



CHELtenham

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 25 May 2017

6.00 pm

Council Chamber - Municipal Offices

| Membership | |
|---------------------|--|
| Councillors: | Garth Barnes (Chair), Bernard Fisher (Vice-Chair), Paul Baker, Mike Collins, Colin Hay, Karl Hoble, 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 - 26)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **16/02197/FUL 68 Sandy Lane** (Pages 27 - 58)
 - b) **17/00097/FUL Gallagher Retail Park, Tewkesbury
Road** (Pages 59 - 72)
 - c) **17/00304/FUL 17 Norfolk Avenue** (Pages 73 - 82)
 - d) **17/00443/FUL 55A Beeches Road** (Pages 83 - 96)
 - e) **17/00691/FUL 70 Sandy Lane** (Pages 97 - 112)

**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

20th April 2017

Present:

Members (15)

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

In attendance: Councillor Matt Babbage (as a speaker)

Officers

Martin Chandler, Team Leader, Development Management (MC)
Craig Hemphill, Principal Planning Officer (CH)
Emma Pickernell, Senior Planning Officer (EP)
Nick Jonathan, Legal Officer (NJ)

1. Apologies: Councillor Oliver.

2. Declarations of interest

16/00202/OUT Land Off Kidnappers Lane
Councillor Nelson – is a member of LEGLAG

16/02105/FUL Cotswold Grange Hotel, Pittville Circus Road
Councillor Lillywhite – as a Cheltenham hotelier. Will leave the Chamber.

3. Declarations of independent site visits

17/00395/FUL 24 Leyson Road
Councillor Wheeler

17/00129/FUL Castle Dream Stud
Councillor Baker

16/01907/FUL Sandford Court
Councillor Sudbury – has visited the site previously and given advice to residents.

16/02105/FUL Cotswold Grange Hotel
Councillor Sudbury

16/00202/OUT Land off Kidnappers Lane, 17/00218/FUL 1 Hartley Close, 17/00291/LBC Town Hall
Councillor Sudbury – knows sites well.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 23rd March 2017 be approved and signed as a correct record *without* corrections.

6. Planning applications

| | |
|-------------------------|---|
| Application Number: | 16/00202/OUT |
| Location: | Land off Kidnappers Lane |
| Proposal: | Residential development of up to 45 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Kidnappers Lane, demolition of existing buildings |
| View: | Yes |
| Officer Recommendation: | Refuse |
| Committee Decision: | Refuse |
| Letters of Rep: | 91 |
| Update Report: | Refusal reasons |

CH introduced the application, on a site adjacent to the Cheltenham urban area, to the north of Kidnappers Lane in Leckhampton. The site is a relatively flat 1.3hectares, a semi-rectangular are of former plant nursery. This outline application seeks to build up to 45 dwellings, and sets out associated infrastructure, open space and landscaping, with new vehicular access from Kidnappers Lane. An application for 650 dwellings on adjacent land was refused in 2014, and subsequently dismissed at appeal by the Secretary of State in May 2016. The current application site originally formed part of the refused planning application, but was withdrawn and not considered in the appeal process. The current application was submitted in February 2016, before the appeal decision on the 650 dwellings, but the applicant has requested that it be considered as submitted. Some of the information submitted is out of date, having been drafted over a year ago, before the outcome of the 650 appeal decision.

Members will have noticed on Planning View that there are a number of unauthorised activities on the site, including the storage of touring caravans and motor homes, and fly-tipping. Enforcement action is in progress, requiring the site to be cleared in two months, from 1st May.

The recommendation is to refuse, linked to the principle of development, prematurity, the impact on the landscape, the isolated nature of the proposal, and the lack of an S106 agreement.

Public Speaking:

Councillor Penny Henty, parish councillor for Leckhampton with Warden Hill, in objection

The Chairman of the Parish Council is unable to present at the meeting, so is therefore speaking both on behalf of the Parish Council and also for Ian Bickerton, CBC councillor and member of Leglag.

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The Hitchins site is part of the 13/01605/OUT application, refused in July 2014. This part of the site was subsequently removed, before the appeal, but the grounds on which the appeal was refused apply equally to this site – damage to the landscape, and the severe cumulative traffic congestion it will cause. Traffic is already frequently gridlocked on Church Road, and this application would make it much worse. Granting permission would cause very rapid deterioration of the network, as this is the only traffic route round the south of Cheltenham, and the impact of the development at North Brockworth and Leckhampton Fields is as yet unknown – caution is needed to consider the cumulative impact of a further 45 dwellings. The proposal will have an impact on the views to Leckhampton Hill, and the character and landscape of the fields. The JCS Inspector recommended any development on fields should be to the north of the area, on the urban edge away from Leckhampton Hill. The Hitchins site is on the south side of Leckhampton fields, and is therefore unsuitable.

There have been discussions with the applicants, residents and the parish council, at the applicants' request, to consider whether a small development might be acceptable, but both the parish council and Leglag agree that both the location and the timing conflict with the JCS, that any such proposal is therefore inappropriate and should therefore be rejected.

GB: asked CN whether he felt his interest in this application could be seen as prejudicial.

CN: is a member of the Parish Council and also of Leglag, but does not consider these interests to be prejudicial.

GB: accepts CN's decision, but felt it right to raise the issue. Asked Members not to engage in a lot of discussion about why the application should be refused, as the recommendation is to refuse.

Member debate:

CN: with reference to his previous point about conflict of interest, would just add further clarification of his thinking on this: is also a member of the neighbourhood forum, which is part of the parish council. There has been all sort so thinking on this site, with the group being told that a small, sympathetic development might be appropriate. There has been a mix of opinion for and against this suggestion, and therefore has no problem in participating in the debate tonight.

Has some questions for officers. Firstly, how does the density of this proposal compare to other similar sites? When looking at the evidence provided by Gloucestershire Highways, they have considered the total number of an additional 377 houses on the Redrow site on Farm Lane together with this 45 – incorrectly added together – the actual total is 422, not 455. Officers accept that the JCS has some planning weight; the Inspector is content with about 200 houses on the north fields next to Shurdington Road. It isn't logical or consistent that Highways don't included these 200 dwellings in their calculations – they should be included when looking at the cumulative impact. The 2013 application for 650 houses was refused for two reasons – effect on the landscape, and the severe cumulative impact on volume of traffic. The 377 plus the 45 plus the 200 is close to 650, and are in the same area. Both the JCS inspector and the Secretary of State agreed on this, and it is wrong of Highways officers to say this proposal would have no major impact. They say it can be mitigated, but in fact, this should be added to the refusal reasons.

CH, in response:

- On the question of housing density, this will be 35 dwellings per hectare – comparable with the town centre, and the Midwinters development;
- CN makes a valid point on the highways calculation – the numbers are lower than stated;

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- Regarding the figure of 200 houses and the process through the JCS, the Inspector has recommended that a small development could be acceptable to the north of the site area – but this needs to go through the Local Plan process and be assessed regarding its appropriateness. This is at an early stage at the moment, which is why the refusal reasons talks about prematurity. The highways implications of this will be drilled out;
- There is an NPPF requirement to look at each application on its own merits; we can only factor in commitments with planning permission when considering the likely impact of this application;
- The refusal reason makes reference to the cumulative impact on the highway network.

CN: is pleased with the officer report – it is not often we see such recommendations before Committee, with such strength of evidence – but feels these could be further enhanced with evidence from the transport assessment work being done for the JCS. The interim JCS has some status. Planning officers have agreed the JCS has status and have factored that in, but Gloucestershire Highways is not on the same songsheet, and should be looking at the application in that light. It should include the 200 houses when figuring out the cumulative impact of the traffic. The total number of new houses from these different developments would be close to 650 – which would, as the Inspector has said, have a severe cumulative impact.

KS: supports the recommendation, the report, and the refusal reasons. As a matter of record, it is important that if there is any development in Leckhampton which will impact on the landscape, highways, infrastructure etc, it has to be plan-led; it cannot be piecemeal. The proposal to the west of Farm Lane, under TBC, will be a real blot on the landscape. Knows that in College and Charlton Park wards, senior school places are a real issue, and if development is permitted in a piecemeal way, the issue will get much worse. This proposal is closer to Bournside than Balcarras, but that school has no room for further expansion. There may be contributions from developers but these are no good if there's nowhere to spend the money; this could be the case if we allow this type of development without clear understanding of the impact. By 2020, we will be short of 6 x 30 places in Cheltenham; we have to be mindful of this when considering even small developments. It is a huge social problem, and not fair on families already living in the area, let alone those who might move in.

Traffic is also a massive issue. Kidnappers Lane is a small country lane – we have to be understand how this will be dealt with too.

A refusal is the right decision. This must be a plan-led process to ensure that any future development works for the people who live there.

BF: on Planning View, was amazed at the state of the site. It is a real blot on the landscape at the moment – a rubbish dump.

CH, in response:

- CN makes a very important point, re highways issues. The first refusal reason refers to the fact that the site is adjacent to the emerging Local Plan site and cannot therefore be considered in isolation. Granting planning permission in advance of the emerging Local Plan could prejudice decisions about the suitability of future development in the wider area. Hopes that this refusal reason covers all aspects, but could refer specifically to highways aspects in that sentence, should Members wish.

CN: would like CH to do this.

Vote on officer recommendation to refuse, with additional sentence referring to highways issues in Refusal Reason 1

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12 in support
0 in objection
1 abstention

REFUSE

| | | | |
|-------------------------|---|----------------|-----------|
| Application Number: | 16/01907/FUL | | |
| Location: | Sandford Court, Humphris Road | | |
| Proposal: | Erection of two picket fences adjacent to patios (retrospective) | | |
| View: | Yes | | |
| Officer Recommendation: | Permit | | |
| Committee Decision: | Permit | | |
| Letters of Rep: | 25 | Update Report: | No |

MJC introduced this retrospective planning application for two picket fences in a new residential development. They are set in a communal space, shared by all the apartments, and planning permission is required because they are adjacent to a listed building. Councillor Sudbury has requested the application be considered at Committee, due to the high level of residents' objections.

Public Speaking:

None.

Member debate:

KS: this is a difficult application, and has caused a lot of friction between residents, which would have been wholly unnecessary if the developer had got the scheme right in the first place. When residents first contacted her, could not see why it was such a big deal, but having visited the site, understood why they are concerned and felt it important to debate the issue. In other circumstances, fences like this are not an issue, but here they cause a problem. Firstly, the type of fencing is out of keeping – it has a suburban cottage style, while the rest of the development is high end, and features nothing else like this. Secondly, the space is communal, and needs to be available so that all residents feel they can use it. It is a planning issue; planning is about helping developers to make places where people can live comfortably, whether this is private, public or communal spaces. This site is unfortunate – not one thing or the other. Residents of the upper floors can't use the communal space. It is situated in a very narrow part of the site. The issue needs far more attention; all residents should be able to enjoy the gardens.

Welcomes the revisions to the scheme, but still feels it should not be permitted. It is out of keeping, and reduces the communal area. Personally feels the site needs to be re-landscaped, with no step-drops, but this is not an excuse, and communal space is important at this part of the site because it is so narrow. It's such a shame as this is otherwise a good development – this is a weak point, and disappointing. Hopes that CBC learns a lesson that communal spaces cannot be left to chance – it neither looks good, nor helps with the garden's function.

Strongly urges Members to refuse or defer, to allow re-profiling of the grass to a more gentle slope. The communal garden is not currently a usable space for people paying for the privilege of using it. It isn't great for people on the ground floor either; they have private spaces but no particular understanding of how they can use it. Hopes for a better proposal. Will move to refuse or defer, but

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would add that the residents who objected would be happier if the fences were of materials more in keeping with the rest of the development, allowing the vision to flow through the site

PB: wasn't on Planning View, but can see from the photographs that this development is a high standard of design. Finds it bizarre that the developer would want the fence when the people who live there don't – there is no way this fence fits in with the otherwise high standard of design. Would be happy to move to refuse on CP7 – the fence does not complement the building behind it, is crass and unnecessary, and detracts from the open space.

CN: there was discussion on view as to why the planning department is involved in this application, but on further reflection, and having heard the comments of KS and PB, is inclined to agree with the. In his own ward, at Pilley Lane, there have been all sorts of problems with landscaping, with enforcement action required. Agrees with KS that we can't leave these communal gardens to chance with developments of this kind. The applicant should be encouraged to keep the open nature of the gardens – why weren't conditions included? As PB says, it is strange that all the residents are against this proposal yet the developer is pushing for it. Will support a move to defer.

SW: there's not a lot more to say here. On Planning View, the thinking was that there is a need to separate planning issues from management issues, and listening to KS and PB, is minded to refuse. This proposal doesn't protect the communal garden or complement the building. Assumes that metal and glass fencing would not be appropriate for health and safety reasons. The communal gardens should be kept open, so would support a refusal, but suggests that perhaps something else could be considered here.

GB: would remind Members that they are not here to redesign planning schemes.

BF: this proposal is retrospective. If it is refused, can enforcement officers take action, because it doesn't comply with the original planning application?

PT: agrees with the previous speakers. Was shocked when she saw the fencing – it was much more substantial than a simple picket fence, and there is another one behind it. Both need to be removed. Screens would be acceptable, but fencing is intrusive, even if hedging is put in.

CH: is not commenting particularly on this application but on lessons to be learnt with similar applications in the future. Tom Price Close was meant to have communal space for all the residents to enjoy, but fences have been erected which change the whole nature of the development. The only way these could be removed now is through legal action with the original development; enforcement action is not an option. For future reference, when we look at a design and like the communal area, we need to make sure it is settled, and that any changes need to come back for approval. Unfortunately, people quickly get used to the changes, which makes it difficult to backtrack.

KS: Members aren't trying to redesign the scheme, but if the application is going to be refused or deferred, it could be useful for the developer to hear their comments – that materials should be more in keeping with the rest of the development. Not all the residents are opposed to the fencing, but there are concerns about the different levels of the grounds, and fencing is a cheap way to deal with it. It is up to the Committee to decide whether to refuse or defer – she would be happy with either. Refusal reasons would be that the fence is out of keeping and loss of the amenity of this communal garden for other residents. If deferred, a better solution can hopefully be found, resulting in a better outcome for all residents.

MJC, in response:

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- Regarding deferral, this application has been in for a long time, since January 2016, and it has been very difficult to get any information from the applicant. Cannot imagine any progress with the proposal if the application is deferred – is not convinced that this would achieve very much;
- Regarding the fences themselves, Members have spoken against them; CN is right that the enclosures are not necessary, and to BF's question, enforcement action will be taken if the application is refused;
- Has a question for Members: they have two concerns – the type of enclosure and the principle of enclosure. If the application is refused, it is important to refuse on reasons that are clear. Do Members not want any enclosure at all, or do they simply consider the proposed fences to be an inappropriate means of enclosure.

GB: PB has suggested CP7 as a refusal reason.

KS: the blue lines on the diagram show a more appropriate place for the fences to go, but they need to be of the right material. Patios are not communal areas - fencing is appropriate to enclose these – but the grassed area is communal, and any sort of fencing will make people feel they cannot use it.

SW: agrees with KS. It is appropriate to have some form of enclosure on the patios, but there should be no form of fencing on the grassed area. Open areas should remain open.

PT: if the application is refused on CP7, would like to include the type of material with which the picket fences should be replaced.

CN: to MJC, clearly, given the historical circumstances, the refusal reason is the best way to achieve what Members want to see here. Was going to say there shouldn't be any obstacles to openness of the site, consistent with the officer report of 2012, but KS knows more about the site than he does, and is therefore happy to defer to what she has said. Policy CP4 for loss of amenity could be related to the openness issue.

MC: everyone seems to agree, and this application has been discussed for a long time. Members have been told they are not here to redesign a proposal, so they shouldn't try. The planners will speak to the applicant, and consider the practicalities. The meeting should vote now and move on.

GB: is CP4 an appropriate policy on which to refuse?

MJC, in response:

- The extra few minutes on this debate have been helpful; officers can now write a refusal reason encapsulating Members' opinions. It is not unreasonable to include CP4 as a refusal reason.

Vote on officer recommendation to permit

0 in support

13 in objection

NOT CARRIED

Vote on KS's move to refuse on CP4 and CP7

13 in support

0 in objection

REFUSE

Councillor Lillywhite left the Chamber during the following debate

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| | | | |
|-------------------------|--|----------------|-------------|
| Application Number: | 16/01205/FUL | | |
| Location: | Cotswold Grange Hotel, Pittville Circus Road | | |
| Proposal: | Proposed erection of gates and boundary railings, new landscaping scheme and car park reconfiguration | | |
| View: | Yes | | |
| Officer Recommendation: | Permit | | |
| Committee Decision: | Permit | | |
| Letters of Rep: | 13 | Update Report: | None |

EP introduced the application which Members considered last month, deferring it on a single issue, concerning the three trees – Holly, Yew and Pine. The revised plans secure the retention of these trees, and the the recommendation is to permit.

Public Speaking:

There was none.

Member debate:

PT: how wide is the gate? Where will the bin lorries go?

EP, in response:

- Confirmed that arrangements will be as before: the gate is approximately 2m wide, and the bin lorries will not access them.

CH: this application was deferred on account of the trees, and is pleased that these are now being retained, but still cannot support it. Residents are not happy about bin lorries on the corner, and the extra noise the application will cause.

PB: thanks to officers for negotiating a better result for the trees. Suggests that in the future they are a bit more determined about retaining trees where they can.

Vote on officer recommendation to permit

11 in support

1 in objection

0 abstentions

PERMIT

| | | | |
|-------------------------|---|----------------|--|
| Application Number: | 17/00129/FUL | | |
| Location: | Castle Dream Stud, Mill Lane, Charlton Kings | | |
| Proposal: | Change of use of land for the permanent residential occupation by a traveller family, provision of day room, retention of hardstanding, access, fencing, stables and use of associated land for keeping of horses. | | |
| View: | Yes | | |
| Officer Recommendation: | Permit | | |
| Committee Decision: | Permit | | |
| Letters of Rep: | 21 | Update Report: | (i) Additional representations |
| | | | (ii) Report update – additional condition |
| | | | (iii) Appendix to report – previous appeal decision |

EP introduced this application for planning permission for use of land for permanent occupation of a traveller family, and other provisions, as above. The land was previously occupied under a temporary permission following an earlier appeal decision, which has now expired. Previously there were three static caravans at the site; now there is just one. The application is for a personal consent for the applicant only. While it is acknowledged that the proposal causes some minor harm to the AONB, the lack of gypsy and traveller sites in Cheltenham, and the needs and human rights of the applicant have to be taken into consideration. The emerging JCS policy is criteria-based, and there is no straightforward alternative site. In March 2017, a county-wide assessment identified the need for three pitches in the borough. The continuing need is not likely to be filled by the JCS, and officers therefore feel it appropriate to recommend that permission be granted.

Public Speaking:

Mr Langdon, on behalf of Save our AONB and neighbours, in objection

Began by reminding Members that Cotswold AONB has the highest status of protection under the National Parks Act 1949, and the NPPF requires local authorities to give great weight to conserving landscape and scenic beauty – which this proposal will not, as a planning inspector has said at a previous appeal. Despite this, the inspector permitted a strictly conditioned, personal and temporary permission, until January 2017. Save our AONB cannot argue with this, but strongly objects to a permanent and unrestricted permission being granted. The application states that the site is 2.4 hectares, not just the 0.2 hectares covering the south-west corner. Members could unwittingly have granted permission for C3 land use over the whole site. They should also know that surface water continues to spill over Mill Lane several times a year, despite claims that drainage isn't a problem, causing a hazard when icy; the use of the land now is nothing like it was in 2013, and there have been no horses on site for at least three years; another high, close-boarded fence went up on site about a year ago, subdividing a large open field and contrary to the 2016 Cotswold AONB Landscape Strategy; and the septic tank was cleared out this year and is no longer sufficient for a family and business. Thirdly, this application is attempting to subvert the protection of public interest by preempting alternative sites being brought forward through the JCS – one such site could be Arle Nurseries, on green belt land. The inspector specifically said the previous temporary permission for this land and family was appropriate and reasonable. Urges Members not to accept the officer recommendation to permit; if this application is allowed it will set a devastating precedent for the AONB – residential occupation of this site should remain temporary.

Councillor Babbage, ward councillor, in objection

The main points have all been covered by the previous speaker, so will be brief. We are extremely fortunate in Cheltenham, with the AONB and Cotswolds on the doorstep making it a wonderful place to live. The AONB has the highest level of protection, and policy and assessments all indicate that this site is inappropriate for permanent development. The identification of gypsy and traveller sites is part of the JCS process – granting permanent permission on this site would be premature. Therefore requests that a temporary permission be granted as previously, with the same conditions, including restriction to named family members.

Member debate:

PB: some questions for officers – how will we as a borough satisfy the requirements for three gypsy and traveller pitches going forward? It seems that the recommendation here is very humanist, and has some sympathy, but it is the wrong recommendation, a knee-jerk reaction to provide gypsy traveller sites in the borough. If an application for another gypsy traveller site comes in, will it be equally difficult to turn down, if the land is lesser value than this AONB site? This is a very big site; is there any way, in granting permission as recommended, that the whole site could be used?

SW: the first speaker encapsulated all the objections to this application very well. Everyone would love to live in the AONB. Is the borough council member on the Cotswold Conservation Board – this isn't a prejudicial interest – and keenly aware of the beauty of this area and the special protection it deserves. Cheltenham borough doesn't currently have anywhere for gypsies and travellers to stay, but this isn't a good enough reason to allow this site to become permanent. Using this site is contrary to what we expect in the AONB; CBC has other sites which could be used instead. When the JCS is finalised, there could be other places for gypsy and traveller families to go. Could therefore support a further temporary, personal permission of three or five years for one named family on this site, but fears that development on the site is inching forward, with stables, touring caravan, static caravan, day room and permanent building – it gets worse and worse.

LS: it is absolutely right that CBC should be asked to provide pitches for gypsy and travellers, but not clear from what he has heard or from the officer report that granting this permission is going to increase the number of pitches. The recommendation is based largely on the GTAA 2017 recommendation for three new pitches to be provided by Cheltenham. It is misleading the designate this site as a new pitch – it is no such thing, and this would be changing its designation. Shares the concerns of other members and the speaker – in some ways we would be encouraging opportunistic encroachment to the AONB at our peril. The previous report and the 2016 Ryder Report describe this land as pristine AONB, not degraded, and we should be mindful of that fact. No-one wants to see the current occupant disadvantaged, however, so is happy to support the continuation of the status quo, with a further temporary permission, but not a permanent one.

PT: agrees with the previous speakers. Has anyone suggested a five-year temporary permission for the named occupant, rather than three? She has done a good job at the site, kept it neat and tidy, and is not encroaching on surrounding land.

BF: agrees with much of what has been said, but goes back to the appeal decision. The site is currently owned by a single occupant; we have no control over who uses it. At present, no other travellers have wanted to occupy it. The family used to earn their living breeding horses, tarmacking drives etc, but none of this applies now. The current occupant lives on her own. There is just one stable block, which only had temporary planning permission. It is ridiculous that the person who owns the land only has temporary planning permission. The borough council with the JCS knows that it has a requirement to provide three sites or three pitches? We have managed to find room for 20,000 houses but not for three gypsy and traveller sites. It is the council's responsibility to have sites we can control to provide the appropriate numbers. We have no control over this site. There is just one person living there; it could become a livery stable business. The site is in the AONB, and doesn't comply; it was originally illegally occupied. If anything, we should grant temporary permission for three years, not five. It could then be extended again, if necessary, to keep some degree of control. If it can't, there should be conditions in the JCS – the site at Twigworth counts as part of Gloucester's requirements, not Tewkesbury's. Most travellers want a rural setting; they don't want to be in the middle of a town. No-one has yet mentioned the major problem is that travellers are transient – there is no provision but there is a need. We need to look at this and do something about it, rather than ignore it. This application is making the shoe fit the foot, and isn't what was originally applied for. Will move to refuse, giving 12 months to focus people's minds.

EP, in response:

- To PB's question, how are we going to provide three sites as identified in the GTAA, there will be a survey and further investigation. The stated requirement for three pitches arises from the occupants of this site – there are three caravans, one to be removed, for a teenage dependant in the future;

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- The draft JCS doesn't propose to allocate sites – it is a criteria-based policy, to be considered when sites come forward;
- Will this make it difficult to resist other sites? No, it would be easier to resist, as CBC will have fulfilled its requirement;
- The site area is indicated by a red line on the map, and conditions limit the amount of development within this red line area. A separate planning application would be required for any further development;
- A five-year consent could be granted if this is what Members feel to be most appropriate;
- To BF's concern that the site could be used for a livery stable business, there is a condition to restrict use of the stable to non-commercial uses. An additional planning application would be needed to vary that condition.

BF: the temporary permission was based on the fact that the family bred horses as a commercial business.

EP, in response:

- The Inspector did not attach that condition.

MC: this is a planning application to be refused or permitted. The question was, can a condition be attached? The officer has answered that it can.

CH: doesn't exactly go with the flow of the debate so far. At county level, it is difficult to find enough gypsy and traveller sites. Different travellers have different lifestyles and therefore different needs. This has to be taken into account in all our decision-making – we should be mindful of it. The applicant has been at this site for some time. If the existing temporary permission is extended by one, three or five years, she will not be comfortable, with a sense of insecurity – we should be mindful of that too. This permission seeks to give security for this particular family. Also, regarding restrictions, has met a lot of travellers who have family members come to stay at different times of the year. It's been said that traveller families don't want to live near town centres, but quite a few do set up nearer to towns, for hospital appointments and so on. The life expectancy of male travellers is very low, and we have a duty to recognise their different lifestyles, which vary greatly. All things being equal, would like to grant permission for this family to stay on this site however long they want to stay there, to give them a sense of security. When they no longer want it, we should look again. Would find it difficult to accept this family being moved on to another site. We must take into account their human rights, personal circumstances, and the different types of accommodation required.

BF: the Housing Act of 2016 dealt with travellers who no longer travel. Agrees with CH - we can all live how we like, as long as we comply with the law of the land.

GB: feels Members have discussed this application as much as they can. PT has proposed a five-year temporary occupancy. It is up to the Committee to decide on what length of permission is granted, but first they will need to vote on the recommendation to permit permanent occupancy.

PB: with regard to human rights, if we are not providing any alternative traveller sites in the JCS or Local Plan, where are we suggesting this family moves to? There is nowhere else. It is an infringement of their human rights if no alternative is provided.

CH: can a permanent personal permission be granted for this one family?

EP, in response:

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- Understands that a lot of Members are concerned about the human rights issue, and any interference in this family's right to home and family life. Her interpretation here is that granting a further temporary permission would not be a breach of the Human Rights issue, but eviction would.

NJ, in response:

- Confirms that temporary permission would not be a breach in any way.

EP, in response:

- Depending on how Members vote on the substantive motion, a number of conditions could be added: (1) personal permanent permission; (2) temporary permission, not personal; (3) both of these.

BF: would remind CH that the proposal on the planning application is for permanent permission – not for the applicant and her family or any other named person. This may be what the applicant wants, and is what Members should vote on.

CH: if a condition can be put on , would propose the personal permanent option.

EP, in response:

- For clarification, the inspector's reason for granting a personal, temporary permission is set out in the officer report, at para 6.2.

PT: one of the conditions refers to non-commercial use of the site, but 'breeding horses' implies a commercial use, and that the horses will be sold. It could be used as a livery stable. How does this fit with planning?

EP, in response:

- The condition can be strengthened if it is causing concern. The original inspector felt that this was commercial use, but the condition is trying to prevent livery use.

SW: the original permission was temporary and personal; we should stick with that. It should be temporary because there is land in the borough's ownership which could be used for travellers, which isn't part of the AONB; when a suitable site comes up, this family can be asked to use it. As said previously, everyone would like to live in the AONB.

Vote on officer recommendation for permanent permission, with wording of conditions altered as above

6 in support
0 in objection
6 abstentions

NOT CARRIED

MC: proposes a five-year personal permission.

PT: has already proposed that.

CH: would rather have a permanent personal permission.

BF: members just voted to refuse the application. The applicant may not want a temporary permission. Officers should go back to her and encourage a new application.

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MC: the officer has confirmed that members can vote on a temporary permission.

GB: it is valid to vote on this. The applicant can appeal if not happy with it.

Vote on PT's move for five-year personal permission

7 in support

3 in objection

2 abstentions

CARRIED

| | | | |
|-------------------------|--|----------------|-------------|
| Application Number: | 17/00149/FUL | | |
| Location: | 22 Dagmar Road | | |
| Proposal: | Two-storey rear extension (revised scheme following recently approved application re. 16/02141/FUL) | | |
| View: | Yes | | |
| Officer Recommendation: | Refuse | | |
| Committee Decision: | Permit | | |
| Letters of Rep: | 1 | Update Report: | None |

MJC introduced this application for a two-storey rear extension, following a previously approved scheme for an extension half the width of the property. This application seeks a full-width extension, at two storeys. It is at Committee at the request of Councillor Harman, and Members visited the site on Planning View. The recommendation is to refuse, in view of the harm to the building.

Public Speaking:

Mrs Baglow, applicant, in support

Thanked Members for the opportunity to speak in support of her planning application. Needed to extend her house to accommodate her family, with a third bedroom and upstairs bathroom. The previous scheme was approved, but realised that better use of the space could be made, with a full-width extension. Followed advice of the planning officer and subservience guidelines – the revised scheme is 17.5% smaller than the previous one, and must therefore be considered subservient. Considers the proposal to comply with CP7 with regard to high standard of design, materials and architectural integrity, and windows in keeping. This proposal reduces the impact on the neighbouring property – there will be no over-looking. Has been in touch with a party wall surveyor. Understands that the house is in a conservation area, but the extension is at the back of the property. The proposal also follows green principles. This alternative lay-out is more characterful, and both Nos. 11 and 19 Dagmar Road have full-width extensions. Considers that all concerns have been addressed. The revised scheme is a smaller, more efficient, optimised design, with less impact on the site than the approved scheme.

Member debate:

SW: understands where the officer comments are coming from, but noted on Planning View the neighbouring property with a two-storey half-width extension. Felt that this longer, narrower extension was much higher and more imposing – as the applicant has said, the full-width extension won't extend as far. It will be a much more useful space. On balance, as this is at the back of the building not the front, will be in favour and vote to permit.

MC: has looked at the drawings, and considers the proposed lay-out of the full-width extension better than the longer, narrower rear extension.

Vote on officer recommendation to refuse

2 in support
7 in objection
2 abstentions
NOT CARRIED

MJC, in response:

- Had not expected Members to vote in this way. Has heard SW's comments, but would just reiterate some of the important points made in the report;
- Consistency is very important here. The local authority has an SPD on residential extensions, setting out various principles, in particular that of subservience. An extension should take a supporting role, and this is officers' principle concern here – the full-width extension masks the back of the building;
- It is important to remember this is a conservation area. Historically, buildings of this nature extended with a wing. They are artisan houses. This is why the previous scheme was permitted;
- It is important to reiterate that the SPD must be applied consistently.

CH: Although Members are asked not to repeat themselves, in view of MJC's surprise at the vote, would just say that he was in agreement with SW's arguments. Members are told they must consider each application on its own merits. In this case, considers the impact of the full-width extension on the neighbour's house to be less. This is why he voted against the officer recommendation.

Vote on SW's move to permit

7 in support
2 in objection
2 abstentions
PERMIT

PB: suggests that the SPD on residential extensions could be reviewed as part of the local plan process.

MJC, in response:

- Yes. Officers are keen to re-write it.

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| | | | |
|-------------------------|---|----------------|-------------|
| Application Number: | 17/00165/FUL | | |
| Location: | 259 Gloucester Road | | |
| Proposal: | Erection of 6no. one bedroom units within an apartment block and a pair of semi-detached two bed houses on land adjacent to 259 Gloucester Road. | | |
| View: | Yes | | |
| Officer Recommendation: | Permit | | |
| Committee Decision: | Refuse | | |
| Letters of Rep: | 8 | Update Report: | None |

CH introduced this application on a piece of land adjacent to a terrace facing Gloucester Road, opposite the railway station. The existing terrace is part of the neighbourhood shopping centre; the other boundaries adjoin properties in Libertus Court and Roman Road. The site is currently rough ground, with no defined use. Planning permission was granted in 2016 for four dwellings on the site – two houses, two flats – at two storeys of red brick, with pitched roofs and three off-road car-parking spaces. This alternative scheme is for two 2-bed semi-detached houses, and six 1-bed flats, of brick construction, with a flat roof, and six off-street parking spaces. It is at Committee at the request of Councillor Coleman, as the two previous schemes have also been considered at Committee.

Public Speaking:

None.

Member debate:

PT: is very disappointed by this scheme. The previous application was acceptable and fitted in with the area much better. This doesn't fit. The terrace of shops are houses which have been turned into shops. They look residential, whereas this proposal is a horror. The block of flats should go at the back of the site and the houses should come forward to complement the terrace of shops and the small houses on the other side. Would like to see this application refused on design grounds.

MC: asked officers on the bus – the applicants already have an approved scheme; this is an alternative to the existing permission; if it is refused, can they fall back to that?

CH, in response:

- Regarding the design approach – this is always subjective, and it is a difficult site to get a perfect scenario. Some Members wanted something more bold when the previous scheme was considered;
- Linking the new building to the shops will always be difficult, but officers feel on balance that this is a good design for this location;
- To MC, yes, the applicant can fall back to the previously-granted permission if this is refused.

PT: feels that this proposal will stick out and not appear as part of the area. New buildings are supposed to fit in and look semi-reasonable. This is not even a statement, it is just a block. If it has to be included, it should be at the back of the site with the houses at the front, in line with the existing terrace facing the main road to Cheltenham. The proposed scheme will be a real blot on the landscape.

Vote on officer recommendation to permit

4 in support
6 in objection

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NOT CARRIED

GB: can Members suggest refusal reasons.

PT: Design – it doesn't fit the area.

BF: suggests CP7.

MC: it isn't in keeping with the street scene.

CN: new buildings are supposed to complement and respect neighbouring developments – this doesn't.

Vote on PT's move to refuse on CP7

6 in support

3 in objection

1 abstention

CARRIED – REFUSE

PB: Both the Civic Society and the Architects' Panel have made constructive comments about the design - the applicants should be guided by this. This is a prominent site in the town, and they could do better.

| | |
|-------------------------|--|
| Application Number: | 17/00218/FUL |
| Location: | 1 Hartley Close, Cheltenham |
| Proposal: | Proposed two storey side, single storey rear & single storey front extensions |
| View: | Yes |
| Officer Recommendation: | Permit |
| Committee Decision: | Permit |
| Letters of Rep: | 1 |
| Update Report: | None |

MJC introduced the application as above. It has been amended, revising the internal lay-out to address the neighbour's privacy concerns. It is at Committee because a senior member of CBC staff lives next door.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to permit

10 in support - unanimous

PERMIT

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| | | | |
|-------------------------|---|----------------|-------------|
| Application Number: | 17/00268/LBC | | |
| Location: | Municipal Offices, Promenade, Cheltenham | | |
| Proposal: | Replacement of some of the fire doors in the Municipal Offices | | |
| View: | Yes | | |
| Officer Recommendation: | Grant | | |
| Committee Decision: | Grant | | |
| Letters of Rep: | 0 | Update Report: | None |

EP introduced this listed building application to install 24 modern fire doors, to paint 3 historic doors with fire-retardant paint, and to apply smoke/heat seals to bring them up to modern fire resistance standards. Heritage and Conservation Officers are happy with the proposal, and the recommendation is to approve.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to grant

10 in support – unanimous

GRANT

| | | | |
|-------------------------|--|----------------|-------------|
| Application Number: | 17/00291/LBC | | |
| Location: | Cheltenham Town Hall, Imperial Square, Cheltenham | | |
| Proposal: | Roof repairs | | |
| View: | Yes | | |
| Officer Recommendation: | Grant | | |
| Committee Decision: | Grant | | |
| Letters of Rep: | 0 | Update Report: | None |

EP introduced this application for the renewal of flat roof areas to the front of the Town Hall, and the removal and renewal of skylights. Heritage and Conservation Officers are happy with the proposal; the recommendation is to grant listed building consent.

Public Speaking:

None.

Member debate:

None.

Vote on officer recommendation to grant

10 in support – unanimous

GRANT

| | | | |
|-------------------------|---|----------------|-------------|
| Application Number: | 17/00395/FUL | | |
| Location: | 24 Leyson Road, The Reddings, Cheltenham | | |
| Proposal: | Two-storey side extension | | |
| View: | Yes | | |
| Officer Recommendation: | Permit | | |
| Committee Decision: | Permit | | |
| Letters of Rep: | 1 | Update Report: | None |

CH introduced this application for a two-storey side-extension to a semi-detached bungalow in a cul-de-sac, to provide a kitchen and additional bedrooms and bathrooms. It is at Committee at the request of Councillor Wheeler, to consider the impact on the neighbouring amenity and the character of the area.

Public Speaking:

None.

Member debate:

SW: the drawings for this application are disingenuous. Looking at the front, with the extension being proposed, the house looks identical to the other end of the building – would find it difficult to argue against it. However, the reality is that the one on the right is much larger. There is no picture from the back but the two-storey extension will be very over-bearing on the property next door. When residents at No. 26 put in an identical application, officers recommended it for refusal, presumably because it was too large? Has no concerns about the front of the building, but is concerned about the effect on the neighbour at the back.

CH, in response:

- There is no planning history to shed light on any discussions or negotiations regarding the other application. It was granted as submitted;
- Regarding this proposal, the front has been re-designed to be subservient; the two-storey extension at the back reads as a single-storey addition. The lay-out is constrained, but at its closest point, the single-storey element will be 4m from the neighbouring boundary, the two-storey 8-9m, where the boundary tapers away;
- Officers are content and consider the design and impact on the neighbouring properties to be acceptable.

PT: how much extra room is involved, square-footage-wise?

CH, in response:

- The footprint of the existing property is 71 square metres; the proposed extension is 56 square metres, 90 square metres including two storeys.

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Vote on officer recommendation to permit

7 in support

2 in objection

1 abstention

PERMIT

The meeting ended at 8.15pm.

| | | |
|---|---|--|
| APPLICATION NO: 16/02197/FUL | | OFFICER: Mr Ben Hawkes |
| DATE REGISTERED: 9th December 2016 | | DATE OF EXPIRY: 3rd February 2017 |
| WARD: Charlton Park | | PARISH: |
| APPLICANT: | Mr Chris Gough | |
| AGENT: | Mr Nigel Jowsey | |
| LOCATION: | 68 Sandy Lane, Charlton Kings, Cheltenham | |
| PROPOSAL: | Two storey side extension, single storey front and rear extension, application of render and timber cladding and replacement windows and doors. | |

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Members should recall this application from March planning committee. The application was deferred in order for further discussions to take place with the applicant to address concerns raised during the debate. The concerns related to the size and scale of the proposed side extension, the close proximity of the proposed balcony to the neighbouring property and the overall design approach.
- 1.2. Discussions have taken place with the applicant and revised plans have been submitted which are 543217-16-2 Rev B, 543217-16-4 Rev E, 543217-16-7 Rev F, 543217-16-8 Rev F, 543217-16-9 Rev B.
- 1.3. Neighbours have been re-consulted for a further 10 days to allow for comments on the revised scheme. One further comment has been received. Which is generally in support of the proposed scheme however raises 3 comments regarding subservience, the projection forward of the single storey extension and its impact on the street scene and the reduction in driveway space.
- 1.4. The revised plans include the following changes:
 - The proposed side extension has been reduced in width at first floor by 1.5 metres.
 - The proposed balcony has been relocated and is now enclosed on both sides.
 - Changes to the design and appearance of the proposed extension and remodelling of the property.
- 1.5. In light of the changes, the mass, scale and impact on neighbouring amenity is now considered to be acceptable, and a successful response to debate at planning committee. The revised scheme now includes a recessed balcony and a contemporary first floor flat roof form, which if executed successfully, will lift the proposal architecturally. The proposed void to achieve this balcony will prevent the proposal reading as a flat roofed 'box'; it gives the scheme a degree of drama and is a form of development that has been successfully executed at a different site in the borough (1 Arbemarle Gate).
- 1.6. Officers acknowledge that the proposal has not been presented as successfully as it could be. The elevation drawings do not portray the overall re-modelling of the building but they are sufficient in order to determine the application, the detail that will ensure the

successful execution can be controlled by conditions. It is anticipated that further visual representations of the proposal will be received in advance of the committee meeting.

- 1.7. The side extension has been further reduced in size at first floor. This reduction in width creates an increased gap between the properties and enables the property to sit comfortably within its plot.
- 1.8. Members raised concerns with regard to the close proximity of the proposed balcony to the neighbouring properties side elevation bathroom window. The revised plans show the balcony has been more centrally located and within its new design is enclosed on both sides. Officers consider that the location and form of this balcony will not result in any unacceptable loss of privacy to any neighbouring land user.
- 1.9. A contemporary design approach has been adopted and officers consider that the revised form will complement the remodelling of the existing house with the use of render, timber cladding and replacement windows to create a more cohesive and contemporary overall design.
- 1.10. The success of this scheme will be in its finishes and its execution. With that in mind, conditions requiring material samples and specifications of the proposed timber cladding and render to be submitted and approved in writing prior to their application are recommended. In addition, a condition requiring the details of the windows and external doors to be submitted is also suggested.

2. CONCLUSION AND RECOMMENDATION

Officers consider the revised proposal to address the concerns raised by members at planning committee and it now represents an acceptable scheme. The proposed extension is considered to be compliant with local plan policy CP4 and CP7 and guidance set out within the Supplementary Planning Document – Residential alterations and extensions.

The officer recommendation is that planning permission should be granted, subject to the conditions set out below;

3. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No external cladding or render shall be applied unless in accordance with
 - a) a written specification of the materials; and
 - b) physical sample/s of the materials,

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The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 No windows or external doors shall be installed unless full details, including their design (including profile, cills, head and reveals, materials, finish and colour) have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall not be installed unless in accordance with the approved details.

Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006) and section 7 of the NPPF.

INFORMATIVES :-

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

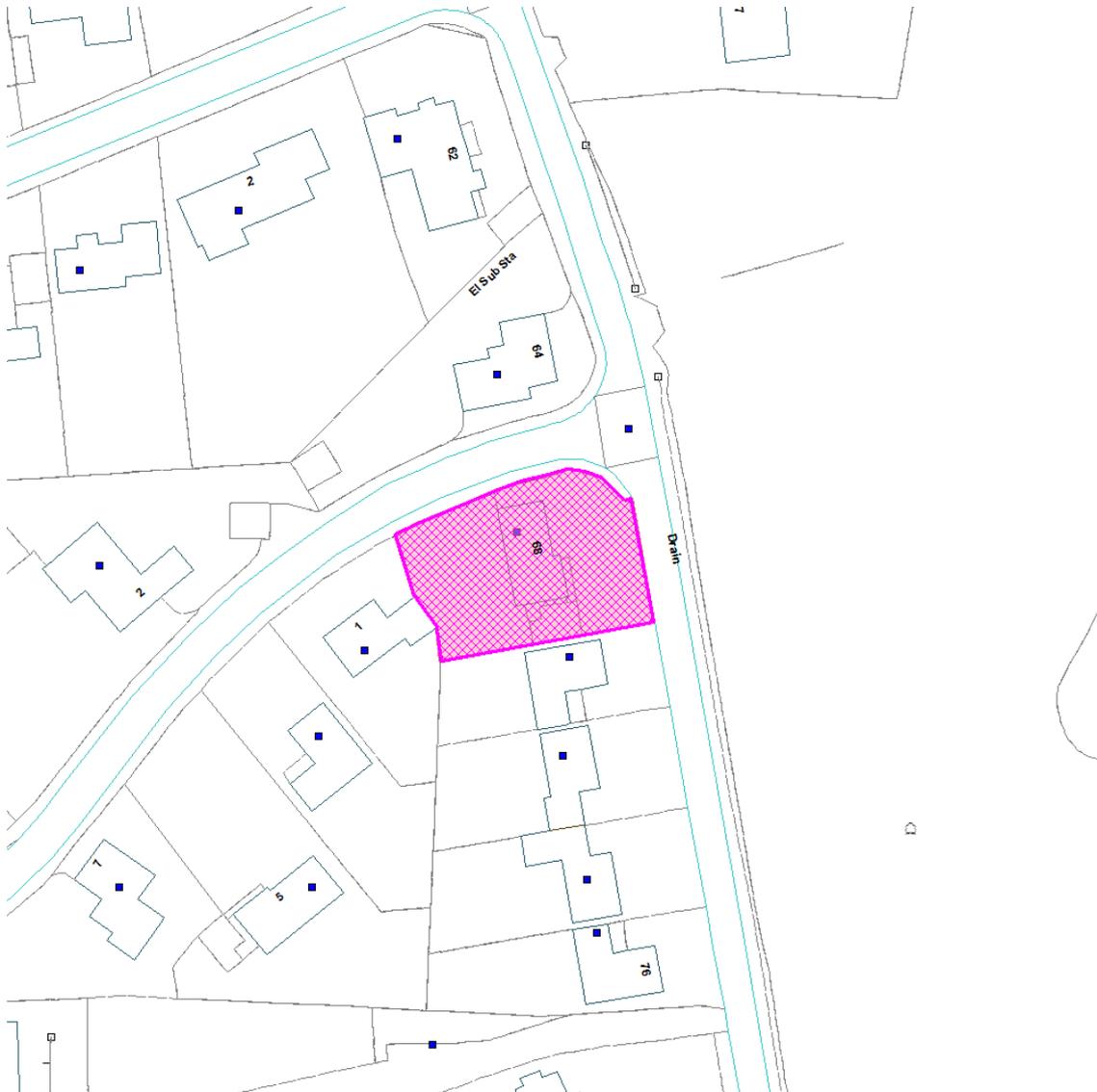
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

In this instance, the authority sought revisions to reduce the mass of the extensions, to improve the design and to reduce impact on neighbouring amenity;

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

| | |
|--|---|
| APPLICATION NO: 16/02197/FUL | OFFICER: Mr Ben Hawkes |
| DATE REGISTERED: 9th December 2016 | DATE OF EXPIRY: 3rd February 2017 |
| WARD: Charlton Park | PARISH: |
| APPLICANT: Mr Chris Gough | |
| AGENT: H A Planning | |
| LOCATION: 68 Sandy Lane, Charlton Kings, Cheltenham | |
| PROPOSAL: | Two storey side extension, single storey front and rear extension, application of render and timber cladding and replacement windows and doors. |

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached residential property located on the corner of Sandy Lane and Hartley Close.
- 1.2 The applicant is seeking planning permission for the erection of a two storey side extension, single storey front and rear extensions and general remodelling of the property to include rendering, the addition of timber cladding and the replacement of windows and doors.
- 1.3 The application is before members in the interests of transparency, due to a senior member of Cheltenham Borough Council staff living in close proximity to the application site.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Smoke Control Order

Relevant Planning History:

None.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

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

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

23rd December 2016

Biodiversity Report available to view on line.

Cheltenham Civic Society

13th January 2017

No comment.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|----------|
| Number of letters sent | 3 |
| Total comments received | 1 |
| Number of objections | 1 |
| Number of supporting | 0 |
| General comment | 0 |

5.1 3 letters were sent to neighbouring properties. One letter of objection has been received from the neighbouring property at number 70 Sandy Lane, whose concerns relate to the following:

- Visual impact of proposed development, relating to size, design and character of existing street
- Loss of privacy/ overbearing impact relating to the proposed balcony and proximity of the extension to the shared boundary

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations of this application are the design, the impact on its surroundings and the impact of the proposal on neighbouring amenity.

6.3 Site layout and context

6.4 Properties in the immediate locality range in size and style, but are generally detached properties set in reasonable sized plots. The application site is a detached property comprising of red brick, tile hanging, white pvc windows and doors and concrete interlocking roof tiles. The property faces East on to Sandy Lane with views over Lilley Brook Golf Course.

6.5 The main mass of the existing building is centrally located in the plot and generously set back from the highway. Views of the property are most appreciated when travelling on Sandy Lane from the North and from the rear of the site when exiting Hartley Close.

6.6 Design

6.7 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development and the character of the locality.

6.8 The original submission as part of this application included a two storey extension to replace the existing single storey double garage. The extension projected forward of the front elevation of the existing property and included a hipped roof form. This part of the proposal raised significant concerns with officers due to its size, form and overall design. Officers did not consider this part of the scheme to read as a sympathetic or subservient addition to the existing building and would result in unacceptable harm to the character of the existing street scene. With this in mind, discussions took place with the applicant to overcome officer concerns. Revised plans were later submitted.

6.9 The revised plans show the two storey extension to have been reduced significantly in depth with a reduction in approximately 5 metres at first floor. The first floor is now set back approximately 1 metre from the front of the existing house. The roof form of the revised two storey extension will read as a continuation of the existing property's roof,

maintaining the same overall ridge height. It is the view of officers that this considerable reduction in size and the inclusion of a setback now allows the extension to read as a suitably subservient extension to the existing building. Whilst it is acknowledged that the proposal still remains generous in width and maintains the same ridge height the extension is considered to represent an appropriate addition to the existing property.

- 6.10** The ground floor element to the side extension extends a further 2 metres towards the highway. This creates a single storey flat roof projection that helps break up the overall massing of the building and creates a more interesting front elevation.
- 6.11** The single storey addition to the rear of the property will read clearly as a subservient addition to the existing building and will not result in any harm to the design or character of the existing building or its surroundings.
- 6.12** The additions to the property will result in a generous increase in additional living space. Due to the location of the two storey extension at the side of the existing property and now being set back from the front elevation views of the new extension are unlikely to be appreciated on the approach to the site from the north until directly in front of the building. The views from the rear will be oblique. It is not considered that the proposed additions to the property will result in any unacceptable harm to the character of the existing street scene or have any detrimental impact on views of the surrounding open space/natural environment. The proposal respects the existing pattern of development and is therefore considered to be acceptable.
- 6.13** The re-modelling also includes the rendering of the property and the application of timber cladding. This remodelling will result in a change in appearance of the property. But, properties in the locality are being re-modelled and modernised with the use of render and timber cladding and sit comfortably in the street. The proposed changes are considered to be acceptable and represent an appropriate modernisation of the existing property.
- 6.14** In its revised form the proposal is considered to be compliant with the requirements of the local plan policy CP7 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008)
- 6.15 Impact on neighbouring amenity**
- 6.16** Local plan policy CP4 requires development to protect the amenity of adjoining land users and the locality.
- 6.17** The existing single storey garage sits adjacent to the shared boundary with number 70 Sandy Lane. The proposal will allow for a greater gap between the buildings with an additional one metre gap proposed at the side of the property. Officers do however acknowledge that the scale of the elevation closest to the boundary will increase to two storeys.
- 6.18** The outlook of the habitable rooms for number 70 Sandy Lane is to the front and rear of the property. Given the location of the proposed extensions there will be no unacceptable loss of light to this neighbouring property. It is noted that the side elevation windows in number 70 are obscurely glazed and serve bathrooms to the property and therefore are not afforded any protection in terms of light.
- 6.19** It is acknowledged that the height and scale of the building directly adjacent to the shared boundary with number 70 will increase due to the additional floor proposed above the garage. The use of the land between the properties is for access to the rear of the site is not private amenity space. With this in mind, the proposal is not considered to result in any unacceptable overbearing impact.

- 6.20** A concern has been raised with regard to a loss of privacy as a result of the proposed first floor balcony to the front of the house. The submission of revised plans includes a reduction in depth of the balcony from 2 metres to 1 metre and the introduction of a 2 metre high obscurely glazed screen to the side. Officers consider that the reduction in depth and the inclusion of an obscurely glazed screen will appropriately protect the privacy of the neighbouring property.
- 6.21** The proposal is considered to be compliant with Local Plan policy CP4 which requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.22 Environmental Impact**
- 6.23** Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Paragraph 60 of the NPPF states 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'. Paragraph 197 of the NPPF reads 'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'
- 7.2** Whilst the concerns of the neighbouring property have been noted and fully explored, for the reasons discussed above it is considered that the proposal is in accordance with policy CP7, CP4 and the NPPF in terms of achieving an acceptable standard of design and protecting the amenity of neighbouring land users.
- 7.3** As such, the recommendation is to permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
- Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to the first use of the balcony hereby approved, the 2 metre high glazed screen to the south of this area shall be installed with obscure glass to at least Pilkington Level 3 (or equivalent) and maintained as such thereafter.

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

INFORMATIVES

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

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

In this instance, the authority sought revisions to reduce the mass of the extensions, to improve the design and to reduce impact on neighbouring amenity;

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

| | | | |
|---|---|--|--|
| APPLICATION NO: 16/02197/FUL | | OFFICER: Mr Ben Hawkes | |
| DATE REGISTERED: 9th December 2016 | | DATE OF EXPIRY: 3rd February 2017 | |
| WARD: Charlton Park | | PARISH: | |
| APPLICANT: | Mr Chris Gough | | |
| AGENT: | Mr Nigel Jowsey | | |
| LOCATION: | 68 Sandy Lane, Charlton Kings, Cheltenham | | |
| PROPOSAL: | Two storey side extension, single storey front and rear extension, application of render and timber cladding and replacement windows and doors. | | |

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Since the officer report was completed and circulated to members further revised plans have been submitted. The change includes an increased set back at first floor of the two storey side extension and subsequently an increase in the size of the balcony.
- 1.2. The revised plans show the ridge height of the extension dropping lower than that of the existing building. This change allows the extension to appear more honestly as a subservient addition.
- 1.3. The balcony has increased in size by approximately 300mm. The privacy screen has been increased in size accordingly and therefore is not considered to result in any increased loss of privacy

2. CONCLUSION AND RECOMMENDATION

The revised plans do not result in a change in officer's view of the application. Officer recommendation is to permit the application, subject to the conditions set out below;

3. 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 Prior to the first use of the balcony hereby approved, the 2 metre high glazed screen to the south of this area shall be installed with obscure glass to at least Pilkington Level 3 (or equivalent) and maintained as such thereafter.
Reason: To safeguard the privacy of adjacent properties having regard to Policies CP4 of the Cheltenham Borough Local Plan (adopted 2006).

INFORMATIVES :-

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

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

In this instance, the authority sought revisions to reduce the mass of the extensions, to improve the design and to reduce impact on neighbouring amenity;

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

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| PROPOSAL: | Two storey side extension, single storey front and rear extension, application of render and timber cladding and replacement windows and doors. | | |

REPRESENTATIONS

| | |
|---------------------------|----------|
| Number of contributors | 2 |
| Number of objections | 1 |
| Number of representations | 1 |
| Number of supporting | 0 |

70 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 2nd March 2017

Surroundings and character of area

The application site occupies an important and attractive corner location on Sandy Lane which forms part of the open and semi-rural gateway to the Cotswolds Escarpment and AONB. From this point the lane has open plan gardens to the west and a dense mature wooded screen to the east, forming the boundary with Lillybrook Golf Course, leading to attractive views of the escarpment to the south. This section of the road is used and enjoyed by thousands of walkers and cyclists every year and is an important feature of Charlton Kings.

Like other corner plots in the surrounding area, the site is spacious and wide. However, this open character changes as the lane climbs up the hill towards the south. Nos 70 to 76 are much closer together with site widths being considerable less and space between the buildings much reduced.

Visual Impact of proposed development

Although the plans for the extension of no.68 have been amended, we feel that the resultant house will be out of character with the surroundings, particularly when compared with other large properties in Sandy Lane which maintain more space and openness between them. This detrimental impact is more pronounced as the site is an important corner plot.

The proposals will result in a very large and dominant two-storey building that will be 20m wide, built up to within 1 m of the boundary with no.70 Sandy Lane. The design is so - that there is no subservience to the proposed side extension. It appears as a two storey block with a constant unbroken roofline along the full 20m width. There is no break change in the form, change in heights or shape. If compared with other properties and plots of similar size in the surroundings and along Sandy Lane, they all either have: more space between the boundaries, single storey elements / subservient extensions to the sides, and / or changes to the shape & height of the roof line etc. These design features allow such large house to have prominence whilst creating a sense of space between them, reducing the impact of massing.

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The fact that No.68 is on a corner plot extenuates this massing effect. All other corner plots in the surroundings maintain considerably more space around them. The size of the resultant building and consistency of the roofline results in a detrimental visual coalescence and dominance especially in relation to No.70. This has a negative impact on the overall setting of the street scene when viewed from Sandy Lane.

When viewed from the rear of our property it will change the appearance of the surroundings considerably resulting in a bulky and dominant feature (similar to the impact described from the street). The gardens to the rear are not deep and buildings are close to boundaries. This significant extension will worsen the sense of enclosure with a resultant structure that is far greater and bulkier than anything else within view.

The proposed extensions are located / pushed close to our property. Measured along our boundary the side extension will be 13.5m deep only 1 m off the boundary. Considering the 20m width, this seems excessive and unnecessarily close to our property when there is a lot of space around the existing property.

Also, at the southern boundary with No. 70 Sandy Lane, the extension's roof overhang projects further than it does on the northern end of the property. Although a minor matter, it adds a little more impact on our enjoyment of the property and our residential amenity. Like all the other issues, they could be easily overcome with a revised scheme.

Front extensions, balcony and loss of privacy

The proposals include considerable flat roofed single storey extensions projecting in front of the existing building line. This seems an unattractive design feature considering the sensitivity of the corner site, is detrimental to the street scene and semi-rural surroundings.

The new garage will project 2m further forward (compared to the existing). This will mean that the cars parked on the drive, will be moved forward closer to the boundary with the highway. This section of Sandy Lane has an open estate layout - retaining an open strip leading from the corner plot up towards the escarpment with the mature trees bounding Lillybrook golf course to the east. This section of the estate has been designed to keep cars away from the road (providing a car free strip) where vehicles only park on occasion - which adds considerably to the semi-rural nature of the surroundings. We have provided photos of this vista and one of a nearby street that the garage locations result in cars parked close to the road. This creates a significant visual detriment to the street scene and would not be fitting in this semi-rural location. Once again, this could be easily changed by minor amendments to the proposal.

The garage's projecting front roof also provides a large balcony serving the new master bedroom with patio doors facing east. It has been designed so the balcony extends adjacent to the boundary of our house. It will provide unfettered views along the pathway to the side of our house into the rear garden and directly into the first floor bathroom window, ground floor toilet (only 2m away). These are the only windows to these rooms and both are opening windows. It would result in a significant loss of privacy and sense of overbearing. There is also a new window inserted into the existing first floor gable which also looks directly towards these windows; we are not certain this is essential.

Summary and possible solution

Overall we feel we need to object to the proposal in its current form. However, it is important to note that we are confident that with a different design a similar amount of floorspace could be effectively and attractively incorporated with minimal visual impact. We are very supportive of our neighbours being able to extend their house, but feel this could be done with significantly less detrimental impact to the surroundings and our amenity.

The scale of the overall development and massing of resultant building could be significantly reduced by creating more space between the buildings and changing its design by breaking up the roofline and pushing back the single storey garage projection. A balcony could still be

Page 41

achieved over the porch and 'Juliet' style balconies could provide options opening doors to first floor windows. A scheme could be reworked that would be much more in keeping with the other large properties in Sandy Lane - particularly those occupying corner plots.

We would be pleased to have a discussion with our neighbours and their architect on how this could be achieved to do hope this representation as proactive comments seeking a positive solution for both parties.

Comments: 20th March 2017

Letter attached.

74 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 16th May 2017

In general terms we are supportive of our neighbours improving their properties, so we have no fundamental objection to this application. We have however 3 comments to make:

1. Cheltenham Borough Council's policy is that new extensions should be subservient to the original property. We believe that this is a correct and valid policy.
2. The proposal to bring the house line forward in a single storey extension would impact negatively on the aspect of this corner plot and thereby on the other houses in this part of Sandy Lane.
3. Bringing the house line forward will also reduce the size of the property's driveway leading to cars being parked closer to the highway which would potentially have a negative visual impact on this attractive narrow lane.

70 Sandy Lane

Charlton Kings

GL53 9DH

18th March 2017

16/02197/ FUL: 68 Sandy Lane – Two storey side, single storey front and rear extensions and creation of a balcony

I am the owner of the adjacent property No. 70 Sandy Lane and have made representations regarding this application. The application is recommended for approval however we believe that the issues we have raised have not been properly addressed. The proposal will have a detrimental visual impact on the surroundings and cause a loss of privacy that is in conflict to Local Plan policies CP4 and CP7.

We have discussed a potential amended scheme with our neighbours and we are grateful to them for looking into this. Although the agent has recently submitted a further amendment (after the report has been written), the changes are very minor and do not adequately address our concerns. We do wish to support our neighbours in extending their property and believe a substantial extension is achievable with some simple amendments, reducing the impact on our amenity and the character of the surroundings.

We ask the members of the committee to give careful consideration to our comments. In particular when visiting the site, please take time to visualise the development and its relationship with No. 70 as well as the character of the wider area, including other corner plots and how other nearby properties have designed their two-storey extensions. Annex 1 provides photographs supporting this general character. Our comments set out below relate to the scheme described in the officer's report.

Visual impact & massing

- The proposed extension results in a significant, two storey structure that occupies 21m of a 24m wide plot. This is out of character with the surroundings, particularly because it is a prominent corner location resulting in 88% of its width being occupied by a full height two-storey structure, built to within 1 m of No. 70's boundary. No reference is made in the report to the actual size of the resultant building instead using expressions such as 'generous' size and width, making it difficult for the reader to gauge the true impact.
- The application site is considerably wider and more open than other properties to the southern (upper) end of Sandy Lane. Any extension should respect the prominence of this corner site and the relationship with the adjacent property.
- In para 6.9 the report argues that the proposed two-storey extension 'reads suitably subservient' in relation to the main house. It is not subservient. It simply repeats the form and building line of the main section of the existing house with an unaltered roofline. Its massing remains consistent for all 21m.

- The adopted design guidance for two-storey extensions requiring subservience has not been applied in dealing with the revised proposals. However, these design principles are applied locally without exception when close to a party boundary. It is an important characteristic of the surroundings, not mentioned in the report.
- There are numerous examples along Sandy Lane and in nearby roads, that follow this design principle, required by the supplementary planning guidance. Photographs of these are provided in Annex 1. This study clearly demonstrates that the proposal would be out of character with the surroundings.
- There is also an application on this agenda (Atherstone, 17 Church Road, St Marks) that sets out the need for this subservience. The house to the rear of the application site (1 Hartley Drive) is currently being determined which provides a normal subservient design for a smaller, less prominent building with no buildings directly adjacent.
- In paras 6.8 & 6.9 the report places considerable weight on the design being permissible as the originally submitted plans have been considerably reduced. This also is not an acceptable justification. The application should be determined on the merits of the plans under consideration. Not compared against something that was unacceptable in the first place. This logic sets a dangerous precedent. It also encourages applicants to submitted large and unacceptable schemes, in the hope they are able to negotiate a revised solution that would normally not have been approved because there has been 'a considerable reduction in size'.
- From the rear, the extension would be clearly visible from the vast majority of our garden, impacting on our outlook and sense of openness. This is not 'oblique' as stated in para 6.12. There is no variation to the first floor building line to the rear, therefore compounding the impact of massing when viewed from the west.
- In para 6.10 it suggests that the large forward projecting single storey flat roofed extension assists in mitigating the massing of the resultant building. Such approach is contrary to the council's adopted design guidance. The report accepts the massing of two-story building requires mitigation; thus causing visual harm. Instead of following normal design protocol in reducing the size of the extension, a precedent could be set by encouraging large flat roof front extensions as a means of mitigating the unacceptable visual impact.
- The report does not discuss or address the visual impact on the street scene that will be caused by vehicles having to park closer to the highway boundary of this attractive / semi-rural nature of the lane. (see photograph in Annex 1). This point is taken as a material planning consideration in dealing with Cotswold Grange Hotel Pittville on this agenda.
- **Overall the proposal is in conflict with Policy CP7 of the local plan, as it will not respect the character of the surroundings, impact on the neighbouring property and will reduce the open space surrounding this prominent corner site. It is also in conflict with the design guidance relating to two-storey side extensions.**

Balcony & Loss of Privacy

- There is already a balcony to the rear of the house. A further balcony is proposed at the front which is created by the large flat roof forward projecting structure. The council's design guidance states: '*Balconies can affect a neighbour's privacy. The council will require careful consideration of the location and design of any balcony to avoid this problem.*'

- Careful consideration has not been given to the siting and design of the balcony, failing to meet the policy requirement. In terms of impact on No.70 this balcony is located in the worst possible location at the front of the house. Due to the change in levels and layout of proposal, the balcony would be sited between our ground floor toilet window and first floor bathroom windows. Both of which are opening windows and original design features.
- The balcony would be only 2m from both windows, in direct alignment with them. The relationship of a balcony so close to a bathroom & toilet with opening windows is not acceptable. This is a family house and one should be able to feel comfortable in using these private facilities. It would no longer be possible to use those facilities without the feeling that your neighbours are able to hear your family's bathroom and toilet activities, causing considerable detriment to the privacy and enjoyment of our house.
- Members are asked that when visiting the site, they visualise someone standing on the roof of the existing garage of No. 68 only 2m from the window of the bathroom and ground floor toilet. This is unacceptably close and is easily avoidable through good design. The fact that a small obscure glass screen has been added as a further minor amendment would not address the loss of privacy (visual and noise), it would also add an additional unattractive design feature.
- **This is clearly in conflict with the policy requirements of CP4 regarding loss of privacy and CP7 in that the neighbouring properties interests have clearly not been safeguarded. It is also in conflict with the adopted design guidance, requiring balconies to be carefully designed and sited.**

Potential Solution

We are very keen to support our neighbours in extending their house and are confident that the visual impact / massing issue and loss of privacy / noise issues can be easily addressed. A set back and drop in the roofline that make a significant change in the appearance of the extension when viewed against the parent house could be easily achieved with minimal impact on the internal layout. It would also align it with the adopted design guidance.

A far more suitable location for a balcony would be the bedroom window to the centre of the house above the porch. It would have better views, benefit from more sunlight and not result in a loss of privacy. A Juliet balcony could be considered for the bedroom adjacent to No. 70 if patio doors are desired.

Yours faithfully



Annex 1 16/02197/FUL

Study of design of similar & relevant extensions in immediate locality



123a Bath Road. Attractively set back with more space between the boundary and adjacent property than the application site at No.68, the property is also further set back from the highway in a less prominent location. However, the officer's report stated:

'This proposal seeks to secure a high level of accommodation in terms of existing and proposed floor space. Notwithstanding this the addition has been well designed to ensure that it remains subservient to the parent building. This has been denoted in the proposed form being set back from the front building line and down from the main ridge of the original building and the use of single storey lean-to additions to achieve addition ground floor space.'

Sandy Lane

The photographs below show extensions that are very relevant to the character of the surroundings. In all cases none result in a two storey property that is as wide as the application at 68 Sandy Lane.



No. 74 – set back and lower ridge line. These properties to the south of the application site have much narrower plot widths. The extension still observes the subserviency design guidance.



No. 10 set back and lower ridge line



View of application site, showing semi-rural setting. The vehicles parked on the drive will be forced to park right up to highway boundary, having a negative visual impact on the setting.



No. 22 close to boundary with only single storey garagae adjacent - set back and lower ridge line



No.25 Corner plot of Sandy Lane and Bafford approach. Maintains open and spacious character.



No. 25. A greater distance is maintained between the boundary, but it is still set back with a lower ridge line.



No.27 Corner plot of Sandy Lane and Bafford approach. Maintains open and spacious character.



No. 29. a similar width extension is considerably set back and lower as it is close to the boundary.



No 36 an example of an two-storey extension close to the boundary, following the design guidance with a clearly subservient result.



No. 42. This extsion is set well back from the building line.



No.48 - an example of a forward projecting single storey extension. The relationship between the two two-storey buildings is not ideal. The proposed scheme would be far wider than the houses shown here.



No 52 another example of a forward projecting single storey flat roof extension, which is set much further back than the proposed development.



No. 49. Extension set back with a lower ridge line.

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| APPLICATION NO: 16/02197/FUL | OFFICER: Mr Ben Hawkes |
| DATE REGISTERED: 9th December 2016 | DATE OF EXPIRY : 3rd February 2017 |
| WARD: Charlton Park | PARISH: |
| APPLICANT: | Mr Chris Gough |
| LOCATION: | 68 Sandy Lane, Charlton Kings, Cheltenham |
| PROPOSAL: | Two storey side extension, single storey front and rear extension, application of render and timber cladding and replacement windows and doors. |

ADDITIONAL REPRESENTATION

70 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 18th May 2017
Letter attached.

70 Sandy Lane

Cheltenham

GL53 9DH

16 May 2017

Two storey front & side extension and single storey rear extension 68 Sandy Lane 16/02197/FUL

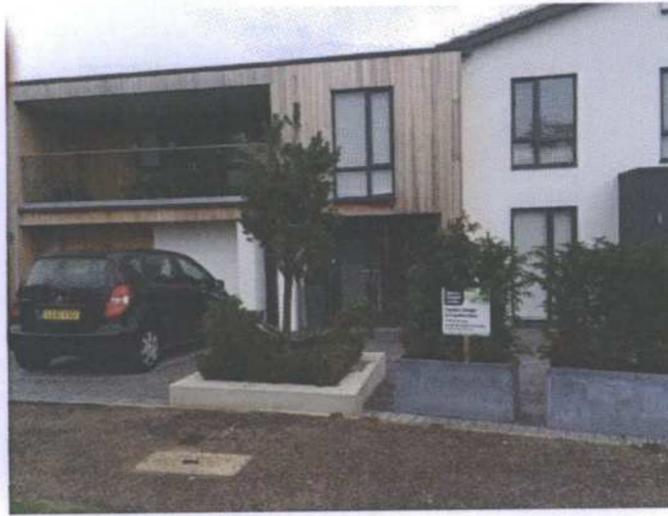
The revised plans re-position the balcony away from our boundary (No. 70) and bathroom window, together with the reduction in width of the first floor side extension will address our original concerns regarding loss of privacy, massing and subservience. We are grateful that our comments have been taken on board.

The new scheme proposes a forward projecting two storey extension with a flat roof that, by virtue of its design, would become a dominant feature at the front of the property, which contrasts significantly with the design of the existing house.

The flat roofed 'balcony-box' represents a bold modern design, which brings a highly visible and significant contrast to the existing design. However, from the drawings it is difficult to fully understand how this would look in relation to the existing house and what its impact would be on the street scene, particularly when viewed from an angle from Sandy Lane. If such a bold and prominent design is to be supported, a better understanding is required of the detail, use of materials, window sizes and finishes in relation to the parent building and its proposed remodelling.

A similar enclosed 'balcony-box' extension and house remodelling has been completed close to Pittville Park, on Albemarle Gate (photo included below). In this case the balcony box is more subservient, as it forms part of a side extension a more dominant two storey gable. In no.68 Sandy Lane's scheme, the timber clad box will sit in isolation to the front of main house projecting forward of house's existing building line. From the drawings, it is currently difficult to visualise how this will impact on the street scene, particularly as the existing house has a traditional 1970's style.

The applicant has advised that the preferred design for the scheme would be a more traditional style forward projecting gable. Providing it remained subservient to the parent building, this would be more in keeping with the character of the surroundings. The existing roof projects forward in part (over the entrance) which would lend itself in design terms to the creation of a forward projecting gable. It is difficult to understand why the applicant has been advised a flat roofed structure would be more suitable in this location? The use of forward projecting gables is common locally.



Similar style enclosed balcony 'box', but used as first floor side extension.

We do believe that the site is able to support a forward projecting two storey element, forming a central feature. Due to the more prominent nature and location the impact on the street scene will be greater, thus there is a need for a high quality design.

As the scheme stands we do not feel sufficient detail and supporting visual evidence has been provided to illustrate that there will not be a detrimental visual impact and how it will complement or detract from the existing property. The only example we are aware of locally of a similar balcony-box is for a side extension (on Albemarle Gate); not a forward projecting one.



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| APPLICATION NO: 16/02197/FUL | | OFFICER: Mr Ben Hawkes |
| DATE REGISTERED: 9th December 2016 | | DATE OF EXPIRY: 3rd February 2017 |
| WARD: Charlton Park | | PARISH: |
| APPLICANT: | Mr Chris Gough | |
| AGENT: | Mr Nigel Jowsey | |
| LOCATION: | 68 Sandy Lane, Charlton Kings, Cheltenham | |
| PROPOSAL: | Two storey side extension, single storey front and rear extension, application of render and timber cladding and replacement windows and doors. | |

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Further to the latest submission of revised plans, additional 3D visuals have now been submitted, and are available to view on line - reference numbers: 02197.01, 02197.02 and 02197.03.
- 1.2. Officers are pleased with the submission of further information. These images allow the proposed extension to be fully visualised in combination with overall remodelling of the property, which the elevation drawings were previously unable to fully portray.

2. RECOMMENDATION

The officer recommendation is that planning permission should be granted, subject to the conditions set out below;

3. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 No external cladding or render shall be applied unless in accordance with
 - a) a written specification of the materials; and
 - b) physical sample/s of the materials

The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 No windows or external doors shall be installed unless full details, including their design (including profile, cills, head and reveals, materials, finish and colour) have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall not be installed unless in accordance with the approved details.
Reason: In the interests of the character and appearance of the area, having regard to Policy CP7 of the Cheltenham Borough Local Plan (adopted 2006) and section 7 of the NPPF.

INFORMATIVES :-

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

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

In this instance, the authority sought revisions to reduce the mass of the extensions, to improve the design and to reduce impact on neighbouring amenity;

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

70 Sandy Lane
Charlton Kings
Cheltenham
23rd May

Dear Councillor,

With regards to the site visits scheduled for today, in relation to the proposal at 68 Sandy Lane members of the committee are asked to carefully consider the visuals that were submitted on Monday 22.05.17. The visual provided from street level (Sandy Lane) provides the most accurate image of the scheme.



It was not clear from the plans submitted how this would visually relate to the parent building and surroundings so further details have been requested. One of the respondents had assumed this was a single storey structure. This is re-enforced by the report's proposal description, also referring to a single storey front extension, not two-storey.

The revised plans do address the issues relating to our loss of privacy and subservience relating to the side extension, however, the revisions now propose a significant forward projecting two storey box extension, not included previously.

The visualisation shows a very prominent extension to the front of the house. We are concerned that the proportions of this box extension and its relationship with the existing property will cause visual harm to the surroundings.

The report does not clearly explain how this proposal will look in the street scene and how it aligns with the Local Plan policy CR7 and the adopted design guidance for extensions. Proper consideration should be given to this now that the additional visual information is available.

Only the directly adjacent properties have been consulted for a period of 10 days regarding this scheme. The consultation letter is not clear that this is now a two storey forward projecting extension. The wider visual impact has not been considered.

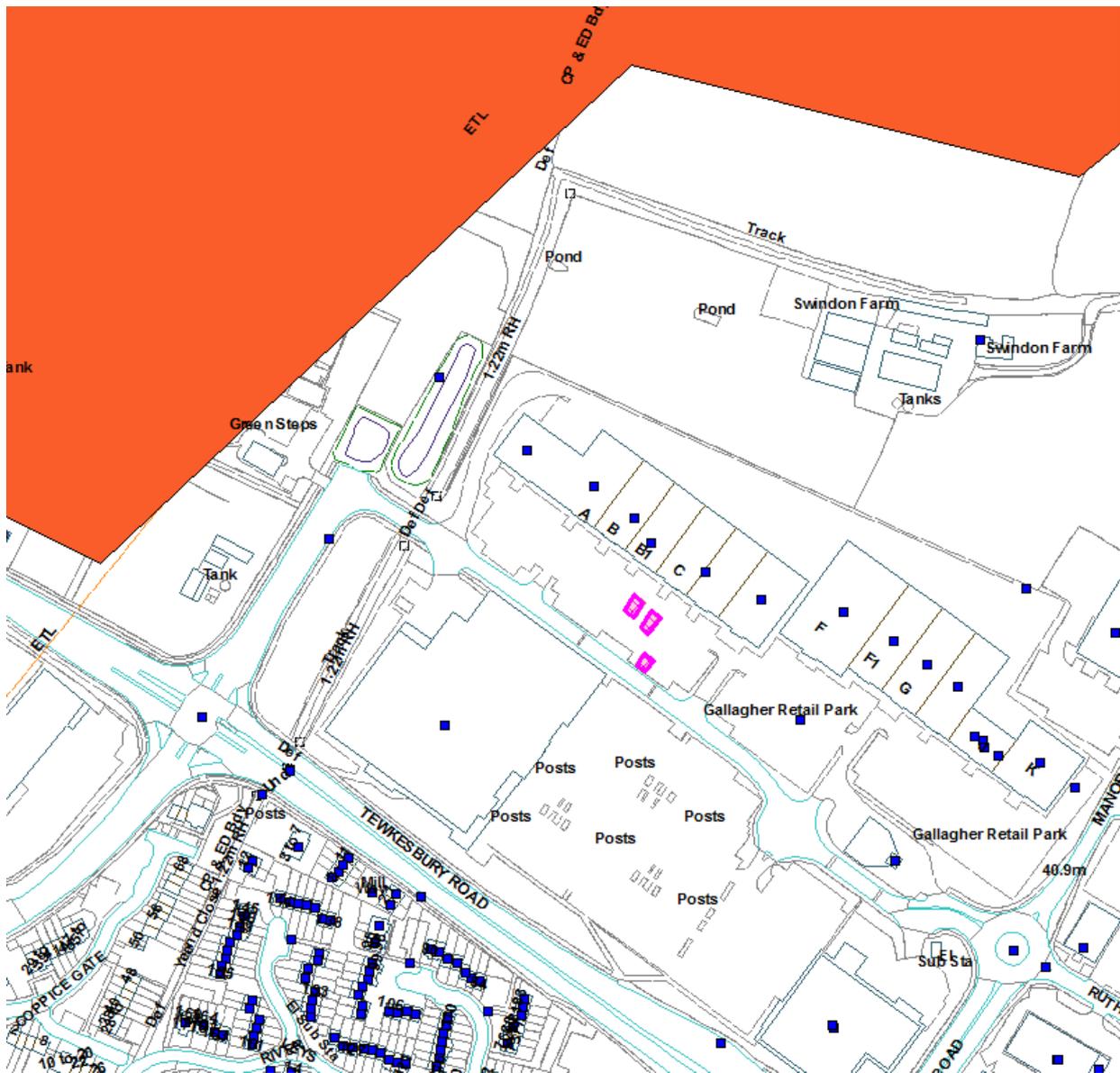
Members of the committee may wish to view the scheme referred to in the report at Albemarle Gate. In this case the box is a more subservient side extension. In the case of the application scheme the box element will be built in isolation projecting forwards.

We have no objection in principle to a well-designed two storey forward extension to the centre of the existing house, however we feel the current design is incongruent. It is proposed that possibly an architects' panel is asked to assist in reviewing the design and possibly find a way forward for this attractive and prominent site.



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|---|---|
| APPLICATION NO: 17/00097/FUL | OFFICER: Mrs Victoria Harris |
| DATE REGISTERED: 19th January 2017 | DATE OF EXPIRY: 16th March 2017 |
| WARD: Swindon Village | PARISH: Swindon |
| APPLICANT: | |
| AGENT: | WYG Planning and Environment |
| LOCATION: | Gallagher Retail Park, Tewkesbury Road, Cheltenham |
| PROPOSAL: | Planning permission to allow the erection of temporary Class A1/A3/A5 retail pop-up units within defined areas encompassing 276 sq m of the existing Gallagher Retail Park car park |

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 comprises of three areas of land within the central area of the car park within Gallagher Retail Park, adjacent to the pedestrian walkway linking Sainsbury's and the retail terrace. The sites currently contain 20 parking spaces.
- 1.2 This application proposes the siting of up to 6 temporary structures and non-permanent refreshment vans. Seating would be provided at the front and bin store at the rear.
- 1.3 Flexible consent is sorted allowing Class A1 (retail), A3 (food and drink) and A5 (hot food take away) uses within the "pop-up" structures.
- 1.4 The units will operate in line with the opening hours of the retail park, which are; Monday – Friday 9am-8pm, Saturday 9am-6pm and Sunday 10.30-4.30pm.
- 1.5 This application comes before committee due to an objection from the Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

250 Metre Land Fill Boundary

Relevant Planning History:

14/01313/FUL 28th August 2014 PER

External alterations involving front and flank elevations; reconfiguration of car parking; provision of 27 staff car parking spaces within the service area (net increase of 11 spaces), and enhancements to the public realm including new pedestrian crossings to units A3, B and E

17/00028/FUL 9th February 2017 PER

Installation of cameras and supporting equipment in association with car park management (Retrospective)

17/00028/ADV 9th February 2017 GRANT

45 signs associated with the car park management system comprising, 4 entrance signs, 34 internal signs and 7 signs relating to disabled parking (Retrospective)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 7 Design
EM 1 Employment uses
EM 2 Safeguarding of employment land
TP 1 Development and highway safety

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

2nd February 2017

The Parish Council has further objections to these proposals as follows.

- (1) No information has been provided about how the operator(s) intend to manage waste. The Council does not accept that this will be an insignificant matter and more detail should be provided.
- (2) There are many existing food outlets and no evidence of demand for more.
- (3) Whilst these areas are clearly meant to be flexible the Council feels that some indicative drawings should be provided of likely configurations including customer seating, parking for the operator's vehicles, fencing and waste management facilities. Where a unit will not have external seating it is unclear where the pod will be sited within its allocated space nor how it will be separated from pedestrian traffic.
- (4) There is already a parking problem at peak times. This proposal will result in a loss of parking spaces.
- (5) If the application is granted it should be with the condition that any signage associated with the pods should be attached to the pods and not to lamp posts and other street furniture, nor should "A" boards be permitted to block pedestrian traffic flow.
- (6) The Council would like to receive assurance that, as stated in the application, no trees will be lost. There are existing trees within the areas allocated to the pods.
- (7) The Council would like to receive assurance that no external cables will be used, that the lighting for the facilities will all be internal and that the only external lighting will be that provided by the existing car park lighting columns, that external seating areas will not be permitted to include external gas heaters, that no form of radio, music or amplified voice announcement system will be permitted and that nuisance from smokers, cooking smells and noise will be minimised.

2nd February 2017

The Parish Council objects to this proposal for the following reasons.

- (1) No hours of opening have been provided. The Council would be totally against this application being consented without any restrictions being given on the hours of operation. If approved the Council would like to see the operating hours for these facilities restricted to be the same as the units that they are being located in front of ' Next, Hobbycraft, etc.
- (2) This car park was previously the 'go-to' destination for all boy racers which created many problems for local residents and police. We are very concerned that the proposed facilities could have an unwelcome negative impact on the area by encouraging the boy racers to recommence their use of the car park as a venue. Although some of the parking courts have had gates and barriers installed to restrict access to boy racers they appear to be reluctant to operate them.

This proposal does not seem to have been referred to the police for comment. Due to budget cuts it is known that the police service is severely stretched with the result that there are a reduced number of police that are available to respond to incidents. In recent years

the control of boy racers has been difficult and with a reduction in the numbers the potential is that it could be even more difficult.

Environmental Protection

8th February 2017

In relation to application 17/00097/FUL for the retail pop-up units at the Gallagher Retail Park, Tewkesbury Road, Cheltenham, Gloucestershire, there are no comments or conditions to be put forward from the Environmental Protection team.

Contaminated Land Officer

8th February 2017

In relation to application 17/00097/FUL for the retail pop-up units at the Gallagher Retail Park, Tewkesbury Road, Cheltenham, Gloucestershire, there are no comments or conditions to be put forward from a contaminated land perspective.

Environmental Health

8th February 2017

I have the following concerns in relation to the above planning application and request the following are considered before permissions are granted:

Toilet Provision - staff

I am not aware that public toilets are available on the retail park. Staff using the pods will require access to welfare facilities locally which will need to be arranged with each new business. To prevent issues arising in the future the planning applicant should arrange for welfare facilities to be available at all times on site or close by, for use by pod premises staff.

Toilet Provision - customers

The attached sanitary accommodation provision makes it a requirement for new A3 premises to have at least one WC for customers. Table and chairs must not therefore be provided unless the customer WC provision is met. A5 premises do not require WC provision for customers and unless customer toilets can be provided consent should be granted for A1 and A5 use only.

Staff Transport

Staff will take up parking on the site in addition to the removal of parking for the new A1/A3/A5 units. This has not been highlighted in the planning proposal.

Transport

The location of two units on each site will require the sites to be well planned to keep maximum separation from pedestrians and traffic. Before operation of each unit transport and pedestrian vehicle interaction needs to be risk assessed. Visual clues should be put in place to prompt staff, public and drivers for safe movement (these may include signs, barriers or bollards where risk assessed as appropriate). e.g. an end barrier alongside a pod that prevents a customer stepping directly out from behind the pod into the flow of traffic.

Power use - Liquid Petroleum Gas (LPG) and Electric

The power source for the units requires consideration. Mobile units with LPG permanently located within a car park facility may hold an increased risk of vehicle collision and the provision of crash barriers to reduce the risk may be appropriate (or too much), dependent

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on an appropriate risk assessment. Alternatively it could be appropriate to limit the size of the LPG units present or the location of any cylinder/s (following consultation with highways?). Have the applicants considered LPG use by food providers in a busy car park.

If electric generators are used as the power source for the proposed units, comment from Environmental protection in relation to noise and fumes may need to be considered and this email raises this issue with the case officer (Andrew Nunn).

Licencing notes

Following a brief conversation with the Licencing manager (Mr Louis Krog) at Cheltenham the following are likely to be required when needed, following planning permission:

- Street trading consent will be required where the units are based on tradition takeaway units e.g. caravan type service Street trading consent will not be required where pods are present with walk in facilities to a counter (see customer toilet provision above). Local Government Miscellaneous Provisions Act 1982 schedule 4 (<http://www.legislation.gov.uk/ukpga/1982/30/contents>)
- Hot food and drink sale after 11pm will require a Late Night Refreshment Licence.
- Where tables and chairs are put out (not inside a pod) these are likely to require consent as an 'object on the highway' (Do remember that table and chairs are likely to require customer toilet provision as highlighted above).

For further information please see the relevant licencing pages:
https://www.cheltenham.gov.uk/info/11/licensing_and_permits

Informatives:-

The following are not objections to the application but should be passed to the applicant / agent as typical areas of health and safety concern that could be associated with the proposal:

Food Registration

New food premises will require new food registrations please see:
https://www.cheltenham.gov.uk/info/68/food_hygiene_and_safety/811/food_premisses_registration

Gas Safety - LPG

Mobile Gas Safety

If gas is used in any of the mobile units or within the pods the following will be helpful:

<http://www.torbay.gov.uk/media/2485/swbb-mobilecateringgassafety.pdf>

Taken from the Extra Care section of 'Safer Workplace Better Business' a helpful document produced by Torbay Local Authority - <http://www.torbay.gov.uk/swbb>

The Nationwide Caters Association NCASS has some Gas Safety tips for mobile catering:

<http://www.ncass.org.uk/mobile-catering-home/content/get-legal/law-pages/gas-safety>

CIEH Outdoor National Guidance for Mobile Catering:

http://www.cieh.org/uploadedFiles/Core/Policy/Publications_and_information_services/Policy_publications/Publications/CIEH_Outdoor_Mobile_Catering_Guidance_Final_Consultation.pdf

Calor gas safety advice on handling cylinders:

<http://www.calor.co.uk/help-and-advice/technical-and-safety/gas-cylinders/gas-cylinder-safety>

Lone Working & Violence at Work

Unit owners may need to consider procedures for staff working alone and how to reduce the risk of violence at work. Significant findings of any risk assessments will need to be written down (if 5 or more employees are present).

The Health and Safety Executive (HSE) leaflet "Working alone": <http://www.hse.gov.uk/pubns/indg73.pdf>

& "Violence at work" <http://www.hse.gov.uk/pubns/indg69.pdf> may be of use. The charity the Suzy Lamplugh trust also provides useful information: <http://www.suzylamplugh.org/>

22nd March 2017

I write following my review of the revised application and welcome the "Parameters" highlighted in the covering letter, to be adopted I presume... as planning conditions?

Separation of Pedestrians from Traffic - thought

The use of barriers is welcomed.

The barriers on the plan (RPS, AA4817-PR-RP-006) of an "indicative typical pod layout" indicates the landscaping barrier may have gaps. Care needs to be taken to ensure a gap is not a cut through directly into vehicular areas. Point 7 of the parameters indicates: - "The layout of each of the zones will include features to prevent stepping out onto the vehicular circulation area" and so should cover this concern although the drawing is not clear.

Toilets - Staff - consideration

Can the parameters / planning conditions include the requirements for the welfare "fostering arrangements" for pod employees/self-employed, as highlighted in the cover letter, to be contractual to the pod business. I believe it is appropriate for the applicant to undertake this contractual arrangement. It is enforceable on the individual business under the Health and Safety at Work (etc.) Act 1974 if welfare provisions were not put into place.

Toilets - Customer - consideration

If seating and A3 Restaurant and Café status is sought then the provisions for customer toilets is required in accordance with attached adopted standards. It is normal for Toilets to be provided at the place of business. The agents covering letter highlights that toilets are available in Sainsbury's and other existing A3 units however the expectation is that new A3 units have their own sanitary provision and do not use other providers. The toilets in Sainsbury's are understood to be 'customer' toilets and are not currently public.

If toilet provision cannot be provided for pod A3 use customers, a written / contractual undertaking could possibly be established for sanitary provision at another premises. However any contractual undertaking of customer toilets for A3 pods must be considered a reasonable travel distance from the pod, by the council. There are currently no reasonable travel distances set in any policy (that I am aware of) and so committee consideration may be required? I will also discuss this with my team leader if required.

If the application is for A1 and A5 use then no customer/public toilets need to be provided.

LGMPA76 Sanitary Accommodation provision - available to view on line.

3rd April 2017

No adverse comment, or recommendations for conditions, thanks.

GCC Highways Planning Liaison Officer

7th April 2017

Notwithstanding the submitted plans the areas where the pop up units are to be sited will provide pedestrian visibility splays in both directions.

I refer to the above planning application received on 19th January 2017, with Plan(s) Nos Site Location plan, and proposed pod zones PR-RP-003-Rev A to which no Highway objection is raised subject to conditions:

The development hereby permitted shall not be brought into use until the temporary cabins have been set back to provide visibility splays extending from a point 2.4 m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level in accordance with plan no PR-RP-003-Rev A

Reason:- To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Statement of Due Regard

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

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters have been sent to neighbouring properties along with a site notice being displayed at the site and an advert places in the Echo.
- 5.2 No representations have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key issues in determining this application are considered to be (i) visual impact (ii) impact on neighbouring properties, (iii) highways and parking.

6.3 Design and layout

- 6.4** Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development.
- 6.5** Up to 6 temporary structures/non-permanent refreshment vans are proposed in 3 areas adjacent to the pedestrian walkway. The units will be powered by electricity with no liquid gas canisters or generators being required for the operation of the pod units.
- 6.6** A flexible consent is proposed that will allow the units to vary and change over time, therefore elevations and floor plans have not been submitted. Examples of the type of units that are proposed within the pop-up zones have been provided which include converted trucks/caravan type facilities and converted/refurbished shipping containers, these examples will be displayed at Committee.
- 6.7** An illustrative layout has been submitted, it shows the position of the units to be set towards the back of the site facing the pedestrian walkway. Visibility splays are to be provided adjacent to pedestrian crossings of the access roads. To the front of the units a seating area is shown, with a bin store area located behind the unit. Landscaping and timber screens are proposed to the side and rear.
- 6.8** The examples provided in the design and access statement are modern, neat and attractive structures. In following the suggested styles Officers consider that they could enhance and add interest to part of the retail park. The proposal is considered to comply with policy CP7 of the Local Plan and the NPPF which seeks to ensure good design is achieved.
- 6.9** The units will be temporary structures, they will not be constructed on site but will be brought in fully kitted out and positioned on site. Due to this temporary approach it is not considered appropriate to grant an unrestricted permission. It is recommended that a temporary consent of 3 years is allowed, this will ensure that any structures on the sites are removed and to allow an opportunity to re-consider the scheme through the submission of a further planning application at that time.
- 6.10 Impact on neighbouring property**
- 6.11** Local plan policy CP4 advises that development will be permitted only where it will not cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.12** The Parish Council has raised concerns that the proposed pods could increase anti-social behaviour. To mitigate this impact the agent has confirmed that the opening hours of the pods will be the same as the retail park and the car park barriers are lowered every evening 30mins after the stores closes.
- 6.13** The units are surrounded by commercial development and therefore have no residential neighbours. It is not considered to result in any adverse impact upon neighbouring uses or properties. As such the application is in accordance with policy CP4 of the Local Plan.
- 6.14 Access and highway issues**
- 6.15** The Parish Council has expressed concerns with the loss of parking spaces.
- 6.16** The Retail car park, Whole Foods car park and Sainsbury's car park has a total of 988 car parking spaces available to visitors.
- 6.17** Details of two car park surveys carried out by MHC Traffic on Friday 24 February 2017 and Saturday 25 February 2017 have been submitted. The parking survey note states; *"that the maximum occupation of the Gallagher Retail car park on Friday is approximately 48%, between 15:30 and 15:45 hours."* For Saturday which is likely to be the most busiest day for the retail park the parking survey note states; *"that on Saturdays the car park is*

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generally well utilised; with occupation reaching a maximum of 90% between 14:15 to 14:30 hours (47 available spaces) and between 14:45 to 15:00 hours (45 available spaces). While a 90% occupancy is shown to occur, it is noted that it only occurs twice within a one hour period. It is therefore considered that the proposals are unlikely to have a detrimental impact on the operation of the Gallagher Retail car park's operation."

- 6.18** The car park surveys also show that at the times where Gallagher Retail car park is at 90% occupancy on Saturday, there are approximately a total of 146 spaces available at Sainsbury's and Wholefoods car parks.
- 6.19** With regards to staff parking, the agent has confirmed that the staff will be able to park in the customer car park and states, "*While a 3hr limit applies to customers, this is enforced via an Automatic Number Plate Recognition (ANPR) system which logs cars as they enter and leave the site and automatically issues warnings/fines for repeat offenders. The staff working at the pop-up pods will simply need to notify the Park Managers of their vehicle registration which will be input into the ANPR system so that it knows not to issue any warnings/fines to those vehicles.*"
- 6.20** The Local Highways Authority has assessed the proposal and subject to pedestrian visibility splays in both directions being provided they have confirmed that they have no objection to the proposals.
- 6.21** Therefore subject to pedestrian visibility splays the proposal is considered to be acceptable from highways and parking point of view and is therefore in accordance with policies TP1 (Development and highway safety).
- 6.22 Other considerations**
- 6.23** No signage is proposed at this stage however the agent recognises that any signage requiring advertisement consent would need to be subject of a specific application.
- 6.24** The agent has confirmed that no trees are proposed to be removed and existing trees will be maintained.
- 6.25** No additional lighting is proposed beyond that already provided for the car park.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons outlined above the application is considered to be acceptable and is therefore recommended for approval subject to the following conditions.

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 temporary structures / non-permanent refreshment vans hereby permitted shall be removed and the land restored to its former condition on or before 25th May 2020.

Reason: the nature of the development, being a temporary structure / non-permanent refreshment van is such that it may not be suitable for stationing in this prominent location indefinitely. It is considered that a time limited planning permission would be appropriate and in that case should not cause nuisance or detract from the amenity of the locality which would be contrary to Local Plan Policy CP4 relating to safe and sustainable living.

- 3 The temporary structures / non-permanent refreshment vans, hereby granted planning permission to be stationed within the car park associated with the retail park, shall be maintained in a clean, tidy and safe condition to the reasonable satisfaction of the Local Planning Authority. And if removed from the site and not replaced within 28 days the site should be returned to the use of a car parking.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP4 and Local Plan Policy CP7 relating to design.

- 4 The development shall not be occupied unless a scheme for the provision of refuse and recycling storage facilities has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained as such at all times.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan. Approval is required upfront because the design of refuse and recycling storage is an integral part of the development and its acceptability.

- 5 The temporary structures / non-permanent refreshment vans hereby permitted shall not be open to customers outside the trading hours during which the adjoining retail park is open for trading.

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

- 6 The temporary structures / non-permanent refreshment vans hereby granted permission shall be positioned within the site in the location shown on the submitted plans so that it is orientated so that the entrance and window elements face into the pedestrian walk way and not outwards onto the car parking.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP4 and Local Plan Policy CP7 relating to design.

- 7 The development hereby permitted shall not be brought into use until the temporary structures / non-permanent refreshment vans have been set back to provide visibility splays extending from a point 2.4 m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level in accordance with plan no PR-RP-003-Rev A.

Reason:- To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

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

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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 As the proposal involves A3 premises, your attention is drawn to the need for welfare facilities to be provided on site.

| | | | |
|---|--|--|--|
| APPLICATION NO: 17/00097/FUL | | OFFICER: Mrs Victoria Harris | |
| DATE REGISTERED: 19th January 2017 | | DATE OF EXPIRY: 16th March 2017 | |
| WARD: Swindon Village | | PARISH: Swindon | |
| APPLICANT: | | | |
| AGENT: | Miss Louise Darch | | |
| LOCATION: | Gallagher Retail Park, Tewkesbury Road, Cheltenham | | |
| PROPOSAL: | Planning permission to allow the erection of temporary Class A1/A3/A5 retail pop-up units within defined areas encompassing 276 sqm of the existing Gallagher Retail Park car park | | |

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. This update is to amend conditions 4 and 7 recommended in the original report. All other conditions are as per the original report.

2. CONDITIONS/REFUSAL REASONS

- 4 The development shall make provision for refuse and recycling storage facilities to the reasonable satisfaction of the Local Planning Authority.
Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan. Approval is required upfront because the design of refuse and recycling storage is an integral part of the development and its acceptability.
- 7 The development hereby permitted shall not be brought into use until the temporary structures / non-permanent refreshment vans have been set back to provide visibility splays extending from a point 2.4 m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level in accordance with plan no PR-RP-003-Rev A.
Reason:- To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

| | | |
|---|---|--------------------------------------|
| APPLICATION NO: 17/00304/FUL | | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 22nd March 2017 | | DATE OF EXPIRY: 17th May 2017 |
| WARD: St Marks | | PARISH: N/A |
| APPLICANT: | Mr S Price | |
| AGENT: | PSK Architect | |
| LOCATION: | 17 Norfolk Avenue, Cheltenham | |
| PROPOSAL: | Erection of 2no. semi-detached three bed houses with detached garaging facilities | |

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 forms part of the curtilage to no.17 Norfolk Avenue in St Marks ward. The site is irregular in shape and is currently occupied by a semi-detached two storey property.
- 1.2 Planning permission was recently refused by officers, in November 2016, for the erection of 2no. two bed detached bungalows on the site. The reason for refusal was twofold; design and layout, and a lack of highway information.
- 1.3 Prior to this, in March 2016, an application for the erection of 3no. three bed houses with accesses from Norfolk Avenue and Surrey Mews was withdrawn by the applicant prior to a refusal of permission.
- 1.4 This application is now seeking planning permission for the erection of a pair of semi-detached two storey houses which would sit alongside the existing property, together with a detached double garage.
- 1.5 The application has been referred to committee by Cllr Coleman due to concerns that the proposal represents an overdevelopment of the site. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

16/00183/FUL

WITHDRAWN

18th March 2016

Erection of 3no. three bed houses in rear and side garden of 17 Norfolk Avenue with access from Norfolk Avenue and Surrey Mews

16/01622/FUL

REFUSED

3rd November 2016

Erection of 2no. two bed bungalows in rear and side garden (revised scheme following withdrawal of planning application ref. 16/00183/FUL)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

HS 1 Housing development

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Wales and West Utilities

3rd April 2017

Letter and Plan available to view on line.

Architects Panel

13th April 2017

Design Concept:

The panel had reviewed two previous schemes for development on this site. This new scheme limits the development to just two semi-detached houses which fit more comfortably on the site and are of a scale and character in keeping with adjoining properties.

Design Detail:

The design submitted was acceptable although the scheme would be much improved if the plans were handed so the porches were coupled and staircases either side of the party wall. This would improve acoustic separation as well as the overall look of the front elevation.

Recommendation:

Support subject to handing the design.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 12 neighbouring properties. In response to the publicity, four letters of objection have been received. The comments have been circulated in full to Members but, in brief, the main concerns relate to access, traffic and parking; and impact on light levels to nos.1 & 2 Surrey Mews.

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.2 Principle of development

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

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

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

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

6.2.5 Therefore, in conclusion, there is no fundamental reason to suggest that the principle of developing this site for housing is unacceptable; subject to the material considerations set out below. The principle of development did not form part of the previous reasons for refusal.

6.3 Design and layout

6.3.1 Local plan policy CP7 requires all new development to be a high standard of architectural design and to complement and respect neighbouring development. Additionally, part 7 of the NPPF highlights the need to secure high quality and inclusive design for all development. In particular, paragraph 58 sets out that all developments should be “visually attractive as a result of good architecture and appropriate landscaping”.

6.3.2 The proposed dwellings in terms of scale, height, siting, massing and materials would respond appropriately to their context and would sit comfortably in the street scene. The properties would sit in line with the existing property, and the eaves and ridge heights, and roof pitch would match that of the neighbouring buildings. Additionally, the materials proposed in the external construction, painted render, concrete roofing tiles, and white UPVC windows and doors, would reflect the palette of materials found in the locality.

6.3.3 The suggestion made by the Architects’ Panel that the design could be improved if the plans were handed so that the porches were coupled has been noted, and officers would not necessarily disagree; however, the design as submitted is considered to be acceptable.

6.3.4 Accordingly, officers consider that the development now proposed would make an efficient and effective use of this site and would achieve an appropriate standard of design. This view is generally shared by the Architects’ Panel who comment: “This new scheme limits the development to just two semi-detached houses which fit more comfortably on the site and are of a scale and character in keeping with adjoining properties”.

6.3.5 The proposal therefore accords with the requirements of policy CP7 and national design advice set out within the NPPF.

6.4 Impact on neighbouring amenity

6.4.1 Local plan policy CP4 requires all new development to avoid causing harm to the amenity of adjoining land users and the locality. The NPPF also highlights the need to secure “a good standard of amenity for all existing and future occupants of land and buildings”.

6.4.2 The siting of the properties within the site would not result in any unacceptable harm to neighbouring amenity in terms of privacy, outlook or daylight. The first floor windows in the rear elevation, which would serve bedrooms and be clear glazed, are in excess of 10.5 metres to the boundary with no.11 Norfolk Avenue. Additionally, the upper floor

window to the front elevation, furthest within the site, will serve a bathroom and can therefore be reasonably assumed to be obscurely glazed, thereby preventing any loss of privacy to the rear garden of no.19 Norfolk Avenue.

6.4.3 The proposed detached double garage has been orientated within the site so that its eaves run parallel to the garden with no.19 Norfolk Avenue, thereby further mitigating any impact on this neighbouring property.

6.4.4 Furthermore, whilst the concerns raised by the objectors in relation to a loss of light to nos. 1 & 2 Surrey Mews have been noted, given the distances involved, the new dwellings would not result in any loss of light to these properties; at their closest point, the buildings are some 25 metres apart.

6.4.5 The development therefore accords with policy CP4 and national advice set out within the NPPF.

6.5 Access, parking and highway safety

6.5.1 Local plan policy TP1 (development and highway safety) states that development will not be permitted where it would endanger highway safety, directly or indirectly, by creating a new access or generating high turnover on-street parking. The NPPF also advises of the need to ensure that a safe and suitable access can be achieved, and is quite clear that development should only be refused on highway grounds where the residual cumulative impacts of development are severe.

6.5.2 The proposed houses would be accessed via the existing access; the application form confirms that no new vehicular or pedestrian access is proposed.

6.5.3 Given the scale of the proposed development, the County Council as Highway Authority have not formally commented on this application, as it is one that should be assessed in accordance with their standing advice. However, the application has been discussed with members of the Highways Development Management Team who raised no concerns in relation to the proposal and have verbally advised that the existing access could be used to provide a safe and suitable access without harm to highway safety.

6.5.4 The concerns raised by the neighbour at no. 19 Norfolk Avenue have been noted but should the applicant wish to extend the existing dropped kerb and/or remove the existing hedge to widen the access point, these works could be carried out without the need for planning permission. The properties share a dropped kerb, not an access point.

6.5.5 Each property would benefit from a garage, with additional parking and turning facilities available within the site.

6.5.6 The application therefore accords with policy TP1, and advice set out within the NPPF.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposed development would make an effective and efficient use of this site without causing unacceptable harm to neighbouring amenity or highway safety.
- 7.2 As such, the recommendation is to grant planning permission subject to the following conditions:

8. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Notwithstanding the approved plans, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development.
Reason: In the interests of the character and appearance of the area, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).
- 4 All planting, seeding or turfing approved under condition 3 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the character and appearance of the area, having regard to Policies CP1 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).
- 5 Prior to first occupation of the development, vehicular parking and turning facilities shall be provided in accordance with Drawing No. 16045.02A and those facilities shall be kept available for those purposes thereafter.
Reason: To ensure adequate car parking provision within the curtilage of the site and to ensure a safe, suitable and secure means of access in accordance with Local Plan Policy TP1 relating to development and highway safety and paragraph 35 of the NPPF.
- 6 Prior to first occupation of the development, refuse and recycling storage facilities (including appropriate containers) shall be provided for each dwelling and retained thereafter.
Reason: To ensure adequate provision and availability of refuse storage in order to achieve sustainable waste management in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

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

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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: 17/00304/FUL | | OFFICER: Miss Michelle Payne | |
| DATE REGISTERED: 22nd March 2017 | | DATE OF EXPIRY : 17th May 2017 | |
| WARD: St Marks | | PARISH: | |
| APPLICANT: | Mr S Price | | |
| LOCATION: | 17 Norfolk Avenue, Cheltenham | | |
| PROPOSAL: | Erection of 2no. semi-detached three bed houses with detached garaging facilities | | |

REPRESENTATIONS

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

19 Norfolk Avenue
Cheltenham
Gloucestershire
GL51 8DD

Comments: 10th April 2017

Having looked through the application from number 17 Norfolk Avenue, I have found an access problem. The application states that access for the two new houses will be from the existing access of number 17. However my house number 19 has a shared access with number 17 and permission to use this for another two dwellings has not been asked for or given. Therefore an application for a drop kerb at the front of number 17 Norfolk Avenue needs to be applied for. This was stated on a previous application on this site for two bungalows. The application form is not filled in correctly as trees will have to be pulled down to create a drive way.

1 Surrey Mews
Surrey Avenue
Cheltenham
Gloucestershire
GL51 8PZ

Comments: 3rd May 2017

As residents of 1 & 2 Surrey Mews, we have a strong concern about the boundary fence between 17 Norfolk Avenue and Surrey Mews.

At present there's an old gate on that fence which was for when the garages were there and since Bromford bought the land the old gate was no longer in use and never was. When they put up a new fence we do not want there to be a gate as that would become a cut through to Rowanfield School, King George V playing field and Coronation Square shops, not only for owners of the new houses but for all who live in that area. Bromford own Surrey Mews and it is private for their customers.

17 Norfolk Avenue is situated in a corner where a neighbouring house shares the same driveway off the road, therefore we are very concerned that Surrey Mews will become easy access for the proposed building work to go ahead. February last year 17 Norfolk Avenue had a delivery of bricks of which the lorry used Surrey Mews and the bricks were dumped by the old gate of the

boundary fence and were left there on our flower beds for several months. We do not want Surrey Mews to become part of a building site.

The proposal of the 2 new houses will restrict the light from our properties.

15 Norfolk Avenue
Cheltenham
Gloucestershire
GL51 8DD

Comments: 9th April 2017

Our main objection to this application is the added strain on the already busy roads in this estate that all the vehicles associated with two more three bedroom properties will bring both with general day to day driving and extra parking required for owners and their visitors

Bromford
1 Exchange Court
Brabourne Avenue
Wolverhampton Business Park
Wolverhampton
WV10 6AU

Comments: 11th April 2017

I act on behalf of Bromford Group who is the landlord of adjacent properties 1 and 2 Surrey Mews. Having reviewed the available documents, we have raised the following comments:

1. The proposal for the 2no houses will have an impact in terms of light restrictions to our properties. Currently the position of 17 Norfolk is set well away from our boundary with only side/rear garden as a boundary to our land.
2. The proposal will have an impact on the drainage in the area. Which drainage route will be connected from the new development? Bromford will not enter into an agreement with regards to connecting via Surrey Mews. Is there currently enough capacity within the drains to cope with the extra dwellings that are proposed? Both foul drainage and rainwater disposing may have an affect on the existing drain system.
3. Does this area fall into a high risk flooding area?
4. What type of proposed fencing will be put in place of the existing boundary? If any? Who will be responsible for maintaining this new boundary?

| | | | |
|---|---|--------------------------------------|--|
| APPLICATION NO: 17/00443/FUL | | OFFICER: Miss Claire Donnelly | |
| DATE REGISTERED: 17th March 2017 | | DATE OF EXPIRY: 12th May 2017 | |
| WARD: Charlton Kings | | PARISH: Charlton Kings | |
| APPLICANT: | Mr Rob & Sue Banbury | | |
| AGENT: | Evans Jones Ltd | | |
| LOCATION: | 55A Beeches Road, Charlton Kings, Cheltenham | | |
| PROPOSAL: | Insertion of two dormer windows and ten roof lights to create accommodation within the current roof space | | |

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to 55A Beeches Road which is a newly built detached bungalow located in the ward of Charlton Kings.
- 1.2 The property has been recently built following the approval of planning permission in 2004, under planning ref. 04/01618/FUL, for the erection of a dwelling within the rear garden of 55 Beeches Road.
- 1.3 The applicant is seeking planning permission for the insertion of 2no. dormer windows and 10no. roof lights to create accommodation within the existing roof space.
- 1.4 The application is before planning committee following an objection from the Parish Council as they consider the proposal will result in an unacceptable loss of privacy as a result of overlooking from the new windows.
- 1.5 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 10m
Airport safeguarding over 15m
Landfill Sites boundary
Smoke Control Order

Relevant Planning History:

04/00214/OUT 8th April 2004 PER

Outline application for the erection of dwelling within large rear garden of existing property

04/01276/FUL 9th September 2004 WDN

Erection of dwelling

04/01618/FUL 22nd November 2004 PER

Erection of dwelling within rear garden of existing property

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

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

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

6th April 2017

Objection: our objection focuses on loss of amenity, more specifically overlooking into nearby properties.

The parish council objected to a 2004 application to build this property, with concerns regarding overdevelopment of a congested site, leaving a cramped site for number 55 and poor vehicular access. We note that one of the conditions of permission given to build a bungalow in 2004 (04/01618/FUL) was that 'no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior grant of planning permission'.

The reason for this was given as 'Any further windows/doors require detailed consideration to safeguard the amenities of the surrounding area'. It was therefore accepted at that time that dormer and/or velux windows would be a cause of concern and would need to be addressed. Representations from residents of Ravensgate Road, Beeches Road and Ashgrove highlighted to us problems of overlooking. Particularly serious would be overlooking into 53 Beeches Road and 93 Ravensgate Road, gardens and property in both cases.

Our deliberations were not helped by some of the paperwork submitted not showing up-to-date changes to nearby properties.

Should permission be granted, we would wish to see a condition that frosted/obscured glass be used throughout in order to minimise the loss of amenity and, if regulations permit, the new installations be non-openable

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|---|
| Number of letters sent | 7 |
| Total comments received | 5 |
| Number of objections | 5 |
| Number of supporting | 0 |
| General comment | 0 |

5.1 7 letters have been sent to neighbouring properties, 5 responses have been received objecting to the proposed development. The main concerns raised are:

- Overlooking and loss of privacy
- Visual impact

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 the amenity of neighbouring properties.

6.3 Design

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

- 6.5** The Supplementary Planning Document: Residential Alterations and Extensions (adopted 2008) emphasises the importance of later additions reading as subservient in relation to the parent dwelling. The document also provides design guidance on extending into the roof space which states that dormers should not be overly wide or have the appearance of an extra storey on top of the house; the dormer should be set within the roof of the original building.
- 6.6** The proposed dormers are considered to be an appropriate design and scale and are set within the roof slope of the original building. The dormers will be clearly subservient to the original building as the existing roof will still be clearly read.
- 6.7** The proposed dormer cheeks will be lead clad, which is considered to be an appropriate and in-keeping material which will not detract from the character of the existing building.
- 6.8** The proposal is considered to be of an acceptable design with the original building, therefore complies with Policy CP7 of the Local Plan.
- 6.9 Impact on neighbouring property**
- 6.10** Local Plan Policy CP4 requires development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.11** Six objections have been received from neighbouring properties highlighting concerns regarding overlooking and loss of privacy as a result of the development.
- 6.12** Several comments submitted by neighbouring residents raise a concern in regards to the history of the property when permission was granted for a new dwelling on land to the rear of 55 Beeches Road, this is the application site as part of this application. Planning application, ref. 04/01276/FUL, was submitted in 2004 which proposed a new dwelling with accommodation within the roof space, this application was later withdrawn. A revised application was then submitted with the removal of accommodation within the roof space, this application was subsequently approved. The proposed roof accommodation was removed from the revised application due to concerns regarding an unacceptable impact on the amenity of adjoining land users; permitted development rights were removed for any additional windows to safeguard the amenity of adjoining land users. In light of this history, when assessing this application, it is important to consider whether there has been any changes to the material considerations associated with this application.
- 6.13** Since 2004, when the withdrawn and approved applications were submitted, the council has adopted the aforementioned Supplementary Planning Document: Residential Alterations and Extensions (adopted 2008). This document provides guidance and clarity on maintaining privacy and reducing any impact of development on the privacy of neighbouring properties; it also helps the authority to be consistent in its decision making. The document states that first floor windows should achieve 10.5 metres to the boundary to protect the amenity of adjoining land users. This measurement is derived from national best practice in relation to safeguarding amenity and members will be aware that officers refer to it in many reports. These distances are also set out within the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (adopted June 2009). The proposed dormer windows will both achieve the 10.5 metres from first floor window to the site boundary. The dormer window on the south facing roof slope measures 12 metres to the boundary and the dormer window on the east facing roof slope measures 10.5 metres to the boundary. As such, the proposed dormers are in line with the guidance set out within the Supplementary Planning Document in terms of design and achieve the required distance to maintain an acceptable level of privacy. This is not to say there will be no impact as a result of the development; officers accept that the proposals will have an impact on the surrounding properties. The role of the planning authority is to make a judgement as to the extent of that impact and that is where our policies and supplementary guidance provide assistance. When assessed against these policies,

officers are satisfied that the level of impact is not so great as to warrant the refusal of planning permission.

- 6.14** The proposed roof lights in the west facing roof slope, as shown on drawing no. 10349 15 B, are to be obscurely glazed and will be 1.7 metres above floor level. A condition has been attached to ensure these windows are, at all times, obscure glazed and non-opening above 1.7 metres. The remaining roof lights will all be 1.7 metres above floor level. This dimension of 1.7 metres is significant because it is the level at which the government (through permitted development legislation) consider that there will be no overlooking which is essentially a height from which no outlook will be provided other than upwards. As such, there are no concerns that these windows will provide an outlook which will be harmful to the privacy of adjoining neighbours.
- 6.15** For the reasons set out above, the proposed installation of two dormer windows and ten roof lights are considered to comply with Policy CP4 of the Local Plan and guidance set within the Residential Alterations and Extensions SPD in terms of protecting the amenity of adjoining land users in terms of light and privacy.
- 6.16 Other considerations**
- 6.17** Both the Parish Council and neighbouring residents have highlighted that the submitted site plan is not up to date and does not show recent extensions to surrounding properties. A revised and up to date site location plan has now been submitted.

7. CONCLUSION AND RECOMMENDATION

- 7.1** For the reasons discussed above, it is considered that the proposed development is in accordance with the relevant policies in terms of achieving an acceptable standard of design and will not result in unacceptable harm to the amenity of neighbouring land users. Officers acknowledge that there will be an impact on amenity as a result of the dormer windows in this location, that said in light of our policies and guidance, the level of impact is not so severe that the development should not be supported.
- 7.2** In light of the above, the recommendation is to permit this application subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

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

Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that order), the roof lights in the west facing roof slope shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves.

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

INFORMATIVES

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

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

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

| | | | |
|---|---|---------------------------------------|--|
| APPLICATION NO: 17/00443/FUL | | OFFICER: Miss Claire Donnelly | |
| DATE REGISTERED: 17th March 2017 | | DATE OF EXPIRY : 12th May 2017 | |
| WARD: Charlton Kings | | PARISH: CHARLK | |
| APPLICANT: | Mr Rob & Sue Banbury | | |
| LOCATION: | 55A Beeches Road, Charlton Kings, Cheltenham | | |
| PROPOSAL: | Insertion of two dormer windows and ten roof lights to create accommodation within the current roof space | | |

REPRESENTATIONS

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

4 Ashgrove
 Beeches Road
 Charlton Kings Cheltenham
 Gloucestershire
 GL53 8NF

Comments: 4th April 2017

The Planning Application refers to our home (para 3.4.) We only heard perchance of the application yesterday. Why were we not informed by the council earlier.

The Rooflight to our home only provides natural lighting to our staircase and does not provide bedroom lighting in our property. Our other upstairs window overlooking Ashgrove is heavily glazed with obscure glazing .

From the Ordnance Survey Document submitted with the planning application it shows the the Eastward Facing Rooflights to Bedroom No 1 will overlook our's and other Ashgrove Front Gardens and Driveways.

As these will not be fitted with obscure Glazing they will have an adverse amenity effect on our property. They can also be opened at will. At the very least they should be fitted with obscure glazing in the manner that the Dormer Window facing No2 Ashgrove will have obscure Glazing.

93 Ravensgate Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 8NS

Comments: 11th April 2017

Thank you for your time and for making the previous and current plans available for viewing at the planning office. Having considered all very carefully we wish to object formally to this planning application for permission to insert two dormer windows and ten roof windows to create three bedrooms and two bathrooms within the roof space at 55A Beeches Road.

A. Background

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An examination of the history from April 2004 of the various applications by the applicant to build on this site reflects the efforts made by "Planning" to ensure that whatever was built would not cause overlooking and loss of amenity of the occupiers of the many surrounding and adjoining residential properties.

A.1 Please see approval letter and rationale April 2004 for Outline Planning (04/00214/OUT)

A.2 We note that this current application is similar to an application for a bungalow with rooms in the roof submitted and withdrawn in September 2004. Withdrawal followed a repeat of the previous April reservations by Cheltenham Borough Council and there were many other objections, including from the Parish Council. We note that this current 17/00443/FUL application includes within the application on the database, plans dated July 2005 (very similar to earlier withdrawn plans from 2004).

A.3 Consent for the erection of a bungalow was eventually given in November 2004 after concerns about overlooking from upper floor windows and loss of amenity were addressed by the removal from the plans of windows and habitable space within the roofspace. [See under Point 6 Considerations in Planning Officer's Report on 04/1618/FUL DC_IRC]. In this same report under Recommendation please see Note 2 which recommends that permission be granted subject to conditions that "...no additional, windows, including dormer windows, or other openings [including doors] shall be formed in the building, or other external alteration made without the prior grant of planning permission." The reason given for this was that "Any further windows/doors require detailed consideration to safeguard the amenities of the surrounding area".

Please see also response to Charlton Kings Parish Council's concerns aired in 2004 around overdevelopment in the Planning Officer's Report in connection with (04/01618/ FUL).

Conclusion from background history

Planning policy in 2004 viewed any second storey accommodation with roof and dormer windows on this site as causing unacceptable loss of amenity. This current application is revisiting what has already been deemed unacceptable and is an attempt by the applicant to reverse the original decision which sought to safeguard the amenity of neighbouring bungalows and houses.

Current Plans

B.1 We wish to draw attention to the Site Location Plan 17_00443_Ful_SITE_LOCATION_PLAN_A4_790502 pdf accompanying the current application online. It is inaccurate as it does not show the 1994 extension to our house, 93 Ravensgate Road. Since 1994, our house has been 5m closer to the boundary with the detached house 55 Beeches Road (owned by the applicant). 93 Ravensgate Road has been its present size for at least ten years prior to the building of the bungalow 55A by the applicant in 2005 close to and in the rear garden of his detached house No 55.

B.2 Summary of relationship of current application to history

We understand that the present Local Plan [Policy CP4 of Cheltenham Borough Local Plan] upholds the same principles as in 2004 and only permits development where it would not cause unacceptable harm to the amenity of adjoining residents and land users. Overlooking is a key issue where 55A was built following the permission with conditions to prevent unacceptable harm due to overlooking and loss of privacy and amenity.

The conditions were imposed on the November 2004 consent in order "to safeguard the amenities of the surrounding area" and to prevent development in the future which would entail unacceptable overlooking. The current plans are no different in effect from the original withdrawn 2004 plans. This current proposal will result in unacceptable overlooking and harm to the amenity of the neighbouring properties that the conditions of the Planning Consent in November 2004 did their best to mitigate against.

B.3 Objections to current application.

- a. We note that the present plans propose to create a second storey of accommodation by putting ten Velux windows and two dormer windows into the roof so creating a second storey. Additional accommodation of three bedrooms and two bathrooms will be installed in the roof space giving ample opportunity for the overlooking and invasion of privacy and amenity of at least five neighbouring properties. We would also like you to consider if this is proportionate use of this tightly situated site.
- b. Six 1.4m roof windows are proposed for the south-west elevation. All of these give a view of the side of our property. The two or three closest will have a significant view across to our two rear bedroom windows and also of ourselves as we come and go through the side and back door of our house into the garden. The proposed dormer window ffW1 on the south elevation will be of a size and in a position less than 10.5m from our boundary that will give a clear view over half of our very well used garden. The dormer window on the north-east elevation is approximately 5m away from the boundary and will have a view to the top of our garden. Both will constitute overlooking and loss of privacy and amenity. Please see further detail under B.4 below.

B.4 Our objections and aspects of Planning Statement submitted on behalf of the applicant.

The submission quotes various aspects of the local guidance for Sustainable Planning and Development adopted in 2008 which upholds the principles of maintaining privacy and protecting the amenity of neighbouring properties (as it did in 2004). The submission fails to address this seriously. See Sections 6.4, 6.7 and 8.2. We strongly refute their assertions that the current application is so substantially different from the old plans that it removes the very real concerns which were acknowledged in 2004 about overlooking and loss of amenity. Indeed one additional roof window has been added to the south-west elevation, hardly less 'modest' in scale.

Additional details of this 2017 application contribute towards our concerns about and objections in relation to unacceptable overlooking and harm to amenity. Sections 3.4 and 7.4 of the Planning Statement on behalf of the applicant gives the impression that there are numerous roof windows in the immediate area. The only one we can see is one roof light in No 4 Ashgrove. We understand that this simply allows light through over the stairs and bears no resemblance in size, scale or position to the ten roof windows proposed for installation into the new living accommodation within the roof of 55A Beeches Road.

Mention is made that the roof windows will start 1.7 metres above floor level and that they will be 1.4m x .78m. There will be six roof windows of this size on the south-west elevation. The bungalow has a higher roofline than the adjacent 1950s bungalows and is therefore already more dominant. The six roof windows will be clearly visible from Ravensgate Road and dominate the line of vision to the east from outside the bungalow at No 44 Ravensgate Rd.(Sections 7.4 and 7.6) Quite apart from how they will look aesthetically, 80% of our family would actually be able to see out such windows. So any future family similar to ours living there would be able to look into our back bedroom windows and see us coming and going through our side and back doors and into the garden. Given the increasing height of the population an increasing percentage of the population will in future have a view out of windows at this level. Even if obscure glazing is used there is no guarantee that this will not be changed and if the windows are opening ones there will be a clear view out of the opened window.

Mention is also made of the use of obscure glazing in the 1.43m x 1.05m dormer window on the south elevation that runs less than 10.5m (approx 9 to 9.5 for part of its run) from our boundary. A window in its position and size (not "modest" Section 6.9) so close to the boundary will give a clear view over half of our very well used garden. We are not reassured by the reference to obscure glazing as no guarantee can be given that this will not be changed. In addition there would also be a clear view out of an open window, be that roof window or dormer window. The other dormer of similar size (not obscure glazing) on the south east elevation is approximately 5 metres away from our boundary and will have an oblique view over the top of our garden.

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We would like the Council to take into consideration also that two of the adjoining properties are unlikely to make representations during this planning process although issues of overlooking and loss of amenity also apply to them: No 55 Beeches Road is owned by the applicant and No 2 Ashgrove, which is directly impacted, is not in a position to make a detailed response.

We believe that the intention of the condition imposed in the 2004 to prevent overlooking and to safeguard the amenities of the adjacent residential properties and surrounding area is still a valid reason (in accordance with the 2008 updated plan) for not allowing the creation of a second storey with all its implications in this bungalow. We hope that the Council will give serious consideration to our concerns about the effects of the installation of three bedrooms and two bathrooms with ten roof windows and two dormer windows in the roof space of this bungalow.

2 Ashgrove
Beeches Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8NF

Comments: 7th April 2017

If the proposed application is granted then it will impact heavily at 2 Ashgrove as the property will be overlooked by the additional accommodation which is intrusive ('privacy') and it will be aesthetically displeasing ('visual impact').

I also agree with and support the other comments that object to the proposed application.

Comments: 9th April 2017

If the proposed application is granted then it will impact heavily at 2 Ashgrove as the property will be overlooked by the additional accommodation which is intrusive ('privacy') and it will be aesthetically displeasing ('visual impact').

I also agree with and support the other comments that object to the proposed application.

Ashgrove
Beeches Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8NF

Comments: 5th April 2017

We live in a bungalow at 1 Ashgrove, adjacent to 55A Beeches Road. Ashgrove road is owned by the residents. As well as acting as frontage access, we enjoy time outside maintaining our front garden, the road and boundaries.

Our bungalow has three bedrooms. All three bedrooms are situated at the front of the property, facing east. The planning application for 55A Beeches Road has three windows facing in a westerly direction which are at a height above our bedrooms. We find it completely unacceptable that the three proposed upper storey windows at 55A Beeches Road face us and we would lose privacy in all of our bedrooms.

No other Ashgrove properties have upper storey overlooking windows and the proposed windows at 55A Beeches Road are therefore completely out of keeping with the neighbourhood.

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We strongly object to the application on the grounds that the proposed windows overlook Ashgrove and the loss of privacy will impact on the peaceful enjoyment of our home, front garden and Ashgrove.

72 Bafford Approach
Cheltenham
Gloucestershire
GL53 9JB

Comments: 10th April 2017
Letter attached.

72 Bafford Approach
Charlton Kings
Cheltenham
Gloucestershire
GL53 9JB

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

9 April 2017

Dear Claire,

Planning Application 17/00443/FUL (55A Beeches Road, Charlton Kings, Cheltenham, Gloucestershire GL53 8NJ)

We are writing to lodge a formal objection to the planning application 17/00443/FUL to insert two dormer windows and ten roof lights to create accommodation within the roof space of 55A Beeches Road, Charlton Kings. There are several key points forming the grounds for this objection, which are set out below, in particular around around privacy, overlooking and loss of amenity.

Background

The background to this planning application started in April 2004, when Outline Planning Permission was granted (04/00214/OUT) for a single storey dwelling in the garden of 55 Beeches Road. When permission was granted the following was set out in the approval letter:

*“The details submitted in connection with the design and external appearance of the dwelling hereby granted permission shall indicate a **single storey bungalow with no first floor accommodation or dormer windows.***

*Reason: To **preclude the possibility of overlooking** in the interests of the amenities of occupiers of residential properties adjoining the site.”*

Subsequently an application was submitted for a two storey dwelling, but that was withdrawn in September 2004. Full planning permission was given in November 2004 (04/01618/FUL) for the dwelling that currently sits on the site, with a condition of planning:

“that no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or alteration made without the prior grant of planning permission.

*Reason: Any further windows/doors require detailed consideration to **safeguard the amenities of the surrounding area.**”*

The Planning Officer's Report in connection with the application (04/01618/FUL) recommended approving the application noting:

"The proposed bungalow is an improvement upon the earlier submitted scheme and now complies with relevant local plan policies."

which makes it clear that under planning policy first floor accommodation was not acceptable.

Objections

The key theme from this background information which is highly relevant to our objection is that the original planning permissions were granted for a single storey dwelling, to preclude the possibility of overlooking residential properties adjoining the site. Our garden runs the full length of the Western boundary of 55A Beeches Road. The application includes 6 Velux roof windows (RL3, RL4, RL7, RL8, RL9 and RL10), all of which would directly overlook the garden of 53 Beeches Road and would have the potential to look directly into the open plan living/dining kitchen area to the rear of the property.

We would like to note that Location Plan a4 incorrectly shows 53 Beeches Road as having a garage, which was removed last Summer, and does not include the rear and side extension which has been built on the property. The rear extension includes large (6m wide) full height glazed doors linking the living/dining/kitchen area with the back garden and the proposed windows would have full sight into this area, which is a clear invasion of privacy.

Although the application sets out that these windows will be 1.7m above floor level and will be fitted with obscure glazing, we still firmly believe that this will be an invasion of privacy and will not remove the possibility of overlooking our property, resulting in a clear loss of amenity. Clearly if a window can be opened, then a person can look out of it and if a person is over 1.8m (5ft 10") tall, which a great deal of the population are, then they will be able to see out of the window. People under this height would also be able to look out of the window when standing on something.

The current application (17/00443/FUL) attempts to reverse the original decision by adding in a second storey, which was the original intention of the applicant, but was not acceptable under planning policy in 2004. I am not clear of the planning policy changes which may have taken place since 2004, but would like to understand what has changed between 2004 and present day to make this an acceptable scheme.

In the Planning Statement accompanying the application, it sets out the guidance SPD "Residential Alterations and Extensions" adopted 2008 and the principles of maintaining privacy and impact on amenity. The Statement sets out the suggested impact of the proposals on the privacy and amenity of neighbouring properties, suggesting that 6 Velux windows on an elevation is modest (6.4), suggesting the plans protect the amenity levels of the nearest dwellings (6.7), there will be no impact to amenity on the surrounding dwellings (8.2) and appears to suggest there will be no impact on privacy (focusing only on facing windows, not mentioning privacy issues relating to the use of Velux windows).

We disagree with these points, 6 windows servicing 2 bedrooms and 2 bathrooms will have a direct impact on both privacy and amenity to our property and others in the surrounding area. The addition of 6 windows to 4 rooms does not to us feel modest, in particular given each roof window will be 1.4m high.

Section 7 of the NPPF is referred to in the Planning Statement, in particular noting good design is a key aspect and should contribute positively to making places better for people. We would like to note that the application being made here will detract from the privacy and amenities of the surrounding properties and in our view will not make the area better for people.

Finally we would also like to note the Charlton Kings Parish Council's concerns aired in 2004 around overdevelopment. Although the footprint of the property is not changing, developing it into a far larger 3 bedroom, 3 bathroom property over 2 floors will likely result in a higher occupancy level, increased level of traffic etc. In the Planning Officer's Report in connection with the application (04/01618/FUL) it notes that these concerns of the Parish Council were addressed at the Outline planning stage - was the result of this to reduce the size of the development or to limit it to a single storey bungalow?

Summary

We hope that the Council will take our concerns into consideration when reaching a decision on this application. We feel strongly that the plans as submitted will result in our garden and inside our property being overlooked, will invade our privacy and use of amenities.

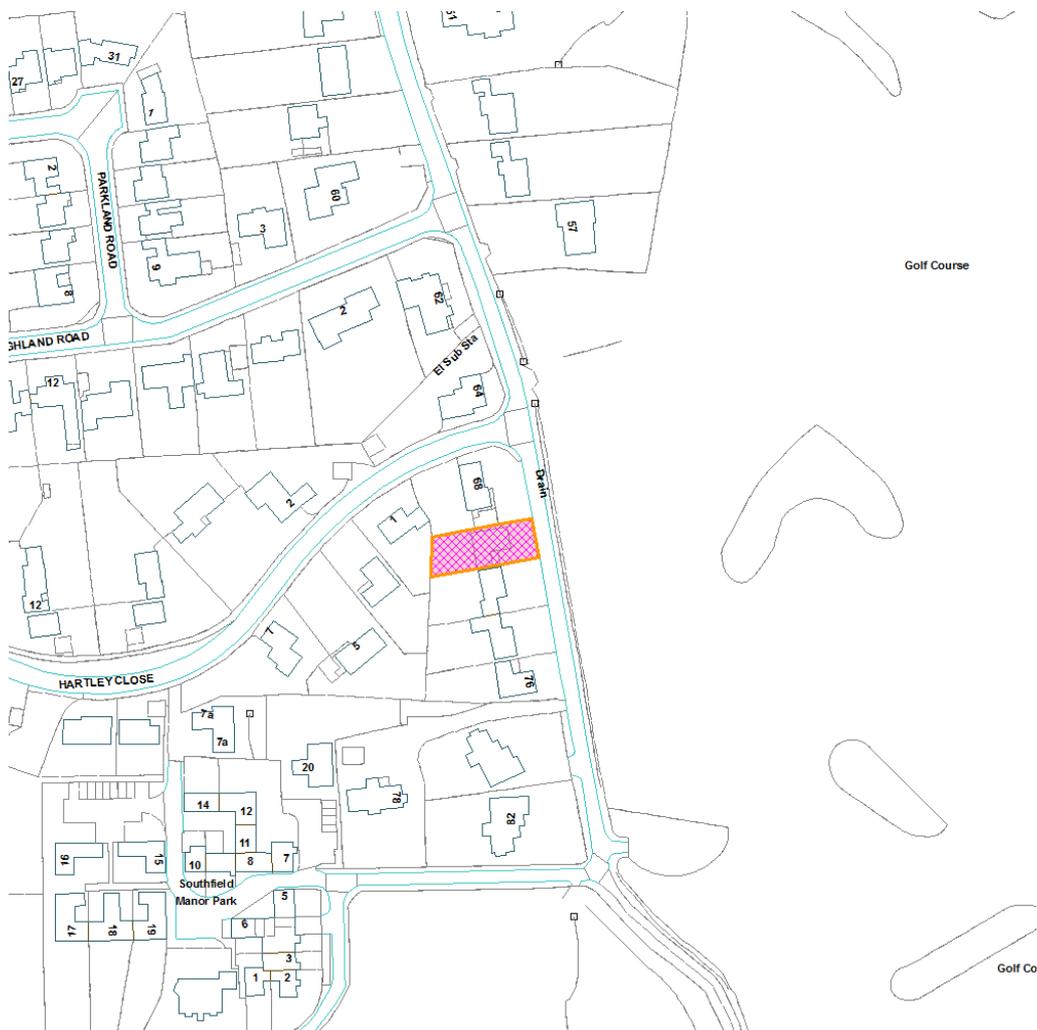
Yours sincerely,

[Redacted signature block]

[Redacted address block]

| | | |
|---|---|--------------------------------------|
| APPLICATION NO: 17/00691/FUL | | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 11th April 2017 | | DATE OF EXPIRY: 6th June 2017 |
| WARD: Charlton Park | | PARISH: N/A |
| APPLICANT: | Mr & Mrs Atkins | |
| AGENT: | Edge Design Workshop Ltd | |
| LOCATION: | 70 Sandy Lane, Charlton Kings, Cheltenham | |
| PROPOSAL: | Proposed extension and refurbishment | |

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 This is a householder application for the remodelling and extension of a detached, gable fronted dwelling on the western side of Sandy Lane, just south of the junction with Hartley Close. The properties along this stretch of Sandy Lane are stepped to address the gentle slope of the land at the foot of Leckhampton Hill.
- 1.2 The existing property is facing brick beneath a pitched concrete tiled roof with aluminium windows set within dark timber frames. A flat roof garage extends across to the southern site boundary and, to the rear the property has been extended by way of a flat roof extension and a conservatory; these existing parts of the building are to be demolished.
- 1.3 The application proposes the complete remodelling of the property to include the provision of a two storey side extension, single storey rear extension, alterations to the existing bay window at first floor, and new grey fascia boards throughout.
- 1.4 Revised plans have been submitted during the course of the application to replace the dark rough-cast render originally proposed for the side extension with grey facing brickwork, and to omit a freestanding refuse and recycle store within the front garden. The revised plans also remove reference to a low-level hedgerow to the front boundary.
- 1.5 The application is before the planning committee as the applicant is a senior member of staff at Cheltenham Borough Council. Members will visit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Smoke Control Order

Planning History:

CB13470/01

PERMIT

6th November 1978

Erection of rear extension to garage

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework

4. CONSULTATION RESPONSES

Building Control

20th April 2017

No comment

Gloucestershire Centre for Environmental Records

18th April 2017

Biodiversity Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent out to the occupiers of the three adjoining properties. All three neighbours have submitted representations in response to the publicity. The comments have been circulated in full to Members but, in brief, the main concerns relate to:

- Potential for overlooking/loss of privacy which would be increased if the rear flat roof were to be used as an extended terrace or balcony
- Freestanding refuse and recycling store would detract from open plan layout of the front gardens
- Mix of materials
- Loss of light / overbearing impact on no.72 Sandy Lane

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application are design, and impact on neighbouring amenity.

6.2 Design

6.2.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design and to complement and respect neighbouring development.

6.2.2 Additional design guidance set out within paragraph 59 of the National Planning Policy Framework (NPPF) advises that *“design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale...massing, height...and materials...of new development in relation to neighbouring buildings”*. Paragraph 60 goes on to say that *“planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”*.

6.2.3 This application is seeking to fully remodel the property rather than simply extend it in a “traditional” way hence the contemporary design approach. Officers recognise that the palette of materials proposed would undoubtedly alter the character and appearance of the building, but the overall scale and massing of the proposals is considered to be appropriate. The extensions are suitably subservient to the existing building, and the contrast in materials would ensure that the extensions clearly read as modern later additions. The Council’s Residential Alterations and Extensions SPD acknowledges that a darker tone of materials can “help the extension stand back and let the shape of the original building dominate”. Additionally, the introduction of a hipped roof to the side

extension, the choice of materials, and the generous set back from the principal elevation would help prevent a terracing effect.

6.2.4 In light of the above, officers consider that the proposed scheme represents a high quality design which will sit comfortably in its context. The proposals therefore accord with the requirements of local plan policy CP7 and the general design advice set out within the NPPF.

6.3 Impact on neighbouring amenity

6.3.1 Local plan policy CP4 advises that development will be permitted only where it will not cause unacceptable harm to the amenity of adjoining land users and the locality. When assessing impact on amenity, the Council will primarily consider loss of sunlight and/or diffuse daylight, loss of outlook and loss of privacy.

6.3.2 The resultant massing and scale of the proposed extensions should not result in any significant loss of outlook or daylight currently afforded to neighbouring properties or have an overbearing effect. The high level, obscurely glazed window in the side elevation of no.72 Sandy Lane is a secondary window which serves a dining room; the principal window to this room is located in the front elevation and would be unaffected by the proposals.

6.3.3 Additionally, although a balcony is proposed to the rear elevation, it is small in footprint, is recessed within the extension, and would be some 16 metres from the rear boundary, and therefore would be unlikely to result in any significant overlooking of neighbouring gardens, or an increase in noise levels. However, concern has been raised by two of the neighbouring properties in relation to the possible future use of the sedum flat roof of the rear single storey extension as an extended terrace or balcony. Whilst the use of this flat roof would require the benefit of planning permission in its own right, for the avoidance of doubt, a condition is recommended to prevent use of this area of flat roof.

6.3.4 The proposals are considered to be in accordance with the requirements of local plan policy CP4.

6.4 Other considerations

6.4.1 Although the application would result in the loss of the existing garage, sufficient off-street parking would remain available within the site.

6.4.2 Whilst records show that important species or habitats have been sighted near the application site in the past, the proposed development is unlikely to have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

7.1 The proposed development accords with relevant local and national policy and guidance.

7.2 As such, the recommendation is to grant planning permission subject to the following conditions:

8. CONDITIONS

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

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

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

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

- 3 The facing brickwork used in the development hereby permitted shall be in accordance with the submitted brick samples; Wienerberger Terca Hectic Black and Wienerberger Terca Forum Smoked Branco.

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

- 4 The flat sedum roof of the rear single storey extension, identified on Drawing No. 1381_04_A, shall not be used as a balcony, roof garden or other external amenity area. The galvanised steel balustrade to the recessed balcony shall be installed prior to first beneficial use of the development hereby permitted and retained as such thereafter. Access to the flat roof shall be for maintenance purposes only.

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

INFORMATIVES

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

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

In this instance, the authority sought minor revisions to ensure the development would sit more comfortably in its context.

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

| | | | |
|---|---|---------------------------------------|--|
| APPLICATION NO: 17/00691/FUL | | OFFICER: Miss Michelle Payne | |
| DATE REGISTERED: 11th April 2017 | | DATE OF EXPIRY : 6th June 2017 | |
| WARD: Charlton Park | | PARISH: | |
| APPLICANT: | Mr & Mrs Atkins | | |
| LOCATION: | 70 Sandy Lane, Charlton Kings, Cheltenham | | |
| PROPOSAL: | Proposed extension and refurbishment | | |

REPRESENTATIONS

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

68 Sandy Lane
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 9DH

Comments: 27th April 2017

I have the following issues with the refurbishment proposals for No 70 Sandy Lane. The main one being the potential access and use of the flat Sedum roof.

1) Flat Sedum Roof

Access to the Flat sedum roof provides the potential for a large balcony serving the new master bedroom with patio doors. I understand that the current owners have no plans to use this green area as a balcony, however, with access from the bedroom this area could in the future be used as such and would result in a significant loss of privacy and sense of overbearing. It will provide unfettered views into our rear garden.

Although the property currently has a flat roof at the back the only access currently is via a window. The addition of a patio door from the extended bedroom could give the potential for easy access.

Mr Atkins has proposed that a 'condition of use' be included as part of the plans. This should be a minimum requisite.

2) Low level hedge to front.

Having a low level hedge at the front of the house boundary will look odd as all other houses in the near vicinity have an open plan layout. Mr Atkins hadn't realised a low hedge had been included in the plans and has agreed to remove this feature from his proposals.

3) Bin Store in the middle of the front garden.

Having a wooden Wheelie Bin Store in the middle of the front garden would certainly detract from the semi-rural nature of the surroundings.

This section of Sandy Lane has an open estate layout with open plan front gardens. Having a Bin Store (a potential eyesore) will detract from the Lanes outlook.

I believe Mr Atkins is looking at alternative options for the store.

I have spoken to Mr and Mrs Atkins outlines my concerns and hope that these issues are addressed.

I have also posted letter with additional pictures to outline the above concerns.

Thanks

Comments: 28th April 2017

Letter attached.

72 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 28th April 2017

Letter attached.

1 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 29th April 2017

We wish to object to this application as it does not adequately take account of the principles in the Cheltenham Borough Council Local Plan Core Policy CP7 and the associated Supplementary Planning Document for Extensions and Alterations.

The proposal seeks to replace the existing single storey garage with a two storey extension in same footprint to the boundary of the neighbouring property. This will lead to not only significant overbearing upon that neighbouring property but also to an erosion of the feeling of space around the property which will be detrimental to the overall character of the locality of Sandy Lane.

The proposal seeks to include a first floor balcony at the rear of the property with patio doors from the master suite. We are concerned that the balcony will lead to loss of privacy and amenity to neighbouring properties. The issue of increased noise from the introduction of this first floor outside space do not appear to have been considered.

Furthermore, the proposal shows the balcony adjoins a sedum covered flat roof for the rear single storey extension. The applicants or subsequent owners of the property may seek to expand out from the balcony to create a significantly larger terrace area on the flat roof. This would further exacerbate the issues of privacy and increased noise.

The artist impressions provided with the application seek to present a design with a degree of modern architectural eclecticism. However, the use of contrasting materials in the proposed side and rear extensions, rather than complementing and respecting neighbouring development and the character of the locality, may be in reality be detrimental to the overall architectural coherence of the local area.



68 Sandy Lane

Charlton Kings

GL53 9DH

24 April 2017

17/00691/FUL | Proposed extension and refurbishment | 70 Sandy Lane Charlton Kings
Cheltenham Gloucestershire GL53 9DH

I have the following issues with the refurbishment proposals for No 70 Sandy Lane. The main one being the potential access and use of the flat Sedum roof.

1) Flat Sedum Roof

Access to the Flat sedum roof provides the potential for a large balcony serving the new master bedroom with patio doors. I understand that the current owners have no plans to use this green area as a balcony, however, with access from the bedroom this area could in the future be used as such and would result in a **significant loss of privacy and sense of overbearing**. It will provide unfettered views into our rear garden.

Although the property currently has a flat roof at the back the only access currently is via a window. The addition of a patio door from the extended bedroom could give the potential for easy access.

Current Artist Impression of the flat roof at the back –

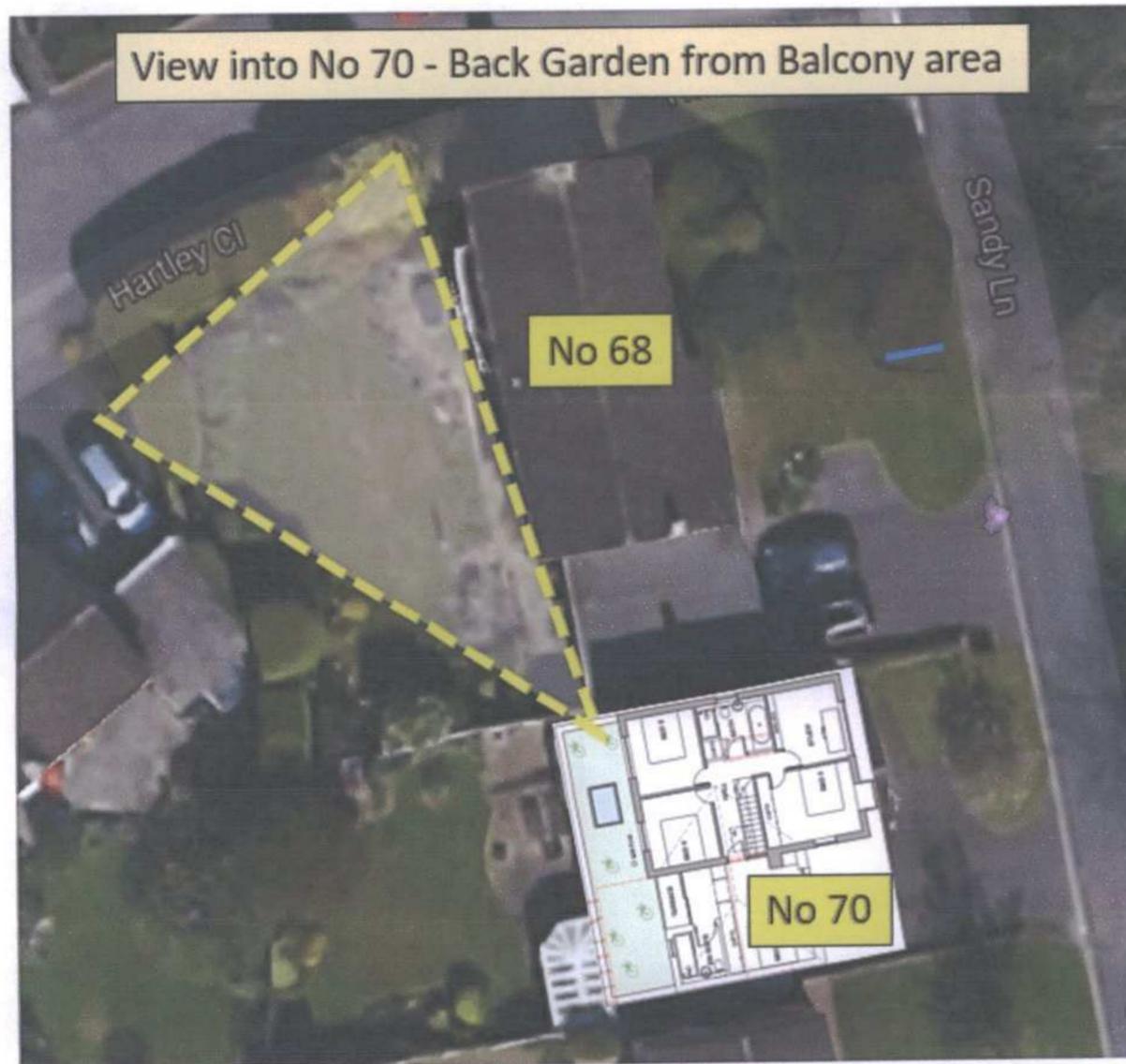


PROPOSED ARTIST IMPRESSION VIEWED FROM REAR GARDEN

Potential to be used as a balcony with access from the patio doors:



Potential loss of privacy – unfettered views into our rear garden – No.68



Mr Atkins has proposed that a 'condition of use' be included as part of the plans. This should be a minimum requisite.

2) Low level hedge to front.

Having a low level hedge at the front of the house boundary will look odd as all other houses in the near vicinity have an open plan layout. **Mr Atkins hadn't realised a low hedge had been included in the plans and has agreed to remove this feature from his proposals.**

3) Bin Store in the middle of the front garden.

Having a wooden Wheelie Bin Store in the middle of the front garden would certainly detract from the semi-rural nature of the surroundings.

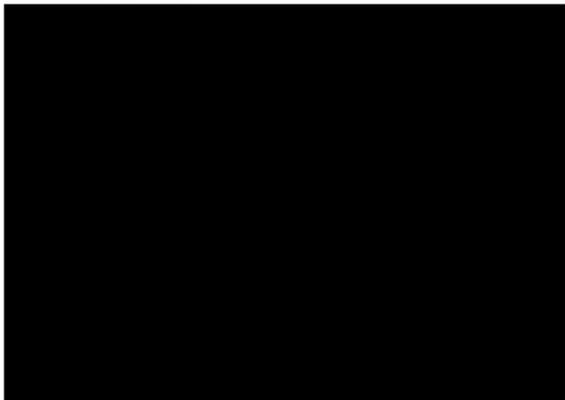


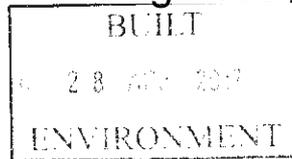
This section of Sandy Lane has an open estate layout with open plan front gardens. Having a Bin Store (a potential eyesore) will detract from the Lanes outlook.

I believe Mr Atkins is looking at alternative options for the store.

As you can see from the additional comments in **Blue** I have spoken to Mr and Mrs Atkins regarding concerns over the proposed extension and refurbishment proposals for No 70 Sandy Lane and hope that these issues are addressed.

Thanks





████████████████████
72 Sandy Lane
Charlton Kings
Cheltenham
GL53 9DH

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

28th April 2017

Dear Sir

Ref: Planning Application 17/00691/FUL OBJECTIONS

I wish to object to the above planning application on the following grounds:

- 1) Building a second storey above the current site of the garage up to the boundary wall will block light from the side dining room window.
At 76 Sandy Lane, a pathway was created between this house and the boundary in order to keep light in the side windows of 74 Sandy Lane. I understand that this is also the case in the proposed new building at 68 Sandy Lane on the boundary with 70 Sandy Lane.
Moving the building back from the boundary would help keep our amenity and be in line with nearby buildings.
- 2) Building a second storey building, where the garage previously was, further forward of our house may block out light from the front window of our dining room which is near said boundary. This means that both windows in the dining room will be affected.
- 3) We need to ensure that the path at the side of 72 Sandy Lane, by the boundary wall with 70 Sandy Lane, is not blocked in any way which would prevent our freedom of movement between front and back garden.
- 4) Please ensure that work is carried out at reasonable hours, as ████████ year-old ████████ lives at 72 Sandy Lane. He will be distressed by noise and keeping windows shut.
- 5) If a new building is built up to the boundary wall, will the eaves overhang our property?
- 6) Can the integrity of the foul drainage be preserved and immediately repaired if damaged?

- 7) We have concerns that the level of construction work will pose a risk of damage to 72 Sandy Lane and its amenities, especially the special glass in the side window.
- 8) We have concerns that the movement of rubble and sundry buildings materials off and on-site will create problems due to limited passage from both directions.
- 9) Neighbours may suffer during substantial building work, loss of amenities such as access to gardens.

If you will please take these points into account when deciding this planning application.

Yours sincerely

[Redacted signature]

[Redacted contact information]

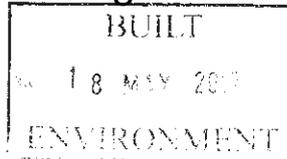
| | |
|---|---|
| APPLICATION NO: 17/00691/FUL | OFFICER: Miss Michelle Payne |
| DATE REGISTERED: 11th April 2017 | DATE OF EXPIRY : 6th June 2017 |
| WARD: Charlton Park | PARISH: |
| APPLICANT: | Mr & Mrs Atkins |
| LOCATION: | 70 Sandy Lane Charlton Kings Cheltenham |
| PROPOSAL: | Proposed extension and refurbishment |

ADDITIONAL REPRESENTATION

72 Sandy Lane
Charlton Kings
Cheltenham
Gloucestershire
GL53 9DH

Comments: 18th May 2017
Letter attached.

19th May 2017



72 Sandy Lane
Charlton Kings
Cheltenham
GL53 9DH

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

18th May 2017

Dear Sir

Ref: Further objections regarding Planning Application 17/00691/FUL

- 1) The developer must ensure that the foundations are adequate to support the new double storey building, where the garage currently is, and remains within the existing site boundaries. Can we be assured that any works on foundations will not carry any risk to buildings at 72 Sandy Lane.
- 2) There is a single foul drain for the five houses (68 to 76 Sandy Lane) at the rear of said houses which makes these drains more vulnerable to blockage during construction than single access to the main drains.
- 3) Extensive demolition will cause dust nuisance at neighbouring properties and could be a health hazard to neighbours given close proximity of neighbouring properties. Cement and concrete mixing will cause noise pollution and further dust problems.
- 4) Where this construction will take place, Sandy Lane is very narrow and there is no footpath. Intensive parking by those working on the site could create a danger for those driving off neighbouring drives due to parked vehicles obstructing the view.
- 5) Given the complexity and extent of detailing the drawings, we have had only limited time to consider our response.

Please take the additional objections into consideration.

Yours sincerely

[Redacted signature block]

[Redacted contact information]