlestaine Hall.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

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

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

None.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	53
Total comments received	31
Number of objections	30
Number of supporting	1
General comment	0

5.1 The application was publicised by way of letters to 53 neighbouring properties, a site notice and an advert placed in the Gloucestershire Echo. Thirty-one responses were received of which thirty objected and one supported.

5.2 All representations have been circulated in full to Members but, in brief, the main objections relate to:

- The loss of and 'closure' of the communal gardens to which residents have a right of way
- The development being on communal land and not in the ownership of the applicant
- The development being against the Estate Regulations which prohibit the erection of any structure or otherwise

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main issues in considering this application are the design of the proposal and the impact it will have on the wider development, specifically the communal gardens, and the impact on the neighbouring amenity.

6.3 The site and its context

6.4 The application site is part of a development which was granted approval by Planning Committee in 2012 and is within the curtilage of the grade II listed Thirlestaine Hall. The Officer's report for the development (ref: 12/01870/FUL) notes how the applicant was encouraged to retain the openness of the site.

6.5 Sandford Court lies to the west edge of the development, approximately 11m from the boundary. A communal garden area is located between Sandford Court and the boundary wall. Patio areas are located adjacent to the ground floor apartments and can be accessed via the French doors of these apartments. It is understood that the ground floor apartments do not own but have exclusive use of these patios.

6.6 Number 1 Sandford Court is a ground floor apartment which faces onto the communal gardens and is the end property of the block, located at the Sandford Road end. As a ground floor apartment the property benefits from use of the adjacent patio area. The patio area and the communal gardens are contained by a boundary wall and fencing which incorporates a gate in order to access the communal gardens. Beyond the fencing are the refuse and cycle stores which lie opposite number 1 Sandford Court.

6.7 Design and layout

- 6.8** Local Plan Policy CP7 requires development to be of a high standard of architectural design to complement and respect neighbouring development and the character of the locality. In addition, alterations should avoid the unacceptable erosion of open space around the existing building.
- 6.9** The trellis fence panels measure 1.8m in width and 1.8m in height, and are supported by 2m high wooden fence posts. The size, design and material are typical for this form of development and are considered suitable.
- 6.10** Careful consideration was given to the impact the two trellis fence panels will have on the open space, particularly in light of points noted in 6.4 and 6.8 above. The fence panels are positioned at the end of the communal gardens and are in close proximity to the boundary wall and boundary fence. The fence panels will have the effect of closing the space of this particular area of the communal gardens, therefore the question for Officers is whether this is to an unacceptable level.
- 6.11** The fence panels are located approximately 9m to the boundary wall (the width of the patio area) and a small, gate sized opening will be present between the fence panels and the boundary fencing. This is a relatively small section of the communal gardens and is already closed in on two sides by existing boundary treatments. Due to the location of the fence panels, it is not considered that the erosion of open space is to an unacceptable level which would warrant refusal.
- 6.12** Planning permission is required on this occasion as the property is within the curtilage of a listed building. Had this not been the case then the proposal would likely have been classed as permitted development.
- 6.13** In light of the above, officers consider that the two fence panels are acceptable and appropriate to the locality and therefore comply with the provisions of policy CP7.
- 6.14 Impact on neighbouring property**
- 6.15** Local Plan Policy CP4 requires development to not cause harm to the amenity of adjoining land users and the locality. Note 1 in paragraph 4.9 advises that *“the Council will have regard to matters including loss of sunlight and/or diffuse daylight, loss of outlook, loss of privacy....”*.
- 6.16** Thirty objections have been received from neighbouring residents and careful consideration was made to the potential impact of the fence panels. These objections primarily relate to the following:
- The loss of and ‘closure’ of part of the communal gardens to which residents have a right of way;
 - The development being against the Estate Regulations;
 - The land not being in the ownership of the applicant.
- 6.17 Impact on the communal gardens**
- 6.18** The impact on the communal gardens has been discussed in points 6.10 and 6.11 above. As acknowledged, this section will in effect be closed off from the larger communal area barring an open, gate sized access way to the patio area. Therefore the question for Officers is whether the fence panels will cause harm to the neighbouring residents, and in particular, impact on their use of and movement within the communal gardens.
- 6.19** With regards to the movement of residents within the area, the two trellis fence panels are situated slightly beyond the access gate to the communal gardens. As you enter the

gardens through this gate you are therefore not impeded or restricted by the fence panels. An open access remains between the boundary fencing and the trellis fence panels. It is Officer opinion therefore that the movement of residents in this section will not be significantly affected. It would also appear that had the fence panels not been erected and the landscaping / planting left in place, the access to this area would have been impeded regardless.

- 6.20** In terms of the loss of part of the communal gardens and use of this space by neighbouring residents, this is to be considered against the space being predominantly a patio area to which the applicant has exclusive use of. With this in mind, it is difficult to articulate a level of loss which would cause significant harm to neighbouring residents.

6.21 *Development against Estate Regulations*

- 6.22** Based on the comments received it would appear that the fence panels are in contrary to the Estate Regulations which are signed upon the purchase of properties within this development. A planning application is assessed against local and national policy, legislation and guidelines, and Estate Regulations are not a planning consideration. The Local Authority would therefore view any disputes between residents and the Estate as a civil matter and not as a basis to permit or withhold planning permission.

6.23 *Ownership of the land*

- 6.24** The Local Authority regularly receives planning applications for sites which are not in the ownership of an applicant. In these circumstances notification is to be served on the owner(s), via the applicant / agent, informing them of the application and the appropriate certificate of ownership is signed within the application form. The agent, on behalf of the applicant, has certified within the application that they have notified Berkeley Homes (as the owner of the site) and the appropriate certificate has been signed within the application form.
- 6.25** When assessed against policy CP4 of the Local Plan, the application is not considered to compromise neighbouring amenity. There are no concerns with regards to loss of privacy and overlooking, and the proposal will not affect light levels to neighbouring properties. As such, the proposal is considered to be in accordance with policy CP4 of the Local Plan.

7. CONCLUSION AND RECOMMENDATION

- 7.1** To conclude, the application is considered to be in accordance with the requirements of Local Plan Policy CP4 and CP7, and the NPPF, and the recommendation therefore is to permit.

8. CONDITIONS

No conditions as the application is retrospective.

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: 16/01794/FUL	OFFICER: Mr Gary Dickens
DATE REGISTERED: 4th October 2016	DATE OF EXPIRY : 29th November 2016
WARD: College	PARISH:
APPLICANT:	Mr M Gough
LOCATION:	1 Sandford Court, Humphris Place, Cheltenham
PROPOSAL:	Erection of two trellis fence panels adjacent to patio (retrospective)

REPRESENTATIONS

Number of contributors	31
Number of objections	30
Number of representations	0
Number of supporting	1

1 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 7th November 2016

I strongly object to this retrospective application. Not only does it contravene Section 2 of the the Estate Regulations which state 'No structures, temporary or otherwise to be erected on communal areas', it is extremely arrogant and totally disregards the rights of the residents of Thirlestaine Development. Thirlestaine Development is a carefully designed development to allow all residents unfettered access to all communal areas. If this application is approved a precedent will have been set to allow any resident to apply to build any structure on communal areas.

This unauthorised fence gives the impression that the rear of No. 1 Sandford Court is private land which it certainly is not.!

I strongly feel that this application be rejected in fairness to all residents of Thirlestaine Development.

7 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 15th October 2016

This is common community land, and it is completely unreasonable for an owner to fence it off and use it as if private land.

The retrospective application displays a lack of courtesy and consideration for other residents. If there are rules in place, we should all abide by them. To ignore them, and then apply retrospectively to the council for planning consent is incredibly discourteous.

This is not a free for all land grab development. And for the council to condone this kind of behaviour would be to encourage similar disagreeable behaviour.

13 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 27th October 2016

The Lattice Fence for which Planning Permission is sought clearly contravenes Estate Regulations which states "that no structure, temporary or otherwise, is to be erected on Communal Areas". I, in common with most residents, accepted these regulations in the belief that they would protect our enjoyment of Thirlestaine Park. To allow these regulations to be flouted creates a dangerous precedent and I therefore urge you to reject this application.

21 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 7th November 2016

I object to the retrospective planning application for existing trellis panels on the grounds that it would breach the communal rights of all owners and establish a precedent for similar applications in future.

27 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 25th October 2016

I object to the retrospective planning application for the erection of two trellis fence panels to the rear of 1 Sandford Court. This goes against the Estate Regulations, which all owners signed upon purchase, which states that no structures or otherwise to be erected in common areas. All residents of the Thirlestaine development contribute towards the cost of maintaining the carefully designed landscaped grounds for everyone to enjoy. Approval of this structure, would set a precedent for future structures to be erected in other communal areas.

16 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 17th October 2016

The fencing erected is visually unacceptable and contravenes the provision of communal space. The fence has been erected solely to change the original purpose of the space (communal garden) to that of private use for the owners of No1 Sandford Court.

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This development has been landscaped and built to very high standards, the visual impact being very impressive.

Should owners be allowed, without planning, to erect their own constructions, then we leave ourselves open to Garden sheds, summerhouses, garages and all manner of private purchases. Control and consideration of others is required.

Comments: 25th October 2016

As the owner also of No 4 Sandford Court, I object on behalf of this property also as the Fencing and planting is both visually (as our apartment looks down directly on the fence) and on the grounds of it contravening the Communal landscaping controls and gardening that attracted us to the development originally.

13 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 31st October 2016

NONE GIVEN

3 Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ED

Comments: 23rd October 2016

I object to the erection of two fence panels at the rear of 1, Sandford Court.

The panels stand on communal land over which I have right of way and whose upkeep and maintenance is funded by all the residents including myself. If this permission is allowed I fear that it will set a precedent which could lead to further erosion of my rights.

25 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 18th October 2016

Email attached.

8 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 17th October 2016

Letter attached.

16 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 18th October 2016

The application contravenes the lease agreement for this listed development which states that no structure permanent or temporary shall be erected on communal areas.

Further this structure give the impression of a private area in what is a communal area to be enjoyed by all residents living in Thirlestaine Park and as such restricts its communal use.

25 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 25th October 2016

This retrospective application has been made as the development contravenes the Freeholders covenants in respect of the land. This is in fact a right of way for all residents on the Thirlestaine Park development. If permitted it may open the floodgates for similar applications the results of which could be detrimental to the expected standards of the whole development.

3 Thirlestaine Hall
Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ES

Comments: 23rd October 2016

We object to the Planning Application for retrospective permission for a trellis fence. The fence has been erected on common space owned by all residents of this development and is a clear breach of the lease conditions to which all occupiers agreed to comply when purchasing the property.

This is a prestigious site about which the Council Planning Officers took great care when agreeing the development brief - it would seem contrary for the Council to now allow haphazard development.

6 Sandford Court
Humphris Road
Cheltenham

Comments: 28th October 2016

Letter attached.

14 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 25th October 2016

This fence is on communal land to which all residents of the Thirlestaine Park development (Sandford Court, Regency House and Cedar Court) have right of way and to enjoy under the estate rules, and for which we all pay for upkeep. The erection of this fence prevents me from accessing and enjoying the communal garden and infringes on my rights. Granting retrospective planning permission would also set a precedent which could lead to further erosion of my rights.

28 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 26th October 2016

This retrospective application has been made because the fences contravene the Freeholders covenants in respect of restricting any such work on the land. This area is in fact a right of way for all residents on the Thirlestaine Park development and thereby the fences restrict such access. If permitted it may well constitute a precedent for similar applications, the results of which could be detrimental to the expected standards of the whole development. I therefore strongly appose this application

2 Hayman Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 9FD

Comments: 25th October 2016

I am the owner of flat 26, Sandford Court. The rear windows of the flat look down on the communal area on which the trellis has been built.

I wish to object to the erection of the trellis in question, as it is on a communal area at the rear of Sandford Court intended for the common enjoyment of all residents of the estate. The area is becoming increasingly 'privatised' by this and other fences, which restrict the circulation of residents around the rear of Sandford Court, encourage ground floor residents to carry out private planting and impede the work of the maintenance services which look after the communal areas.

This trellis was not in the plans for the estate when the properties were first offered for sale, which promised free access to all communal areas by all residents.

10 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 25th October 2016

These fences are in contravention of covenants, and would deny residents' Rights of Way within Thirlestaine Park, thus should be rejected.

16 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 25th October 2016

The erection of the fence has negatively impacted on the provision of the communal gardens, which was for our use and pleasure as owners of an apartment in Sandford Court. It has been erected making an area solely for the use of number 1 Sandford Court. It was erected with no consultation or consideration to other residents. Allowing this fence to stay leaves it open to other residents to change the whole dynamics of this exclusive development.

Comments: 25th October 2016

AS OWNER OF NO. 4

The erection off this fencing, without any consultation of neighbours has impacted dramatically on apartment number 4. Both the living room and bedroom at number 4 overlook the patio of number 1 and the 6 foot fence. It has destroyed the outlook into the communal gardens originally provided.

24 Medina Villas
Hove
Brighton
BN3 2RN

Comments: 31st October 2016

The application is inherently flawed as the applicant has no legal title or ownership rights to the land on which the trellis panels have been erected.

The application is an attempt to bypass the Estate Regulations which ban structure on communal areas and should therefore be declined.

1 Cedar Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FB

Comments: 27th October 2016

I object to the planning application for the erection of two trellis fence panels to the rear of 1 Sandford Court. This goes against the Estate Regulations, which all owners signed upon purchase, which states that no structures or otherwise to be erected in common areas. All residents of the Thirlestaine development contribute towards the cost of maintaining the landscaped grounds for everyone to enjoy. Approval of this structure, would set a precedent for future structures to be erected in other communal areas.

15 Sandford Court
Humphris Place
Cheltenham
GL53 7FA

Comments: 28th October 2016

I own flat 15 which overlooks the unauthorised development and object to the retrospective application for planning permission.

The fence has a considerable detrimental visual impact to the flats close by and is at odds with the aesthetics of the communal land which the owners have appropriated and made 'private'. The 'open' aspect of the gardens, as viewed from my flat, is considerably closed down by the erection of the fence.

The partitioning of the area with the trellis fencing would indicate (to those who do not know) that the area is private and for the sole use of Flat 1. This is not the case - the area is common land owned by all residents - and access to this land by all is now restricted - when in fact all have the right to use it freely within the terms of their leases.

The Sandford Court development has a Grade 2 curtilage listing and as such is subject to stringent restrictions and obligations as those of a listed building. To retrospectively grant permission for the fence would set a precedent that would indicate that all manner of fences, sheds and other buildings can be put on site. This would have a detrimental visual impact on a historic site. The lease restrictions that exist state quite clearly that "No structures temporary or otherwise to be erected on communal areas". The leaseholders of the flat would have known this when they purchased the flat and when they erected the fence.

For the above reasons I object to the granting of retrospective planning permission.

16 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 18th October 2016

The erection of the trellis fence divides what should be an open communal area of garden designed for the enjoyment of all residents.

6 Sandford Court
Humphris Place
Cheltenham
Gloucestershire
GL53 7FA

Comments: 28th October 2016

As a Neighbour in an apartment above, our visual amenity has been seriously degraded by these 6 foot high fence panels. They are simply not in harmony with the open plan vision of the rest of this prestigious development. The Fencing blocks our view to part of the communal area so that we are now looking at a high fence rather than the planting that we previously could see.

Sadly, contrary to the application form, existing planting which in time would have grown into hedging was removed by the applicants to make way for the fencing. (before and after photos to follow by email).

We are very concerned that if permission was given for this fencing it would set a precedent that other like-minded owners would follow and effectively degrade what should be a properly planned communal area and turn it into a hotchpotch of 'private' plots.

7 Thirlestaine Hall
Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ES

Comments: 21st October 2016

The erection of the fences in question is a clear breach of the terms of the leasehold for this development and the application should be rejected.

11 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 22nd October 2016

I object to the erection of the two trellis fence panels adjacent to patio, because although the owner has sole use of the patio the external areas of the development are for the enjoyment of all the residents. The Estate Covenants, which all the owners signed on purchase, preclude the erection of any structure.

Allowing this fencing would set a precedent, which would encourage others to follow suit. The fences would also obstruct access for the emergency services.

3 Thirlestaine Place
Cheltenham
Gloucestershire
GL53 7ED

Comments: 23rd October 2016

I am strongly against the erection of fences/panels to divide off areas of communal land. All the residents of the entire Thirlestaine development contribute towards the cost of landscaping this historic and beautiful area and have access over it. All the apartments were bought in the knowledge that the land and the views can be enjoyed by those who live here and that we all have right of way including to the rear of Sandford Court. If approved this will set a precedent for other structures to be erected contravening the rules governing the development.

14 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 13th October 2016

I wish to register my objection to the planning application for the lattice fence at the rear of Sandford Court. Not only is this a breach of the Estate Rules but it would set a precedent by encouraging the erection of structures on our common area and the fences should never have been erected in the first place.

14 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

Comments: 13th October 2016

I strongly object to this planning proposal as the fences in question intrude to a common area on this unique development and is also against the Estate Regulations which states 'that no structures or otherwise to be are erected in common areas'.

To approve this retrospective application is to invite any other owners to erect structures anywhere else in the common area and thereby depriving the other owners of their enjoyment of the legally owned open spaces as well as creating a dangerous precedent.

The Haven
Cheltenham Road
Sedgeberrow
Evesham
WR11 7UJ

Comments: 11th October 2016

I represent The John Hicks Will Trust which owns 24 Sandford Court.

This application contravenes Section 2 of the Estate Regulations for the leasehold. Approval of this application would affect the use of community areas of the estate and could lead to further applications that would erode occupants rights in the future.

Judith Baker

From: Gary Dickens
Sent: 18 October 2016 11:48
To: Internet - Planning Comments
Subject: FW: Lattice fencing application 16/01794/FUL



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



Sent: 18 October 2016 11:39
To: Gary Dickens
Cc: Klara.Sudbury@gloucestershire.gov.uk
Subject: Lattice fencing application 16/01794/FUL

Dear Gary Dickens,

As the officer dealing with planning application....16/01794/FUL

I am unfortunately not able to access the council web site owing to being out of the U.K. at the moment so am writing to you directly to register my opinion in this email to your office.

I strongly request C.C.Planning to turn down the retrospective application for this lattice fence.

The lattice fencing visually gives the impression that the area to the side is private to number 1 Sandford Court, this it is not.

The leasehold documentation states that the patio area owner has sole use of the patio, but does not own the patio or the planted area.

The fencing is within the curtilage of a grade 2 listed building 'Thirlestaine Hall ' and is not in keeping with a development of this status.

This if allowed would then allow other owners / residents to erect other inappropriate structures.

The tenants use this area as a entrance to the property causing noise and disturbance to residents and unexceptable damage to the common area.

It also contravenes the Estate Regulations sec 2, which states:
No Structures, Temporarily or Otherwise to be erected upon communal areas.

The fencing sits on common area land and planting has been removed to erect the fencing. This planting is common area planting and owned by all owners.

For these reasons, I strongly object to this fencing.

Kind regards.



25 Sandford Court, Thirlestaine.

Judith Baker

From: Gary Dickens
Sent: 18 October 2016 11:59
To: Internet - Planning Comments
Subject: FW: Thirlestaine

[REDACTED]

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

[REDACTED]

Sent: 18 October 2016 11:54
To: Gary Dickens
Cc: Klara.Sudbury@gloucestershire.gov.uk; Councillor Garth Barnes
Subject: Thirlestaine

Ref: Planning Application number 16/01794/FUL Retrospective permission for the erection of 2 trellis fence panels at 1 Sandford Court, Humphris Place, Cheltenham GL53 7FA Case officer Mr Gary Dickens

Dear Mr Dickens

I write to object to the above planning application for retrospective permission.

The trellis fence has been erected on common area land owned by all the residents of the development known as Thirlestaine and the existing planting has been removed.

The owners of the apartments in Sandford Court do not own the patio or balcony of their apartment, which are for the sole use of the residents of that apartment. The lease has restrictions as to use and what can be put on the patios and balconies, and states that No structures are to be erected upon communal areas. The development has been sold as an open plan area and the people that buy or rent have to accept that this is the status of Thirlestaine.

Owners at Thirlestaine have serious worries that if the planning permission for the lattice fence is allowed for No.1 Sandford Court on privacy, that it will set a precedence for all those with patios to apply to the Council for fences and all those with balconies to apply for privacy screening. The result will be absolutely disastrous for Thirlestaine and the curtilage of the Grade 2 listed Hall.

This trellis fence suggests that the area within it is privately owned and the fact that they have added their own planting enforces this misconception to those who do not know the actual situation of ownership. They do not and never can own this land.

Common area land belongs to all the Thirlestaine owners who also pay to maintain it, giving the right to use it freely within the constraints of the lease.

The lattice fence is seen by many and noticeably closes down the outlook at that end of the Sandford building especially for those apartments above.

I respectfully ask the Council Planning department to refuse this retrospective planning application.

Yours sincerely

[REDACTED]



8 Regency House
Humphris Place
Cheltenham
Gloucestershire
GL53 7EW

15.10.16

The Cheltenham Borough Council Planning Department
Municipal Offices
The Promenade
Cheltenham
GL50 9SA

Dear Sir/Madam

Reference: Planning application
#1 - 16_01794_FUL_APPLICATIONFORM_763567

I am writing to register my objection to the retrospective planning application with the above reference number for a Lattice Fence at the rear of Sandford Court, Humphris Place, Cheltenham. There has never been any official approval for this fence as it was erected without planning permission in the first place and it also intrudes into our common area on the Thirlestaine site.

To allow it to proceed would detrimentally effect our common space by encouraging other owners to erect their own structures in these areas which is also against the estate regulations for this development.

Yours sincerely



----- Original message -----

From: [REDACTED]
Date: 28/10/2016 11:47 (GMT+00:00)
To: [REDACTED]
Subject: Fw: lattice fencing

Dear Mr Dickens

I would like to register my objection to planning proposal 16/01794/FUL Erection of Trellis Fence Panels.

When we moved in to our apartment we were able to enjoy looking at planting/shrubs planted as part of the approved landscape plan. The applicants have removed these plants, which would have grown into attractive hedging. Please see attached 'before and after' photos showing this area before the ugly fence panels were erected.

This is not in keeping with the development, and the owners have continued with personal planting, climbing plants etc. in land that does not belong to them.

Our visual amenity has been seriously degraded by these fence panels which are not in sympathy with the rest of the development. The Fencing blocks our view to another part of the communal area so that we are now looking at a high fence rather than the planting that we previously could see.

The date of the erection of the fence on the application form is incorrect, the fencing was actually erected at the end of August 2015.

Yours Sincerely

[REDACTED]

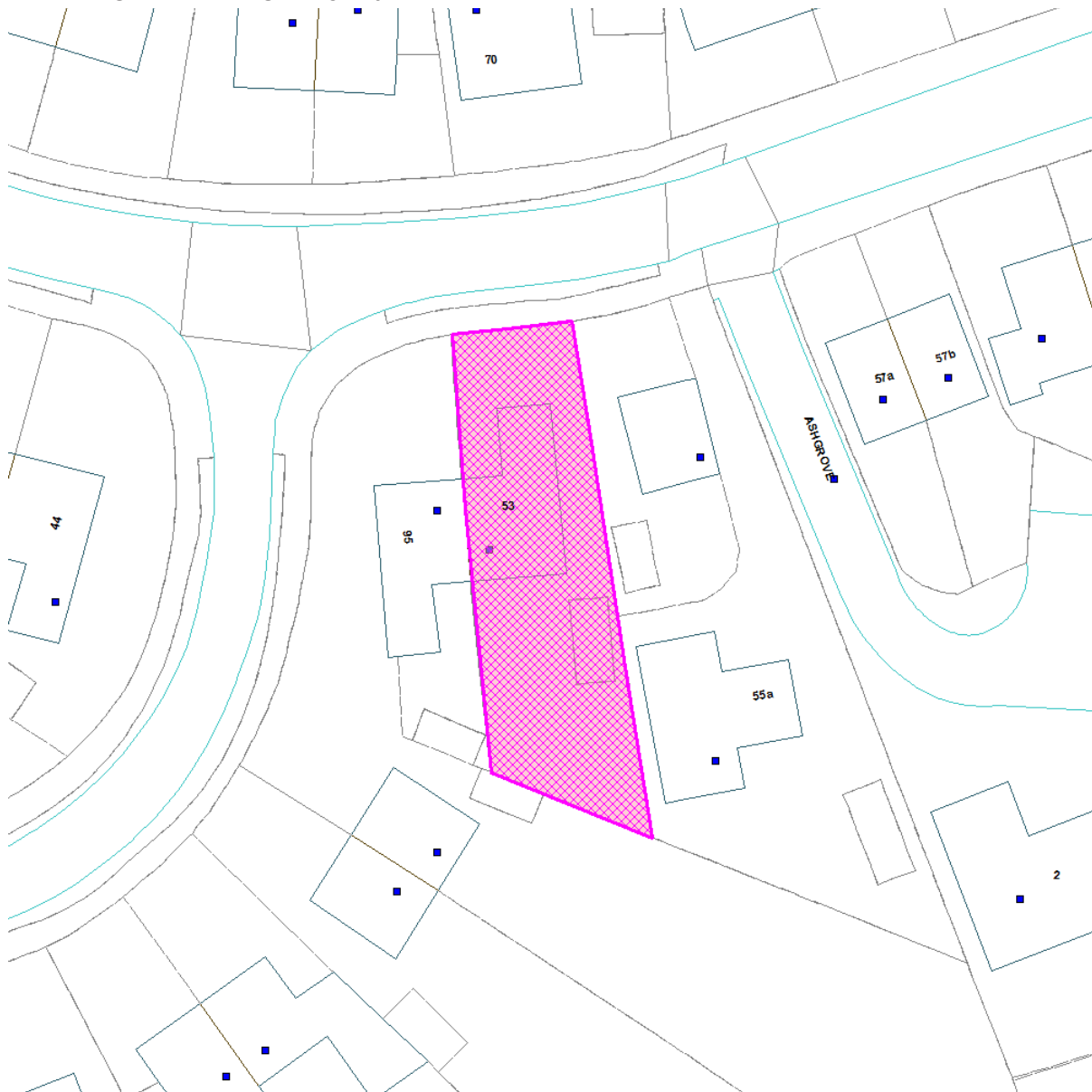
6 Sandford Court





APPLICATION NO: 16/01909/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 25th October 2016	DATE OF EXPIRY: 20th December 2016
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT:	Mr A Cresswell
AGENT:	Urban Aspects Ltd
LOCATION:	53 Beeches Road, Charlton Kings, Cheltenham
PROPOSAL:	Single storey side and rear extension (Revised Scheme - part retrospective)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to no.53 Beeches Road, which is a semi-detached bungalow located in the ward of Charlton Kings.
- 1.2 Planning permission is sought for a single storey side and rear extension to the property. Works have commenced on an extension to the dwelling, which relates to a recently approved single storey side and rear extension with a pitched roof (15/01385/FUL), however the applicant now proposes to amend this scheme.
- 1.3 The current proposal will have the exact same footprint as the previously approved extensions, however the roof has now been amended to a flat roof and the finish for the extension is proposed to be rendered.
- 1.4 The application is before planning committee following an objection from the Parish Council and a request from Councillor Helena McCloskey, due to the history of the proposed development.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Ancient Woodland
Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

15/01385/FUL 6th October 2015 PER
Single storey side and rear extension

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

8th November 2016

Objection: In our view the proposals in this latest application would result in a development which is out of character with the immediate streetscene, in particular the flat roof element will jar with the norm of pitched roofs.

Wales And West Utilities

8th November 2016

Letter and Plan available to view on line.

Contaminated Land Officer

22nd November 2016

In relation to application 16/01909/FUL for 53 Beeches Road, Charlton Kings, Cheltenham, Gloucestershire, GL53 8NJ there is no comment to make from contaminated land.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Six letters have been sent to neighbouring properties and one response has been received which is from the owner of no.55 and 55A Beeches Road (attached).

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 Design

- 6.4 Local Plan Policy CP7 requires development to be of a high standard of design and to complement and respect neighbouring development. The Supplementary Planning Document: Residential Alterations and Extensions (Adopted 2008) emphasises the importance of subservient extensions to existing dwellings.

- 6.5 Due to the proposal being a re-submission, previous comments in relation to certain aspects of the design remain relevant. The proposed side extension will still be set back 5.15 metres from the front wall of the property and therefore, when viewed from Beeches Road, will represent a clearly distinguishable and secondary addition to the original property. In terms of the rear extension, due to the proposal now being a flat roof extension, this has lowered the overall height of the extension, but the eaves height has marginally increased above the eaves height of the original bungalow.

- 6.6 With regards to the changes to the roof of the proposed extension, officers consider the proposed flat roof design to be acceptable. It is not uncommon for properties to be extended with flat roof extensions, even when the property has a pitched roof and in fact, a flat roof side and rear extension could be built under permitted development, (subject to the two extensions not being attached, being at or lower than the eaves height of the bungalow and being of materials to match). That said, in this case the proposal does need planning permission and the current scheme must be judged on its individual merits.

- 6.7 The letter of representation received raises a concern that the proposal is out of scale, inappropriate and out of character. Officers do not consider this to be the case. The proposal remains a subservient addition to the original property, with a maximum height significantly lower than that of the original dwelling. The proposed eaves do protrude above the eaves of the original bungalow, however the proposed side extension benefits from such a considerable set back, that this is not considered unacceptable or harmful to the original bungalow or the street scene.

- 6.8** A further change to the scheme includes an alteration in the finish of the extension from brick to render. Whilst concerns have been raised regarding the use of render, officers do not consider this would appear out of place in this area. The primary material used in the area is brick; however there are a number of examples of render within the immediate locality, including the semi-detached properties opposite which comprise a mix of brick and a light render. Render is popular material and given its presence in the locality, it will not appear out of place. Officers consider that given the more contemporary flat roof approach to the extension, the contrast is positive in terms of its appearance to the original dwelling and the surrounding area.
- 6.9** The submitted letter of representation references the previously approved conditions and in particular condition 3 regarding materials to be to match. This is a standard condition which is applied to householder extensions when the materials are proposed to match, generally to avoid mismatched roof tiles or brick.
- 6.10** In light of the above and despite the concerns raised within the submitted representations from the Parish Council and the owner of the neighbouring dwelling, the proposed amended scheme is considered to be in accordance with Local Plan Policy CP7 which requires development to complement and respect neighbouring development.
- 6.11 Impact on neighbouring property**
- 6.12** Local Plan Policy CP4 requires development to protect the amenity of neighbouring land users.
- 6.13** The proposed alterations to the scheme have not changed the previous assessment in relation to neighbouring amenity. The previous officer report stated that due to a hedge which was in situ at the time between the application site and the neighbouring dwelling, and the height of the proposed extension, the impact on the attached neighbouring property would be broadly similar to the existing relationship. The eaves height of the extension has increased by less than 300mm, however the height of the highest point of the extension has reduced and therefore the impact will remain acceptable and the proposal is still considered in accordance with Local Plan Policy CP4.
- 6.14 Other comments**
- 6.15** The submitted letter of representation requests that the previously approved application be enforced by the Council, to ensure that this scheme is implemented in full. As stated, works have commenced on this approval, however the applicant wishes to amend the design, hence the amended scheme.
- 6.16** The acceptability of this current scheme must be judged on its individual merits and without any prejudices based on the approved scheme. Should members wish to permit this application on the basis of officer's assessment above, a fresh consent would be issued which the applicant could then choose to implement instead.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Whilst the concerns raised within the submitted representations from the Parish Council and the owner of the neighbouring dwelling have been noted, the proposed scheme is considered to be in accordance with Local Plan Policy CP7 which requires development to complement and respect neighbouring development. Furthermore, the proposal is not considered to result in any unacceptable impact on neighbouring amenity.
- 7.2** With all of the above in mind, the recommendation is to approve this application.

8. CONDITIONS / INFORMATIVES

- 1 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.

- 2 With the exception of the render, which is to be a white or soft cream finish, as confirmed by the applicant in email dated 5th December 2016, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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

INFORMATIVES

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

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

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

APPLICATION NO: 16/01909/FUL		OFFICER: Miss Chloe Smart
DATE REGISTERED: 25th October 2016		DATE OF EXPIRY : 20th December 2016
WARD: Charlton Kings		PARISH: CHARLK
APPLICANT:	Mr A Cresswell	
LOCATION:	53 Beeches Road, Charlton Kings, Cheltenham	
PROPOSAL:	Single storey side and rear extension - (Revised Scheme - part retrospective)	

REPRESENTATIONS

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

1 Birch Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 8PJ

Comments: 16th November 2016
Letter attached.

Ms. CHLOE SMART
PLANNING OFFICER
PLANNING: ENVIRONMENTAL & REGULATORY SERVICES
CHELTENHAM BOROUGH COUNCIL
P.O. BOX 12
MUNICIPAL OFFICES
PROMENADE
CHELTENHAM
GL50 1PP


1 BIRCH CLOSE
CHARLTON KINGS
CHELTENHAM
GL53 8PJ

15th November 2016

**STATEMENT OF OPPOSITION TO PLANNING APPLICATION NUMBER
16/01909/FUL**

SUMMARY

I oppose (part-retrospective) planning application **16/01909/FUL** for development at **53 Beeches Road, Charlton Kings, Cheltenham** and respectfully request that it be refused.

The reasons for my opposition are:

1. The structure **already built** is higher than shown on the approved drawings (specifically drawing 06) within the original and approved previous application **15/01385/FUL**. The **additional height of the structure so far constructed compared to the approved height makes it, in my opinion, overly bulky, massive and out of proportion.**
2. There are very few flat roof extensions and little coloured render on the whole of Beeches Road. Many properties on the road have been developed and extended. The vast majority of this development has been performed tastefully and in keeping with the local vernacular, using matching brickwork and tiled pitched roofs, fully in keeping with the existing properties. **The current approved permission under application 15/01385/FUL supports a similarly sensible and acceptable scheme. A flat roofed rendered extension would look ugly and out of character by comparison.** There are **no flat roof extensions nor coloured render** near to 53 Beeches Road on that side and the street scene is all the better for it.

The scheme for which permission is now sought is, in my opinion, ugly, overbearing, out of scale, out of character, uses inappropriate materials and will, if approved, spoil the street scene.

Though I realise that enforcement matters are outwith the remit of the Planning Committee, I further respectfully request that the appropriate enforcement process is applied by Cheltenham Borough

*Council to ensure that the original permission granted and currently in force for the property under application number **15/01385/FUL** is implemented in full. This would include taking down and removal, as required, of the part structure already built to allow the approved design to be constructed with the approved materials and the development to proceed in accordance with the approved drawings which form part of **15/01385/FUL**.*

STATEMENT OF INTEREST IN ADJOINING PROPERTIES

I, Robert Banbury, co-own with my wife Susan, both properties 55 and 55A Beeches Road adjacent to 53 Beeches Road.

DISCUSSION ON REASONS FOR OPPOSITION TO APPLICATION 16/01909/FUL

Proper consideration of this application **16/01909/FUL** requires examination of previous application **15/01385/FUL** for the same property, which was granted Permission For Development on 5th October 2015.

Condition 2 of the Permission For Development stipulated that the development be carried out in accordance with **the approved numbered drawings 01, 03, 05 and 06** submitted with the application.

Condition 3 stipulated that **“the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building” – “to ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design”.**

The **approved drawing numbers 01 (“Location Plan”) and 03 (“Proposed Block Plan”)** both show a pitched roof over the new side and rear extension. **Drawing 06 “Proposed elevations”** clearly shows the pitched roof design with notes stipulating **“Concrete tiles to match existing” and “Facing brickwork to match existing”** – in compliance with Condition 2 of the Permission For Development.

Construction on site commenced in summer this year and **Conditions 2 and 3 of the Permission For Development have been ignored from the outset** as detailed below.

I quote as follows from the covering letter for the application from Mr Russell Ranford (acting as the applicant’s agent) dated 20th October 2016.

“The applicant has now decided part way through the build process that a flat roof is his preferred approach rather than the pitched roof. This will further reduce any perceived impact on the neighbouring property whilst also adding a modern approach to the extension of this property”.

No mention is made in this letter of the fact that the structure so far built (*“part way through the build process”*) and for which retrospective permission is now sought (a) **has used the wrong facing material (16/01909/FUL stipulated brickwork to match existing, not concrete blockwork as used)** and (b) **is too high**.

The structure built is **already higher** than shown on the approved drawings (specifically drawing 06) within the original application **15/01385/FUL** – in other words **the applicant has from the outset built, using incorrect non-approved wall materials, to accommodate a flat roof and not the approved pitch roof with matching tiles**. There is no doubt too that a flat roofed rendered blockwork extension would be considerably cheaper to build than the approved scheme.

I refute the claim that this flat roof proposal *“will further reduce any perceived impact on the neighbouring property whilst also adding a modern approach to the extension of this property”*.

The additional height of the structure so far built compared to the approved height makes it, in my opinion, overly bulky, massive and out of proportion. Nor does the street scene require a “modern approach”. It needs a structure in keeping with the local vernacular, as stipulated in the original permission.

There is furthermore a point of principle at stake here. If this application is approved, I fear that the planning process for the built environment in Cheltenham will be severely undermined. As outlined above, in this case major conditions of the original Permission For Development have been ignored at the start of construction. If this application is approved, some may infer that similar conditions to Permission For Development on other applications can be largely disregarded at the whim of the applicant - and the violation later “fixed” with a retrospective application. Not only might the planning process be undermined, but public resources would be strained by the number of extra applications thus generated.

For all the reasons outlined above, I repeat my position stated in the Summary of this document, namely that I oppose planning application **16/01909/FUL** and respectfully request that it be refused.


1 Birch Close, Charlton Kings, Cheltenham GL53 8PJ

15th November 2016

APPLICATION NO: 16/01909/FUL		OFFICER: Miss Chloe Smart
DATE REGISTERED: 25th October 2016		DATE OF EXPIRY : 20th December 2016
WARD: Charlton Kings		PARISH: CHARLK
APPLICANT:	Mr A Cresswell	
LOCATION:	53 Beeches Road, Charlton Kings, Cheltenham	
PROPOSAL:	Single storey side and rear extension - (Revised Scheme - part retrospective)	

ADDITIONAL REPRESENTATION

The applicants have asked that the attached letter is circulated to Members. It is a response to the key points of complaint raised in relation to their revised planning application.

72 Bafford Approach
Charlton Kings
Cheltenham
GL53 9JB

Comments: 12th December 2016
Letter attached.

13th December 2016

72 Bafford Approach
Charlton Kings
Cheltenham
Gloucestershire
GL53 9JB

Ms Chloe Smart
Planning Officer
Environmental & Regulatory Services
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 1PP

1 December 2016

Dear Chloe,

Planning Application 16/01909/FUL (53 Beeches Road, Charlton Kings, Cheltenham, Gloucestershire GL53 8NJ)

I am writing with regards to our revised planning application for a side and rear extension to 53 Beeches Road and in particular to the objections raised by [REDACTED] in his letter dated 15 November 2016.

We are concerned to see the objections raised by [REDACTED] and wish to address the concerns raised as follows:

1. Objection 1 - The structure already built is higher than shown on the approved drawings.

We have received assurance from our builders that the walls of the extension have been built in line with the current approved planning application (15/01385/FUL), to the appropriate height, which is in line with the wallplate of the existing bungalow structure. Our architect has not in my understanding altered the height of the wall structure in the revised drawings. The perceived height difference [REDACTED] is referring to is in our understanding due to the overhang and soffit/facia that exists on a pitch roof design, which partly obscures the top of the wall and makes it appear lower.

2. Objection 2 - There are very few flat roof extensions and little coloured render on the whole of Beeches Road.... There are no flat roof extensions nor coloured render near to 53 Beeches Road on that side and street scene is all the better for it.

There are many flat roof extensions in the area, together with rendered properties. Indeed the property opposite 53 Beeches Road has a single storey side extension with a flat roof. Also, one of the most recent planning applications approved in the area in fact relates to a single storey flat roof side and rear extension with painted rendered walls at 73 Beeches Road, which is on the same side of the road as our property.

3. Objection 3 - That the wrong facing material has been used..... the applicant has used the wrong facing materials

Our understanding from advice gained in advance of commencing the build was that the walls could be rendered under Permitted Development. At the time of resubmitting this application, we gained advice that for clarity the use of render should be included in the revised application. There is already a section of render to the front of the bungalow (to the right side of the front door) and we feel that it will be in keeping to have another section of render to the left side of the property.

4. Objection 4 - That the structure is not in keeping with the local vernacular

There are many differing styles used in the design of properties along Beeches Road, including where properties have been built in gardens, such as number 55a owned by [REDACTED]. There is also a precedent set at number 73 Beeches Road to have a modern rendered flat roof side extension to an existing bungalow. On this basis, we hope that the revised scheme we have put forward is looked upon favourably.

Finally, I would like to say that it has never been our intention to undermine the planning process in any way. We have very much genuinely followed a path which we understood not to be in contravention with planning laws - with the understanding that a rendered finish would not require planning and therefore it would be acceptable to use this build method (although as already said including it in the revised planning application for completeness) and submitting a request for permission to alter the design of the roof, with work having ceased on the external extension build while this is being sought.

If you have any queries in relation to the points outlined in this letter, or would like to discuss further, then please do not hesitate to contact us.

Yours sincerely,

[REDACTED] [REDACTED]

[REDACTED]

APPLICATION NO: 16/02012/FUL & LBC		OFFICER: Miss Michelle Payne
DATE REGISTERED: 11th November 2016		DATE OF EXPIRY: 6th January 2017
WARD: Park		PARISH: N/A
APPLICANT:	Mr Ashley Jones	
AGENT:	John Sharp Design	
LOCATION:	Lypiatt Lodge, Lypiatt Road, Cheltenham	
PROPOSAL:	Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme following refusal of planning permission ref. 16/00499/FUL & listed building consent ref. 16/00499/LBC)	

RECOMMENDATION: Permit / Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Lypiatt Lodge, formerly known as Astley House, is a grade II listed building located within the Lansdown Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The building is highly prominent within the street scene with views available from both Lypiatt Terrace, and Andover Road to the rear. A large Copper Beech tree and 3 no. Limes trees within the site are covered by a Tree Preservation Order (TPO).
- 1.2 The building was first constructed as a pair of semi-detached villas, c1840-50, but has been in use as a residential nursing home for a number of years. The building has been previously extended by way of a large modern extension to the rear and, more recently, the building has undergone an extensive programme of external repair and maintenance.
- 1.3 Members will recall that planning permission and listed building consent for the erection of a part two storey, part single storey rear extension, to form a new dining room on the ground floor with extended kitchen over, was recently refused at the July committee meeting.
- 1.4 This application is now seeking planning permission and listed building consent for a revised scheme.
- 1.5 The application is before the planning committee at officer's discretion due to the recent planning history and the interesting debate that took place at the May and July Committee meetings.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Conservation Area
Listed Building
Smoke Control Order

Planning History:

CB14274/00	PERMIT	13th December 1978
Demolition of the conservatory and erection of study		

CB10530/02	PERMIT	25th April 1980
Conversion of garden store to self-contained flatlet and erection of new store		

CB10530/03	PERMIT	21st March 1991
Addition of lift and atrium plus extra floor on existing addition (formally Astley Nursing Home)		

CB14274/01	PERMIT	23rd January 1992
Change of use from residential flats to Nursing Home; demolition of garages and construction of car parking area in accordance with revised plans received on 23 Dec 91 and 10 Jan 92		

CB22367/00	PERMIT	12th November 1998
Demolition of existing office block at rear and construction of two storey extension (revised plans)		

CBL1671/00	PERMIT	17th June 1999
Demolition of office block, two storey extension and internal alterations		

CB22367/01 Proposed conservatory	PERMIT	17th June 1999
CBL1671/01 Proposed conservatory	PERMIT	17th June 1999
00/00102/LBC Removal of existing metal window and replacement with timber window	GRANT	27th March 2000
15/01569/LBC Cleaning, repair and replacement of natural stone surfaces and features	GRANT	12th February 2016
15/02010/FUL Two storey rear extension to form new dining room on the ground floor with extended kitchen over	WITHDRAWN	2nd February 2016
15/02010/LBC Two storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading	WITHDRAWN	2nd February 2016
16/00499/FUL Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme)	REFUSE	22nd July 2016
16/00499/LBC Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme)	REFUSE	22nd July 2016

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 9 Alteration of listed buildings

Supplementary Planning Guidance/Documents

Lansdown Character Area Appraisal and Management Plan (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Environmental Health

17th November 2016

This application is a revised version of an application made earlier this year, however the matters pertinent to Environmental Health remain the same, i.e. the lack of information relating to the kitchen extractor system, which has potential to affect both residents of the facility and nearby properties.

I would therefore request that further information is submitted, or alternatively a condition is attached requiring this information to be provided and approved before first use of the improved building.

Building Control

18th November 2016

No comment.

Trees Officer

1st December 2016

Notwithstanding my comment of July 12th 2016, the CBC Tree Section has no objection to this application.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 18 letters of notification were sent out individual properties. In addition, a site notice was posted adjacent to the site, and an advert published in the Gloucestershire Echo; the overall consultation period expires 13th December 2016. At the time of writing this report, no representations have been received in response to the publicity; however should any future comments be received they will be forwarded to Members.

6. OFFICER COMMENTS

- 6.1 The application refused by Members in July 2016 was first brought to the planning committee in May 2016, with an officer recommendation to refuse, essentially because officers felt the building had already seen enough development and that any further extensions would be harmful. In considering the benefits of the scheme to the care home, officers did not feel that the benefits would outweigh the harm. However, some Members had sympathy for the applicant and felt that the benefits might, in fact, marginally outweigh the harm. The application was therefore deferred to enable further discussion and negotiation to take place with the agent in respect of the design and size of the proposed extension, and to allow for further tree information to be submitted.
- 6.2 Following the May committee meeting, it was suggested to the applicant's agent that a more modern, visually lightweight approach at ground floor with large amounts of glazing and a simple flat roof with parapet, may be more appropriate; such revisions would not have reduced the usable floor space.
- 6.3 Nonetheless, these suggestions were not implemented in the revised submission that was considered by Members at the July meeting. The revisions to the scheme at that time were minimal and, although the external elevations of the extension at ground floor had been simplified, the footprint, massing and size of the extension was unchanged. Consequently officers continued to recommend refusal, and Members ultimately the refused the application for the following reason:

Lypiatt Lodge, Lypiatt Terrace is a grade II listed building of architectural and historic importance, and the Local Planning Authority is therefore required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As proposed, the extension, by virtue of its design, massing and size, and the consequent erosion of space around the building would harm the character, appearance and setting of the listed building.

Accordingly, the proposals are contrary to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF and in the Historic Environment Good Practice Advice in Planning, and policies CP7 (design) and BE9 (alteration of listed buildings) of the Adopted Cheltenham Borough Local Plan.

- 6.4 The extension now proposed largely responds to the design advice previously given by officers. The revisions also address comments previously made by the Architects' Panel which read: *"The panel had concerns that the new dining room extension was out of scale with the house and questioned the need for a pitched roof and the replication of the eaves details of the larger existing West wing. A simpler taller parapeted extension was thought to be more appropriate."*
- 6.5 In this revised scheme, the overhanging pitched roof to the single storey element has been omitted and replaced by a simple flat roof with parapet detail, and the detailed design of the external elevations has also been simplified further. In addition, at upper ground floor, the expanse of masonry has been broken up with the introduction of a 500mm return in the kitchen wall. As a result, the proposed extension would now read as a contemporary yet sympathetic addition to the listed building.
- 6.6 The recommendation therefore is to grant planning permission and listed building consent for this revised scheme subject to the following conditions:

7. CONDITIONS

16/02012/FUL

- 1 The works 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 works shall commence on site unless details of Arboricultural Monitoring of the site to include details of (i) person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; and (iii) a timetable for inspections, has been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the details so approved.

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 (adopted 2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

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

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 The works shall be carried out in accordance with the working methods set out within the Arboricultural Survey, Impact Assessment and Method Statement dated June 2016 (TKC Ref: 35.39).

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 (adopted 2006).

- 6 Notwithstanding the submitted Arboricultural Survey, Impact Assessment and Method Statement, the crown of the TPO'd Beech Tree (T1) shall not be reduced by more than 2.5 metres in width and 2 metres in height.

Reason: In the interests of visual amenity and in line with good arboricultural practice, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 7 Prior to its installation, details of the kitchen extract system together with an acoustic engineer's report shall be submitted to and approved in writing by the Local Planning Authority. The kitchen extract system shall then be installed in accordance with the approved details prior to first occupation of the development hereby permitted.

Reason: To safeguard the amenity of residents of the building and neighbouring properties and the general locality, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

16/02012/LBC

- 1 The works hereby granted shall be begun before the expiration of five years from the date of this consent.

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- a) new windows and external doors (including sill, head and reveals);
- b) new external stair (including balustrade, risers, treads);
- c) new internal doors (including frames, architrave and door furniture);
- d) once weathered coping stones to parapet;
- e) new rainwater goods; and
- f) new extraction vents and flues.

The details of the above shall include the following:

- i) elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections, where mouldings are used; and
- ii) materials and finishes.

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

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

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

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

INFORMATIVES

16/02012/FUL

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

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

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

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

