



## **Notice of a meeting of Planning Committee**

**Thursday, 19 October 2017  
6.00 pm  
Council Chamber - Municipal Offices**

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

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 - 24)
- 6. PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS –  
SEE MAIN SCHEDULE** (Pages 133 - 136)
- 7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES  
URGENT AND REQUIRES A DECISION**

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







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## Planning Committee

21<sup>st</sup> September 2017

### Present:

#### Members (15)

Councillors: Fisher, Acting Chair (BF); Baker (PB); Collins (MC); Colin Hay (CH); Hegenbarth (AH); Hobley (KH); Lillywhite (AL); McCloskey (HM); Nelson (CN); Oliver (TO); Savage (LS); Seacome (DS); Thornton (PT); Wheeler (SW).

**Substitutes:** Councillor Paul McCloskey (PM)

#### Officers

Martin Chandler, Team Leader, Development Management (MC)  
Michelle Payne, Senior Planning Officer (MP)  
Emma Pickernell, Senior Planning Officer (EP)  
Claire Donnelly, Planning Officer (CD)  
Gary Dickens, Planning Officer (GD)  
Nick Jonathan, Legal Officer (NJ)

### 1. Apologies

Councillor Barnes

### 2. Declarations of interest

#### 17/00337/FUL Central Cheltenham Police Station

- Councillor Helena McCloskey – is a members of Police and Crime Panel – personal but not prejudicial
- Councillor Nelson - is a members of Police and Crime Panel – personal but not prejudicial

#### 17/00484/FUL 41 Asquith Road

- Councillor Oliver- the applicant is head teacher of the school at which he is a governor – personal but not prejudicial

#### 17/01412/FUL 57 Hewlett Road

- Councillor Savage – is a friend of the applicant
- Councillor Seacome – is a friend of the applicant

### 3. Declarations of independent site visits

Councillor Paul McCloskey - visited all sites

Councillor Helena McCloskey - visited all sites apart from 17/01412/FUL 57 Hewlett Road

Councillor Collins – visited **17/01220/FUL Cotswold View**

### 4. Public Questions

There were none.

## 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 17<sup>th</sup> August 2017 be approved and signed as a correct record *without* corrections.

## 6. Planning applications

|                         |  |
|-------------------------|--|
| Application Number:     | <b>17/00337/FUL</b>  |
| Location:               | <b>Central Cheltenham Police Station, Talbot House, Lansdown Road</b>  |
| Proposal:               | <b>Demolition of all existing buildings on site and erection of 67no. new homes, access, landscaping and other associated works at the former Police Headquarters, Lansdown Road</b> |
| View:                   | <b>Yes</b>   |
| Officer Recommendation: | <b>Permit subject to a 106 Obligation</b>  |
| Committee Decision:     | <b>Permit subject to a 106 Obligation</b>  |
| Letters of Rep:         | <b>11</b>  |
| Update Report:          | <b>None</b>  |

**MP** introduced the application, which Members will remember was deferred at the August meeting to allow further discussion and negotiation with the applicants regarding the design of the apartment blocks on Lansdown Road. Officers have met with the applicants, who have now made beneficial changes to the scheme, with a notable reduction in the footprint of Apartment Block C giving a 25% increase in the space between the apartment blocks, together with additional soft landscaping. The penthouse accommodation on all three blocks has been reduced to improve visual separation between the buildings and a better transition between the development and Holland House. Four of the apartments have been reduced from two-bed units to one-bed units, one flat has been lost from Block A, and car parking provision has increased by one space. The recommendation is to permit, subject to S106 agreements on education, libraries and playspace.

### Public Speaking:

#### **Mr Guy Wakefield, Hunter Page Planning, in support**

As the officer has said, Cala has taken all comments made at last meeting on board and amended the proposal accordingly. There have been two meetings with officers to discuss revisions, as well as internal discussions to consider alternative options, such as making one block larger, or reducing the height of one of the others. With each alternative option, it was concluded that they undermined the quality of scheme in the way the three buildings relate to each other. The changes have resulted in the loss of one dwelling and a change to the mix of dwellings so that four of the 2-bedroom apartments are now 1-bedroom apartments. The footprint of Block C has been reduced, increasing the gaps between the three apartment blocks by 25%. The penthouse apartments have been scaled back to reduce the massing of the buildings and create a graduated relationship to buildings either side. Two montage drawings have been prepared to show the views from each side of the site and give a better impression of the design. Members' comments have been carefully considered and alterations made, in addition to those previously made in response to comments from the Architects' Panel and Historic England. Hopes Members will agree that the latest changes improve the scheme without compromising its quality and objectives. The proposal complies with policy, conserving and enhancing the character and appearance of the conservation area. Hopes Members will therefore be able to support the officer recommendation.



**Member debate:**

**PB:** it would have been naïve to expect a major revision of what Members considered last month, but with the work of officers and architects, the modest visual changes have resulted in a better scheme. Is happy to support it.

**MC:** congratulates the developer for taking Members' and officers' comments on board, but made the point last month about traffic movements, trip generation, and the junction serving the site – there has been no progress with this. There is a problem with on-site parking for the apartments – provision is still insufficient, and nothing has been done to solve the problem. Officers have based the calculation on the average space requirements nationally, but there will be issues with parking on the site. Doesn't want to be the one to say "I told you so", but is not happy and will vote against the scheme.

**HM:** reiterates PB's comments, that the scheme is much improved. Are there any changes in the conditions from the first report?

**DS:** has two questions. Firstly, waste disposal: this was mentioned in the papers, but we will soon be recycling for 4-5 commodities; will there be adequate access for all the lorries to take the waste away? Secondly, has any thought been given to seagull-proofing the building?

**CN:** at the last meeting, spoke about the connection between the police and the sale of the property; subsequent to the meeting, had a chat with the constabulary and now understands that Gloucestershire Police will receive £100k when the applicants have secured full planning permission. Regarding the changes to the proposal, agrees with PB that these are modest but reasonable; the whole scheme cannot be redesigned, and it is nice that when asked to re-think, the agent has taken Members' comments on board. Is not altogether happy with the changes, but will vote for the proposal.

**AL:** is pleased with the improvements to the scheme, which will restore the rhythm of Lansdown Road. However, the proposal is for three distinct buildings but each has a vertical line of darker brick in the middle, which gives the effect of splitting each building in two and makes them look less like other buildings along the road – this is an unfortunate aspect of the design.

**MP, in response:**

- To HM, the conditions are the same as given in the previous officer report;
- Regarding waste disposal, there is a condition requiring this to be provided; it will meet local requirements and access for refuse vehicles has been approved by Highways officers;
- Regarding seagull-proofing the buildings, this has not been considered.

**DS:** in view of the trouble caused by seagulls, doing something about it at the building stage is better than asking occupants to contribute at a later stage.

**MP, in response:**

- This would be a reasonable condition.

**DS:** requests that it be added.

**Vote on recommendation to permit subject to S106 agreements, with additional condition regarding seagull-proofing the buildings**

13 in support

1 in objection

0 abstentions

**PERMIT**

|                         |  |
|-------------------------|--|
| Application Number:     | <b>17/00484/FUL</b>  |
| Location:               | <b>41 Asquith Road,</b>  |
| Proposal:               | <b>Alterations and extensions to provide first floor accommodation</b> |
| View:                   | <b>Yes</b>   |
| Officer Recommendation: | <b>Permit</b>  |
| Committee Decision:     | <b>Permit</b>  |
| Letters of Rep:         | <b>14</b>  |
| Update Report:          | <b>None</b>  |

**MP** introduced the application as above, for the addition of a first floor to an existing bungalow. The proposal has been significantly revised during the course of the application to address officer concerns, resulting in a 376mm overall increase in ridge height, and reduction in size of the three dormers to the front. It is at Committee at the request of Councillor Sudbury to allow Members to consider the impact on neighbouring properties and character of the area. It was deferred from July's meeting to allow for errors in the drawings to be corrected.

**Public Speaking:**

**Mr Dellar, neighbour, in objection**

Together with his parents, planned the layout for two low bungalows on their land, back in 1974. It is a quiet area, and they wanted to ensure that any further building would not encroach on the peace of the neighbourhood and be of a high standard. Neighbours in Mead Road and CBC were consulted, and restrictions included in the deeds of Nos 39 and 41 to ensure no elevation changed. Good planning requires that extensions are subservient, but this proposal is overbearing and not subservient. Fourteen neighbours have objected, and converting and increasing the size of No 41 will have a very unpopular impact on nearby properties. The revised plans have made no difference to neighbours' opinions, one comment likening it to 'a squash court on top of a building'; it will appear as a flat-roofed two-storey house. The first floor plans for three bedrooms, two bathrooms and a boiler room will dominate; the height and design are imposing; the dormers do not 'respect the character and scale of the existing building'. Neighbours in Mead Road and Asquith Road have serious concerns about privacy from particular rooms and gardens, and the three front windows are now in visual alignment with his own first floor bedrooms. Planning officers originally stated that it was appropriate for CBC to recommend that the alterations remain within the existing envelope of the property, and this is what the neighbours want to happen. The new building materials will be unsightly, and construction vehicles will damage the private drive. There is plenty of room, particularly on the south side of the site for a ground level extension – requests that this is explored. CBC has a duty of care to protect privacy and amenity for local residents, who do not wish to stand in the way of improvement but believe that what is proposed is more akin to a new build house.

**Mr Flooks, applicant, in support**

Councillor Sudbury requested that this application be brought to Committee to allow Members to consider the impact on the neighbours and the character of the area. Objections from neighbours have raised seven concerns: overdevelopment, changes out of character with the area, visual impact of changes, impact on privacy, impact on other properties' daylight, noise and disturbance, and the existing restrictive covenant. Has worked closely with the planning officer, bearing in mind the need to be respectful of the neighbourhood while meeting the needs of his growing family. Have significantly reduced the overall scheme in respect of the first six of the neighbours' concerns, and followed the officer recommendation on finishes. The officer recommendation is that the proposal will cause no unacceptable harm to neighbours' amenity in terms of outlook, privacy or daylight, particularly to the wider locality. The main determining issues were the design of the property and the impact on neighbouring amenity. On both these issues, the officers considers the revised application

to be more respectful to the character of the existing property and its neighbour to the north, in accordance with policies CP4 and CP7 and the national planning policy framework. The covenant, as the planning office states, is not a planning matter – hopes to discuss this with the beneficiaries of the covenant once they know the proposal is in line with contemporary planning direction. The planning officer has stated that it is, that there will be no unacceptable harm to neighbours, and therefore recommends approval. Local planning policy states a positive and proactive approach should be adopted when dealing with planning applications, and solutions sought to deliver sustainable development. With the significant revisions of this scheme, it now constitutes sustainable development, and hopes that Members will have no hesitation in approving the application.

### **Member debate:**

**HM:** visited the site and was concerned that if the application goes ahead, the state of the unadopted roadway to the three houses could be damaged. If approved, can a condition be included that the road should be made good at the developer's expense should any damage occur?

### **MP, in response:**

- We have considered situations like this before, with proposals on private roads. Damage and repair to private roads is a civil matter, therefore HM's suggested condition would not be reasonable.

### **Vote on officer recommendation to permit**

13 in support

1 in objection

0 abstentions

**PERMIT**

|                         |   |
|-------------------------|---|
| Application Number:     | <b>17/00659/FUL</b>   |
| Location:               | <b>Lilleybrook Golf Club, 313 Cirencester Road, Charlton Kings</b>  |
| Proposal:               | <b>Engineering works to re-profile and re-contour the existing practice facility to create a mini 9-hole golf course by importing 100,000 cubic metres of inert fill material (re-submission following refusal of planning application ref. 16/00383/FUL)</b> |
| View:                   | <b>Yes</b>  |
| Officer Recommendation: | <b>Permit subject to a 106 Obligation</b>   |
| Committee Decision:     | <b>Permit subject to a 106 Obligation</b>   |
| Letters of Rep:         | <b>10</b>   |
| Update Report:          | <b>Officer update and conditions</b>  |

**MJC** introduced this application as above, reminding Members that an identical scheme was refused in December 2016, on the grounds of a lack of archaeological assessment and no S106 agreement. The archaeological assessment has now been done and shown nothing of any significance. Heads of terms 106 agreements are now in place to ensure completion – this is not uncommon. Conditions were circulated as a blue update today – most of the details relate to the drainage scheme – and the recommendation is to permit.

### **Public Speaking:**

**Professor John Hughes, local resident on behalf of Charlton Kings Flood Action Group, in objection**

Ten years ago, his house was flooded, and he and his family had to move out for one year – hence his involvement with CKFAG. Is asking that the Committee refuses this application tonight. His group's position centres on seven issues. First, the LLFA has approved modelling for the rainfall attenuation basin based on a different hydrological area - Region 4/Region 8 - with lesser storm rainfall; technical justifications have been offered, but this practice is irrelevant and indefensible, and the use of correct data is essential. Second, the existing hydrological calculations are inadequate, and new calculations are needed, based on the actual hydrology of the region. Third, there is no full geo-technical assessment of the development, regarding possible landslip, changes in ground water levels, to ensure water quality and control sedimentation; neither is there risk assessment of the materials being dumped or how failures in the bund would be addressed. Fourth, the costs appear to fall on CBC and Cheltenham residents for remedial or repair work, and there is no evidence of a cash bond to ensure financial liability throughout the whole process, nor of a scheme for long-term monitoring, reporting and maintenance. Fifth, concerns about how the developers would access, light and landscape this major development, and observe county guidelines concerning scope and commencement of work, hours of operation, maximum vehicle movements etc. Sixth, why is such a massive amount of fill needed, and is it waste? It represents the volume of ten inches of road scalplings from both lanes of the M5 between Cheltenham and Michaelwood Services; what is this material and where is it coming from? Finally, CKFAG urges Members to align themselves with the interests of Cheltenham residents and recognise that this disruptive and potentially dangerous application, on a massive and unnecessary scale, with risks and uncertainties, in an area of outstanding natural beauty.

### **Ms Coral Curtis, agent, in support**

The previous application was refused in December 2016, for the lack of an archaeological investigation and a S106 agreement to cover the phasing of works. The Club subsequently paid £15,000 for archaeological work which has confirmed no issues, and the agent has submitted a draft S106 to CBC, with which officers have no concerns. Thus, the reasons for refusal have been addressed. Previously, a local member raised concerns over flooding, in particular the run-off that will arise from the site, and in response, the developers agreed to over-engineer the attenuation pond that will serve the land, to provide a significant improvement over the pre-development scenario. Flooding has also been raised by objectors, although the drainage proposals have been looked at in forensic detail and are satisfactory. Objectors question whether the correct data has been used, but this is confusing matters and in fact the water would be allowed to discharge more quickly into the off-site ditch if the data referred to by objectors had been used. The attenuation pond will accommodate 20% more water retention capacity than required, slowing the water release from the site, limiting run-off and improving the existing situation. A condition will require the developer to complete the drainage works and attenuation bund before the start of the works. The county drainage manager is entirely comfortable by the work undertaken and has explained this to Members. It would be unreasonable to refuse the application now, the previous refusal reasons having been addressed. One objector has questioned whether this application should be dealt with by CBC or GCC; it has been agreed that it should be assessed by Cheltenham, as long as the project is fully completed – as guaranteed by the S106. This development will encourage players into the game and provide high-quality practice area for existing, new and junior Members, key to making the Club economically and socially sustainable.

### **Member debate:**

**CM:** there was a lot of discussion of the flooding issue with the previous application. There have been examples of developments, especially in Leckhampton, where the calculations are wrong, and therefore remains concerns. Would like Professor Hughes's questions to be addressed by the officer, with regard to whether the correct data was used, the bond and the risk, and the materials used as fill.

**PB:** his views on this proposal are well known, and it was refused at the last meeting on flooding grounds. The application is driven by the desire to generate funds – the £15k spent on the

archaeological survey has to be considered against the £3/4million profit the club will make. It is a cavalier application, with little regard to the impact it will have on the local community. However, as it will now be difficult to make a case for refusal, would request that the conditions are strengthened to protect the residents and the area. Has a few questions to ask: regarding the bond, if the golf club were to go bust, who would pick up the bill for on-going maintenance? This is a crucial issue; where does liability lie – if the flood alleviation work goes wrong, it will be the houses below which suffer – 12 garages flooded before the site was put in place. Would liability rest with the applicant and their insurers?

Regarding the conditions, would like to amend Condition 3 to include 'attenuation basin' after 'proposed bund, swale...' and 'calculations to be based on correct hydrological inputs and then increased by 20% to allow for climate change...'. A third section should be added requiring full drainage details to be reviewed and approved to ensure scheme's off-site impact addressed. Instead of the drainage scheme being completed within two months of the commencement of development, it should be one month, for the comfort of neighbouring residents; otherwise, a similar flooding situation could arise here as in Leckhampton. Is sad we are likely to be approving this scheme – hopes that additions to conditions will place more onus on the developers to get it right. Would also request that the revised conditions and scheme be referred to officers and ward councillors to review.

**SW:** knows that his questions last time was poo-poo'd when he asked about geological studies – this isn't good enough for this very large development. Is concerned even more because the site is part of the AONB – the fill material is described as 'inert waste'. This might be acceptable in other places but not in the AONB. What is going there? The material needs to be sympathetic with the local soils, but will probably be rubbish. Is very concerned that a lot of the materials going in won't be sympathetic with the AONB, which could cause a major shift in the quality of the area - a change in the acidity of the soil causing different plants to grow or die. Calling the material 'inert waste' isn't enough.

**AL:** does the LLFA consider the scheme will reduce or increase the flood risk in Sandy Lane?

**PT:** reading the report and looking at the drawings, is finding it extremely difficult to understand. It is a huge site and is going to receive a lot of material to cover it over and alter the contours. Is rather concerned about the type of waste that will be used. Should we really be authorising a landfill site in the middle of the AONB? It is very strange. Is glad this proposal is back for a second bite of the cherry – hadn't fully thought through the implications before. Feels that a lot more investigation is needed doing before we approve it. What is the situation regarding roads on that area? Big lorries loaded with waste material will make the situation worse.

**HM:** PT brought up the issue of roads. Was concerned greatly with the original application, about the large coned-off area of the A435; the road has now got worse since the original application, with subsidence and slippage beyond the coned-off area. Is pleased that the operation is scheduled to take 30 months rather than 18, as this will spread the load of heavy lorries up and down the hill – but they will still cause a problem. The condition concerning the highways management plan is good, but would like to see Highways regularly monitoring the road during the course of the transportation of waste material.

**CH:** has a couple of queries. Last time, tried to say there was a great opportunity to make flood risk easier if it was over-engineered, but couldn't detect if it was/was not. We're hearing today that it will be 20% better – this is good to know. Other Members have talked about waste materials. The Environment Agency say this is OK – 'inert' doesn't mean toxic – and concerns about the number of lorries is being addressed. Has a question – if a building is put up, building control officers will check it is OK. Several people have raised concern about this development; a lot of material is going in, which

could affect the geology of the area and cause landslip. Who would determine these works in the way building control would do for a building? If the developers get it wrong, it could be a major disaster for the golf club – will want to make sure landslip doesn't happen. Would the Golf Club insurers be aware/have it covered? Secondly, PB raised the issue of the construction of the bund and reducing the time limit to one month. This should make sure that at no point during construction is the risk worse than before development takes place - we should attend to this quickly for the comfort of residents. Will be relatively comfortable if the right answers are given for these questions.

**PM:** CH touched on an issue about which he is concerned. 'Inert' material sounds like a slag heap – is reminded of the Aberfan disaster in South Wales – and is concerned about the impact on the A435 which is a major highway. The beauty of soil is that trees etc will grow and bind soil together. We need to know more about the inert material – if it is sand/mud/slag, the propensity for landslip is considerable. The A435 is in a poor state, undermined by springs. Transporting 100k tonnes along this road is not sensible. Insurance bonds should include repair to the highway.

### **MJC, in response:**

- To CN, regarding the flood issues raised by the public speaker's questions: has discussed at length the calculations with David Parish at GCC; his answer is consistent, that the difference is negligible, but as a caveat, the scheme will be over-engineered. The condition – if approved – is that the applicant will have to do a lot of detailed work with the flood authority to ensure it is fit for purpose. PB suggested additional words to make sure it is crystal clear – will have to happen for the condition to be discharged. Can add PB's suggestion if Members wish;
- Regarding the bond and where the risk lies - the SUDS is on private land, therefore the Golf Club will have to manage and maintain it. Liability is with the Golf Club, and the responsibility to ensure water is released into the watercourse in a safe way. Liaison with GCC satisfies what we need to see from the scheme;
- Regarding waste, Condition 4 concerns the materials management plan; this was discussed at the previous meeting. The Environment Agency will have to give a permit for anything brought to the site, and through an informative, we will work closely with EA. If they're happy, we're happy. It is important to know where the material is coming from and what it is;
- To HM, regarding the nature of the material: the previous officer report referred to inert soil and granular material. The Environment Agency will be all over this to ensure it is suitable for the site;
- To PB, most of his issues have been addressed, but MJC is happy to add changes to the wording of the conditions along the lines suggested
- Conditioning a specific length of time is difficult – we don't know how long it will take. Better to say that the drainage scheme is first thing that happens with no actual time scale – Phase 1 - nothing else happens till then – this will strengthen the condition;
- Is happy to discuss this with Chair, Vice-Chair and ward councillors once the details are submitted – keep them in the loop;
- To SW, it isn't fair to say his comments on geology were ignored – the previous application was recommended for refusal, so no conditions were suggested. Condition 5 now covers how material will be utilised to ensure suitable conditions. This has been discussed with applicant, to ensure a safe and successful outcome, tapping into the work the Environment Agency will ask them to do. They will understand the geological conditions, and what is being brought to the site;
- There is no arguing with the fact that this site is in the AONB. There will be a short-term impact, a medium-term gain, and in the long term the changes won't be noticed;
- To AL, as to whether the proposal will reduce or increase the risk of flooding, the LLFA has stated the risk will be reduced; if nothing is done to the site, the risk will stay the same. This has been strenuously tested;
- To PT, hopes all her questions have been answered. The proposal has been heavily scrutinised, and the applicant has answered all questions;

- Regarding the state of the roads, appreciates HM's concerns, and that one lane of the A435 is cordoned off, but this is not the applicant's fault; Members and officers talked on site view about lobbying the County Council to make the road safe; Members should feel free to do this if they wish;
- To CH's concerns about who checks that all the work is done correctly, the Environment Agency has the key role of checking the materials on the site. Officers wouldn't generally go out to check – this is private land. If it was public land, the County would check. The management plan is secured by condition, and should cover these issues.

**CN:** returning to the issue of the bond – it isn't usual to talk about this in Planning Committee, but is an interesting idea, with the high risk of flooding and landslip. How would the Golf Club address the risks if they all materialise? This development will be expensive; professional and commercial companies are used to dealing with big risks, but the Golf Club doesn't do this kind of thing every day. Is it set up like a commercial organisation to address the risk? Would like to see further exploration of the bond issue.

**SW:** to explain where he was coming from regarding inert waste - doesn't want to see the Golf Club moving down the hill. The AONB makes it special. If a lot of acid material is brought in, it will change the nature of the soil; if it is ground-up concrete, similar to stone, it wouldn't change the sandy nature of the soil so much. If there is a big shift, the material will migrate – rain water will move it to other areas. Acid soil is good for rhododendrons – which are not natural in this location. A lot of plants are very special, and a change in soil type will damage them. Has no faith in the Environment Agency to address these concerns. Slate is inert; granite is inert; these materials may be fine to use elsewhere but the AONB is special, and these materials will significantly effect the top soil. Would like assurance that all materials going in will be natural in the area.

**PT:** to bolster SW's comments, he is quite right – new materials could change the geology of the area. CN mentioned the cost, but the Golf Club will make a lot of money using the the area as a landfill site.

**CH:** can the officer answer his question and confirm that at no point during the construction period will flooding risk be worse than at present? Regarding the bond and questions about liability, a bond is a way of mitigating risk but the Golf Club will have public liability – as long as assured they are covered should anything go awry between the Golf Club and the insurers. Members have expressed concerns about what materials are used – can we make representations to the Environment Agency and request that they check any materials coming in? This would cover worries about materials. Is concerned that Members are calling this a landfill site – it is not waste from green bins, but *inert* waste to re-contour the area. We shouldn't use these emotive terms – can't imply the Golf Club is trying to attract new members to a landfill site; we need to be careful about how to express concerns. We need to be sure the flooding will be no worse than before, understand where liability lies, and that the materials used will be covered by the Environment Agency.

**AL:** Members need a definitive answer on what the inert waste will be. There are seven categories of inert waste, and Members need a full understanding of what is going in to the site in this case.

**PB:** agrees with AL. It may be covered by condition but officers need to be more specific. The issue of the bond is interesting. The Golf Club is doing this work to make itself more viable, but it may not be there in 10-20 years' time. Who will pick up the maintenance then? The time to do this is now, when the Golf Club is rich. Also, it is important in the conditions to refer to monitoring of the water quality.

**TO:** if Members are minded to approve, can the Chair write to Gloucestershire Highways to express the Committee's concern about the state of the A435?

**BF:** has already done this as county councillor and vice-chair of Planning Committee, when HM brought up the subject at a previous planning meeting. Is still awaiting a reply. Tabled the matter as a question for full GCC meeting in October, but was told that it is not eligible.

**MJC, in response:**

- To CH, at no point will flood relief be worse. The applicant has to be able to build a drainage scheme. This is a not insignificant operation but it cannot be policed at this stage. After that is installed, the situation will be better. At Leckhampton Road proposal, building work compacted the land and water run-off was increased; if a drainage scheme had been installed first, this could have been prevented; it makes a lot of sense. For this proposal, there has been a lot of discussion regarding the length of the construction phase, but once it is installed, the situation will be better;
- To AL, regarding the type of inert waste to be used and where it comes from: the developer will work with the Environment Agency to make sure it is appropriate; we cannot be too prescriptive, and should defer to the experts at the Environment Agency and be guided by them;
- Regarding the concept of the bond, worries that with this we are straying into the realms of private insurance. This is a private site; the applicant is doing the work, including a drainage scheme. How can this be quantified? Where would we start? Liability will be with the Golf Club; that's what insurance is for. It would not be appropriate for the local authority to take out a bond. The County council takes bonds for adopted schemes, but this won't be one. Struggles with this concept;
- To PB, regarding water quality and monitoring – can weave this into the decision notice.

**PT:** what about the Golf Club making money from taking waste material?

**MJC, in response:**

- Cannot comment on the specifics, as does not know what arrangements have been made. This is not a planning consideration.

**CN:** going back to the bond issue, appreciates that it is a difficult issue to address, but the real issue is the liability; if we can maybe put in a condition that identifies whether liability is covered in one way or the other by the Golf Club, whether by bond or insurance, would be happy with that. This is different from a householder application – a large construction, over a long period of time, with big risks re flooding and landslip. The Golf Club is set up as golf club, not a developer – would like some reassurance that this unusual risk is covered.

**MJC, in response:**

- How best to resolve the issue? Feels we are half way there with the suggested condition – the scheme for maintenance and management;
- Refers Members to the LLFA comment on the police station application, referring to the “lifetime of the development”; we can be more explicit in that way to give more confidence;
- A bond/insurance is not necessary. We are not the insurer;
- Can strengthen the condition and talk about ‘the lifetime of the development.

**Vote on officer recommendation to permit**

7 in support

4 in objection

4 abstentions



**PERMIT**

|                         |   |
|-------------------------|---|
| Application Number:     | <b>17/01220/FUL</b>   |
| Location:               | <b>Cotswold View, The Reddings, Cheltenham</b>                        |
| Proposal:               | <b>Demolition of existing dwelling and erection of 3no. dwellings</b> |
| View:                   | <b>Yes</b>  |
| Officer Recommendation: | <b>Permit</b>   |
| Committee Decision:     | <b>Defer</b>  |
| Letters of Rep:         | <b>48</b>   |
| Update Report:          | <b>None</b>   |

**EP** introduced the application as above. Officers consider the scheme to be well-designed, and that it will fit well in the street scene with regard to size, mass, lay-out and design. Highways officers are comfortable with the proposal, and it will not have an unacceptable impact in neighbouring amenity. Various issues are dealt with by condition. It is at Committee at the request of Councillor Britter, and the recommendation is to permit.

A condition regarding obscure glazing, as mentioned at paragraph 5.2 of the report, has been omitted. This will be added if the application is permitted.

**Public Speaking:**

**Mr Paul Thomas, on behalf of The Reddings Residents Association, in objection**

Three weeks ago, a van, allegedly speeding along The Reddings, swerved to avoid a car pulling out of the drive and crashed into a bus stop, 40metres from the development site, illustrating the safety issue in The Reddings. It is a busy road, especially at peak times: a major route for parents taking children to school, a bus route, and an ambulance cut-through to avoid A40 congestion; it is a long straight road, resulting in many cars speeding well over 30mph. The existing building pre-dates public pavements, and this application proposes three closely-spaced drives exiting onto a fast and busy road with no pavement to act as a buffer and provide visibility. The neighbours on either side have confirmed that they will not reduce the height of their fences as detailed in the revised plan. Visibility splays are very poor here, less than 30 metres, in addition to which any large car or van parked in an adjacent drive will totally obscure the view, so cars will have to 'stick out' to see if the road is clear. The site layout, proximity to the roundabout, and busy road make it almost certain that cars will enter the driveways forward, and have to reverse out in the face of oncoming traffic – so with no warning or visibility, cars will be pulling out in front of oncoming traffic with potentially fatal results. The revised plan fails to address the fundamental problems; it may comply with the rules, but the rules need to be applied in the situational context. If only two houses were proposed, there would be space for a turning circle with appropriate positioning, addressing many safety concerns. Local knowledge is being ignored, and we have seen recently in Kensington Borough the devastating effects that can arise where local warnings are dismissed. One of the 48 objection letters powerfully sums up local concerns, describing the incident where the van demolished the bus stop, used to pick up and drop off school children. The writer had previously witnessed the aftermath a child being run over in Reddings Road some years ago, and states that having worked with bereaved families, knows the devastation of a fatal car accident, particularly if the accident was preventable. The proposed development will increase the dangers – an accident waiting to happen – and the future safety of residents shouldn't be compromised by the short-term profit motive of the developer.

**Mr Mark Le Grand, agent, in support**

Most points are contained in the planning officer's report, but would just say that during the design process, consideration was given to the final scheme, to ensure it was sympathetic to local buildings

and surroundings. The applicant worked closely with the planning department, including taking pre-app advice. They liaised with local residents and established that a traditional design of dwelling would be preferred, then went through the formal process, liaising with planning officers and making several amendments along the way. The resulting scheme is fully compliant with all the relevant sections of the Manual for Streets. There are no objections from the consultees – from Gloucestershire Highways, the Architects' Panel, the trees officer - and the proposed scheme complies with the Local Plan, and SPD and the NPPF. Feels strongly that the proposal is acceptable for the site, and hopes that Members will approve the application.

### **Councillor Britter, in objection**

Local Reddings residents believe that this building makes a positive contribution to the local character and sense of place of the area, and there is extremely strong local opposition to this proposal. Cotswold View is one of the oldest buildings in The Reddings, with no other properties of this style of character in the area. 'Garden grab' developments over the last 30 years have allowed similar properties to be demolished to make way for modern housing. As Cotswold View is one of the last surviving examples, residents regard it as a heritage asset and believe it should be protected by the local authority. To demolish this historical cottage and squeeze in three houses is blatant over-development; it would be scandalous to allow this property to be demolished. The current mix of houses in The Reddings gives it a village feel, unique in Cheltenham, and the houses are high quality and aesthetically pleasing. This proposal will break up this mix and does nothing to enhance or blend in with the character of the area or make a positive contribution. As the proposal is to build on a garden, it is a garden grab development, contrary to the NPPF, and CBC should follow its own policies and resist this inappropriate development, which impacts adversely on the overall environment. The proposed buildings fill the plot width-ways, tightly spaced to each other and to adjacent properties, as well as extending beyond the front building line. This makes it an overbearing development that will look out of place, and there is no indication for a pavement adjacent to the road, contrary to precedents set for other local development since the 1970s. Is very concerned about the impact this proposal will have on road traffic and safety in the area, with the site on a main bus route, and close to a mini-roundabout, high volume of traffic, and poor visibility splays from driveways. The risk of potential traffic accidents is very high. In view of the impact on local residents and the importance of the historical building, urges Members to refuse this application.

### **Member debate:**

**AH:** the first speaker talked about road safety, and having looked at the satellite map, agrees that measures need to be put in place to reduce the temptation to speed down this road. However, doesn't see how this impacts on this planning application in particular, which will probably result in four or five extra cars. It is a side issue that an accident has occurred near the site.

**PT:** has a few questions for officers. Where is any discussion about pavements? Is amazed these are not mentioned. The applicant says he considered local people when developing this scheme, but surely the first thing to do would be to install a pavement across the front of the property. Pavements are an essential part of roads, particularly in the country. It is difficult to understand how this has not been considered. Secondly, this is over-development. In view of the historical context of the building, it would be better to refurbish it and maybe build one other on the site. The site wouldn't be so densely occupied, and a pavement could be created to make it more safe for local people to walk on.

**MC:** you have to live in the area to appreciate the implications of this proposal. Cotswold View is a 200-year-old building, the old post office, and a significant building in the area – the first thing you notice when walking or driving along the road. There is no pavement in front of it. It would be a shame to knock this interesting building down and build three modern houses, but sad as this is, realises that we cannot stand in the way of progress. Has to be critical, as always, of the highways

report. It is a nonsense – working from plans that don't show a roundabout 200 yards away – that says it all. There is a massive difference between a T-junction and a roundabout junction. The roundabout is set back off The Reddings; because of the angle into the road, drivers cannot see into North Road West, and many drivers drive straight over the roundabout. This is a dangerous junction; is surprised there has been no serious accident. The speaker from the residents' association talked about the need to improve the visibility splays, and that to do this, the fence panels in neighbouring gardens will have to be removed; as these are not in the ownership of the applicant, this won't happen. The roundabout is 25m to one side of the site, and dangerous; 40m to the other side is the site of a nasty accident. A student filmed the incident; is amazed no-one was badly injured. It was caused by a speeding van swerving to avoid a reversing car, going out of control and hitting the bus stop. A highways officer should attend Planning Committee to explain their comments and thinking.

Notes there have been 48 objections, although only 24 residents were notified. Agrees with some of the objections from the residents' association and, as they say, they are not NIMBYs, just people who know the area they live in. There has been some discussion of over-development; we are not here to redesign the scheme, but three houses on this plot is clearly over-development, and at the very least, the entrance and exit should be redesigned to allow cars to exit the site forwards.

Will not support this scheme – it would be a very irresponsible thing to do.

**PM:** is so glad he went and looked at this site. The photo is great, and Cotswold View is one of several interesting and delightful buildings in the area, together with The Cottage and Poplar Cottage – would like them in Charlton Kings. It appears to be in good condition, and is appalled at the thought of it being knocked down and replaced with three houses. Planning Committee should apply rules consistently; in Greenhills Road, a number of garden-grabbing developments have been permitted, but the most recent one was rejected by Highways officers due to lack of adequate visibility splays – and it is equally unacceptable here. Noted a car parked on the pavement, two houses along from the site, with traffic whizzing past and no wing mirror. Three exits onto this road is unacceptable. Is not in favour of this application.

**CN:** doesn't know where to start – has become more agitated as he has listened to other Members. Agrees with MC. This is a distinctive property, 200 years old, which contributes to the sense of place in The Reddings. PT has made good comments about the pavements, and NB is right in saying that the property is an important part of the character of the area. PM talked about the visibility splays on Greenhills Road, but the issue there was more than that – highways officers said the proposal was OK, then saw a police speed report which showed that traffic actually travels faster than the 30mph speed limit along that road. Mr Thomas talked about speeding on The Reddings; what is the average speed, and what is the impact of this on the visibility splays? Agrees with MC, that someone from Gloucestershire Highways should attend Planning Committee routinely, to answer these types of question.

Mr Thomas also said that if two properties were constructed rather than three, there would be scope for vehicles to turn within the site. Reversing onto a road with high traffic levels, speeding vehicles, with poor visibility splays and a roundabout near by sounds like a recipe for disaster.

**DS:** from an aesthetic point of view, the mock-up picture of the three houses looks OK – but not in this context. The space in the gardens at the back looks small for family homes, and the exits to the main road is dangerous. Three houses is too many for this site; if this was reduced to two, there would be room for a turning circle, which would be a great improvement to the scheme.

**KH:** apologies for not having arranged his thoughts in advance; will base his comments on what the speakers and other councillors have said. Is confused about what to think about this application, as

he generally tends to want to support development of new houses in the borough, and to encourage the ability and right of owners to do what they want with their land. However, doesn't know that he can support this application – and doesn't usually disagree with officers. Some good points have been made. Respects the Reddings Residents Association – they know the Reddings and, as MC pointed out, are not NIMBYs. They are concerned. Should the number of houses on the site be reduced? Two houses instead of three will mean possibly four cars instead of six, but local residents' objections will be the same. With respect to the Chair, has an issue with people coming to Committee bringing up the case of the Grenfell Tower tragedy – this was on such a gigantic scale, totally different to the issues being faced by Reddings residents, and it is not appropriate to use it here or any time someone wants to object to a social or moral scandal; it is not relevant in this forum. Respects the conservation officer's comments and professional judgement that the building isn't sufficient to warrant any special protection, and also the highways officer's comments, but sways towards the opinion that the application should be refused on the grounds that this is a historic building and an important part of the unique character of the area, not for traffic or over-development issues.

**SW:** knows the area well – it is part of his county ward – and considers that doing anything to this building is a crime. It is a beautiful building. To be honest, cannot imagine two houses on that site, let alone three. Without a footpath, pedestrians will be very vulnerable when stepping off the pavement, needing to look constantly over their shoulder, walk on the grass verge, negotiate parked vehicles – it is very disconcerting. The roundabout is just a few yards away – why won't Highways officers do anything about this unsafe situation? It is only a mini-roundabout; a proper roundabout wouldn't be suitable as this is a bus route and buses wouldn't be able to get round. Drivers leaving the site will struggle to get out as they will not be able to see properly.

Has been told independently by several people that they have seen cars travel up the road on the wrong side prior to the roundabout. Has been out with the police on traffic speed-checking exercise, and found probably 50% of vehicles doing in excess of 30mph, and half of those in excess of 45mph. Other people in the group said that not as many motorists were found to be speeding as on previous occasions. If a number of cars are travelling at 45mph, it supports the idea that there could be an accident waiting to happen.

Cannot support this application – it is over-development and dangerous – or agree to see this house go – it is a treasure. However, if the development goes ahead, considerable effort needs to be made to allow vehicles to turn on the site; two houses should be an absolute maximum if not.

**PT:** proposes refusal, on the grounds of HS2 (density) and TP1 (lack of pavement). Other Members who have been on Planning Committee over the years will have heard highways officers create merry hell because a proposed development would mean that a vehicle had to reverse out onto a road. This proposal could result in six vehicles reversing onto a busy, narrow road near a roundabout. As other Members have said, it is a shame there is no highways officer here to answer questions – they used to attend meetings, and it was a very useful exercise, which should be resurrected. Maybe county councillors should see if they can persuade them.

Wants to refuse this application, and begs the developer to consider refurbishment of the existing cottage and building one other, or finding some other way to facilitate space for turning and allowing a little bit of space at the front for a pavement. This would be the civic thing to do, kind and thoughtful. A road without a pavement is extremely dangerous; experienced this in Pennsylvania, and found it terrifying.

**PB:** this is a really difficult application. Has read the report carefully. Cotswold View is a lovely building and represents a lot of history in the town, but there are no policy reasons to save it. Neither can we argue over-development, as looking at the scale of the pictures, it's clear that the proposed

plot sizes are not much different from the houses next door. There are issues with highways, however, and is reminded of the application at Greenhills Road, mentioned earlier – county highways officers did not object to the backland development until evidence from a local speed campaign - at residents' expense – showed motorists regularly travelling at 45mph rather than the legal speed limit of 30mph, which meant that the visibility splays had to be different, based on the actual speed. The average speed along The Reddings is more than 30mph; would like to defer the decision until proper speed tests have been done.

**AH:** was going to make a similar comment on the speed.

**CH:** there are lots of old properties all over town; the oldest building in Whaddon Road was taken down with no objection - there needs to be some consistency here. Building three houses on this plot is not over-development in relation to other plot sizes nearby. Regarding highways issues - motorists speeding and vehicles entering and exiting the site - the Highway Code states that motorists shouldn't reverse out onto the highway but should reverse in; in Berkeley Street, vehicles have to reverse in, and other motorists stop to let them do so. There is clearly an issue with speeding here which the highways officer has not taken into account. Maybe he has taken the roundabout into account and has based his comments on the better behaviour of drivers rather than the assumed behaviour. Time should be taken to look at what actually happens, and help Members decide whether to refuse or accept this application. It should be deferred.

**CN:** regarding CH's comments, we shouldn't ignore the likelihood of vehicles reversing out onto the highway, even if they shouldn't strictly do so. At Greenhills Road, speeding traffic wasn't taken into consideration when assessing the visibility splays, but although motorists shouldn't speed, they do. Highways officers should look at this again. It is likely that cars will reverse out onto the road, and this should be taken into account.

**AH:** highways officers are only looking at the application based on assumptions that people will be keeping to the law and doing things properly. We know that motorists speed along this road, and highways officers should be thinking what to do to ensure that they stick to 30mph. We need someone from Highways to say what they can do, and what steps can be taken to improve the speed issue generally.

**EP, in response:**

- PT asked about the lack of pavement to the front of this site, but this is a pre-existing situation – there has been no pavement on that stretch of road for many years. And regarding visibility requirements, the proposal will not result in worsening the situation, and cannot therefore be insisted on;
- Regarding the average speed on the road, a speed survey can be requested when an application falls below requirements, but not when an application fulfils requirements, as this one does;
- Highways officers calculate a visibility splay of 34m in each direction for each plot, but what is provided is over 60m. Even if traffic is going faster than the speed limit, the visibility splay will fulfil requirements. If Members want more information regarding highways safety, this should be requested from the county, rather than refuse the application against professional advice of officers;
- There have been a lot of comments about highway safety and the pre-existing situation. It is not fair to lay problems of the area at the developer's door, as the problems are not a direct consequence of this application;
- Regarding the area as a whole, most houses have the same access arrangement – no space to turn in the plot; this is a common occurrence, and it can therefore be said that this development meets criteria;

- Regarding the building itself, officers have explored the possibility of it being given statutory protection, but agreed that Cotswold View doesn't reach the necessary criteria to consider it as a listed building, heritage asset or building of local interest. No planning permission is therefore needed to demolish it. This is the conservation officer's view and also the view of Historic England and we cannot therefore resist its loss;
- Some Members consider the proposal to be over-development, but officers have considered the application in the light of the SPD, assessing the character, lay-out and grain of the area. Having looked at it carefully, officers feel that the eaves, ridge height, plot spacing all are consistent with the area, and the proposal doesn't therefore constitute an over-development;
- As to whether it would be more suitable to have two rather than three dwellings on this site, the applicant wants three, and this is therefore what we have to consider.

**CN:** isn't sure if officers' memories can provide an answer here, but at Greenhills Road, highways officers' initial advice was that the visibility splays were acceptable, but the speed report changed that advice. How did we end up with that situation – a private speed survey that changes highways officers' advice?

**SW:** EP is right that no highways speed survey has been done. Went out with the speed aware team, and monitored the speed of traffic with a police officer. Didn't stop any vehicles doing less than 35mph. 40-50% of vehicles were driving in excess of 30mph, and some driving at 45mph. The police officer did stop these motorists but didn't prosecute, as the evidence wouldn't hold up in law. These surveys provide accurate information, however; did one with the police one or two years ago, from the corner by the roundabout to the end of North Road West, although noted that traffic tended to slow down when the drivers saw people in high-vis jackets on the roadside.

**MC:** has listened to officers and Members and read the report. Cannot accept the advice that as the situation already exists here, nothing different can be done. We have the potential to do something here. The speaker has said that there was recently an accident on this stretch of road, and elected Members should take responsibility – if the potential is already there for an accident, would like to reduce the potential in the future. The advice seems to be that we can't change things, but we can and we should do whatever is possible to reduce the risk of accidents in the future.

**PB:** has moved to defer, and understands that that vote will be taken first. As an additional point, would like officer to reinvestigate with the conservation officer the status of the building. They have said that a lot of the internal features have been lost, but the front of the building doesn't appear to have changed a lot since it was built. Also, residents' complaints about the speed of traffic on Greenhills Road was ultimately used as a refusal reason.

**CH:** if we are asking the highways officers to look at the visibility splays and take into account the speed of vehicles on the road, they need to check whether the proposed splays depend on the neighbours' fences going. If they aren't going to be removed, the splays won't be the same, and the speaker has said that they are unlikely to go. Highways officers also need to specifically take account of the recent road traffic incident – they will have details and be able to comment on the likelihood of a similar incident if additional drivers are reversing out of the development site.

**EP, in response:**

- PB has answered CN's question regarding the speed survey on Greenhills Road;
- Regarding a deferral, based on concerns about highway safety – this is preferable to refusing on those grounds, as there is no evidence to the contrary, other than the general feeling that the road is unsafe. If more evidence is needed, deferral will allow the opportunity to explore these concerns further;

## Page 23

- As the application ticks all the boxes as far as officers are concerned, a refusal would be seen as unreasonable, but it would be fair to go back to the applicant for more evidence based on best practice from highways – if the average speeds are higher than 30mph, visibility splays over 54m may still be OK;
- Is happy to get more comments on the merits of the building;
- Regarding the need to remove the fence panels to achieve the required visibility splays, the developer would need to work this out; it is dealt with through a condition.

**AL:** if the houses don't have sufficient turning space, shouldn't the visibility splays be calculated for reversing vehicles?

**EP, in response:**

- The criteria used by highways officers is for forward-moving vehicles.

**AL:** that will not be feasible here.

**EP, in response:**

- Highways officers usually look at the ideal scenario, i.e. reversing into the site, but this is the sort of road where they would consider turning into the site. They can be asked to comment further on that.

**BF:** in the Highway Code, some things are the law and some are advisory. PB has moved to defer, seconded by AH.

**MC:** with regard to the fence panels, if they have to be removed to achieve the required visibility splay but aren't in the ownership of the applicant, how would that condition be enforceable?

**EP, in response:**

- It is up to the developer to put arrangements in place to ensure that they comply with the conditions.

**Vote on PB's move to defer**

14 in support

1 in objection

**DEFER**

|                         |  |
|-------------------------|--|
| Application Number:     | <b>17/01347/FUL</b>  |
| Location:               | <b>Naunton Park Pavilion, Naunton Park</b>   |
| Proposal:               | <b>To allow the function room to be used as a tea shop (A1 use) to serve the local community</b> |
| View:                   | <b>Yes</b>   |
| Officer Recommendation: | <b>Permit</b>  |
| Committee Decision:     | <b>Permit</b>  |
| Letters of Rep:         | <b>1</b>   |
| Update Report:          | <b>None</b>  |

**GD** introduced the application as above, at Committee because the park is owned by CBC.

**Public Speaking**

None

**Member debate:**

**CH:** this is a good idea.

**TO:** agrees. These buildings were used as advice centres many years ago. It is good to see it used again.

**Vote on officer recommendation to permit**

14 in support – unanimous

**PERMIT**

|                         |   |
|-------------------------|---|
| Application Number:     | <b>17/01412/FUL</b>                             |
| Location:               | <b>57 Hewlett Road</b>                          |
| Proposal:               | <b>Replacement of side window and rear door</b> |
| View:                   | <b>Yes</b>                                      |
| Officer Recommendation: | <b>Permit</b>                                   |
| Committee Decision:     | <b>Permit</b>                                   |
| Letters of Rep:         | <b>0</b>  |
| Update Report:          | <b>None</b>                                     |

**CD** introduced the application as above, at Committee because the applicant is a borough councillor.

**Public Speaking**

None

**Member debate**

None

**Vote on officer recommendation to permit**

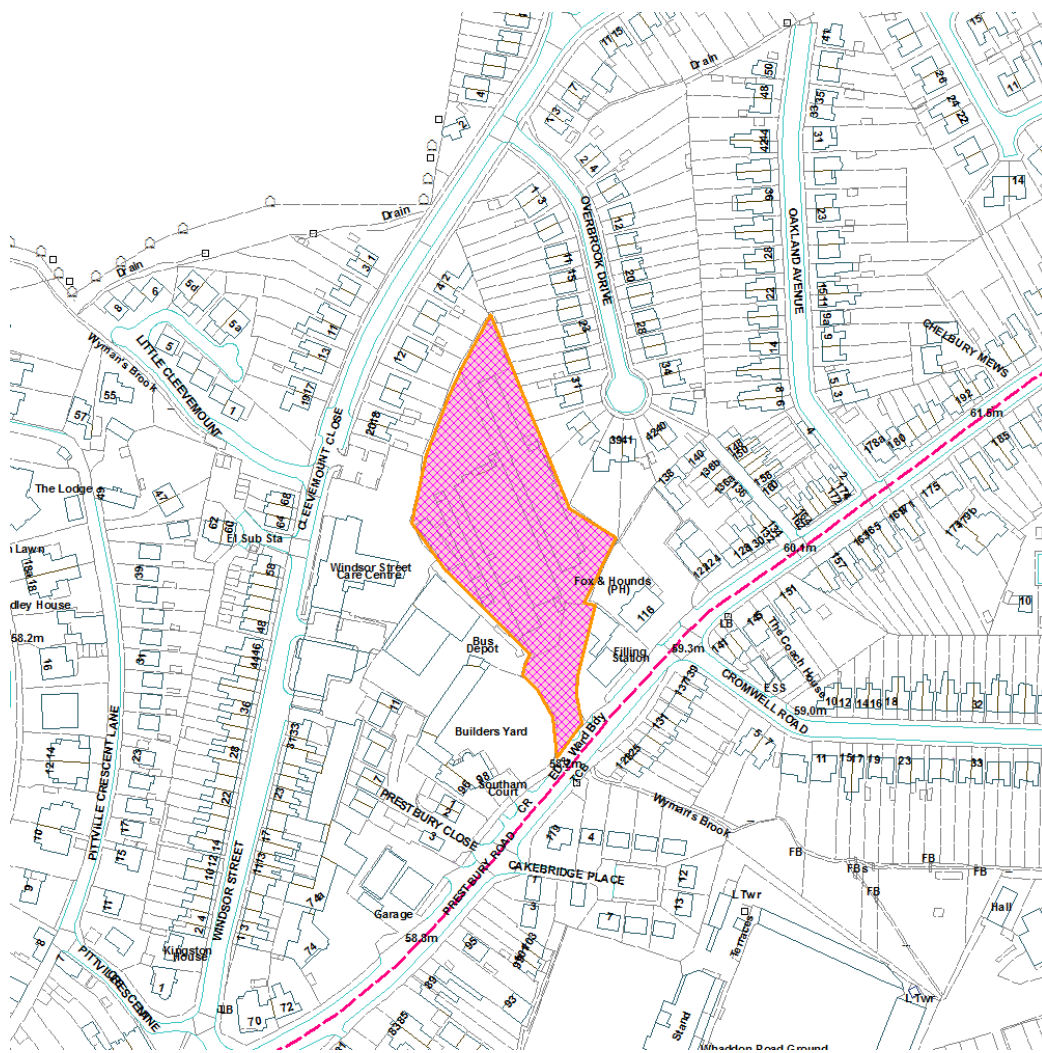
14 in support – unanimous

**PERMIT**



|                                       |   |
|---------------------------------------|---|
| <b>APPLICATION NO:</b> 17/01266/FUL   | <b>OFFICER:</b> Miss Michelle Payne   |
| <b>DATE REGISTERED:</b> 4th July 2017 | <b>DATE OF EXPIRY:</b> 3rd October 2017   |
| <b>WARD:</b> Pittville                | <b>PARISH:</b> n/a  |
| <b>APPLICANT:</b>                     | Mrs Catherine Sheppard  |
| <b>AGENT:</b>                         | n/a   |
| <b>LOCATION:</b>                      | 102 Prestbury Road, Cheltenham  |
| <b>PROPOSAL:</b>                      | Construction of 30 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings |

**RECOMMENDATION:** Recommendation at committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application has been submitted following pre-application discussions. The application is seeking full planning permission for the demolition of some existing commercial buildings at nos. 100 and 102 Prestbury Road, and the construction of 30no. new residential units with associated infrastructure, parking and landscaping.
- 1.2 The application site is approximately 0.8 hectares, irregular in shape, and relatively flat throughout. The western half of the site is occupied by Yeates Garage which provides a hand carwash and valeting service. The eastern half of the site has been vacant for a number of years and is occupied by a dilapidated, general industrial building which runs almost the full length of the site.
- 1.3 The majority of the site lies within Flood Zone 1 but the southern portion of the site is within Flood Zone 2, and a very small portion within Flood Zone 3.
- 1.4 The rear part of the site is bounded by residential properties in Cleevemount Close and Overbrook Drive, and the Windsor Street Care Centre. To the front, the site is bounded by a used car dealership (Prestbury Cars), a vacant retail unit (within the former Fox and Hounds Public House), a bus depot (Marchants Coaches) and a groundworks and civil engineering contractors (NGB Ltd).
- 1.5 Revised plans have been submitted during the course of the application to address officer concerns and, as a result, the number of units has been reduced from 35 to 30. In its revised form, the housing comprises 2no. one bed houses, 1no. two bed house, 13no. three bed houses, and 14no. four bed houses.
- 1.6 The application has been accompanied by the following detailed reports and statements:
  - Planning Statement
  - Design and Access Statement
  - Flood Risk Assessment
  - Drainage Strategy
  - Noise Impact Assessment
  - Phase I & Phase II Geo-Environmental Assessment
  - Tree Report
  - Ecological Appraisal
  - Statement of Community Involvement
- 1.7 The application is before the planning committee at the request of Councillor Lillywhite due to its impact on the amenity of neighbours. Members will visit the site on planning view.

## 2. RELEVANT PLANNING HISTORY

- 2.1 The eastern half of the application site (102 Prestbury Road) benefits from an extant planning permission for the redevelopment of the site to provide 5no. B1 units.
- 2.2 Outline planning permission (06/00989/OUT) was granted on appeal in April 2008 following a decision to refuse permission in January 2007.
- 2.3 Later, an application to extend the time limit for implementation of the outline permission (11/00042/TIME) was granted in March 2011.

- 2.4 More recently, approval of the reserved matters (landscaping proposals) was granted in March 2016 under planning ref. 16/00329/APREM; this permission remains extant until 29th March 2018.
- 2.5 Subsequent to this, planning permission ref. 16/01919/FUL was granted in January 2017 for changes to the vehicular access to provide pedestrian access routes.

### 3. POLICIES AND GUIDANCE

#### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
NE 4 Contaminated land  
EM 2 Safeguarding of employment land  
HS 1 Housing development  
UI 1 Development in flood zones  
UI 2 Development and flooding  
UI 3 Sustainable Drainage Systems  
UI 4 Maintenance strips for watercourses  
TP 1 Development and highway safety

#### Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)  
Flooding and sustainable drainage systems (2003)  
Landscaping in new development (2004)  
Planning obligations (2003)  
Security and crime prevention (2003)  
Sustainable buildings (2003)  
Sustainable developments (2003)

#### National Guidance

National Planning Policy Framework

### 4. CONSULTATION RESPONSES

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

*1st August 2017*

To ensure that this application and application 16/01919/FUL (Access improvements) are tied together, could the applicant shown the permitted access arrangement on the site layout plan.

Furthermore, I would require that the site layout is annotated with carriageway/footway widths, any changes in width denoted and the forward visibility demonstrated around the bend for the proposed target speed.

The internal layout should also be subjected to a swept path analysis of an 11.5m 3 axle refuse vehicle and large estate car measuring 1715mm x 4223mm passing one another throughout the layout with 500mm clearance to obstacles and parking spaces. If they are unable to pass on the bends, localised widening will be required unless adequate inter-visibility can be demonstrated. The turning head should be subject to a separate swept path

analysis demonstrating the ability of the refuse vehicle to enter, turn and egress the site in forward gear.

The Garage drawings 729-40-01 & 729-40-02 should be annotated with their internal dimensions and plot numbers.

I would require the trip rate generation to be provided as well as a comparison with the further site use or land use class to be submitted.

### **GCC Highways Development Management (revised comments)**

*5th October 2017*

I refer to the above planning application received on the 12th July 2017 with the following submitted details;

729-131-5, 729-131-6, 218-141-1 Rev A, 218-141-2, 729-40-02\_A, 729-40-01\_A, 729-106, 729-05 Rev B, Design & Access Statement, Planning Statement, Application Form, Technical Note 2016-F-026.

#### Location

The proposed development of 35 dwellings is to be located on brownfield land, currently accommodating a number of warehouse/industrial units and a car repair garage. The development is sited north west of Prestbury Road, Cheltenham. The Town Centre is some 1.2km to the south west. The site is served off of the B4632 Prestbury Road which links the town centre to the Prestbury to the north east. The highway contains footways, street lighting and bus stops within reasonable walking distance. Local shops, employment, leisure and educational facilities are all accessible within walking distance.

#### Access

The vehicular and pedestrian access arrangements have been previously granted permission under reference 16/01919/FUL. The permitted access improves pedestrian access to the site with the provision of new footways and dropped kerb tactile crossings. The Access arrangements will not compromise the existing accesses serving the builders yard and bus depot.

Pedestrian Access is provided to the site by the provision of a new footway to the north eastern side of the proposed access road. The Footway is positioned to the north to ensure that conflict between pedestrians and the existing builder's yard and bus depot is minimised. The northern footway on Prestbury road has been built out to allow adequate inter-visibility between pedestrians and vehicles leaving the builders yard and bus depot.

To tie the previous access permission 16/1919/FUL with this application to ensure the access arrangements are implemented, drawing 218-141-2 has been submitted. This can then be secured via condition.

#### Personal Injury Collisions

There has been 10 recorded personal injury collisions recorded in the last 5 years in the area from the Prestbury Road/Pittville Circus roundabout to Wellend Lodge Road.

8 were recorded as slight injury and 2 were recorded as serious injury. Having reviewed the police incident reports the recorded personal injury collisions were attributed to driver error with no inherent safety issue identified with highway layout. However, a number of incidents were between a private motorcar and a cyclist at the roundabout of Prestbury Road/Pittville Circus/Wellington Road/Albert Road. Think bike signage and white cycle markers have been put in place to raise driver awareness to cyclists.

Highway safety will not be significantly prejudiced as a result of this development.

### Parking

The proposed development will have a parking provision of 68 spaces for 35 dwellings. As Gloucestershire no longer has local parking standards, the suitability of the provision will be assessed against Paragraph 39 of the NPPF with consideration given to the DCLG's Residential Car Parking Research Document.

The 68 allocated parking spaces include 9 garages within that total. Based upon the number of bedrooms the development requires a parking total of 72.6 spaces. With the inclusion of 5 unallocated on-street/parallel parking bay spaces the overall parking total is 73 spaces. There is sufficient space to accommodate additional visitor provision on-street within the layout.

The site is also conveniently accessible to a number of local facilities, services and employment opportunities with regular and reliable bus services accessible within a reasonable walking distance which offer peak hour services. The site is within 2km of the town centre and additional local and regional bus services, 2km being regarded as a reasonable walking distance in accordance with Manual for Streets. The site therefore can actively encourage a modal shift away from the private motorcar.

It must be noted that a ministerial statement published in March 2015 stated that Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is a clear and compelling justification that is necessary to manage their local road network.

It is unlikely that the development will displace parking upon the existing Local Highway Network. The provision is therefore regarded as acceptable in accordance with the NPPF.

### Layout

The internal site layout consists of a 6.8m shared surface estate road with localised widening to accommodate parallel parking bays. The shared surface is a cul-de-sac arrangement with a turning head. Off of the turning head is a private driveway that serves the parking for 7 plots.

The estate road provides 17m forward and emerging visibility around bends and from private accesses as shown on drawings 218-141-1 Rev A and 218-141-2. 17m is sufficient for the private accesses, however in accordance with Manual for Gloucestershire Streets; Shared surface streets require 18m of forward visibility around bends. There is space within applicant control to provide 18m forward visibility and this can be secured by planning condition.

Drawing 729-131-5 demonstrates the swept path analysis of an 11.5m 3 axle and large estate car passing throughout the development sufficiently without risk of conflict. A further swept path analysis as shown on plan 729-131-6 demonstrates the refuse vehicle entering, turning and egressing in forward gear. A swept path analysis is also shown for a large estate car manoeuvring in and out of the parking spaces associated with plot 9. The layout is acceptable in accommodating the most likely vehicles to access the development.

729-40-01\_A and 729-40-02\_A are annotated garage drawings demonstrating the dimensions of single (3m x 3m) garages. The dimensions comply with the local guidance standards and can be utilised for parking. The garages are therefore acceptable in size to count towards the overall parking total.

The development can provide a safe a secure layout that minimises conflict between vehicles and cyclists or pedestrians in accordance with Paragraph 35 of the NPPF.

## Trip Rates

Technical Note 2016-F-026 provides an analysis of the extant use and proposed residential development trip rates.

| Period  | Extant |     | Proposed |     | Comparison |     |       |
|---------|--------|-----|----------|-----|------------|-----|-------|
|         | Arr    | Dep | Arr      | Dep | Arr        | Dep | Total |
| AM Peak | 9      | 15  | 5        | 13  | -4         | -2  | -6    |
| PM Peak | 6      | 10  | 9        | 6   | +3         | -4  | -1    |

The Technical Note proposes that there will be a slight reduction in trip rates as a result of the residential development. I have undertaken a comparison TRICS analysis.

| Period  | Extant |     |       | Proposed |     |       | Comparison |     |       |
|---------|--------|-----|-------|----------|-----|-------|------------|-----|-------|
|         | Arr    | Dep | Total | Arr      | Dep | Total | Arr        | Dep | Total |
| AM Peak | 14     | 5   | 19    | 5        | 13  | 18    | -9         | +6  | -1    |
| PM Peak | 3      | 11  | 14    | 13       | 6   | 19    | +10        | -5  | +5    |

## Impact

The GCC trip rates have determined that the proposed residential development would generate 1 less trip in the AM peak but generate 5 additional trips in the PM peak. The GCC trip rates are therefore considered robust in this instance. The increase in 5 vehicle trips compared to the extant use of the site is not a significant increase and will not have a severe impact on the safe and efficient operation of the Local Highway Network.

I recommend that no highway objection be raised subject to the following conditions:

### Condition Construction Method Statement

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. Specify the type and number of vehicles;
- ii. Provide for the parking of vehicles of site operatives and visitors;
- iii. Provide for the loading and unloading of plant and materials;
- iv. Provide for the storage of plant and materials used in constructing the development;
- v. Provide for wheel washing facilities;
- vi. Specify the intended hours of construction operations;
- vii. Measures to control the emission of dust and dirt during construction.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

### Condition Estate Roads

No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the

conflict between traffic and cyclists and pedestrians in accordance with Paragraph 35 of the National Planning Policy Framework.

### Condition Estate Roads Maintenance

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

### Condition Parking & Turning

The building(s) hereby permitted shall not be occupied until the vehicular parking including any garages and carports and turning facilities have been provided in accordance with the submitted plan drawing no.218-141-1 Rev A, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the Paragraph 35 of the National Planning Policy Framework.

### Condition Fire Hydrant

No development shall commence on site until a scheme has been submitted to, and agreed in writing by the Council, for the provision of fire hydrants (served by mains water supply) and no dwelling shall be occupied until the hydrant serving that property has been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with section 4 of the NPPF.

### Condition Access

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the proposed access road as shown on drawing no. 218-141-2, including the junction with the existing public road, has been completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

### Condition Cycle Storage

Details of secure cycle storage facilities for a minimum of 1 cycle per dwelling shall be submitted to and agreed in writing by the Local Planning Authority and those facilities shall be provided in accordance with the approved details prior to first occupation of any dwellings on site and those facilities shall be maintained available thereafter.

Reason: To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 35 of the NPPF.

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*Note I: The applicant is advised that to discharge condition #6 that the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a private management and maintenance company confirming funding, management and maintenance regimes.*

*Note II: The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.*

*Note III: The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.*

*Note IV: You are advised to contact Amey Gloucestershire 08000 514 514 to discuss whether your development will require traffic management measures on the public highway.*

### 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.

### **Ubico Ltd**

*17th July 2017*

All individual properties on this development would have to present their waste and recycling receptacles at the nearest adopted highway which would likely be on Prestbury Road, unless the Ubico vehicles are able to use the development road shaded in salmon colour which would mean that it would need to be constructed to take the weight of a 26 tonne refuse vehicle.

There would need to be bin storage areas for the communal block/s and these should be no more than 30 metres from where the collection vehicle is able to park which again requires access and usage of the roads within the development.

The other pavements around this site have to be wide enough to accommodate the waste and recycling receptacles when presented on collection day and not pose any obstructions to pedestrians.

Finally, with this many properties being built, there will be a phased approach and so the developer has to take account of the need for waste and recycling collections from residents having moved onto the site to take place whilst building is still underway.

### **Contaminated Land Officer**

*4th August 2017*

In relation to application 17/01266/FUL for 102 Prestbury Road, Cheltenham, Gloucestershire, GL52 2DJ please can the following comments be added in terms of contaminated land:



### Condition: Implementation of remediation scheme

Prior to the commencement of development, other than that necessary to comply with the requirements of this condition, the approved remediation scheme as detailed in the geo environmental assessment (dated November 2015) shall be implemented in full.

Following the completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to

### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

### Condition: Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted. Following completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination.

### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.

### **Gloucestershire Centre for Environmental Records**

*24th July 2017*

Biodiversity report available to view on line.

### **Wales and West Utilities**

*21st July 2017*

Letter and plan available to view on line.

### **Minerals and Waste Policy Gloucestershire**

*20th July 2017*

Please accept this correspondence as the initial view of the Minerals & Waste Planning Authority (M&WPA) for Gloucestershire concerning the aforementioned planning application(s).

All major planning applications (10 or more dwellings, residential sites of 0.5ha or more and other development in excess of 1,000m<sup>2</sup> or over 1ha) should be accompanied by an appropriately detailed Waste Minimisation Statement (WMS).

The production of a WMS is a specific requirement of the development plan for Gloucestershire as set out under WCS Core Policy 02 - Waste Reduction. It is needed to show how waste arising during the demolition (including site preparation), construction and occupation of development will be minimised and managed, and how recycling during the occupational life of the development will be provided for.

Full policy text and supporting information for WCS Core Policy 02 - Waste Reduction can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-waste-core-strategy/>.

To support applicants preparing planning applications and assist decision makers in their consideration of waste minimisation matters, local guidance has been published - Gloucestershire Supplementary Planning Document: Waste Minimisation in Development Projects (WM-SPD).

The WM-SPD can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/waste-minimisation-in-development-projects-spd/>.

Please note that a WMS is not the same as a voluntary Site Waste Management Plan (SWMP), although much of the information required for both is very similar. A significant difference of a WMS is the need to consider waste minimisation commitments, which go beyond the construction phase.

Where decision makers are satisfied that the waste minimisation matters of a particular proposal have and / or will be sufficiently addressed in accordance with WCS Core Policy 02 - Waste Reduction, the advice of the M&WPA is to attach relevant conditions to any subsequent planning approval that may materialise. Examples of conditions for outline, full and reserved matters applications can be found in Appendix F of the WM-SPD.

Not engaging or providing insufficient information in respect of waste minimisation matters could put at risk the acceptability of proposed development. The failure to address waste minimisation may be a reasonable ground for a decision maker to refuse planning permission.

The M&WPA for Gloucestershire reserves the right to submit an additional response(s) to that contained in this correspondence with respect of the aforementioned planning application(s).

If you have any further queries regarding this consultation response, please do not hesitate to contact the M&WPA for Gloucestershire via: - [m&wplans@gloucestershire.gov.uk](mailto:m&wplans@gloucestershire.gov.uk).

### **Social Housing**

*1st August 2017*

#### Level of Affordable Housing Provision

Local Plan Policy HS4 states that 'in residential developments of 15 or more dwellings or residential sites of 0.5 hectares or greater a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing.'

However we recognise that you have taken into account the Vacant Building Credit that has been factored into your calculations and on the basis of the dwelling mix you have proposed below we are satisfied with the proposed mix of dwellings and please find further guidance detailed below.

### Dwelling Mix

Having regard to local needs and a mix of 75:25 rented to intermediate housing, we would seek the following mix of affordable dwellings:

| <b>40%</b>   | <b>Affordable Rented</b> | <b>Shared Ownership</b> | <b>Total</b> |
|--------------|--------------------------|-------------------------|--------------|
| 1B 2P Flat   | 2                        |                         | 2            |
| 2B 4P House  | 1                        | 1                       | 2            |
| 3B 5P House  |                          |                         | 0            |
| 3B 6P House  |                          |                         | 0            |
| 4B 7P House  |                          |                         | 0            |
| <b>Total</b> | <b>3</b>                 | <b>1</b>                | <b>4</b>     |

### Viability

If it is independently verified that it is not viable to deliver affordable housing to the required level then there are a number of options the council will consider. These are as follows:

- Altering the unit mix or tenure split to facilitate a more viable scheme, while still addressing the housing needs of the Borough.
- Supporting the injection of public subsidy to achieve the full affordable housing requirement. This could enable the overall scheme to become viable via, for instance, a bid to the Homes & Communities Agency. Any s.106 agreement would therefore need to include a provision to facilitate this.
- Altering the % affordable housing sought on the site to reflect the viable position.

In these cases an overage clause would be included within the s.106 agreement to capture any market improvement value between the time of the viability validation and before completion of the site. The overage clause will seek to secure payments which would provide the equivalent on site affordable housing value via a commuted sum provision, should market conditions improve and the viability of the scheme allow such payment. Any payment would be subject to the ceiling of the equivalent cost to the developer of providing a policy compliant affordable housing contribution.

The s.106 agreement will also include triggers for repeat viability appraisals, if the development hasn't started and completed with reasonable timeframes from when planning permission was given.

We would also expect the value of the affordable housing (as assessed within any viability appraisal) to be detailed within an s.106 agreement and used as the basis for determining what would be a reasonable offer from a Registered Provider.

### Dwelling Mix/Tenure

The 75:25 split between affordable rent and intermediate housing is required on this site for the affordable housing provision. The intermediate housing should be shared ownership.

### Rents

Affordable rents must not exceed the Local Housing Allowance.

### Service Charges

Any service charges on the affordable dwellings should be eligible for Housing Benefit.

Service charges should be kept minimal this can be achieved through the design and we would be happy to refer you to RP's for further input if necessary.

### Shared Ownership

We would expect that the shared ownership units will be let at a level that is affordable, having regard to local incomes and house prices.

### Car Parking

Parking provision for affordable homes will be expected to be made on the same basis as that provided for market dwellings.

### Affordable Housing Standards

We would expect all the affordable housing to meet minimum gross internal floor area size measurements, space, design and quality standards as described by the Homes and Communities Agency.

### Full Planning Application

On submission of a full planning/revised application we would require an Affordable Housing Plan as part of the application, detailing the location of both the market and affordable homes in terms of their type and size as well as highlighting parking spaces and the dwellings they serve.

### Registered Providers

All affordable housing should be provided by a Registered Provider who will be expected to enter into a nominations agreement with the Local Authority, providing 100% nominations on first letting/sale and 75% of all subsequent lettings thereafter. This will assist the Local Authority in meeting its statutory housing duties under the Housing and Homelessness legislation.

A list of Registered Providers managing accommodation in Cheltenham can be made available if needed.

## **Environmental Health**

*4th August 2017*

In relation to application 17/01266/FUL for 102 Prestbury Road, Cheltenham, Gloucestershire, GL52 2DJ please can the following comments be added from the Environmental Protection team:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

Condition:

The developer shall provide a plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site.

Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

Reason: To protect local residents

Condition:

For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Reason: To protect local residents

Condition:

If the developer (as per the recommendations in the geo environmental assessment) uses piled foundations, a construction method statement shall be submitted to the LPA prior to this type of work commencing on site.

Reason: To protect local residents

Condition:

For all mitigation measures to protect future inhabitants of the residential units on this site to be implemented as per the detail in the noise impact assessment dated 30.06.17. This is to protect future residents from the known noise sources surrounding the site.

Prior to residents living in the properties further acoustic testing shall be carried out to ensure that the levels noted in the impact assessment have been achieved and the results forwarded to the LPA.

Reason: To protect future residents of the units.

### **Severn Trent Water Ltd**

*19th July 2017*

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Severn Trent Water advise that there are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

### **Trees Officer**

*18th July 2017*

The CBC Tree Section does not object to this proposal subject to the following clarification being made and agreed:

External Works Layout Drawing no 729-141 shows no new trees to be planted within the site. However the Planning Layout Drawing no 729-05 is unclear as to the difference between what new trees are proposed to be planted, and those already existing on the site. However the landscape proposals (as shown drawing no 17/450/01) show many new trees to be planted. It is hoped and assumed that it is this last drawing which reflects planting intentions. It is noted that many new fruit trees are to be planted within the proposed rear gardens. This is welcome and I trust new householders will benefit from the many associated benefits of their own fruit trees. However there is an intention to plant Heavy Standard (12-14 cms circumference) trees. It would likely be better if smaller Selected Standard (10-12 cms girth) trees were planted. They will establish and grow much more quickly than larger trees would.

Please could details of new soil to be added to tree pits at the time of planting be submitted and agreed. Given the nature of the site at the moment (vehicle garage site), existing soils are not likely to be fertile for new tree establishment!

Please could a BS5837 (2012) based Tree Protection Plan for the 2 retained trees be submitted and agreed.

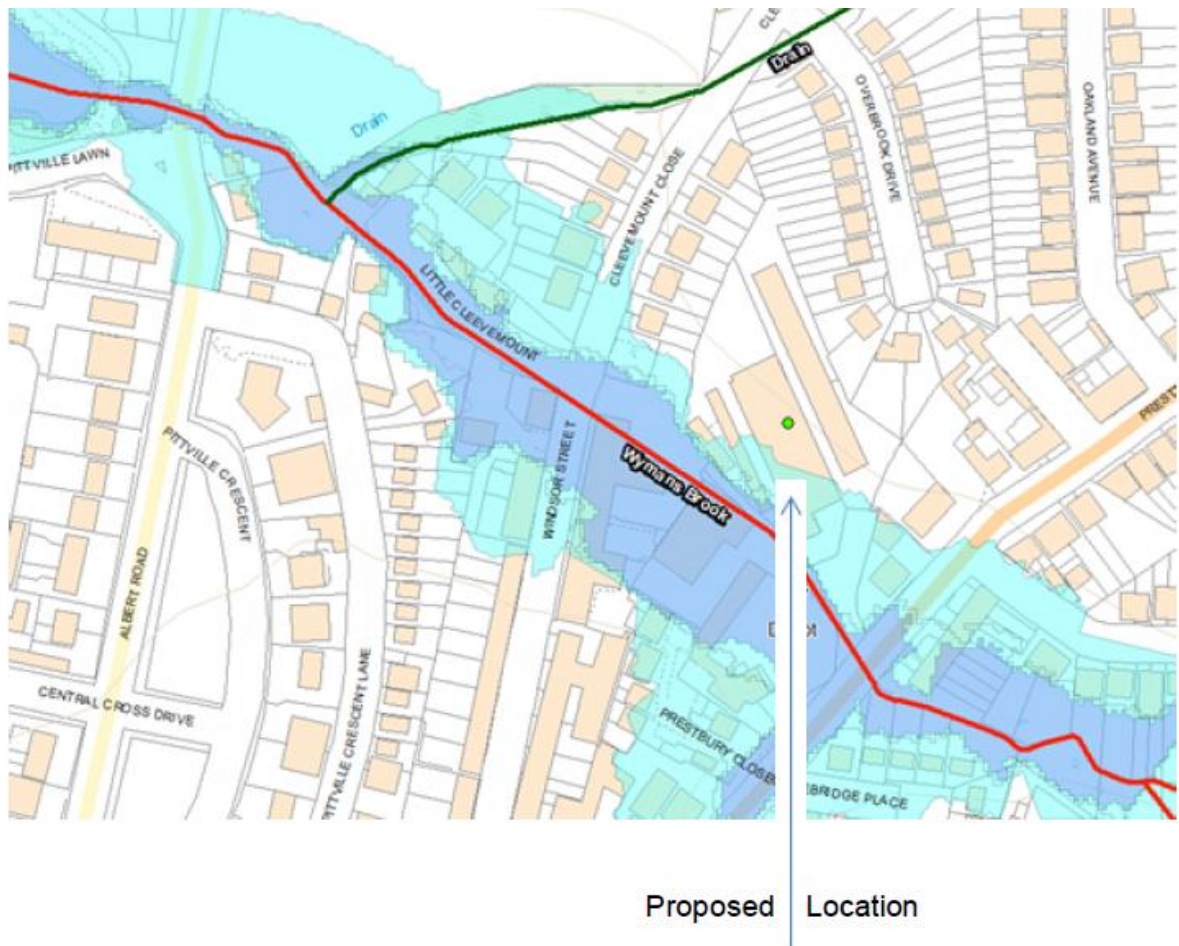
It is noted that there is an intention to remove the hedge line/tree line behind proposed plots 15-20. This currently acts as an effective screen to 12-20 Cleevemount Close. However this hedge has not been well maintained over the years and is full of invasive species. In the longer term it would not be appropriate to retain this screen. It may be more appropriate for new householders or residents of Cleevemount Road to plant their own screen as they see appropriate.

### **GCC Local Flood Authority (LLFA)**

*2nd August 2017*

I refer to the above application received by the Lead Local Flood Authority (LLFA) on 12th July 2017, for comment on the management of surface water. On the basis of the documentation supplied to the Local Planning Authority (LPA) it has not been possible to successfully review this application for the purpose of assessing the adequacy of the surface water drainage system.

According to paragraph 3.20 final layout and design of the surface water drainage network will be determined at the detailed design stage but it is major application LLFA expect to see final layout at this stage of application. Site is partially located in flood zone 3 and approximately a third of the site is shown to lie in Flood Zone 2 covering the central part of the site. The northern section is identified to be in Flood Zone 1 and at low risk or outside the Wyman's Brook floodplain.



The proposal includes construction of 35 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings.

LLFA requires more information including the following:

1. Any attenuation should be designed to attenuate all flows up to and including the 1 in 100 year event +40% climate change.
2. Explanation to show that the SUDS hierarchy has been given consideration.
3. Soil Condition Test results BRE 365 /evidence to demonstrate that site is suitable for infiltration.
4. Further explanation to show how exceeding events will be adequately catered for.
5. Further Clarification needed pre and post development runoff for the entire site not just the impermeable area plus climate change consideration.
6. LLFA recommends proposed surface water drainage system will reduce surface water flow rates offsite by 40% of existing for this brown field site.
7. Any consideration to flow controls and pollution control devices? How are rates being restricted?
8. Criteria/ parameters and calculations to verify the peak discharge rates and storage volume using Microdrainage calculations.
9. The minimum and maximum depth of the ground water table across the site.

10. Evidences to show if any test done to check the contamination at site and what measures have been taken to counteract this problem.

11. Calculations to show how surface water run off rates will be constrained to existing rates across all of the relevant return periods, i.e. Qbar, Q1, Q30 and Q100 with climate change.

It is a mandatory requirement to provide sufficient information relating to the proposed surface water drainage strategy and consideration must be given to the provision of a SuDS. Although FRA states that SuDS would be provided in form of attenuation but location and detail of SuDS component is not provided. This is to comply with the requirements set out in Technical Guidance to the NPPF and the Non Statutory Technical Standards for Sustainable Drainage. The applicant's submission is lacking sufficient information to demonstrate compliance with these requirements. Insufficient detail has been provided in the submission and therefore the LLFA objects to the current proposal.

### Guidance for SuDS

The LLFA does have standing advice, Flood Risk Assessment Guidance and SuDS design and Maintenance Guidance document which can still be applicable in principle for this development. They can be accessed on the following website:  
<http://www.gloucestershire.gov.uk/extra/sudsplanning>

### Foul Water

Please note that proposed foul water is a matter that will be dealt by local sewerage authority and is not therefore considered by Lead local flood authority in this response.

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

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

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

### **Environment Agency**

*1st August 2017*

Thank you for referring the above application which was received on 11 July 2017.

The Environment Agency has no objections, in principle, to the proposed development but wishes to make the following comments and recommends that if planning permission is granted the following planning conditions are imposed:

We have reviewed the information submitted including the Flood Risk Assessment (FRA) undertaken by BWB Consulting dated November 2016.

The site lies adjacent to the Wymans Brook on the southern boundary as identified in paragraph 1.7 of the report, which is designated a 'main river'.

The FRA correctly identifies the extent of flood risk on the site as shown on our Flood Map for Planning and defined in Table 1 of sub-section 25 within the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG).



Further additional modelling has been undertaken to further clarify the extents of flooding associated with the Wymans Brook and the results shown within Figure 2.1 of the FRA are deemed suitable on which to base all subsequent planning decisions in relation to flood risk.

The proposed development will change the use classification on the site from 'less vulnerable' to 'more vulnerable', but only a small part of the site is located in Flood Zone 2.

The impacts of climate change using the most up to date guidance have also been undertaken and a small part of the footprint of Units 1 - 6 would encroach into this area, however a far greater footprint of buildings have been removed, so we consider there will be no adverse impact as a result of this.

The proposed finished floor levels set out in the table within paragraph 3.4 of the FRA are also considered appropriate to ensure future residents will remain safe even if a blockage occurred on the adjacent culvert entrance.

Whilst the above confirms that the development as a whole would be deemed appropriate, access to and from the site will be affected by flooding from both the Wymans Brook and the local surface water/highway drainage system surcharging, as was the case in the flood event of July 2007.

Paragraph 054 of the NPPG advises on how a development might be made safe from flood risk and paragraph 039 provides detail on access and egress.

The FRA states that the 1% fluvial flood level (including an allowance for climate change) is between 58.4 and 58.50 metres Above Ordnance Datum (mAOD) at the entrance to the site. This is termed the 'design flood' level.

The topographical plan submitted shows that access for the design flood level would be through flood waters up to 0.15 to 0.30 metres in depth. Future occupants will have to walk through that flood water for a distance of approximately 50 metres to reach land above the 58.50m AOD level.

The access would have a flood hazard (in terms of depth and velocity) that would create a possible danger for some over the lifetime of the development. Reference should be made to DEFRA Hazard risk guidance (FD2320) - 'Danger to People for combinations of Depth and Velocity' Table 13.1 (see copy attached for reference).

Given our role and responsibilities we would not make comment on the safety of the access or object on this basis. This does not mean we consider that the access is safe, or the proposals acceptable in this regard. We recommend you consult with your Emergency Planners and the Emergency Services to determine whether they consider this to be safe in accordance with the guiding principles of the National Planning Practice Guidance (NPPG).

Furthermore access and egress by vehicular means is also a matter for your Emergency Planners and the Emergency Services.

For your consideration, in this locality the Flood Warning service consists of a Flood Alert. Whilst this gives a level of flood awareness it will not provide a detailed local warning to comprehensively inform any evacuation procedures if these are felt necessary.

Finally the presence of a 'main river' adjacent to the boundary of the site would present other constraints that we have highlighted in pre application discussions.

## Page 42

This includes providing sufficient unobstructed easement between the existing culvert and any new buildings and the ability to enable future de-culverting on the adjacent site to incorporate an open channel during the lifetime of the development.

In addition any works in, under over or within 8 metres of the culvert (including demolition of existing buildings) will require the prior formal permission of the Environment Agency under the Environmental Permitting Regulations.

The current layout as shown on drawing 729-05 Rev A whilst providing an adequate easement with a pinch point adjacent to Units 1 - 6 will result in properties 7 to 14 backing onto the culverted watercourse. Such an arrangement is not considered good practice by us as it will hamper any future access to the structure from this side of the watercourse and make the long term goal of its reinstatement to open channel much more difficult to achieve.

On balance we do not consider it would be appropriate to object to the development on this basis, but as a minimum we would request that all permitted development rights are removed from the 8 metre easement area adjacent to the northern side of the Wymans Brook.

In conclusion we have no objections to the proposals subject to the above-mentioned removal of permitted development rights and the following conditions being attached to any permission granted upon the site.

Condition:

There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason:

To maintain access to the culverted watercourse for maintenance or improvements and provide for overland flood flows.

Condition:

Floor levels shall be set at least 600mm above the 1% flood level including an allowance for climate change as set out in the table within paragraph 3.4 of the Flood Risk Assessment undertaken by BWB Consulting dated November 2016.

Reason:

To protect the development from flooding.

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

**GCC S106 Officer**

*17th August 2017*

Thank you for consulting GCC Infrastructure on the above application.

The scheme has been assessed for impact on various GCC infrastructure in accordance with the "Local Developer Guide" adopted 2014. The Developer Guide is considered as a material consideration in determination of the impact of development schemes on infrastructure. The assessment also takes account of CIL Regulations 2010 (as amended).

## Page 43

The scheme comprises the following number of dwellings:  
Of these:

|         |    |
|---------|----|
| Houses: | 35 |
| Flats:  | 0  |

The scheme will generate the need for 2.54 additional pre-school places.  
There is some forecast capacity. The contribution required is therefore: **NIL**  
This takes account of the forecast surplus places.

The scheme will generate the need for 9.35 additional primary school places.  
There is no additional forecast capacity. Therefore a contribution is required: **£126,777**

The scheme will generate the need for 4.89 additional secondary school 11-18) places.  
There is no additional forecast capacity. Therefore a contribution is required: **£76,030**

The scheme will generate additional need for library resources. A contribution is therefore required, in accordance with the GCC Local Developer Guide. The Library Contribution required is: **£6,860**

### Education Contribution: Justification

A full explanation is provided within the GCC publication "Local Developer Guide".

Paragraphs 65-78 provide further detail (available from [www.gloucestershire.gov.uk](http://www.gloucestershire.gov.uk))

Pupil yields are calculated in accordance with research published by GCC in "Child Yields in New Developments".

The cost per place (from 2016) is as follows:  
Pre-school and Primary places: £13,560.00  
Secondary 11-18: £20,680.00  
*Multipliers are reviewed annually.*

*Where there is no identified surplus capacity in the forecast, a contribution is sought.*

*Where there is an identified surplus of places within the forecast this will reduce the contribution, or remove the need for a contribution entirely.*

### Pre-school Contributions:

The assessment identified some surplus capacity within the sector. The contribution is therefore reduced to take account of this.

### Primary School Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified.

|                          |  |
|--------------------------|--|
| Specific Infrastructure: | Oakwood  |
| Purpose(s):              | Towards the provision of additional places at the named school(s). |

### Secondary School Contributions:

The assessment identified no capacity in the sector available. In accordance with the GCC Local Developer Guide, a contribution is justified.

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Specific Infrastructure: Pittville (1FE Expansion)  
Purpose(s): Towards provision of additional places at the named school(s).

### Library Contribution: Justification

A full explanation is provided within the GCC publication "Local Developer Guide".

Paragraphs 93 to 97 explain the principles for securing contributions towards libraries, and the specific purposes to which they will be put.

In this case, the proposed development and increase in population will have an impact on resources at the local library, as explained in the GCC Local Developer Guide.

Specific Infrastructure: Prestbury  
Purpose(s): Towards additional library resources at the named library(ies)

### Notes

1. Where the resulting number of dwellings varies from the number assessed, the contribution will be increased or decreased to reflect this:

|                  |           |           |          |         |
|------------------|-----------|-----------|----------|---------|
| Pre School       | Per house | £984.00   | Per flat | £301.00 |
| Primary School   | Per house | £3,622.00 | Per flat | £367.00 |
| Secondary School | Per house | £2,889.00 | Per flat | £94.00  |
| Libraries        | Per house | £196.00   | Per flat | £196.00 |

2. The total expected child yield from this scheme is:

|                |      |
|----------------|------|
| Pre School     | 8.5  |
| Primary School | 10.0 |
| Secondary      | 4.8  |
| 16-17          | 1.5  |
| Total          | 24.7 |

3. Age-restricted dwellings are not included in calculations (e.g. developments for people aged 55+).

4. Pupil Yields reflect the total child yield, and are adjusted downwards to take account of:

- a proportion of children will not attend the local school (e.g. due to private school attendance)
- a proportion of students will not stay on to 6th Form (staying on rates)
- take up of nursery places is based on local data.

5. The infrastructure items identified are those which are most likely to serve the development. In the case of schools, these are the nearest schools within reasonable distance. Library services contributions will relate to the nearest local library.

6. Phasing of payments will be by agreement. It will be expected to be paid in advance of the impact arising, to allow sufficient time for expenditure.

Payments will relate to identifiable triggers. The number of triggers/phases will depend on the scale of the development.

Further information is available from the GCC Community Infrastructure Team  
Email: [community.infrastructure@gloucestershire.gov.uk](mailto:community.infrastructure@gloucestershire.gov.uk)

## **Architects Panel**

*8th August 2017*

### Design Concept

The panel had no objections to the principle of a residential development on this site, but had concerns that this scheme was particularly dense and composed of standardised house plans that appear forced to fit on the site, resulting in an overall impression of over-development.

### Design Detail

The gaps between the semi-detached houses are felt to be too narrow: these should be more generous, or alternatively omitted to create some terrace houses.

The composition of houses could be improved (plot 23 in particular appears out of scale), perhaps by grouping the houses to create more interesting external amenity spaces or introducing a gentle curve on the layout to help soften the scheme.

Aesthetically, the scheme is not inspiring. This is in part due to the proportions of the different architectural components and in part due to their composition as a group. The design of the apartment block is particularly unsatisfactory in terms of its overall composition and proportions. Given this building is in the most prominent location, it deserves to have more convincing and elegant elevations, deviating as necessary from standard house-type components.

Including rainwater downpipes on elevations with dormer windows is essential to understand the overall appearance of these buildings.

Recommendation: Submit revised design.

## **5. PUBLICITY AND REPRESENTATIONS**

5.1 Letters of notification were sent out to 74 neighbouring properties on receipt of the application, and a site notice was posted adjacent to the site. Further letters were sent out on receipt of the revised plans. In response to the publicity, representations have been received from 11 local residents; one in support, three general comments, and seven in objection to the proposals. The comments have been circulated in full to Members but, in brief, the concerns relate to:

- Proximity to neighbouring properties
- Loss of light and privacy
- Impact on security to existing houses and their gardens
- Drainage
- Flooding
- Impact on local infrastructure
- Devaluation of property
- Landscaping/tree sizes
- Problems associated with existing large Sycamore tree
- Increased noise
- Asbestos
- Increased traffic
- Overdevelopment
- Visual impact
- Environmental impact on wildlife

**6. OFFICER COMMENTS**

To follow in an update

|                                       |   |  |
|---------------------------------------|---|--|
| <b>APPLICATION NO:</b> 17/01266/FUL   |   | <b>OFFICER:</b> Miss Michelle Payne      |
| <b>DATE REGISTERED:</b> 4th July 2017 |   | <b>DATE OF EXPIRY :</b> 3rd October 2017 |
| <b>WARD:</b> Pittville                |   | <b>PARISH:</b>                           |
| <b>APPLICANT:</b>                     | Mrs Catherine Sheppard  |  |
| <b>LOCATION:</b>                      | 102 Prestbury Road, Cheltenham  |  |
| <b>PROPOSAL:</b>                      | Construction of 30 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings |  |

## REPRESENTATIONS

|                           |           |
|---------------------------|-----------|
| Number of contributors    | <b>11</b> |
| Number of objections      | <b>7</b>  |
| Number of representations | <b>3</b>  |
| Number of supporting      | <b>1</b>  |

33 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

### Comments: 16th July 2017

My wife and I are the owners of number 33, and having looked at the plans for this proposed building development, we are deeply concerned. The house has been lived in by our family since it was built in 1939. We have now retired, and on returning from a lengthy holiday will be residing there with our tennents.

1. Consultancy? Our tennents recieved a leaflet through the door, we as owners, recieved nothing. Had it not been for our tennents informing us of the problem, we would have been unaware of the development propsal, and therefore unable to voice our opinion.
2. Clearly no thought has been given to the extremely close proximity that the proposed buildings will have, to our property in particular, it is ridiculously close. The severe encroachment will mean restriction in light and privacy, both of which we are entitled to.
3. The proposed dwellings will be directly in front, and right up to our boundary, this will of course, severely affect both the future selling and rental value of the house. This might not matter to planners, developers etc but it most definitely matters to the people who own and live in existing properties.

We feel that no consideration has been given to either the logistics of this proposal or to the feelings and needs of the current residents, and we object most strongly to this development and the plans that have been put forward. In short, we see it as unacceptable.

19 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

### Comments: 31st July 2017

Although I welcome the usage of this area for housing as opposed to industrial purposes.

I am concerned about several issues, which will affect many of those households currently residing in both Overbrook Drive and Cleevemount Close.

1. Privacy & security in existing rear gardens and in existing houses from these (2.5 [3 story] buildings).
2. The amount of new homes in such a small area, putting pressure on existing local infrastructure (schools, doctors, roads).
3. Drainage & possible flooding into & from the closely located Wymons Brook.
4. Existing boundaries and which household will be responsible?

I trust these will be discussed fully & taken into serious consideration during the planning process and decision.

Also, on a more private level for our household & several others which would also be directly affected, I wish to draw your attention to the:

### LANDSCAPE PROPOSALS

After careful study of this document, there is the proposal to plant a "Juglans Regia" 12/14 Heavy Standard (Walnut Tree) at the end of the garden in Plot 22.

These trees reach a height of 35metres upon maturity. The roots would affect existing garden buildings, fencing & landscaping in numbers, 17, 19 & 21 Overbrook Drive and also 2 (possibly 3) properties in Cleevemount Close. Furthermore, it would block natural light into these properties & gardens.

I would hope to see an amendment to the size of tree planted in this position to something more sensible.

25 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

### **Comments:** 2nd August 2017

I am a resident of Overbrook Drive whose property backs onto the proposed development. Having read the application and viewed the plans my concern may seem trivial but I would like to bring it to planning's attention.

During the years that the property has been vacant bordering residents have had to cope with the weeds and brambles that have encroached into their gardens. Newland Homes state in their pamphlet delivered to homes in the area just before applying for planning permission that 'the creation of front and rear gardens gives an opportunity for new tree and shrub planting. My garden is next door to the large sycamore tree that has grown during the years that the vacant land was unattended and now overhangs part of my and two neighbours gardens. This tree is now so tall I am no longer able to reach overhanging branches to cut them back. As it is now so well established it gets taller and wider each year. My main problem is the number of seeds that fall and blow into the garden. They come down much later than the leaves (which are easy to clear when tidying the garden in the autumn) and then germinate in the spring. I gave up counting the seedlings after pulling out 400 from one small area of my garden this spring so I dread to think how many there were in total. I have spoken to some of the neighbours who hadn't realised the seedlings they were finding in their gardens were also from this tree. I am not anti trees but feel this one is far too large to be in the middle of residential housing, and the house whose garden it will be in is one of the smallest on the site. Surely it would be more appropriate to replace it with something similar to the others the developers propose planting on the site.



I have spoken to my local councillor about this. He was going to look into it but to date I have heard nothing from him so feel I need to contact planning direct. I would also like to point out that in one of the documents submitted to planning by the developers it states they had discussed the proposed development with local residents. I have only had a leaflet through my door showing the layout of their plans. I would have brought up my concerns about the tree with them if I had been contacted but was unaware it was in the plans to keep the tree until I was able to access the paperwork with full details of what was submitted to your department.

If this problem can be resolved surely it would be easier to do so when the site is being cleared. I do hope you can give this matter some consideration.

31 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 19th July 2017

We are the owners of no 31 Overbrook Drive and want to object to this development on the following grounds:-

1) Loss of privacy. Currently we have no one overlooking us from the back as it's a disused building there. How can we be assured that the buildings behind us will not overlook us? How high are the buildings scheduled to be built directly behind us? This would have a financial impact on the value of our property. We would specifically like reassurances about the property behind no 29 due to its close proximity with no large garden as a buffer.

2) Increased noise. I understand that the proposal is to build garages directly behind our back fence. What is the distance between the garages and our fence? What is the rationale of building so close to our rear boundary? Currently this is a very peaceful neighbourhood, the impact of garages being built so close will cause vehicle noise at all times of the day and night. Will any sound proofing to dampen engine noise be implemented?

3) Environmental concerns. We would like to understand why the garages have back doors leading directly on to our fence and a pathway. We would like assurances that that the pathway will not be used for storage of rubbish or bins that could potentially bring unwanted pests and / or smells close to an area that we use to socialise. We have already been burgled twice and the pathway and garages so close to our fence provides cover and a means to enter our property without detection.

4) I quote from Tree report 5.2.4 "2 and 3 (off site within neighbouring gardens) provide low level screening". We disagree this is currently high level screening as they are 6 metres high. "Groups 2 and 3 could be cut back to the boundary without the owners' consent but would this would further degrade their visual impact. Consideration should be given to the negotiated removal and replacement of all three hedges with a more suitable and sustainable boundary feature" We would like to understand how they intend to replace 6m high trees. Cutting back overhanging branches without any correspondence, although legal, would be very damaging to our relationship with the development and developer. As a gesture of good will we should be consulted before any cutting back in order to ensure that they do not cut anything back that is on our property. If they intend to build so close to our boundary we also need to understand how do they intend to ensure that they do not damage the roots of our trees. Any attempt to cut back anything on our own property is against our property rights.

5) Lack of local amenities. The local doctors surgery is due to relocate and both the nearest primary schools and the nearest secondary school were over subscribed in 2017. There are simply not enough local amenities to cope with more properties being built. The Bloor homes property on Prestbury road still isn't finished and we expect more families to move in there putting

more pressure on local resources. The disruption from that development has been massive for local residents and this development will cause more

6) We would also like to know if there is any asbestos in the building behind us and receive assurances that if any actions are taken to deal with this it will have no impact to us, our garden and our immediate environment.

33 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 14th July 2017

As residents of 33 Overbrook Drive, we are extremely concerned about the proposed Newland Homes Development on the Prestbury Road.

1. The amount of buildings seems excessive and does not seem to be in keeping with the area. The 1939 housing estate aesthetics have not been taken into consideration in the design of these proposed homes.

2. Privacy issues are a massive concern; our garden is among one of the smallest in the drive and would therefore be impacted on greatly by having dwellings built so close.

3. Noise levels are also extremely worrying. At present there is 'buffer zone' at the back of our property - in between our fence and the factory buildings. According to the proposed plans, buildings will be built right against our boundary, creating increased noise levels. We have an autistic son, who is unable to cope with sudden and large amounts of noise very well, which is also a massive concern to us.

4. The present infrastructure in the area will not be able to cope with such a large building development; the nearest Doctor's surgery is due to relocate and there are not enough schools in the area to cope.

5. The visual impact on our properties will be unacceptable. With South facing gardens, our light will be impaired and also the view from the back of the house.

6. The height of some of the buildings is excessive, which will also cut out light and have a massive visual impact.

We are greatly hoping that our comments will be taken into account with regard to this housing development. The amount of houses far exceeds an acceptable level for such a small area. We are very concerned about this proposal.

35 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 30th July 2017

We are highly concerned, as a neighbouring property owner to the site, about the positioning of the proposed garages because this compromises the security of our property. Anyone could access our rear fence. There have been burglaries in the area so you can understand that this is a serious issue for us.

## Page 51

There is also no details available in the plans regarding the height of the garages or houses. The garages are so close to our boundary this could greatly effect our light and shadow our garden. We note that the houses are three storey which will also significantly impact both our light and privacy. The garages could also damage the root systems of our existing trees and plants

We have a newborn baby and our extremely concerned about the safe removal of asbestos ( which is clearly present in the existing building). What assurances can be made that this removal will be done with no risk to us, our child and the community?

Our garden and the adjoining area supports diverse wildlife including newts dragon flies, song birds friogs toads, butterflies. If this project goes ahead their habitat will be compromised.

37 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 30th July 2017

I would like to object on the following grounds.

- 1) The loss of privacy , with particular respect to the number of tall houses that would now be looking into my garden and possibly my house. Some of these houses are very close to land borders.
- 2) The extra noise level, this is a quiet area and this development will seriously change that aspect of the community.
- 3) The extra traffic this will create and the additional noise and pollution from this.
- 4) This area is already affected heavily by limited school places. This will only make the that problem worse.

39 Overbrook Drive  
Cheltenham  
Gloucestershire  
GL52 3HR

**Comments:** 13th July 2017

I have several causes for concern and objections.

- 1) Contrary to document 7\_01266\_FUL-STATEMENT\_OF\_COMMUNITY\_INVOLVEMENT-812493.pdf section 2. No information has been made available to myself or to my household until council notification 17/01266/FUL. This is despite us being clearly within the numbering section allegedly canvassed. This is also despite our property being one of the most affected due to the type and number of buildings now attached to our boundary (8 residences as per 17\_01266\_FUL-REVISED\_PLANNING\_LAYOUT\_A2-813767).I would seek clarity as to why this is the case and further confirmation that this requirement has actually been performed.
- 2) Loss of Privacy . We are concerned about houses looking over into our garden and the possibility due to the tall design nature of these houses that they may also be now able to look into our windows. This has not previously been an issue. We are particularly concerned by the T/DR4 type houses which are three+ stories. We feel these will already overlook the property and have scope for attic conversions which would further exacerbate the situation.

3) Pathing/ Road. I am unclear to the function of the pathing or road surface between lots 31&32 plus lots 32&33. A large section of this directly boundaries our land and we are concerned of potential impacts made if this is a road or is used by motor vehicles e.g. motorbikes..

4) Potential increase in noise. We are worried that the quietness of our garden will be heavily impacted. Based on the numbers supplied in document 17\_01266\_FUL-REVISED\_PLANNING\_LAYOUT\_A2-813767 there is scope for 34 new neighbours and the associated unavoidable increase in noise.

5) Proposed Boundary fencing. We seek assurance the wall currently erected will remain. We do not at this juncture wish this to be changed to fencing as we feel this has a potential impact on security and visual appearance. We also have concerns that being asked to take on boundary dealings with 8 new residences is potentially stressful and excessive.

6) Trees. A significant number of the trees identified on the tree survey are located on our land. We seek further information and clarity on the proposals regarding these.

7) Environmental impact. One of the advantages to the location of our residence is the large number of species of wildlife we encounter in our garden. This includes , but is not limited to Newts, frogs, dragonflies and damselflies. I have read through the documentation but I have been unable to find any sections on potential impact to these resident species.

We would very much like to have assurances from the developers directly regarding these queries and again would like to express our concern that the community involvement as detailed in the related documents does not appear to be carried out to the extend claimed.

14 Cleevemount Close  
Cheltenham  
Gloucestershire  
GL52 3HP

**Comments:** 13th July 2017

Our bungalow is situated some 3 feet lower than the ground on which the proposed development is to be built and we would like confirmation that we would not be overlooked by the new houses. We are also concerned about drainage for the same reason. Presumably the very tall ill maintained I hedge at the bottom of our garden, but not on our property, will be removed?

16 Cleevemount Close  
Cheltenham  
Gloucestershire  
GL52 3HP

**Comments:** 25th July 2017

Letter attached.

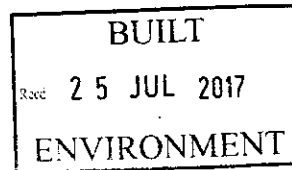
NGB (Cheltenham) Ltd  
Morringham Yard  
104 Prestbury Road  
Cheltenham  
Gloucestershire  
GL52 2DJ

**Comments:** 1st August 2017

Letter attached.

16 Clevermount Close  
Page 53  
Cricketenham  
Glos  
23/07/17

Your Ref 17/01266/FUL



Dear Sir

I would like to make my concerns about the planning of 35 dwellings for the site of Yeats Garages.

One/ I am concern by the removable of the hedge and the lost of privacy by tall Houses over my bungalow. They say it will be replaced by other plants, will they be suitable.

Two/ I am concern that the extra houses could make flooding more possible in a flood plain of PTO

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Wymans Brook. Page 54

Thank you

Yours faithfully



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**NGB Cheltenham Ltd.**  
Morringham Yard  
104 Prestbury Road  
Cheltenham  
Gloucestershire  
GL52 2DJ

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

1<sup>st</sup> August 2017

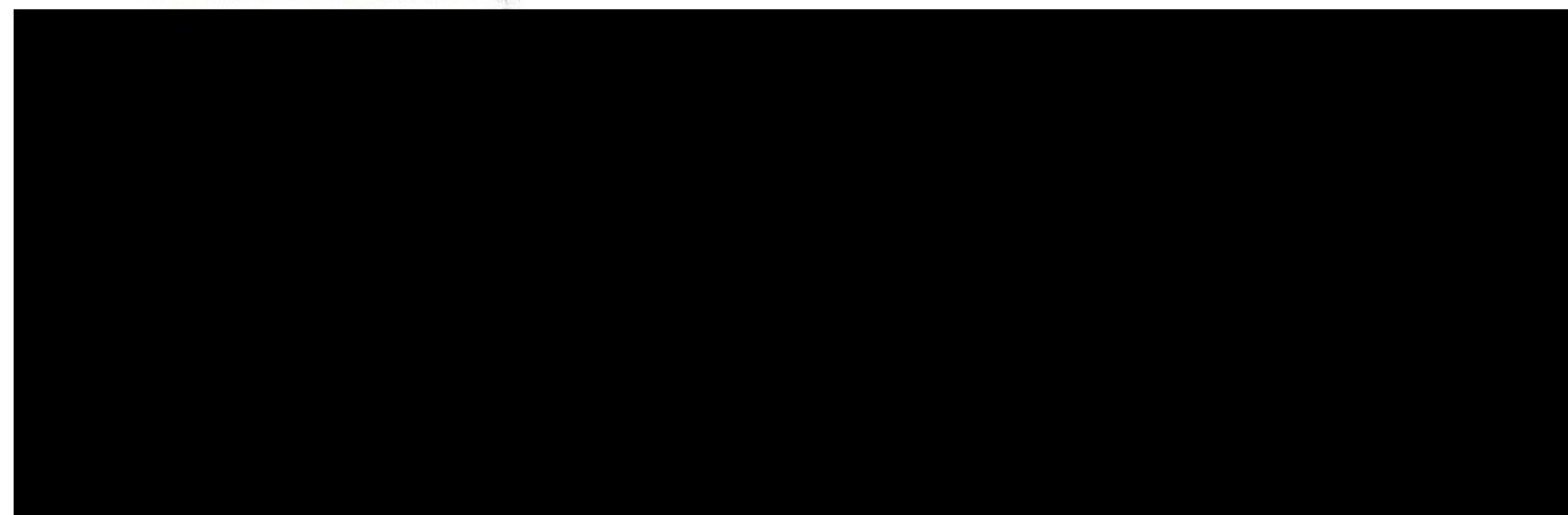
To whom it may concern,

I own the land marked blue, on the attached photograph, and have the relevant rights as detailed on the attached title register referring to the land marked brown, represented by the land outlined in red on the same attached photograph.

We regularly require HGV articulated vehicles to go and pass over the said area for prolonged periods of time.

We are therefore concerned we may obstruct and adversely affect the Highway/access land which we use to access our site, and which will be required by any prospective purchasers of the said development.

Yours sincerely





# Land Registry



## Official copy of register of title

Title number GR112255      Edition date 03.11.1988

- This official copy shows the entries on the register of title on 18 Aug 2008 at 12:30:37.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 18 Aug 2008.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) or Land Registry Public Guide 1-A *guide to the information we keep and how you can obtain it*.
- This title is dealt with by Land Registry Gloucester Office.

### A: Property Register

This register describes the land and estate comprised in the title.

GLOUCESTERSHIRE : CHELTENHAM

- 1 (03.11.1988) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land and Buildings on the North West side of Prestbury Road.
- 2 (03.11.1988) The land has the benefit of the following rights granted by a Deed of Exchange dated 29 January 1964 made between (1) Gladys Cicely Priscilla Poulton (Grantor) and (2) Scaffolding Great Britain (Holdings) Limited (Grantees):-

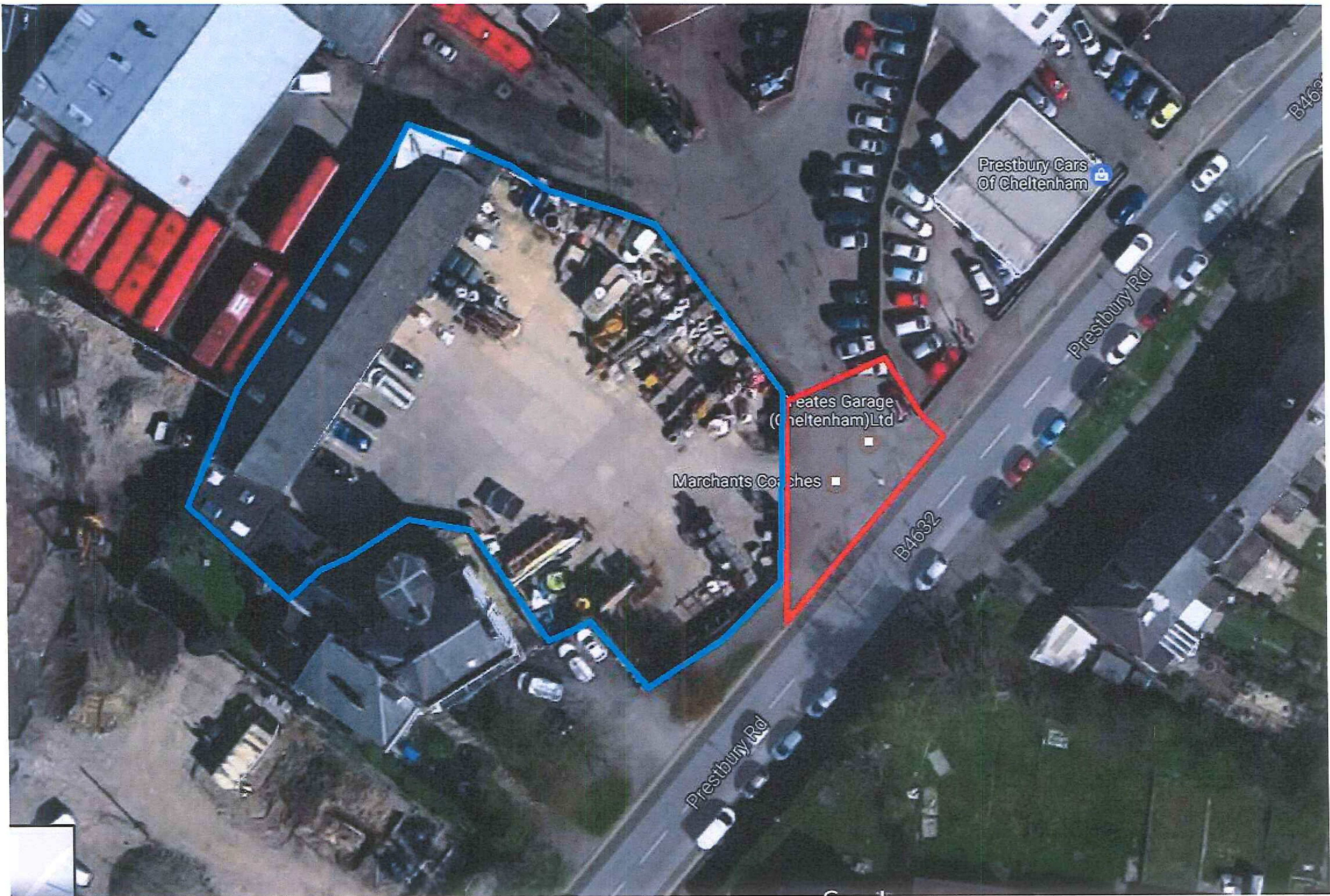
"TOGETHER with the full and free rights for the Grantees and their successors in title owner or owners for the time being of the said property edged green and every part thereof for them and their tenants servants and all others authorised by or claiming under them in common with the Grantor and all others entitled to the like rights to go pass and repass over and along the piece of land coloured brown on the said plan with or without vehicles and at all times and for all purposes subject to contributing a fair proportion according to user of the cost of maintaining the said piece of land coloured brown as a roadway for motor vehicles and to lay and maintain under the said piece of land coloured brown sewers and drains and water gas and electric mains or pipes making good any damage occasioned by the exercise of the last mentioned right."

NOTE:-The land edged green includes the land tinted pink on the filed plan. The land coloured brown adjoins the south eastern boundary of the land tinted blue on the filed plan.

- 3 (03.11.1988) The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Conveyance of 98 Prestbury Road dated 28 March 1977 made between (1) SGB Group Limited (Vendor) and (2) Morgan Associates (Cheltenham) Limited:-

"TOGETHER WITH the rights contained in the First Schedule hereto but EXCEPT and RESERVED unto the Vendor in fee simple for the benefit of the Vendor's adjoining property edged green on the said plan (hereinafter called "the Vendor's adjoining property") and every part thereof the







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|                                       |   |
|---------------------------------------|---|
| <b>APPLICATION NO:</b> 17/01266/FUL   | <b>OFFICER:</b> Miss Michelle Payne   |
| <b>DATE REGISTERED:</b> 4th July 2017 | <b>DATE OF EXPIRY:</b> 3rd October 2017   |
| <b>WARD:</b> Pittville                | <b>PARISH:</b> n/a  |
| <b>APPLICANT:</b>                     | Mrs Catherine Sheppard – Newland Homes Ltd  |
| <b>AGENT:</b>                         | n/a   |
| <b>LOCATION:</b>                      | 102 Prestbury Road Cheltenham Gloucestershire   |
| <b>PROPOSAL:</b>                      | Construction of 30 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings |

## REPORT UPDATE

### 1. ADDITIONAL CONSULTATION RESPONSE

#### **GCC Local Flood Authority (LLFA) – revised comments**

*13th October 2017*

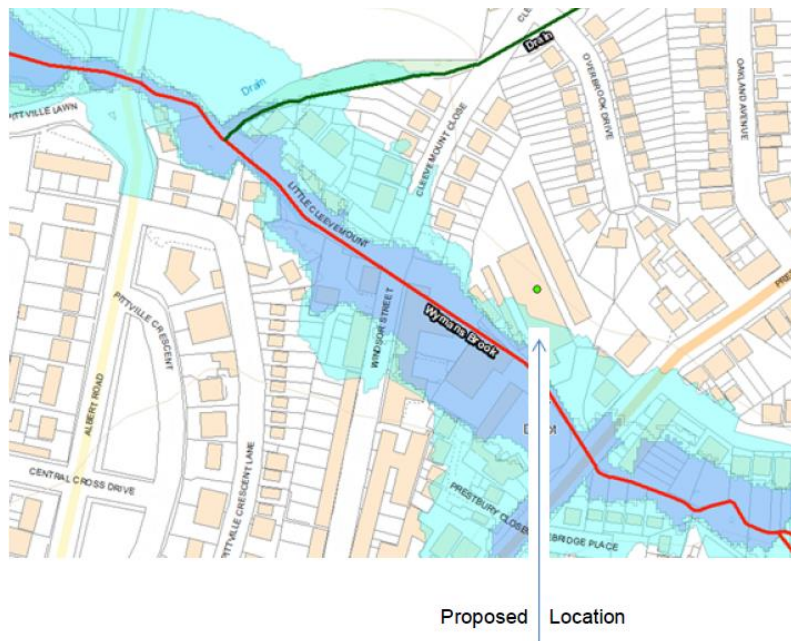
#### Objection -

LLFA requires seeing the exceeding route plan with arrows showing the direction of flow in extreme event like drainage failure or event above 1 in 100 + climate change. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space. Flow routes through gardens and other areas in private ownership will not be permitted.

As part of development in flood zone 2 and 3 it is recommended that applicants agree the FFL with EA. Generally its 150mm or 300mm above the threshold but need to be agreed with EA. Applicant may need to contact the Cheltenham borough council engineer if proposing outfall to watercourse as under the land drainage act consent needed from the landowner if using private land for the surface water connection.

A quick storage estimate generated by Micro drainage software as mentioned in applicant's response is required at this stage of application. Also location of attenuation is also required on the layout plan with connection showing to the outfall.

It is a sensitive site as development falls in flood zone 2 and 3 so above information is required to enable LLFA to remove the objection. (See location below)



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

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

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

## 2. OFFICER COMMENTS

### 2.1 Determining issues

2.1.1 The main considerations when determining this application for planning permission relate to the principle of housing development; loss of employment land; design and layout; impact on neighbouring amenity; access, parking and highway safety; drainage and flooding; trees and landscaping; and affordable housing and other planning obligations.

### 2.2 Principle of housing development

2.2.1 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.

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

2.2.3 Officers consider that the proposed development for 30 dwellings would make a valuable contribution towards the identified housing need in Cheltenham and would help regenerate a site that has been vacant, in part, for a number of years and is in a deteriorated state. The density of the scheme (at approximately 38 dph) is broadly in keeping with the immediate neighbourhood and would provide for a mix of housing.

2.2.4 Notwithstanding the above, the site is in an existing employment use and this matter will be discussed in an update.

## 2.3 Design and layout

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

2.3.2 In addition, the NPPF sets out at paragraph 56 that *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.

2.3.3 The proposed site layout has evolved during the course of the application in response to officer concerns, resulting in a reduction in the overall number of units; the application now proposes the erection of 30 dwellings. Additionally, the large apartment block originally proposed at the entrance to the site, with a ridge height of some 15 metres, has been omitted and replaced by a terrace of three dwellings, which would be more characteristic of the surrounding area.

2.3.4 In its revised form, the layout better responds to the irregular shape of the site, and would provide for a more linear form of development which is street frontage led. The revisions have also sought to design out large parking courts where possible, and to introduce additional pockets of soft landscaping between parking spaces which is welcomed. Each dwelling would benefit from an enclosed rear garden.

2.3.5 Officers are pleased with the revisions that have been secured and are firmly of the view that the design and layout now represents an effective and efficient use of land that will create a good residential environment. The scheme complies with the requirements of local plan policy CP7.

## 2.4 Impact on neighbouring amenity

2.4.1 Local plan policy CP4 (safe and sustainable living) requires all new development to avoid causing unacceptable harm to the amenity of adjoining land users and the locality. Consideration is given to a number of matters including, but not limited to, loss of sunlight and/or diffuse daylight, loss of outlook, and loss of privacy.

2.4.2 Additionally, one of the core planning principles set out within paragraph 17 of the NPPF is to “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

2.4.3 The scheme has been carefully considered and revised where necessary, to ensure that there would not be any unacceptable impact on existing neighbouring amenity. In its revised form, the development will not result in any significant overlooking or loss of privacy, outlook or daylight to neighbouring dwellings.

2.4.4 Each dwelling would achieve a minimum distance of 10 metres to the site boundaries, and in excess of 21 metres between clear glazed, upper floor windows. With regard to outlook, whilst it is acknowledged that outlook from neighbouring properties would undoubtedly be altered by the development, officers do not consider that the

resultant impact would be unacceptable; the overall heights of the dwellings are comparable to surrounding two storey building heights, and the development would not result in any overbearing effect.

2.4.5 Local residents have also raised concerns in relation to the impact of the development on the security to their homes and gardens. In this regard, officers consider the proposed development would be an improvement on the existing situation, whereby their gardens back onto a vacant site. The applicant/developer is proposing a 1.8m high close boarded fence to the site boundary.

2.4.6 Additionally, whilst noise levels resulting from the proposed residential development have been raised as a concern, the noise levels would be no greater than those normally associated with residential gardens. Moreover, given the unfettered B2 use that the existing site benefits from, which if reinstated would enable potentially un-neighbourly activities to take place at all hours of the day and night, seven days a week, the proposal is considered to be a betterment in terms in terms of potential noise complaints.

## 2.5 Access, parking and highway safety

2.5.1 Local plan policy TP1 (development and highway safety) seeks to prevent development that would endanger highway safety.

2.5.2 The development proposals for the site have been fully considered by the GCC Highways Development Management Team and their detailed response, in Section 4 above, covers a wide range of issues including access arrangements, personal injury collisions, layout and parking provision, and vehicle trip generation. The response concludes that the Highway Authority raises no highway objection subject to a number of conditions.

2.5.3 For the most part, each dwelling would be served by a minimum of two allocated car parking spaces; the two one bed units having one allocated space each. Three unallocated visitor parking spaces are also proposed. Such levels of car parking are considered to be acceptable, as Gloucestershire no longer has local parking standards.

2.5.4 Plans have been submitted to demonstrate that a refuse vehicle could enter, turn and egress the site in forward gear.

## 2.6 Trees and landscaping

2.6.1 Local plan policy GE5 (protection and replacement of trees) seeks to resist the unnecessary felling of trees on private land. In addition, policy GE6 (trees and development) advises that the planting of new trees and measures adequate to ensure the protection of trees during construction works may be required in conjunction with development.

2.6.2 The Trees Officer has reviewed the application and generally supports the proposals. The application is accompanied by detailed, high quality, soft landscaping proposals to include hedging, shrub beds, and the planting of more than 70no. trees throughout the wider site. Many of the proposed trees are fruit trees within the rear gardens, and these are welcomed by the Trees Officer. The large Sycamore tree identified as a problem by a local resident is now proposed to be removed.

2.6.3 During the course of the application, the size of the fruit trees has been reduced to 'Selected' standard rather than 'Heavy' standard in line with the Trees Officer's recommendation, which should allow the trees to "establish and grow much more quickly". Additionally, more information has been provided in relation to the trees pits given the existing use of the site.

2.6.4 A detailed scheme for boundary walls, fences and railings has also been submitted.

## 2.7 Affordable housing and other planning obligations

2.7.1 Local plan policy HS4 (affordable housing) seeks the provision of 40% affordable housing in all new residential developments of 15 or more dwellings. This application is for 30 dwellings and therefore policy HS4 is triggered. Additionally, for a development of this nature, contributions to education and libraries will also normally be sought.

2.7.2 In relation to affordable housing provision, the applicant has put forward a case for 'vacant building credit'. Members will be aware that the vacant building credit (VBC) was recently considered on the Former Police Headquarters site at Lansdown Road but, as a reminder, the following paragraph of the NPPG, paragraph 021, explains what the vacant building credit is:

*National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.*

2.7.3 Paragraphs 022 and 023 below go on to explain the process for determining the vacant building credit, and when the vacant building credit applies.

*Where there is an overall increase in floorspace in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.*

*The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.*

(Paragraph 022)

*The vacant building credit applies where the building has not been abandoned.*

*The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. In considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy.*

*In doing so, it may be appropriate for authorities to consider:*

- *Whether the building has been made vacant for the sole purposes of re-development.*

- *Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.*

(Paragraph 023)

2.7.4 In this case, when applying VBC to this application in its revised form, 3 affordable units are required – see calculation below:

*Extent of vacant floorspace to be demolished = 2134 sqm*

*Total floorspace of the proposed development = 2978 sqm*

*Increase in floorspace = 844 sqm*

*40% of 30 units = 12 units*

*844 sqm of floorspace as a percentage of the overall development of 2978 sqm = 28.3%*

*12 units x 28.3% = 3.4, i.e. a requirement to provide 3 affordable units.*

2.7.5 The applicant has made provision for the 3 affordable units within the scheme; 2 affordable rented units and 1 intermediate housing unit. For clarity, it should be noted that the Housing Enabling Officer's comments in the main report refer to the original scheme for 35 units.

2.7.6 The applicant has agreed to all other applicable contributions towards education and libraries.

## 2.8 Other considerations

2.8.1 Given the existing nature of the site, it is necessary to condition that the remediation measures set out in the submitted Geo-Environmental Assessment are implemented in full, and that a verification report be submitted and approved in writing to ensure that risks from land contamination to the future users of the land and neighbouring land users are minimised.

2.8.2 Some concern has been raised by local residents in relation to asbestos, and its safe removal. Should a survey of the existing buildings indicate the presence of any asbestos containing materials, the buildings would need to be undertaken in accordance with the relevant legislation surrounding asbestos removal and the demolition of buildings containing asbestos, and the waste disposed of in a legally compliant manner.

2.8.3 The comments made by local residents in relation to wildlife have been duly noted but whilst records indicate that important species or habitats have been sighted near the application site in the past, given the nature of the site, it is not considered that the proposed development will have any impact on these species.

2.8.4 Members will be aware that the possible devaluation of neighbouring properties as a result of development proposals is not a material consideration in the determination of an application for planning permission.

**At the time of publishing this update report, comments relating to the loss of employment land, and the implications of the development on drainage and flooding, have not been finalised. Members will be updated in relation to these points.**



**These matters have of course already been fully considered throughout the assessment of the application and officers are satisfied that the proposal is compliant with local plan policy and the NPPF. The update to this report will expand on these points.**

**The recommendation will be one of approval subject to S106 legal agreement and suggested conditions which will also form part of the update.**

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|                                       |   |
|---------------------------------------|---|
| <b>APPLICATION NO:</b> 17/01266/FUL   | <b>OFFICER:</b> Miss Michelle Payne   |
| <b>DATE REGISTERED:</b> 4th July 2017 | <b>DATE OF EXPIRY:</b> 3rd October 2017   |
| <b>WARD:</b> Pittville                | <b>PARISH:</b> n/a  |
| <b>APPLICANT:</b>                     | Mrs Catherine Sheppard – Newland Homes Ltd  |
| <b>AGENT:</b>                         | n/a   |
| <b>LOCATION:</b>                      | 102 Prestbury Road, Cheltenham, Gloucestershire   |
| <b>PROPOSAL:</b>                      | Construction of 30 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings |

## REPORT UPDATE 2

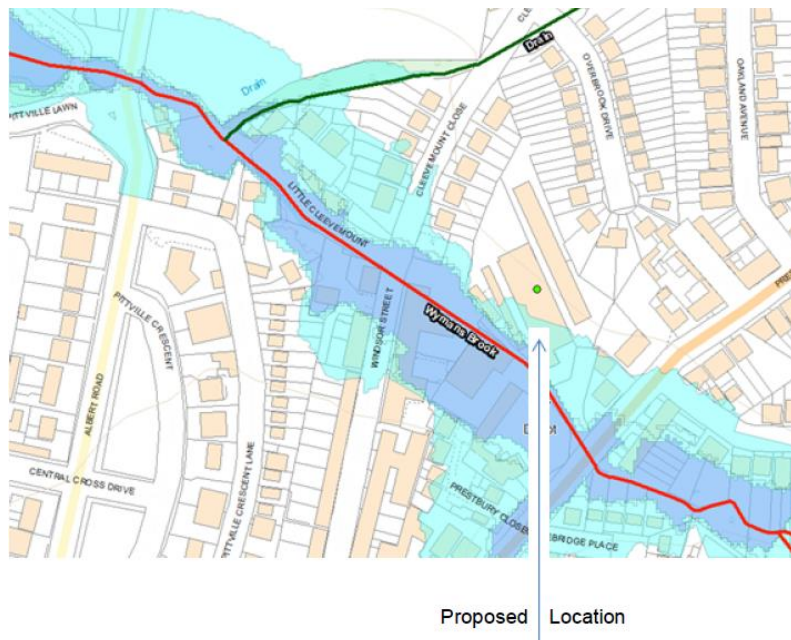
### 1. ADDITIONAL CONSULTATION RESPONSE

#### **GCC Local Flood Authority (LLFA) – further revised comments**

*16th October 2017*

No Objection subject to condition

I refer to the above planning application, which the Lead Local Flood Authority previously objected on 13th of October, 2017 with surface water detail provided in the Drainage Strategy. The surface water drainage information for the proposed site confirmed that the proposal meets the requirements of a major application for which the LLFA is a statutory consultee. The site is situated principally within flood zone 1, and 2 as demonstrated by the Environment agency's (EA) interactive web based mapping service.



Please note that the detail design is yet to be developed and FFL is also yet to be agreed with the Environment Agency. The LLFA have no objections to this application based upon the surface water management proposals for the site

however LLFA recommends following condition should apply to any planning approval and their responses should include the information indicated above.

**Condition (Maintenance)**

No development shall be put in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the LPA. Plan should fully detail the access that is required to reach surface water management component for maintenance purposes. It should also include a plan for safe and sustainable removal and disposal of waste periodically arising from drainage system, detailing the materials to be used and standard of work required including method statement. The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

**Foul Water**

Please note that proposed foul water is a matter that will be dealt by local sewerage authority and is not therefore considered by Lead local flood authority in this response.

**Guidance for SuDS**

The LLFA does have standing advice, Flood Risk Assessment Guidance and SuDS Design and Maintenance Guidance document which can still be applicable in principle for this development. They can be accessed on the following website:

<http://www.gloucestershire.gov.uk/extra/sudsplanning>

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

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

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

**Planning Policy Team**

*16th October 2017*

The application site is an existing employment site, consisting of a vehicle recovery garage, a workshop and store for the repair and storage of vehicles with ancillary offices and a vacant shop fitter's storage unit. It also appears to be used for car washing.

In considering the application for the redevelopment of this employment site for residential development the following matters need to be considered:

- The saved policies of the Cheltenham Borough Local Plan Second Review (2006), which comprise the adopted development plan, and;
- Relevant material considerations which include:
  - National Planning Policy Framework (NPPF)
  - National Planning Practice Guidance (nPPG)
  - The emerging JCS and its evidence base;

#### Policy EM2: Safeguarding of employment land, Cheltenham Borough Local Plan

Policy EM 2 is a saved policy within the adopted local plan which seeks to safeguard employment land that is currently, or was last, in use for employment purposes.

The Council's evidence base shows that there remains a quantitative and qualitative shortage of viable employment land within the borough, and recommends that all existing employment land should continue to be used for that purpose unless there is clear evidence that the land in question is no longer suitable for that use. Because of these circumstances policy EM2 in the Development Plan is broadly consistent with the NPPF and identifies strong economic reasons why, normally, housing development should not replace employment development in the B classes.

Criterion b of EM2 requires the applicant to demonstrate the retention of the site for employment purposes has been fully explored without success. Note one provides further guidance and states evidence will be required to demonstrate demand; this may include details of past advertising, vacancy levels and rent levels. Importantly the note further states the list is not exhaustive and further information may be requested.

The applicant states that the site has been extensively marketed since January 2014 and a Marketing Report has been submitted as part of the pre-application process. The Marketing report states that KBW began marketing in January 2014 as warehouse/industrial units for sale or to let with potential for redevelopment to alternative uses. There was no interest in terms of leasehold enquiries but interest in the freehold from developers and potential owner occupiers looking to redevelop as well as an offer from Marchants.

There does not appear to be any detailed information submitted relating to the relocation requirements of the existing user and proposed new location. It would have been useful to have this information and to know whether the company is intending to remain within Cheltenham Borough or not.

#### Housing Land Supply

The NPPF states applications should continue to be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to date if the local authority cannot demonstrate a five-year supply of deliverable housing sites.

The borough cannot currently demonstrate an ongoing 5-year housing land supply. Adopted Local Plan Policies relating to housing supply may therefore be considered

out of date. However, this will change once the JCS is adopted and the borough will then be able to demonstrate a 5-year land supply.

The NPPF states that where the development plan is absent, silent or relevant policies are out of date then the presumption in favour of sustainable development means that (unless material considerations indicate otherwise) permission should be granted unless; any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole or specific NPPF policies indicate development should be restricted.

Having regard to Cheltenham's housing supply and the principles established in paragraph 49 of the NPPF, relevant local plan policies for the supply of housing should be considered out of date. Although, paragraph 14 makes it clear that (unless material considerations indicate otherwise) where specific policies, including heritage assets, indicate that development should be restricted then the presumption in favour of granting permission does not apply.

It should be noted that policies which seek to protect employment uses are not considered to be relevant local plan policies for the supply of housing and therefore remain relevant, however the supply of housing as part of the application is a material consideration which would help to meet need.

Whilst the NPPF sets out the Government's commitment to securing economic growth (paragraph 19), it is also noted that the NPPF supports the alternative use of land where (paragraph 22) there is no reasonable prospect of a site being used for that purpose and that in that case "alternative uses should be treated on their merits".

The site is within the Principal Urban Area as defined in the Cheltenham Borough Adopted Local Plan, and despite directly neighbouring employment uses, is in a broadly residential area. If matters of design and occupant amenity (existing and future) and adjoining business activities and operational requirements can be adequately accommodated then the site could be acceptable for residential redevelopment. In 2008, the *Prestbury Road/Windsor Street Concept Statement*, was prepared covering the pre-application site and wider area with the aim to *create an area of mixed housing and employment use which integrates well with its surroundings and makes a positive contribution to sustainability and design quality*. Whilst parts of the site have already been developed it nevertheless remains an admirable aim for the area.

Both the local plan and the NPPF and nPPG are clear that:

- One of the overarching roles of the planning system should be to always seek to secure high quality design and good standards of amenity for all existing and future occupants of land and builds ; and
- Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Therefore, whilst there may be a requirement for housing within the borough, there is also a requirement for employment land that needs to be considered alongside other material considerations.

### Conclusion

The application benefits from a lengthy marketing campaign which has shown that there are no realistic opportunities for new users of the site within B1, B2 or B8 use-classes. However, the fact that the site remains in use at present demonstrates that it could be retained as a site for employment purposes. It could then be argued that the application does not meet criterion b of policy EM2. On the other hand, the site

is in a poor state of repair and within a mostly residential area. The results of the marketing campaign clearly indicate that the market has little desire to reuse the site for employment uses in the long term.

The site has been seen as a possible redevelopment area by the Borough since 2008 and was also considered in the recent Cheltenham Plan Preferred Options consultation. Given these points and the current lack of a 5 year housing land supply it is considered that, on balance, the application complies with Local Plan policy EM2.

## 2. OFFICER COMMENTS

### 2.1 Loss of employment land

2.1.1 An outline of the relevant policy considerations along with a discussion on the principle of the proposal has been provided by the Planning Policy Team above. It is not intended to repeat these comments but, in summary, it is concluded that the application, on balance, complies with local plan policy EM2. The site has been the subject of a lengthy marketing campaign which has demonstrated that there are no realistic opportunities for new users of the site within B1, B2 or B8 use classes.

2.1.2 Whilst it could be argued that, as part of the site remains in a B1 use offering car valeting services, the application does not meet criterion (b) of policy EM2, officers consider it important to recognise that the site is in a poor state of repair and is located within a mostly residential area. The results of the marketing campaign clearly indicate that the market has little desire to reuse the site for employment uses in the long term.

2.1.3 It is acknowledged that an offer on the site was received from Marchants Coaches for an extension to the adjacent coach depot but the amount offered was substantially below the conditional offers received and was therefore not considered to be a viable offer. Additionally, a coach depot is *sui generis*, and therefore falls outside use classes B1-B8. Moreover, such a use is unlikely to generate additional employment, and has the potential to increase pollution levels within the area. The Marketing Report sets out that Marchants are now understood to have secured additional parking for coaches in an alternative industrial location.

2.1.4 The site has also been seen as a possible redevelopment area by the Borough since 2008 and was also considered in the recent Cheltenham Plan Preferred Options consultation. Given these points and the current lack of a 5 year housing land supply it is considered that, on balance, the application complies with policy EM2.

### 2.2 Drainage and flooding

2.2.1 Local plan policy UI1 (development in flood zones) seeks to prevent residential development where it would adversely affect flood flows or flood storage capacities; and would not provide adequate protection against flooding. Policy UI2 (development and flooding) states that development will only be permitted where, in the case of redevelopment, it would reduce surface water run-off, and not adversely affect a watercourse or its flood defences.

2.2.2. In addition, policy UI3 (sustainable drainage systems) requires the incorporation of a SuDS scheme in all new developments, and policy UI4 (maintenance strips for watercourses) requires an 8m wide maintenance strip along both banks of main rivers.

2.2.3 As set out in the main report, the majority of the site lies within Flood Zone 1 but the southern portion of the site is within Flood Zone 2, and a very small portion

within Flood Zone 3. Additionally, the site lies adjacent to the Wymans Brook on the southern boundary, which is designated a 'main river'.

2.2.4 The Environment Agency (EA) has reviewed the application, including the Flood Risk Assessment (FRA), and raises no objections, in principle; they acknowledge that the proposed development will change the use classification on the site from 'less vulnerable' to 'more vulnerable', but that only a small part of the site is located in Flood Zone 2. Also, notwithstanding the LLFA response above, the EA considers the proposed finished floor levels, which shall be set at least 600mm above the 1% flood level including an allowance for climate change, to be appropriate to ensure the safety of future residents even if a blockage were to occur on the adjacent culvert entrance.

2.2.5 In order to provide sufficient unobstructed easement between the existing culvert and any new buildings, and the ability to enable future de-culverting on the adjacent site to incorporate an open channel during the lifetime of the development, a condition is suggested that removes permitted development rights from the development.

2.2.6 Notwithstanding the above, the EA does identify that *“access to and from the site will be affected by flooding from both the Wymans Brook and the local surface water/highway drainage system surcharging, as was the case in the flood event of July 2007”* but given their role and responsibilities, they have not provided comment on the safety of the access or objected on this basis.

2.2.7 In a 1 in 100 chance each year flood event, future occupants would have to walk through flood waters up to 0.15 to 0.30 metres in depth for a distance of approximately 50 metres to reach land above the 58.50m AOD level, the 'design flood' level, and this could create a possible danger for some over the lifetime of the development; however, it is important to recognise the likelihood of such a flood event occurring, and that only a part of the access would be affected. Indeed, the application proposes a footway alongside the site access road which is, for the most part, raised above flood level.

2.2.8 In this location, future occupiers would be able to sign up for Flood Alert messages which give an early alert of possible flooding. As previously stated, the EA considered the finished floor levels of the properties themselves to be appropriate, and this can be adequately controlled by condition.

2.2.9 Further to the above, in their latest response, the LLFA have lifted their objection to the proposed development based upon the surface water management proposals for the site subject to a condition requiring a SuDS management and maintenance plan for the lifetime of the development to be submitted and agreed. The plan would also need plan for the safe and sustainable removal and disposal of waste periodically arising from drainage.

## 2.3 Conclusion and recommendation

2.3.1 In conclusion, officers consider that when assessed against relevant local plan policy and the provisions of the NPPF, the proposed development is acceptable.

2.3.2 Officers are pleased with the revisions that have been secured during the application process and are firmly of the view that the design and layout now represents an effective and efficient use of land that will create a good residential environment. Furthermore, the proposal will not compromise neighbouring amenity to an unacceptable level.

2.3.3 The site has been the subject of a lengthy marketing campaign which has demonstrated that there are no realistic opportunities for new users of the site within B1, B2 or B8 use classes, and it is concluded that the application, on balance,



complies with local plan policy EM2. The site has been seen as a possible redevelopment area by the Borough since 2008 and was also considered in the recent Cheltenham Plan Preferred Options consultation. Given these points and the current lack of a 5 year housing land supply it is considered that, on balance, the application complies with policy EM2.

2.3.4 Matters relating to flooding and drainage, and highway safety have been suitably addressed.

2.3.5 The recommendation therefore is to grant planning permission subject to a completed S106 legal agreement, and a schedule of conditions which will follow in an update.

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| <b>APPLICATION NO:</b> 17/01266/FUL   |   | <b>OFFICER:</b> Miss Michelle Payne     |
| <b>DATE REGISTERED:</b> 4th July 2017 |   | <b>DATE OF EXPIRY:</b> 3rd October 2017 |
| <b>WARD:</b> Pittville                |   | <b>PARISH:</b> n/a                      |
| <b>APPLICANT:</b>                     | Mrs Catherine Sheppard – Newland Homes Ltd  |   |
| <b>AGENT:</b>                         | n/a   |   |
| <b>LOCATION:</b>                      | 102 Prestbury Road, Cheltenham  |   |
| <b>PROPOSAL:</b>                      | Construction of 30 new dwellings with associated infrastructure and parking following the demolition of existing commercial buildings |   |

## 1. SUGGESTED CONDITIONS/INFORMATIVES

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

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

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

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

- 3 The development hereby permitted, including any works of demolition, shall be carried out in accordance with the Construction Method Statement dated 13th October 2017, for the duration of the construction period.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance with paragraph 35 of the National Planning Policy Framework.

- 4 Prior to the commencement of development, including any works of demolition, tree protective fencing to BS5837 (2012) for the retained tree shall be erected, inspected and approved in writing by the Local Planning Authority and shall remain in place until the completion of the construction process.

Reason: To ensure the protection and retention of trees, in the interests of local amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 Prior to the commencement of development, other than those works required by this condition, the proposed access road as shown on approved Drawing No. 218-141-2, including the junction with the existing public road, shall be completed to at least binder course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraphs 32 and 35 of the National Planning Policy Framework.

- 6 Prior to the commencement of development, other than those works necessary to comply with the requirements of this condition, the approved remediation scheme as detailed in the Geo-Environmental Assessment (dated November 2015) shall be implemented in full.

Following the completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to Policy NE4 of the Cheltenham Borough Local Plan (adopted 2006).

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority and development shall be halted on that part of the site affected by the unexpected contamination. An investigation and risk assessment must then be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and a remediation scheme, where necessary, also submitted.

Following the completion of measures identified in the approved remediation scheme, a verification report shall be submitted to and approved in writing by the Local Planning Authority before development can recommence on the part of the site identified as having unexpected contamination that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, having regard to Policy NE4 of the Cheltenham Borough Local Plan (adopted 2006).

- 8 Prior to any piling works being undertaken on site, a method statement providing full details of the proposed piling operation shall be submitted and approved in writing by the Local Planning Authority. All piling shall be carried out strictly in accordance with the approved details.

Reason: To protect the amenity of the occupiers of nearby properties, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 9 The external facing and roofing materials used in the development shall be in accordance with approved Drawing Nos. 729-08 A and 729-08-01 A (External Material Schedule) unless otherwise agreed in writing by the Local Planning Authority.

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

- 10 Floor levels shall be set at least 600mm above the 1% flood level including an allowance for climate change as set out in the table within Paragraph 3.4 of the Flood Risk Assessment undertaken by BWB Consulting dated November 2016.

Reason: To protect the development from flooding, having regard to Policy UI1 of the Cheltenham Borough Local Plan (adopted 2006).

- 11 Prior to first occupation of the development, a SuDS management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be adhered to for the lifetime of the development and shall:

i) include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;

ii) fully detail the access that is required to reach the surface water management component for maintenance purposes; and

iii) include a plan for the safe and sustainable removal and disposal of waste periodically arising from drainage system, detailing the materials to be used and standard of work required including method statement.

The approved SUDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding to the site and elsewhere, having regard to Policy UI2 of the Cheltenham Borough Local Plan (adopted 2006).

- 12 Prior to first occupation of the development, the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling shall be completed to at least binder course level and the footway(s) to surface course level.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in

accordance with Paragraphs 32 and 35 of the National Planning Policy Framework.

- 13 Prior to first occupation of the development, the vehicular parking and turning facilities including any garages and carports shall be provided in accordance with approved Drawing No. 218-141-1 A, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the Paragraphs 32 and 35 of the National Planning Policy Framework.

- 14 Prior to first occupation of the development, fire hydrants (served by mains water supply) shall be provided in accordance with the applicant's email correspondence dated 10th October 2017 unless other agreed in writing by the Local Planning Authority.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Section 4 of the NPPF.

- 15 Prior to first occupation of the development, the drainage strategy for the disposal of foul and surface water flows shall be implemented in full in accordance with Drawing No. 735-142-1 A.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution, having regard to Policy UI2 of the Cheltenham Borough Local Plan (adopted 2006).

- 16 Prior to occupation of plots 1, 2, 3, 4, 29 and 30, the dwellings shall be fitted with glazing and ventilation as per the noise mitigation measures set out in the conclusion to the Noise Impact Assessment (Ref.M1728/R01a) dated 30th June 2017.

Reason: To ensure that suitable mitigation measures are installed to protect future residents of the dwellings, having regard to Policy CP4 of the Cheltenham Borough Local Plan (adopted 2006).

- 17 All hard and/or soft landscaping shall be carried out in accordance with approved Drawing Nos. 17/450/01 B and 18-141-1 A. The hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

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).

- 18 All planting, seeding or turfing approved under condition 17 above 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).

- 19 The future management and maintenance of the proposed streets within the development shall be in accordance with Newland Homes Letter of Intent to the County Council dated 5th October 2017 and accompanying plan. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: To ensure that safe, suitable and secure access is achieved and maintained for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance paragraphs 32 and 35 of the National Planning Policy Framework, and to establish and maintain a strong sense of place to create attractive and comfortable places to live, work and visit as required by paragraph 58 of the Framework.

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

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, and to maintain access to the culverted watercourse for maintenance or improvements and provide for overland flood flows, having regard to Policies CP4, CP7 and UI4 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 a number of revisions to secure a site layout that better responds to the irregular shape of the site, and provides for a more linear form of development which is street frontage led. The revisions have consequently led to a reduction in the number of residential units.

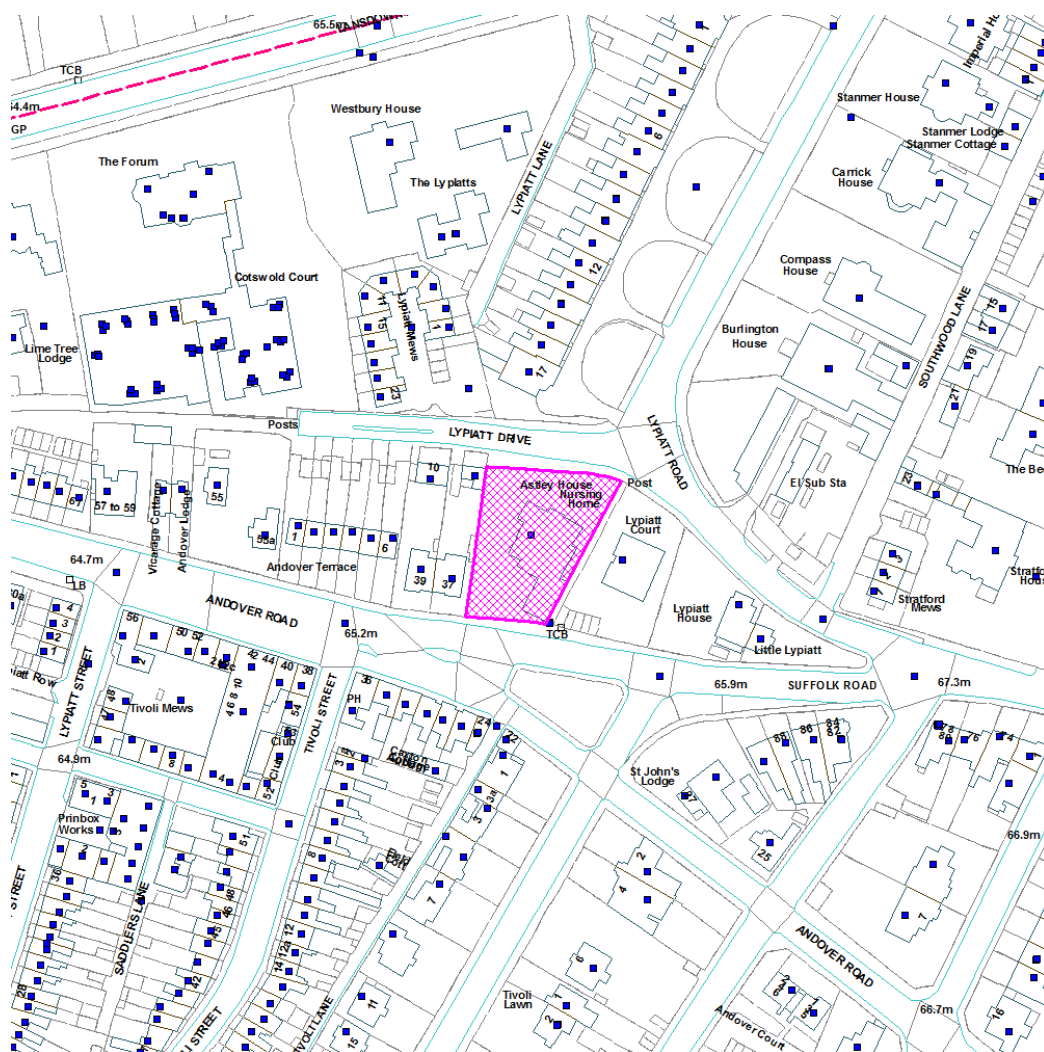
Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 3 Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.
- 2 The applicant/developer is advised that the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.
- 4 The applicant/developer is advised to contact Amey Gloucestershire on 08000 514 514 to discuss whether the development will require traffic management measures on the public highway.
- 5 The applicant/developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 6 The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding highway works agreement (including appropriate bond) with the County Council before commencing those works.



|   |   |  |
|---|---|--|
| <b>APPLICATION NO:</b> 17/01380/FUL & LBC |   | <b>OFFICER:</b> Miss Michelle Payne      |
| <b>DATE REGISTERED:</b> 14th July 2017    |   | <b>DATE OF EXPIRY:</b> 13th October 2017 |
| <b>WARD:</b> Park                         |   | <b>PARISH:</b> n/a                       |
| <b>APPLICANT:</b>                         | Mr Jones  |  |
| <b>AGENT:</b>                             | RRA Architects  |  |
| <b>LOCATION:</b>                          | Lypiatt Lodge, Lypiatt Road, Cheltenham   |  |
| <b>PROPOSAL:</b>                          | Conversion of residential care home (Class C2) to 13no. apartments (Class C3) comprising 2no. one bed units and 11no. two bed units |  |

**RECOMMENDATION:** Permit / Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Lypiatt Lodge, formerly known as Astley House, is a grade II listed building located within the Lansdown Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The building is highly prominent within the street scene with views available from both Lypiatt Terrace, and Andover Road to the rear. A large Copper Beech tree and 3no. Limes trees within the site are covered by a Tree Preservation Order (TPO).
- 1.2 The building was first constructed as a pair of semi-detached villas, c1840-50, but has been in use as a residential nursing home (Class C2) for a number of years. The building has been previously extended by way of a large modern extension to the rear and, more recently, the building has undergone an extensive programme of external repair and maintenance.
- 1.3 Members will recall that planning permission and listed building consent was granted in December 2016 for the erection of a part two storey, part single storey extension the rear of the building to form a new dining room on the ground floor with an extended kitchen over.
- 1.4 This application is now seeking planning permission and listed building consent for the conversion of the building to create 13no. apartments (Class C3) comprising 2no. one bed units and 11no. two bed units.
- 1.5 The application is before the planning committee at the request of Cllr Fisher due to the loss of employment, and the loss of the care home facility. Members will visit the site on planning view.

## 2. CONSTRAINTS AND PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area  
Smoke Control Order  
Grade II Listed Building

### Planning History:

|  |               |                           |
|--|---------------|---------------------------|
| <b>CB14274/00</b>                                    | <b>PERMIT</b> | <b>13th December 1978</b> |
| Demolition of the conservatory and erection of study |               |                           |

|  |               |                        |
|--|---------------|------------------------|
| <b>CB10530/02</b>  | <b>PERMIT</b> | <b>25th April 1980</b> |
| Conversion of garden store to self-contained flatlet and erection of new store |               |                        |

|   |               |                        |
|---|---------------|------------------------|
| <b>CB10530/03</b>   | <b>PERMIT</b> | <b>21st March 1991</b> |
| Addition of lift and atrium plus extra floor on existing addition |               |                        |

|   |               |                          |
|---|---------------|--------------------------|
| <b>CB14274/01</b>   | <b>PERMIT</b> | <b>23rd January 1992</b> |
| Change of use from residential flats to Nursing Home; demolition of garages and construction of car parking area in accordance with revised plans received on 23 Dec 91 and 10 Jan 92 |               |                          |

|  |               |                           |
|--|---------------|---------------------------|
| <b>CB22367/00</b>  | <b>PERMIT</b> | <b>12th November 1998</b> |
| Demolition of existing office block at rear and construction of two storey extension (revised plans) |               |                           |

|  |                  |                           |
|--|------------------|---------------------------|
| <b>CBL1671/00</b>  | <b>PERMIT</b>    | <b>17th June 1999</b>     |
| Demolition of office block, two storey extension and internal alterations  |                  |                           |
| <b>CB22367/01</b>  | <b>PERMIT</b>    | <b>17th June 1999</b>     |
| Proposed conservatory  |                  |                           |
| <b>CBL1671/01</b>  | <b>PERMIT</b>    | <b>17th June 1999</b>     |
| Proposed conservatory  |                  |                           |
| <b>00/00102/LBC</b>  | <b>GRANT</b>     | <b>27th March 2000</b>    |
| Removal of existing metal window and replacement with timber window  |                  |                           |
| <b>15/01569/LBC</b>  | <b>GRANT</b>     | <b>12th February 2016</b> |
| Cleaning, repair and replacement of natural stone surfaces and features  |                  |                           |
| <b>15/02010/FUL</b>  | <b>WITHDRAWN</b> | <b>2nd February 2016</b>  |
| Two storey rear extension to form new dining room on the ground floor with extended kitchen over   |                  |                           |
| <b>15/02010/LBC</b>  | <b>WITHDRAWN</b> | <b>2nd February 2016</b>  |
| Two storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading  |                  |                           |
| <b>16/00499/FUL</b>  | <b>REFUSE</b>    | <b>22nd July 2016</b>     |
| Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme)   |                  |                           |
| <b>16/00499/LBC</b>  | <b>REFUSE</b>    | <b>22nd July 2016</b>     |
| Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme)  |                  |                           |
| <b>16/02012/FUL</b>  | <b>PERMIT</b>    | <b>16th December 2016</b> |
| Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over (revised scheme following refusal of planning permission ref. 16/00499/FUL)  |                  |                           |
| <b>16/02012/LBC</b>  | <b>GRANT</b>     | <b>16th December 2016</b> |
| Part two storey, part single storey rear extension to form new dining room on the ground floor with extended kitchen over together with internal refurbishment works and upgrading (revised scheme following refusal of listed building consent ref. 16/00499/LBC) |                  |                           |

### 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  
 BE 7 Parking on forecourts or front gardens in conservation areas  
 BE 9 Alteration of listed buildings  
 GE 5 Protection and replacement of trees  
 GE 6 Trees and development  
 HS 1 Housing development  
 TP 1 Development and highway safety

## 4. CONSULTATIONS

### **GCC Highways Planning Liaison Officer**

*24th July 2017*

The proposal is to convert the existing 32 bed care home off Lypiatt Drive, a privately maintained highway. The proposed 13 flats are expected to generate generally less daily and peak hour trips than the existing care home demonstrated by a TRICS analysis which illustrated an estimated 63 daily and 8 peak hour two-way vehicle trips compared to 27 daily and 7 peak hour trips. Therefore the highway impact and site access use would be expected to be reduced.

The site is sustainably located within walking and cycling distance of the town centre, nearby amenities and regular bus services or rail services to other areas reducing reliance on private vehicle use.

The statement states the vehicle and pedestrian accesses will remain unchanged however the site layout which currently provides two accesses off the adjacent highway appears to be to be modified restricting access to provide 13 parking spaces or one per dwelling. The proposed parking layout does include two new spaces either side of the building entrance which reduces the existing width of the site access but is considered passing can be made between the two rows of parking and at the site access. The parking numbers are considered sufficient based on proposed flatted accommodation dwelling sizes, the sustainable alternatives and off-site parking provision if required albeit subject to permit and parking restrictions.

It is noted the parking spaces alongside Lypiatt Road do reduce the footway crossover to approximately 500mm wide, however as this is an unadopted road with only a short stretch of footway beyond the site to the rear of no.10 before it ends adjacent to garages and the road narrows into an un-surfaced lane this would not likely cause a significant issue.

However if the drop kerb is contested as a privately maintained highway then a stopping up process may be required.

Therefore in conclusion I recommend no objection subject to the following conditions;

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction

Reason:- To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and TP1 of the Local Plan.

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in general accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason:- To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework and TP1 of the Local Plan

The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 13 bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA.

Reason:- To ensure that adequate cycle parking is provided, to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up in accordance with paragraph 32 of the National Planning Policy Framework and TP1 of the Local Plan

Note: Please be aware if the drop kerb to be stopped up and provided as part of the site proposed parking affect existing privately maintained highway land then a stopping up process may be required.

### 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.

### **Heritage and Conservation**

*31st August 2017*

The key consideration in relation to these comments is the impact of the works the listed building and the conservation area. Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, whilst section 72 (1) requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Lypiatt Lodge is a grade II listed building, located within the Lansdown Character Area of the Central Conservation Area. The building was originally a pair of semi-detached villas, but over time has had various alterations and additions to the rear in order to facilitate its conversion into a care home and is now a single property. The building dates from c.1840-50.

The building occupies a key position in the conservation area, located at the corner of Lypiatt Drive, with the rear backing on the Suffolk Road.

### Internal works

On the whole the internal works are generally acceptable, with a number of rooms being restored to the original proportions. There are small elements of historic fabric that are

proposed to be lost, but there are substantial conservation gains within this application which help balance the proposals.

I do however have some concerns over the loss of fabric to the lower ground floor. It appears that a large section of wall in flat 2 to access the kitchen is to be removed- is a downstand proposed to be retained to acknowledge the original room proportions?

It was not possible to enter certain rooms, however, the wall proposed to be removed in flat 3- formerly bedroom 28 appears to be a substantial and unreasonable loss of historic fabric. Clarification will be needed on if this wall is original or as part of the conversion to the buildings current use?

### External Work

The later rear range uses elements from the principle elevation and results in confusing the usually subservient rear of the building such as this, which detracts away from the character of the listed building as a whole. With the largescale work proposed on this site this may provide a suitable opportunity to rectify this and thus enhance the architectural character of the building. This heritage gain would also help mitigate any loss of historic fabric elsewhere within the proposed scheme.

The building also contains a number of unsightly openings and so proposals to remove these and make good, including replacement windows, subject to a final design, are welcomed and will be of benefit to the character of the listed building.

Restoration and fixing of the stone work on the front elevation is welcomed, however the proposed drawings fail to reflect the new repaired balcony.

The removal of the glass box room and replacement with a wall, retaining the existing columns is acceptable.

I am concerned about the addition of the metal staircase to the later modern rear range. This appears incongruous with the building, and an unsightly addition that detracts away from the character of the listed building. In my opinion, an internal stair located within the rear range would be appropriate.

### Site Plan

I am concerned with regards to the parking situation, it appears that these cars will be directly fronting the road, protruding further ahead of the building line. In my opinion this will have a detrimental impact on the street scene and the wider conservation area.

### Stone Cleaning

There is considerable staining on the side elevations of the building, clarification will therefore be required on if any stone cleaning will be taking place. Listed Building Consent is required for any abrasive cleaning of any part of the building.

### Summary

On the whole the proposed works are acceptable, I do however have concerns over the external metal staircase, loss of historic fabric and the car parking situation.

Please ask the applicant to address these concerns and re-consult.

### **Heritage and Conservation (revised comments)**

*9th October 2017*

The amendments have addressed my previous concerns, and it is therefore recommended to grant consent with the following conditions.

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

- a) External doors
- b) Internal doors
- c) Windows
- d) Cornicing
- e) Timber gates

The details of the above shall include the following:

- a) Materials, finishes and colour.
- b) Elevations and section drawings to include moulding cross sections, where mouldings are used.

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

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

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

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

3) No cleaning of masonry, other than low pressure (20-100 psi) surface cleaning using a nebulous water spray is authorised by this consent without the prior approval of the LPA. Before work begins, any other cleaning proposals must be approved in writing and carried out strictly in accordance with those details. At the commencement of the cleaning, a test panel shall be undertaken in an inconspicuous position and the method recoded to the approval of the LPA.

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

4) Prior to the commencement of works, a sample panel of new facing brickwork (with coping detail where appropriate) shall be constructed on site to illustrate the proposed brick type, bond, colour and texture of pointing. The sample panel shall be approved in writing by the Local Planning Authority and thereafter retained on site until the completion of the development to provide consistency. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the new brickwork is sympathetic to the existing facing brickwork on the principal listed building to ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide.

Informative:

Listed Building Consent is required for any abrasive cleaning of any part of this building. The carrying out of such work without consent may render the applicant, owner, agent and/or contractors liable for enforcement action and/or prosecution.

### **Minerals and Waste Planning**

*20th July 2017*

Please accept this correspondence as the initial view of the Authority (M&WPA) for Gloucestershire concerning the aforementioned planning application(s).

All major planning applications (10 or more dwellings, residential sites of 0.5ha or more and other development in excess of 1,000m<sup>2</sup> or over 1ha) should be accompanied by an appropriately detailed Waste Minimisation Statement (WMS).

The production of a WMS is a specific requirement of the development plan for Gloucestershire as set out under WCS Core Policy 02 - Waste Reduction. It is needed to show how waste arising during the demolition (including site preparation), construction and occupation of development will be minimised and managed, and how recycling during the occupational life of the development will be provided for.

Full policy text and supporting information for WCS Core Policy 02 - Waste Reduction can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/gloucestershire-waste-core-strategy/>.

To support applicants preparing planning applications and assist decision makers in their consideration of waste minimisation matters, local guidance has been published - Gloucestershire Supplementary Planning Document: Waste Minimisation in Development Projects (WM-SPD).

The WM-SPD can be obtained online at: - <http://www.gloucestershire.gov.uk/planning-and-environment/planning-policy/waste-minimisation-in-development-projects-spd/>.

Please note that a WMS is not the same as a voluntary Site Waste Management Plan (SWMP), although much of the information required for both is very similar. A significant difference of a WMS is the need to consider waste minimisation commitments, which go beyond the construction phase.

Where decision makers are satisfied that the waste minimisation matters of a particular proposal have and / or will be sufficiently addressed in accordance with WCS Core Policy 02 - Waste Reduction, the advice of the M&WPA is to attach relevant conditions to any subsequent planning approval that may materialise. Examples of conditions for outline, full and reserved matters applications can be found in Appendix F of the WM-SPD.

Not engaging or providing insufficient information in respect of waste minimisation matters could put at risk the acceptability of proposed development. The failure to address waste minimisation may be a reasonable ground for a decision maker to refuse planning permission.

The M&WPA for Gloucestershire reserves the right to submit an additional response(s) to that contained in this correspondence with respect of the aforementioned planning application(s).

If you have any further queries regarding this consultation response, please do not hesitate to contact the M&WPA for Gloucestershire via: - [m&wplans@gloucestershire.gov.uk](mailto:m&wplans@gloucestershire.gov.uk).



**Building Control**

27th July 2017

A fire strategy of the building will need to be considered to justify the proposed internal layouts.

Any external guarding is required to be a minimum of 1100mm high and non-climbable.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out 47 neighbouring properties. In addition, two site notices were posted and an advert published in the Gloucestershire Echo. No representations have been received in response to the publicity.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

6.1.1 The key considerations when determining this application are the principle of the change of use; design and layout, and impact on the listed building and conservation area; neighbouring amenity; and parking and highway safety.

### **6.2 Principle of change of use**

6.2.1 It is acknowledged that the proposal would result in a loss of jobs, and the care home facility, but there is no local plan policy which specifically seeks to retain C2 uses within the borough. Local plan policy EM2 (safeguarding of employment land) relates only to Use Classes B1, B2 or B8 inclusive. As such, the proposed change of use from a residential care home to 13no. apartments is considered to be acceptable in principle, and entirely appropriate in this location.

### **6.3 Design and layout, and impact on the listed building and conservation area**

6.3.1 Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality. In addition, policy BE9 advises that the external alteration of a listed building which would adversely affect its character will not be permitted.

6.3.2 Furthermore, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority, in considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; Section 72(1) requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.3.3 The Conservation Officer has reviewed the works proposed to the interior of the building from a listed building perspective and generally considers the works to be acceptable. Clarification has been received in response to the two areas of concern raised in their initial response.

6.3.4 Following the omission of the external spiral entrance stair to the rear, the Conservation Officer is also largely supportive of the external works.

6.3.5 Conditions are suggested to ensure that the detailed design of some elements of the scheme are appropriate to the listed building, and its setting within the conservation area.

### 6.4 Neighbouring amenity

6.4.1 Local plan policy CP4 (safe and sustainable living) requires all development to avoid causing unacceptable harm to the amenity of adjoining land users and the locality. Consideration is given to a number of matters including, but not limited to, loss of sunlight and/or diffuse daylight, loss of outlook, and loss of privacy.

6.6.2 Additionally, one of the core planning principles set out within paragraph 17 of the NPPF is to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

6.6.3 As proposed, the conversion scheme would not result in any significant overlooking or loss of privacy, outlook or daylight to neighbouring land users, and no objection has been raised by local residents in this regard.

### 6.5 Parking and highway safety

6.5.1 Local plan policy TP1 (development and highway safety) seeks to prevent development that would endanger highway safety.

6.5.2 The development proposals for the site have been fully considered by the GCC Highways Development Management Team and their detailed response, in Section 4 above, concludes that the Highway Authority raises no highway objection subject to conditions.

6.5.3 Car parking would be provided at a rate of 1 space per dwelling and this is considered to be acceptable in this location, particularly given that Gloucestershire does not currently have any parking standards. Additionally, the site is sustainably located in close proximity to the town centre and public transport services. Secure and covered cycle storage facilities would also be provided within the site.

6.5.4 Although the frontage of the site is already largely hard surfaced and used for parking, as part of the landscaping proposals it is intended to introduce a boundary hedge along part of the frontage to help mitigate its impact on the street scene and wider conservation area; this could be adequately controlled by condition.

### 6.6 Recommendation

6.6.1 With all of the above in mind, the recommendation is to grant both planning permission and listed building consent, subject to the following conditions

## 7. CONDITIONS

### 17/01380/FUL

- 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.

## Page 91

- 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 commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall:
- i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations; and
  - vii. measures to control the emission of dust and dirt during construction.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework and TP1 of the Local Plan.

- 4 Prior to first occupation of the development hereby permitted, vehicular parking and turning facilities shall be provided in accordance with approved Drawing No. 2535P(0)301 A, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 32 and 35 of the National Planning Policy Framework, and Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006).

- 5 Prior to first occupation of the development hereby permitted, secure and covered cycle storage facilities shall be provided in accordance with approved Drawing No. 2535P(0)304 A, and those facilities shall be maintained available for those purposes thereafter.

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

- 6 Prior to first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with approved Drawing No. 2535P(0)304 A, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that adequate sustainable waste management and recycling is provided, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 7 Prior to first occupation of the development hereby permitted, 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).

- 8 All planting, seeding or turfing approved under condition 7 above shall be carried out in the first planting and seeding seasons following the first occupation of the building 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).

### 17/01380/LBC

- 1 The works hereby granted shall be begun before the expiration of five years from the date of this consent.

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

- a) External doors;
- b) Internal doors;
- c) Windows;
- d) Cornicing; and
- e) Timber gates.

The details of the above shall include the following:

- a) Materials, finishes and colour; and
- b) Elevations and section drawings to include moulding cross sections, where mouldings are used.

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

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

- 4 Prior to the erection of the new gardens walls, a sample panel of new facing brickwork (with coping detail where appropriate) shall be constructed on site to illustrate the proposed brick type, bond, colour and texture of pointing. The sample panel shall be approved in writing by the Local Planning Authority and thereafter retained on site until the completion of the development to provide consistency. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the new brickwork is sympathetic to the principal listed building to ensure that the character, appearance and integrity of the building is not prejudiced, thereby preserving the special architectural or historic interest which it possesses,

having regard to Policy BE9 of the Cheltenham Borough Local Plan (adopted 2006), Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Historic Environment Good Practice Advice (note 2).

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

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

### **INFORMATIVES**

#### **17/01380/FUL**

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

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

In this instance, the authority sought revisions to omit the proposed external stair to the rear of the building which would have appeared as an incongruous and unsightly addition to the building.

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

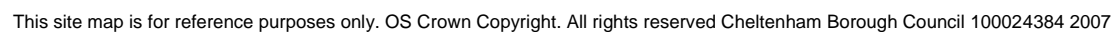
- 2 Note: If the drop kerb is to be stopped up and provided as part of the site, the proposed parking may affect existing privately maintained highway land, and a stopping up process may be required.

#### **17/01380/LBC**

- 1 Note: Listed Building Consent is required for any abrasive stone cleaning of any part of this building. The carrying out of such work without consent may render the applicant, owner, agent and/or contractors liable for enforcement action and/or prosecution.

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**RECOMMENDATION:** Permit



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The property is a semi-detached brick and render bungalow on Noverton Lane. It is not a listed building, nor is it in a conservation area.
- 1.2 The applicant is seeking retrospective planning permission for a flat roof single storey rear infill extension.
- 1.3 The application is before the planning committee at the request of Councillor Payne, who supports the neighbours objection regarding the impact of the extension on the amenity of the neighbours sunroom.
- 1.4 Revised plans were submitted during the course of the application and an additional neighbour consultation was undertaken.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development

CP 4 Safe and sustainable living

CP 7 Design

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### Parish Council

15th August 2017 - No objection.

## 5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 Two letters were sent to neighbouring properties. Two objections were received, from 34 and 36 Noverton Lane respectively. A further letter of representation was also received in objection from the neighbour at 34 Noverton Lane.
- 5.2 The objections raised the following concerns:



- Impact on neighbouring amenity, specifically perceived overbearing and loss of light to neighbouring sunroom.
- Inaccuracy of the submitted plans.

### 6. OFFICER COMMENTS

**6.1** The main considerations when determining this application are design, impact on neighbouring amenity, and local context.

**6.2** The plans which were initially submitted with this retrospective application were found to be incorrect, as they did not accurately represent what had been built on site. Revised drawings were submitted and found to be accurate following a second site visit, these plans were subject to a further neighbour consultation.

#### **Design and layout**

**6.3** Local Plan policy CP7 requires development to be of a high standard of architectural design to complement and respect neighbouring development.

**6.4** The Supplementary Planning Document (SPD): Residential Alterations and Extensions (2008) emphasises the importance of maintaining character and achieving subservience with rear extensions in relation to the parent dwelling.

**6.5** The extension replaces a previously existing sunroom. The applicant has raised the floor level in their new extension so that it matches the level in the original dwelling and this has resulted in the total height of the new extension breaching the eaves height of the existing dwelling, meaning that the works are not Permitted Development.

**6.6** Whilst building work is not yet complete for this retrospective application, the extension has been built out to the dimensions proposed. The structure measures 3400mm at the height of the flat roof with an additional 300mm high parapet wall, which sits adjacent to the neighbouring boundary. However, owing to an amenity issue described in paragraph 6.13, the proposed height of the parapet has been reduced, so it will now measure only 28mm higher than the flat roof. The development extends 4000mm beyond the rear elevation of the property.

**6.7** The structure is yet to be rendered, but the proposal is to match the render of the extension with that of the existing building. A condition has been attached to ensure that this is carried out accordingly.

**6.8** The proportion and scale of the extension is not considered to be harmful to the character of the house or the area. The extension appears subservient to the original dwelling, owing to the limited flat roof height and the fact that it is marginally set in from an existing projecting gable which remains the dominant feature to the rear of the dwelling. Officers are satisfied that with a reduction in height and by ensuring the proposed materials will match the existing, it will be a complementary addition. Therefore, the proposal is considered to be compliant with policy CP7.

#### **Impact on neighbouring amenity**

**6.9** Local Plan policy CP4 requires development not to cause unacceptable harm to the amenity of adjoining land users and the locality.

**6.10** The Supplementary Planning Document (SPD): Residential Alterations and Extensions (2008) highlights how rear extensions have the potential to cut out daylight from neighbouring habitable rooms. To monitor this, the SPD advises careful attention be paid to the size of any rear additions close to neighbouring boundaries.

- 6.11** The objections for this application state that the extension will be overbearing and cause a loss of light to a neighbouring sunroom. A site visit was carried out to both the application site and the neighbouring property. The extension is noticeable from the neighbours dwelling, and the parapet wall certainly has an impact on the adjacent sunroom. That said, the impact on amenity is not considered harmful enough to refuse this application. As the sunroom features a transparent roof and several windows on the rear elevation, it is considered that this room will still receive plenty of light, and the impact of the extension will be negligible.
- 6.12** However, officers do recognise the impact of the extension on the neighbour, and revisions have been sought from the applicant. A compromise was reached regarding the height of the parapet wall, the new scheme proposes reducing the parapet so that it measures 28mm above the height of the flat roof, whereas it currently stands 300mm taller than the flat roof. This alteration is considered to significantly reduce the overbearing effect on the neighbouring sunroom, whilst also maintaining a parapet to ensure rainwater does not spill over the boundary.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposal complies with Local Plan policies CP4 and CP7 in terms of achieving an acceptable standard of design and not being harmful to neighbouring amenity or the local character.
- 7.2** 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 render shall match that of the existing building unless otherwise first agreed in writing by the Local Planning Authority.  
  
Reason: In the interests of the character and appearance of the area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006).

## INFORMATIVES

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

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

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

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|   |   |   |
|---|---|---|
| <b>APPLICATION NO:</b> 17/01521/FUL     |   | <b>OFFICER:</b> Mr Harry Du Bois-Jones      |
| <b>DATE REGISTERED:</b> 3rd August 2017 |   | <b>DATE OF EXPIRY :</b> 28th September 2017 |
| <b>WARD:</b> Prestbury                  |   | <b>PARISH:</b> PREST                        |
| <b>APPLICANT:</b>                       | Mr J Bridge   |   |
| <b>LOCATION:</b>                        | 32 Noverton Lane Prestbury Cheltenham   |   |
| <b>PROPOSAL:</b>                        | Replacement of single storey side/rear sunroom and internal alterations (retrospective) |   |

## REPRESENTATIONS

|                           |          |
|---------------------------|----------|
| Number of contributors    | <b>2</b> |
| Number of objections      | <b>2</b> |
| Number of representations | <b>0</b> |
| Number of supporting      | <b>0</b> |

34 Noverton Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 5DE

**Comments:** 2nd October 2017

In addition to my previous objections;

Revised plans still do not adequately portray the proximity and height of the extended wall and I urge the committee when making a decision to look at the photos I have submitted showing the true nature of the building in relation to my neighbouring property.

I am of the understanding that much of the extra height is due to insulation within the new roof. In contrast the new walls are all single skin walls with no cavity insulation. It appears that my light and sunshine can be compromised while the developed living space isn't being reduced by the inconvenience of suitable wall insulation.

**Comments:** 21st August 2017

Letter attached.

36 Noverton Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 5DE

**Comments:** 27th August 2017

As the owner of 36 Noverton Lane, I am concerned about the building work that has been completed at no.32 as I understand without planning permission or consultation with the adjoining neighbour at no.34.

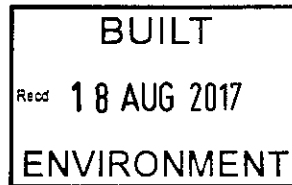
From my back garden, the building seems very high and obtrusive. It is also close to and looks to be overshadowing my neighbours' sun room.

I wonder whether this renovation complies with permitted building regulations, and worry that its approval could set a precedent for any future developments to my adjoining property, or others in the area.



34 Noverton Lane  
Prestbury  
Cheltenham

17<sup>th</sup> August 2017



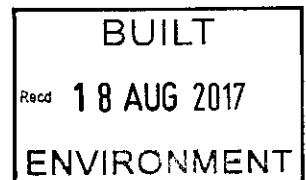
Dear Planning

Please find enclosed my objections to the renovation work carried out at 32 Noverton Lane  
your ref retrospective planning application 17/01521/FUL

Along with my objections I include photos of the structure as it stands along with the impact  
it has on my adjoining conservatory

Kind Regards





Ref retrospective planning application 17/01521/FUL at 32 Noverton Lane

I am the owner of the connecting semi-detached bungalow where I have lived for the past 13 years

The planning department have become involved in the renovations at no 32 Noverton Lane as I contacted them raising concerns that the building being constructed was not within permitted development and I hadn't been consulted or given the opportunity to object

The plans retrospectively submitted do not reflect what has been built /altered. In addition the written renovation changes do not match the graphical images.

The plans submitted do not show a view of the two properties only the one being renovated. There is no diagram to show the closeness of structure or height difference

The plans submitted show the new roof level to join at the eaves. Reality is the roof joins one third of the way up the main pitched roof -see attached photos showing actual build throughout the stages.

The sun rooms are adjacent separated by just over a foot / 35cm. At no 32 the wall is almost on the property boundary (3 inches / 9cm) on my side there is a gap of approx. 10 inches/ 27cm between my conservatory wall and the boundary line.

The original conservatories were built in similar styles giving a balanced building and in consideration of the suns rotation and reflection.

Originally both sun rooms had glass / Perspex roofs to reflect sunlight from one to another throughout the day and year.

The new structure at no 32 raises the wall adjoining my property and my sun room by over 4 foot / 1.2meters resulting in a wall that looms over my conservatory and will block any sun we may see in the spring, autumn and winter making my conservatory redundant for much of the year. I consider this unacceptable.

The 4ft / 1.2m plus high wall also includes a parapet of over 1ft /30cm above their actual flat roof which seems to serve no purpose.

A sun room or conservatory is designed to benefit from the sun, this is being denied and absolutely no consideration has been given for the resulting impact on my connecting property.

The plans submitted mention raising floor level. Assuming bungalows are like for like being the same design and semi-detached then floor level will need raising by approx 1foot /30cm to become level, this does not then equate to over 4ft / over 1.2m of additional roof height. In addition the external steps then increase to double previous height

Drainage information has not been advised and is a concern if only a soak away rather than



a functional drain

Both properties shared a central drain at the rear of the property. The guttering has been removed from no 32 to allow structure to be built into the roof, as a result my guttering has been reconfigured without consultation or a word to me

No 32 imply that the previous structure caused damp, this did not affect my property as claimed

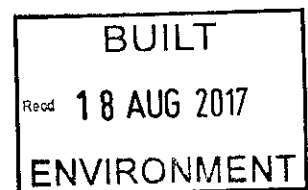
When sitting in my garden and facing the sun from midday onwards I am now faced with a totally disproportionate building far from atheistically pleasing or balanced.

Work has resumed on the disputed sun room on the 16<sup>th</sup> August after the builders holiday with the lantern roof light being added

This has the potential to set a precedent if considered acceptable development when so far removed from the permitted development regulations

I am not against development within reason but this is unnecessarily intrusive and has been constructed with no consideration of the adjoining property or any attempt to seek a fair resolution.

 17<sup>th</sup> August 2017





Ref retrospective planning application 17/01521/FUL at 32 Noverton Lane - Objections by Unett



Photo taken mid afternoon in August when sun high in the sky showing shadow covering one third of the conservatory at no 34 Noverton Lane.



Lantern added 16<sup>th</sup> August

|                  |
|------------------|
| BUILT            |
| Recd 18 AUG 2017 |
| ENVIRONMENT      |



Ref retrospective planning application 17/01521/FUL at 32 Noverton Lane - Objections by Unett





Ref retrospective planning application 17/01521/FUL at 32 Noverton Lane - Objections by Unett



|                  |
|------------------|
| BUILT            |
| Recd 18 AUG 2017 |
| ENVIRONMENT      |



Ref retrospective planning application 17/01521/FUL at 32 Noverton Lane - Objections by Unett 158



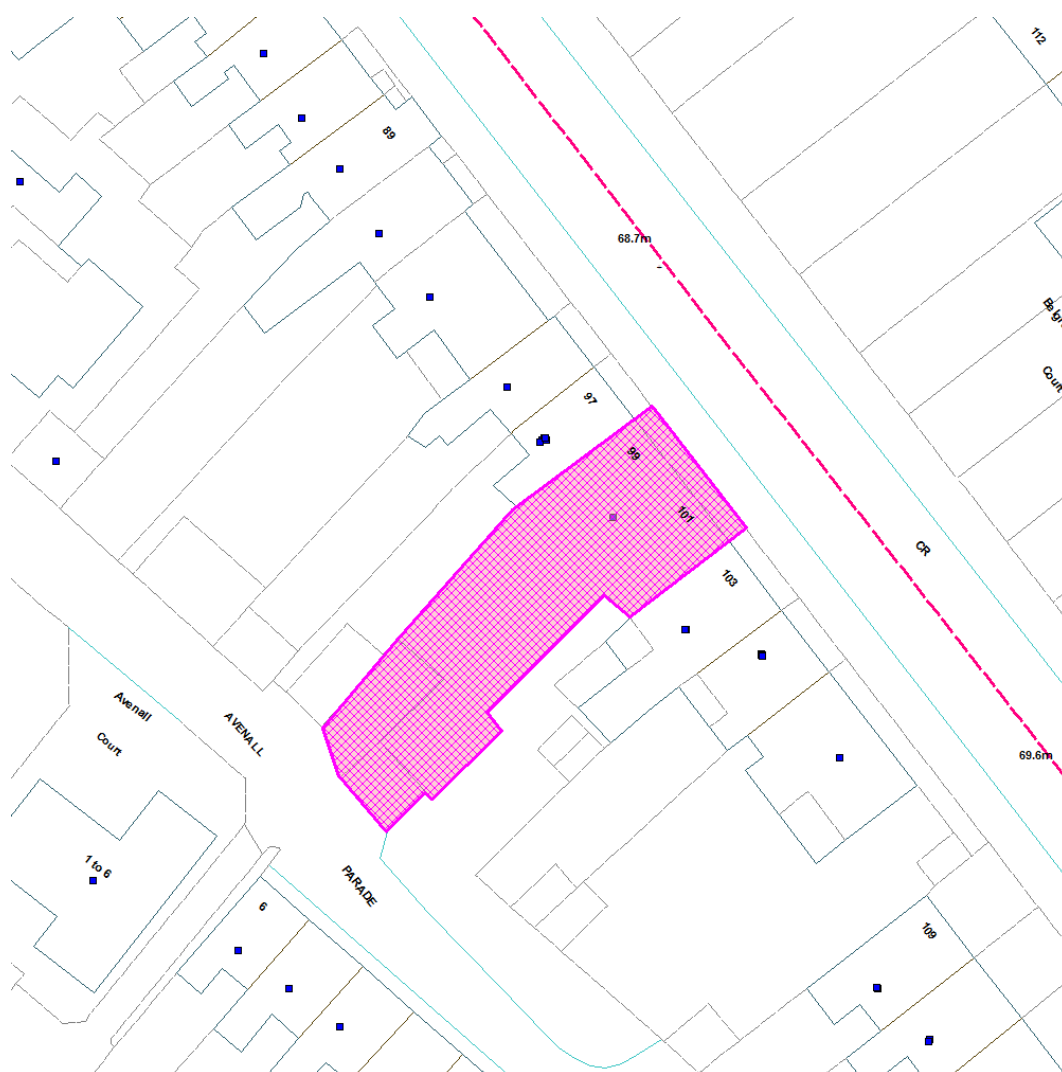
RECEIVED  
18 AUG 2017  
PLANNING DEPARTMENT



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|  |  |  |
|--|--|--|
| <b>APPLICATION NO:</b> 17/01609/FUL      |  | <b>OFFICER:</b> Miss Michelle Payne      |
| <b>DATE REGISTERED:</b> 18th August 2017 |  | <b>DATE OF EXPIRY:</b> 13th October 2017 |
| <b>WARD:</b> Charlton Park               |  | <b>PARISH:</b> n/a                       |
| <b>APPLICANT:</b>                        | LP & M   |  |
| <b>AGENT:</b>                            | HFP Architects   |  |
| <b>LOCATION:</b>                         | 99 - 101 London Road, Cheltenham   |  |
| <b>PROPOSAL:</b>                         | Erection of new four storey building to provide 8no. flats (7no. two bed and 1no. one bed) following demolition of existing building |  |

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a prominent site located on the south-west side of London Road (A40) within the Sydenham Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The site is generally rectangular in shape and extends through to Avenalls Parade to the rear, a private, unadopted no-through road. Land to the rear in Avenalls Parade sits at a lower level than the London Road.
- 1.2 The site is currently occupied by ATS Euromaster, a retailer and fitter of tyres, exhausts and batteries, which is accessed from London Road and exited via Avenalls Parade.
- 1.3 The existing building is two storeys with part basement and sits between Grade II listed terraces on either side; the building itself is identified as being a 'significant neutral building/space' within the Character Area Appraisal.
- 1.4 The application site was the subject of pre-application discussions. The pre-application submission proposed a wholly residential scheme but the applicant was asked to give thought to comments made by the Conservation Officer at the time who suggested that a *"wholly residential use may not be the best option for the area...A mixed use for this site could help to revitalise the area and bring economic activity and wider benefits to the conservation area"*.
- 1.5 As a result of the pre-application discussions, the application as originally submitted was seeking planning permission for the erection of a new four storey building to provide a ground floor retail unit and 5no. flats following demolition of the existing building. However, the ground floor retail unit has proved particularly unpopular with local residents, and the applicant has therefore reverted back to a wholly residential scheme during the course of the application.
- 1.6 The application is now seeking planning permission for the erection of a four storey building to provide 8no. flats (7no. two bed and 1no. one bed) following demolition of existing building.
- 1.7 The application is before planning committee at the request of Cllr Baker and Cllr Harvey due to the level of concern amongst local residents. Members will visit the site on planning view.
- 1.8

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area  
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  
BE 3 Demolition in conservation areas



BE 4 Timing of demolition in conservation areas  
EM 2 Safeguarding of employment land  
HS 1 Housing development  
TP 1 Development and highway safety

## Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)  
Sydenham Character Area and Management Plan (2008)

## National Guidance

National Planning Policy Framework

## 4. CONSULTATION RESPONSES

### **Building Control**

*18th August 2017*

No comment.

### **Environmental Health**

*20th September 2017*

In relation to application 17/01609/FUL for 99 - 101 London Road, Cheltenham, GL52 6HL please can the following conditions be added:

#### Condition:

This proposal includes an amount of demolition of existing buildings, this will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. I must therefore recommend that if permission is granted a condition is attached along the following lines:

"The developer shall provide a plan for the control of noise and dust from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site."

Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

Reason: To protect local residents.

#### Condition:

For the construction phase to be kept within the times of work as follows: 7:30am - 6:00pm Monday - Friday and 8:00am - 1:00pm Saturdays with no noisy work on a Sunday or Bank Holiday and to be mindful of noise when deliveries arrive at the site.

Reason: To protect local residents.

#### Condition:

Prior to the occupancy of the A1 unit, for the proposed times of work to be forward to the LPA for approval. Due to the proposed mix use of this building and there being residential below and above the proposed retail units, the times they will be open will need to be agreed.

Reason: To protect the proposed residential units in the block.

**GCC Highways Planning Liaison Officer**

*21st August 2017*

The site is located within walking distance of a variety of facilities and amenities.

There will be a retail element to the proposal.

The proposal has 4 parking spaces for 5 dwellings and a retail unit. The access from London Road will no longer be required, and I do not consider it would be unreasonable for this to be reinstated as footway.

I refer to the above planning application received on 17th August 2017, with Plan(s) Nos: PD01. I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

1. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
  - i. specify the type and number of vehicles;
  - ii. provide for the parking of vehicles of site operatives and visitors;
  - iii. provide for the loading and unloading of plant and materials;
  - iv. provide for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction operations;
  - vii. measures to control the emission of dust and dirt during construction.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

2. The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan PD01 Rev B , and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

3. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan PD01 Rev B, and those facilities shall be maintained for the duration of the development.

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

4. The development hereby permitted shall not be brought into use until the existing vehicular accesses on London Road have been permanently closed, and the footway/verge in front has been reinstated, in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

*The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.*

### **Cheltenham Civic Society**

*21st September 2017*

We welcome this proposal, in principle, as it will fill an unsatisfactory 'gap' in the street frontage. We consider that initial fenestration treatment proposed i.e. traditional sash windows with glazing bars was more in keeping than the current proposal, which will present a bland elevation to the street frontage. We question the viability of retail in the location.

## **5. PUBLICITY AND REPRESENTATIONS**

5.1 Letters of notification were sent out to 59 neighbouring properties on receipt of the application. Further letters were sent out on receipt of the revised plans. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, representations have been received from 8 local residents, 7 of which are in objection to the proposal. All of the comments have been circulated to Members in full but, in brief, the concerns relate to:

- The proposed retail unit – this concern has been overcome in the revised proposals
- The loss of the existing ATS facility
- The number of car parking spaces proposed
- Noise and disruption during demolition and construction
- The height of the replacement building
- Deliveries and access during demolition and construction
- Loss of privacy / overlooking
- The current state of the private road (Avenalls Parade)
- Devaluation of property
- Refuse and recycling / collection

## **6. OFFICER COMMENTS**

### 6.1 Determining Issues

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

### 6.2 Principle of development

6.2.1 The Land Use Gazetteer identifies the existing use of the site as *sui generis*, whereby the use is composed of mixed retail and industrial activities, and there is no identifiable primary use. The current use therefore falls outside local plan policy EM2 (safeguarding of employment land) which relates only to Use Classes B1, B2 or B8

inclusive. There is no local plan policy which specifically seeks to retain *sui generis* uses within the borough.

6.2.2 Paragraph 49 of the NPPF advises that when determining applications for housing they “*should be considered in the context of the presumption in favour of sustainable development. 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.

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

6.2.4 In this instance, the application site is located within the built-up area of Cheltenham in a highly sustainable location, and is surrounded by residential development. Therefore the principle of developing this site for housing must be acceptable, subject to a number of material considerations set out below.

6.2.5 In addition to the above, there is no objection in principle to the demolition of the existing building on site. The site was the subject of pre-application discussions and the Conservation Officer at that time, although reluctant to see the existing building demolished given the quality of the replacement building proposed at pre-application stage, did not consider the loss of the existing building in itself to be unacceptable, subject to any replacement building being of a suitably high standard of design.

### 6.3 Design, layout and impact on the conservation area

6.3.1 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 and the character of the locality.

6.3.2 Further guidance is set out within the NPPF at paragraph 56 which advises that “*Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”. It goes on to say at paragraphs 59 and 60 that design policies “*should concentrate on guiding the overall scale, density, massing, height*” etc. and “*should not attempt to impose architectural styles or particular tastes*”.

6.3.3 Additionally, paragraph 126 of the NPPF advises that within the conservation area, new development should make “*a positive contribution to local character and distinctiveness*”.

6.3.4 The ‘historic’ appearance of the building was not objected to, in principle, at pre-application stage, but the detailing of the building was considered to be poor. Particular reference was made to the string courses, window heights and balconies which did not align; the central entrance which would have disrupted the rhythm of the terraces either side; some historically inaccurate features such as a half-round door hood; the balconies to the rear which were considered inappropriate; and the scale and height of the rear projection.

6.3.5 The revised scheme has addressed many of the concerns raised and is now considered to be appropriate in its context. The additional storey would provide for an improved transition between the listed terraces. The Civic Society is generally supportive of the proposal “*as it will fill an unsatisfactory 'gap' in the street frontage*” but does question the fenestration treatment, suggesting that traditional sash windows with glazing

bars would be more in keeping; however, there is quite a bit of variety in the adjacent terraces, and whilst many of the windows have glazing bars, not all do. The application form details the windows to be painted timber, and the windows would be expected to be sliding sash; and this could be adequately controlled by way of a condition.

6.3.6 To the rear, the projecting wing has been significantly reduced in size and now appears as a more traditional, subordinate rear range. In addition, the large glazed balconies have been omitted.

### 6.4 Impact on neighbouring amenity

6.4.1 Local plan policy CP4 (safe and sustainable living) requires all new development to avoid causing unacceptable harm to the amenity of adjoining land users and the locality. Consideration is given to a number of matters including, but not limited to, loss of sunlight and/or diffuse daylight, loss of outlook, and loss of privacy.

6.4.2 Additionally, one of the core planning principles set out within paragraph 17 of the NPPF is to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

6.4.3 The amenity concerns raised by the residents in Avenalls Parade and Avenalls Court have been duly noted; however, whilst officers acknowledge that the proposals would undoubtedly have an impact on surrounding properties it is not considered that the development will result in any significant overlooking or loss of privacy, outlook or daylight.

6.4.4 With regard to privacy and overlooking, the windows in the rear elevation achieve a minimum distance of 21 metres to the site boundary, and some 30 metres to windows in the properties opposite the site; this is well in excess of the 21 metre window to window distance normally sought between clear glazed windows. The stepped footprint of the rear wing would also mitigate any impact on the adjoining buildings on either side.

6.4.5 Additionally, given the distances involved, it is not considered that the proposed building would cause any unacceptable impact in terms of daylight or outlook. The resultant building would not be significantly taller than the neighbouring historic terraces.

6.4.6 Finally, the provision of a communal garden would be unlikely to result in any unacceptable noise levels, over and above those which might normally occur from residential gardens.

### 6.5 Access, parking and highway safety

6.5.1 Local plan policy TP1 (development and highway safety) seeks to prevent development that would endanger highway safety.

6.5.2 From a highway safety perspective, the proposals have been considered by the GCC Highways Development Management Team and their response, in Section 4 above, concludes that the Highway Authority raises no highway objection subject to a number of conditions.

6.5.3 The drop kerb access from London Road would no longer be required and this would be reinstated as footway.

6.5.4 The impact of the development on the unadopted, private road to the rear of the site, which is in a relatively poor state of repair, is of significant concern to local residents. It has been suggested that should planning permission be granted, a condition be imposed requiring the applicant/developer to make good the condition of the road. However, advice within Planning Practice Guidance (NPPG) sets out that a condition must not be imposed unless there is a definite planning reason for it, i.e. it is *“needed to make the development*

*acceptable in planning terms*". It also states that a condition "*cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposal*". It is for this reason that, whilst officers acknowledge the concerns and have some sympathy with residents, Members have been previously advised that we cannot impose a condition to make good, or secure improvements to an unadopted, private road; nor would it be reasonable to require the road to be adopted. It is entirely appropriate to condition the submission of a Construction Method Statement as suggested by the Highway Authority.

6.5.5 Notwithstanding the above, the applicant's agent has noted the concerns of local residents in relation to the private road during the construction process and has confirmed that a condition survey of the existing roadway shall be undertaken prior any works taking place, and that any degradation of the surface associated with the construction process shall be made good.

### 6.6 Other considerations

6.6.1 Members will be aware that the possible devaluation of neighbouring properties as a result of development proposals is not a material consideration in the determination of an application for planning permission.

6.6.2 Given the Grade II listed status of the adjacent terraces, a condition has been imposed requiring the submission of a Structural Method Statement.

### 6.7 Recommendation

6.7.1 With all of the above in mind, the development proposals are considered to be in accordance with relevant Local Plan Policies, and national guidance set out within the National Planning Policy framework, and the recommendation therefore is to grant planning permission subject to the following conditions:

## 7. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of 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 commencement of development, including any works of demolition, a detailed Structural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
  - i) full details of the proposed construction design and the methods of excavation; and
  - ii) the extent and type of all necessary supporting works/piling or underpinning works required to the adjacent listed buildings and/or listed boundary walls as a result of the proposed development.

Reason: To ensure that the works are carried out in a manner that safeguards the structural integrity of the adjacent listed buildings, having regard to Policy CP3 of the Cheltenham Borough Local Plan (adopted 2006), Section 16(2) of the Planning (Listed

Buildings and Conservation Areas) Act 1990 and the Historic Environment Good Practice Advice (note 2).

- 4 Prior to the commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall:
- i. specify the type and number of vehicles expected during the construction of the development;
  - ii. allocate space for the parking of vehicles for site operatives and visitors;
  - iii. allocate space for the loading and unloading of plant and materials;
  - iv. allocate space for the storage of plant and materials used in constructing the development;
  - v. provide for wheel washing facilities;
  - vi. specify the intended hours of construction;
  - vii. specify measures to control the emission of noise, dust and dirt during construction;
  - viii. specify the access points to be used and maintained during the construction.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods and supplies in accordance paragraph 35 of the National Planning Policy Framework.

- 5 Notwithstanding the approved drawings, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:
- a) All new windows and external doors (including architrave);
  - b) Balconies;
  - c) String courses;
  - d) Cornicing;
  - e) Parapet;
  - f) Railings.

The details of the above shall include the following:

- a) Materials, finishes and colour; and
- b) Elevations and section drawings to include moulding cross sections, where mouldings are used.

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

Reason: To preserve or enhance the character or appearance of the conservation area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Historic Environment Good Practice Advice (note 2).

- 6 The exterior of the development hereby permitted shall be painted in accordance with a colour scheme that shall have first been submitted to and approved in writing by the Local Planning Authority and maintained as such thereafter.

Reason: To preserve or enhance the character or appearance of the conservation area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Historic Environment Good Practice Advice (note 2).

- 7 Notwithstanding the approved drawings, the railings shall not have a bottom rail but shall be individually leaded into a grey Forest of Dean sandstone plinth.

Reason: To preserve or enhance the character or appearance of the conservation area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Historic Environment Good Practice Advice (note 2).

- 8 Prior to first occupation of the development hereby permitted, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) to include details of all new walls, fences and other boundary treatments. 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).

- 9 All planting, seeding or turfing approved under condition 8 above shall be carried out in the first planting and seeding seasons following the first occupation of the building 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).

- 10 Prior to first occupation of the development hereby permitted, the existing vehicular access on London Road shall be permanently closed, and the footway/verge in front reinstated, in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: To minimise hazards and inconvenience for users of the development by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians, having regard to paragraph 35 of the National Planning Policy Framework.

- 11 Prior to first occupation of the development hereby permitted, the car parking spaces shall be provided in accordance with approved Drawing No. 3138 PD01 C, and those facilities shall not be used for any purpose other than the parking of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure that car parking is provided within the site, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006) and advice set out within the National Planning Policy Framework.

- 12 Prior to first occupation of the development hereby permitted, secure and covered cycle storage shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, and those facilities shall not be used for any purpose other than the storage of cycles and shall remain free of obstruction for such use at all times.

Reason: To ensure that adequate cycle parking is provided within the site to promote cycle use and to ensure that the opportunities for sustainable transport modes have been taken up, having regard to paragraphs 32 and 35 of the National Planning Policy Framework.

- 13 Prior to first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, and those



facilities shall not be used for any purpose other than the storage of refuse and recycling and shall remain free of obstruction for such use at all times.

Reason: To ensure that adequate sustainable waste management and recycling is provided, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

### **INFORMATIVES**

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

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

In this instance, the authority sought revisions to the scheme to omit the proposed retail unit at ground floor in response to significant concern raised by local residents.

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

- 2 The applicant/developer is advised that the recommended hours of construction work likely to generate noise / vibration at the nearest sensitive receptor to the development are 8am to 6pm Monday to Friday, and Saturday 8am to 1pm, with no noisy work on Sundays or Bank Holidays. The applicant/developer is also requested to be mindful of noise when deliveries arrive on site.
- 3 The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

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|--|--|---|
| <b>APPLICATION NO:</b> 17/01609/FUL      |  | <b>OFFICER:</b> Miss Michelle Payne       |
| <b>DATE REGISTERED:</b> 18th August 2017 |  | <b>DATE OF EXPIRY :</b> 13th October 2017 |
| <b>WARD:</b> Charlton Park               |  | <b>PARISH:</b>                            |
| <b>APPLICANT:</b>                        | LP & M   |   |
| <b>LOCATION:</b>                         | 99 - 101 London Road Cheltenham Gloucestershire  |   |
| <b>PROPOSAL:</b>                         | Erection of new four storey building to provide 8no. flats (7no. two bed and 1no. one bed) following demolition of existing building |   |

## REPRESENTATIONS

|                           |          |
|---------------------------|----------|
| Number of contributors    | <b>8</b> |
| Number of objections      | <b>7</b> |
| Number of representations | <b>1</b> |
| Number of supporting      | <b>0</b> |

108 London Road  
Cheltenham  
Gloucestershire  
GL52 6HJ

### Comments: 28th August 2017

Retail unit is unsuitable and unsustainable in the location. Located on a busy road with double yellow lines. Nowhere for passing trade to park safely, without parking illegally and obstructing main route into Cheltenham. Very little footfall and no pedestrian crossing on the local road junctions, would make it dangerous for pedestrians crossing to retail units. No potential retailer would want to let the units, therefore they would remain empty. Six ways and the town centre are within easy walking distance. To force the developer to provide retail units is madness.

Much better to allow the development to consist of entirely much needed accommodation. Thus avoiding the need to increase the existing buildings height. Mitigating some of the effects on neighboring properties.

114 London Road  
Cheltenham  
Gloucestershire  
GL52 6HJ

### Comments: 30th September 2017

I live opposite the proposed site on London Road. I am sorry to see ATS go as they have been an integral part of the local community. I have concerns for the following reasons:-

1. The size of the development with only limited parking. 8 flats will undoubtedly mean more than 4 cars and parking is already an issue in the surrounding area. What consideration has been given to the increase in cars?
2. The disruption during the demolition and building of the new flats. This will be considerable. I object to the work starting at 8am on Saturday especially as the work will be starting at 7:30 all week. I also have concerns with the deliveries for the site. The access to the site is problematic both at the front and the rear of the building. How will this be made to work

without causing additional stress and issues for the people at the rear of the building and blocking access to offstreet parking or existing parking bays at the front of the building?

1 Avenall Court  
Avenalls Parade  
Cheltenham  
Gloucestershire  
GL53 7QQ

**Comments:** 11th September 2017

I have made several attempts to log my objections to the above proposal. I have encountered a variety of technical issues which has left me out of time and a little frustrated.

ATS is not only a commercial business the people who work there are an integral part of our community. They frequently help their neighbours with problems (personal not commercial). They are irreplaceable. It shouldn't matter what a thing looks like it's what's on the inside!

More specifically:

- 1 There will be more cars than the proposed 4 parking spaces , plus any visitors to the flats.
- 2 The building will block natural light from the opposite side of Avenall Parade as it is taller and deeper than the current structure.
- 3 Residents of the new build will overlook building opposite compromising privacy.
- 4 Access to the retail facility for deliveries will inevitably be up Avenall Parade as stopping on the London Road will be difficult due to the proximity to the junction. The Parade is too narrow to accommodate many commercial vehicles.
- 5 The surface of Avenall Parade is in a state of constant disrepair. Recently some potholes were professionally filled with tarmac but that was only possible with a considerable donation from ATS and me harassing neighbours for donations. I myself have filled in the potholes on and off for 20 years at my own expense. Last repair was commissioned by Avenall Court Management at our expense. - it will simply not withstand a further increase in traffic. It definitely will not withstand heavy commercial vehicles fully laden with construction materials. There is substantial threat to the underlying structures of the pipes and drainage
- 6 Avenall Parade is a narrow road. There is constant and full occupancy of the parking by the wall and constant access to Avenall Court and the rear of the London road properties required. There are also the 6 terraces with vehicles to accommodate. I do not want to be put in a position where I have to be in dispute with people over parking and access to my own property.
- 7 On a personal note I am a shift worker. I work a variety of shifts including late shifts and nights. I will not be able to sustain prolonged interruption to sleep patterns which are already erratic.
- 8 A commercial property will make a lot of refuse as will 5 more flats. The plans are not convincing of adequate or secure waste disposal which will not look unsightly. The council has plans to introduce numerous new bins for recycling. Will these be accommodated?

I have looked at the plans and the "supporting" evidence. On the surface it looks a workable proposition. May I ask "Has anyone from the planning department or the council actually walked up Avenall Parade to see what the reality of the situation is?"

I appreciate that this is out of time but as I stated there were issues trying to use the official route. I am passionately against this development. I have recently seen two local community

assets closed. Planning insisted that the function must be retained yet now permission has been granted retrospectively for conversion to solely dwellings. I speak of the Russell Arms and soon to follow I am sure the Beaufort Arms.

Thank you for listening. A short acknowledgement would be appreciated.

4 Avenall Court  
Avenalls Parade  
Cheltenham  
Gloucestershire  
GL53 7QQ

**Comments:** 5th September 2017

I have lived in Avenall Parade for 27 years. I bought my property in the knowledge that this is essentially a peaceful residential area.

ATS Tyres is an integral part of this community and is way more than a retail outlet.

My concerns are:

limited parking in the lane currently, without adding to this by adding further residential properties and retail - where will they park?

HGV access to the lane is already a challenge (ask your refuse drivers!) - and emergency services access is an issue already

Who will pay for the maintenance and repair to the lane? Currently a number of residents of Avenall Parade and single dwellings on London Road +ATS Tyres pay for this.

Major concern regarding the disruption and access to our properties whilst demolition and building work takes place. The lane is not equipped for construction traffic - therefore would need to be accessed from London Road - think about the disruption for the main road into Cheltenham that will cause.

Retail outlet? Will it be left empty and then retrospective permission sought for it to be a takeaway? I suspect the owner is more interested in capitalising on the revenue made from the residential properties.

I had written a long comment before but sadly didn't follow instructions and lost the lot on time out! Hence brief second attempt.

I am housebound currently and unable to attend meetings but sincerely hope that common sense prevails and concerns are considered.

**Comments:** 5th September 2017

In my haste to complete I omitted further concerns:

The proposed development will block the natural light into my property.

The development will also affect my privacy with the residential areas looking directly into my first floor home.

Dependant on the type of retail outlet it could potentially cause undue noise and disturbance. Currently ATS are closed on Sundays and Bank Holidays, usual working hours between 8am and 6pm.

**Comments:** 30th September 2017

It is clear that I will be completely overlooked. The properties will be able to look directly into my lounge and kitchen.

The building will block my natural light into my property.

Can I suggest/request that somebody actually comes and has a look at how this will affect me - and other residents of Avenall Court and Avenall Parade.

I have major concerns that only 4 parking spaces are being included for 8 flats - where are the other residents going to park? Avenall Parade simply cannot accommodate additional vehicles requiring parking.

As all other comments have said previously there is concern regarding access to the site as Avenall Parade cannot/will not withstand increased volume of vehicles, particularly HGVs.

Residents have regularly paid for upkeep to the lane but should not be paying for this and yet it will have an impact on all of us.

6 Avenalls Parade  
Cheltenham  
Gloucestershire  
GL53 7QQ

**Comments:** 21st August 2017

Avenall Parade is made up of a mixture of mainly property owners and a few tenants. The London Road flats (in parallel with the length Avenall Parade) mainly consist of tenants.

**Objection**

I strongly object to aforementioned planning request for the following reasons

i. Access. As front access is located on a trunk road (A40) I believe a works compound will not be permitted and therefore all works and access will be required through Avenall Parade. As the road is in an extremely poor state (major pot holes), the road will not tolerate heavy vehicles and therefore this is not a viable option. Please be advised no photos highlighting the state of the road have been added to the proposal.

ii. Access continued (Completion of works). The road is unadopted by the council and therefore any further pressure will have caused subsequent damage once the works are complete, which cannot be rectified by property owners due to the cost implications. If this proceeds, this will be irresponsible of both the developer and council not to resurface.

iii. Access continued. As the road is narrow, this will cause major inconvenience to property owners with regards to parking.

iv. Privacy. The proposed four story building will directly overlook 6 Avenall Parade. The house was purchased on the basis this was the only property not directly overlooked.

v. Disruption and Pollution. The erection of the building will cause lengthy noise pollution for the duration of works for all occupants in the confined parade. Under the Human Rights Act, we have the right to enjoy our surroundings.

vi. Parking (Additional tenants). As it appears from the plans that a communal garden will only have limited parking, this will undoubtedly lead to additional vehicle occupancy, reducing valuable

road spaces. In addition, the application states there are presently 4 parking spaces available. This should be verified as there are no parking spaces available (only a bin store).

vii. Parking continued (Retail Unit). It also appears that the ground floor will be used as a commercial unit which will impact on parking. Consumers will seek parking at the back of the property causing significant issues with spaces and access.

viii. Demise. Further short term tenants will potentially add to the issues of excess waste dumping in the road, noise and parking. The noise will be practically noticeable if a communal garden is added, opposite the houses on Avenall Parade.

ix. Conservation. The proposal comments on the impact of the conservation of the area. ATS do their utmost to contain waste and are extremely conscientious of the area. They have also filled the pot holes on several occasions. The photos on the proposal demonstrate that the front of the ATS building is in good order and it is in fact the other buildings which require maintenance to enhance the conservation area.

### Discussion

On the basis on the above points, consideration of the proposal will not be contemplated unless the following elements are discussed in advance.

i. Avenall Parade is fully tarmacked by the developer incorporating the entire length the parade due to vehicles turning round (to a high standard and to be signed off) prior to commence of works (in advance to allow for rest).

ii. The council adopts the road for ongoing maintenance in advance of works and provides free marked residential parking spaces. This includes immediate access on the right (next to the wall) as you enter the parade. At present a number of workers in the area use this space to park vehicles and this will only increase with further tenants and customers.

iii. Written guarantees are presented by the developer that works will not inconvenience occupants and penalties will apply. This should also be supported throughout by the council and any issues should be resolved quickly.

iv. The property owners of 6 Avenall parade are fully compensated for the devaluation of the house. To reiterate, the house was purchased a few years ago as it is the only property that was not directly overlooked by other tenants. Once the proposed building is erect, the tenants will have full view into the lounge and bedrooms and this will have an impact on its value. Even if the 45 degree vision splay is installed on windows this will not limit the overlooking aspect.

v. A new door and windows have been recently fitted (June 2017) to 6 Avenall Parade and two large garden patios have been installed with new furnishings and the work from proposed with create debris. This will have an impact on the visual aspect of the house and garden and will require regular maintenance. Therefore maintenance to the house will be required for the duration of the works by the developer. The photos from the application must have been taken 18 months to 2 years ago and are not recent.

In addition

i. The proposal states there are presently 4 parking spaces available. This is not the case and will require verification.

In accordance with the local plan, the council are asked to visit their policies when conferring on decision making.

### POLICY CP 4

#### Note 1

In assessing impact on amenity, the Council will have regard to matters including loss of sunlight and/or diffuse daylight (see note 2), loss of outlook, loss of privacy (see note 3), and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lights (see also policy CP 3 (sustainable environment), hours of operation, and travel patterns, including heavy goods vehicles (see also policy CP 5 (sustainable transport)).

### POLICY CP 6

#### Note 2

Compatible means unlikely to cause harm to amenity by loss of privacy or disturbance from noise, smells, fumes, vibration, glare from artificial lights, hours of operation or travel patterns.

#### Built Environment.

5.26 Within Cheltenham's (Central) conservation area, both grand and modest 19th century buildings and structures, as well as good examples of 20th century buildings, contribute to the special character of each area. Such buildings will rarely receive consent for demolition, since it is their cumulative presence, which establishes the essential character and appearance of the conservation area. Demolition of buildings forming part of a terrace or group will be particularly resisted. Where the existing building can still be put to beneficial use, the possibility of realising a higher redevelopment value of the site or of developing a more convenient or profitable new building will not be adequate justification for demolition.

5.32 The Council wishes to halt the further deterioration of back lanes and to see their environmental improvement wherever there are opportunities.

5.33 New development in these areas can lead to parking and access problems, and it may be difficult to accommodate an acceptable form of development in such restricted areas without having an adverse impact on the light, privacy and amenity space of adjoining properties. It is often difficult to overcome these requirements owing to the problems of restricted road widths, high densities and the proximity of the rear of large buildings.

5.34 Open parking would in most cases be contrary to the sense of enclosure along back lanes, and would need to be behind gates of a suitable character - normally vertically boarded. In applying policy BE 3 (demolition in conservation areas) to development in such areas, particular note will be paid to any car parking or servicing problems arising from the existing use or conversion of the main terrace properties.

#### Economy

9.20 In view of the limited opportunities for the development of new employment sites in the urban area, the town cannot afford to lose existing employment land and premises to alternative uses.

Added comment, ATS has employed two to three people for extensive years. Although retail units will be added, the chances are these will not be filled, as with the other retail units on London Road, these stay empty for some time or businesses come and go quickly (even though parking can be had opposite). Retail units are not a valid reason for building development (and there will be no parking).

#### Transport

14.27 The County Council as Highway Authority will consider adoption of a private road only if it is brought up to the appropriate maintainable standards.



Added comment. This cannot not be provided by the few property owners, as tenant Landlords will not contribute. Therefor this should be provided by the developer or council.

In summary

Please be advised that if these even if above points are considered by developers, the council and occupants this does not guarantee acceptance from the occupants. The points should be open to discussion and if not considered by the developers and HFP architects, the planning proposal will be fought every step of the way to ensure that residents are considered, compensated and not inconvenienced.

3 Avenalls Parade  
Cheltenham  
Gloucestershire  
GL53 7QQ

**Comments:** 23rd August 2017

As a resident of Avenall Parade I do believe that this proposal will be beneficial to the area and more in keeping with the current period architecture. However I do have some concerns:

1 I believe that there will be major disruption to Avenall Parade throughout the lifecycle of this project. Avenall Parade is a small/narrow non-through road in which it is difficult enough to navigate with a normal sized vehicle let alone the types of heavy vehicles that will be needed for a project this size. There is also the concern of homeowners not being able to access their properties.

2 The road of surface of Avenall Parade is already in a state of extreme disrepair. As an Un-adopted road, which we DO NOT want to become Adopted, it is up to us as residents of Avenall Parade to Maintain the road surface; however since giving permission to the residents of London Road to use it as an access point to their properties and providing them with parking whilst sacrificing our front gardens, the road surface has suffered immense deterioration. The only residents that have attempted to repair the road have been those of Avenall Parade and ATS Tyres and I believe it is time that the London Road residents also started taking responsibility for the upkeep - therefore are there plans by the developer to resurface the road after the project has been completed as there will no doubt be more damage done due to the increase in traffic especially heavy vehicles?

3 The final point is more of an observation. I truly believe the manner in which the staff at ATS Tyres have been treated by the landlord is beyond appalling. They were not even provided with the same notification letter that the residents of Avenall Parade received and have been completely blindsided by this proposal. They are now looking at either being relocated in the best case scenario or being jobless in the worst. The staff at ATS have been exemplary members of our small community of the years and were due a lot more respect in this situation. It makes me wonder if this is how the landlord of the property conducts themselves in business at the beginning of a project how will they proceed through the rest of the venture? One would hope with more decorum!

2 Avenalls Parade  
Cheltenham  
Gloucestershire  
GL53 7QQ

**Comments:** 5th September 2017

strongly object to this planning application. While HFP have focused on the improvement that the development would make to the front along London Road, they have failed to take any

consideration to the residential properties which sit behind on Avenalls Parade and those residents on London Road who use Avenalls Parade to access their homes. The proposal actually refers to Avenalls Parade as an access service lane, it is not such but a private road that property owners live along!

The grounds for our objection are:

### I. During Development

#### - Access

o Avenalls Parade is a private road and in a poor state with numerous pot holes, the road will not be able to cope with heavy vehicles required for this development and therefore Avenalls parade is not a viable access option. The current road surface will totally disintegrate before, during & after any proposed new retail development works, due to the nature of the weight of heavy delivery vehicles and increased residential vehicular traffic.

o The road is also quite narrow and will therefore be a cause of concern for those who park along it, with potential damage to their vehicles by passing large vehicles but also inconvenience to property owners when parking

o Where will the works compound be located, vehicles/large machinery? There is no space for such a compound unless you impact those who live in Avenalls Parade and block access to our properties

#### - Disruption

o There is no information as to how long this project will take to complete and therefore this causes concern for how long the residents will have to put up with inconvenience of parking/access issues but also the noise and pollution caused throughout the build

### II. Proposed Build

o With the retail units already in place across the road from this proposal, the close proximity of the town centre and Charlton Kings shop, I see no requirement for further retail units in this area.

§ Not only is there no parking for customers, what about the staff who will work in these units.

§ Also the increase in deliveries these units will create which will again use Avenalls parade for access.

§ The same issues apply as above it is not a an adopted road and therefore increase in damage will be caused to the road.

o With the additional units will bring increase in waste as the back of the property onto Avenalls parade. There is already issues with the council often forgetting to collect the refuse this will increase waste being left behind

o 5 flats, 1 of which is a 3 bedroom flat and only 4 parking spaces is ridiculous.

§ The proposal states that there is parking already for 4, this is incorrect.

§ By not provided adequate parking is only going to cause further issues for the residents of Avenalls parade, we are already in a situation where vehicles are dumped in the entrance to Avenalls parade and people also use it to park for work. We already live with an issue whereby friends and relative of those who live on Avenalls Parade have no parking this will only increase.

§ The other properties on London Road which have been converted into flats have removed any area for a garden to utilise parking facilities for those who live in them. This should be a requirement of this proposal as a minimum

Overall the following needs to be considered for this proposal:

o Removal of the retail units

o Removal of the communal garden area to be used for parking

o Reduce the size of the build to contain 4 times 2 bedroom flats

If this build is given the go ahead then the following needs to be considered

§ Location of the work compound

§ Replacement of the road once the building works have been completed

Finally HFP state that a complete scheme of flats inappropriate by planning officers, why is this so?

Flat 3  
97 London Road  
Cheltenham  
Gloucestershire  
GL52 6HL

**Comments:** 23rd August 2017

The proposed changes will not create any further jobs for the area, and within five minutes walk we already have shops such as 2x Sainsbury's locals, Esso Garage, Co-Op, Premier to name but a few.

The plans lack road access for deliveries, times the proposed shops will be open and noise disruption for neighbouring residents in small proximity. Plus, there are many unused commercial premises in the area, which should be renovated and brought back to the community instead of destroying a business and building.

The existing business is thriving and is an integral amenity as there is nothing similar surrounding it, and what is the need to demolish a structurally sound building when aesthetic plans like this should be concentrated to the town centre and pedestrian only streets.

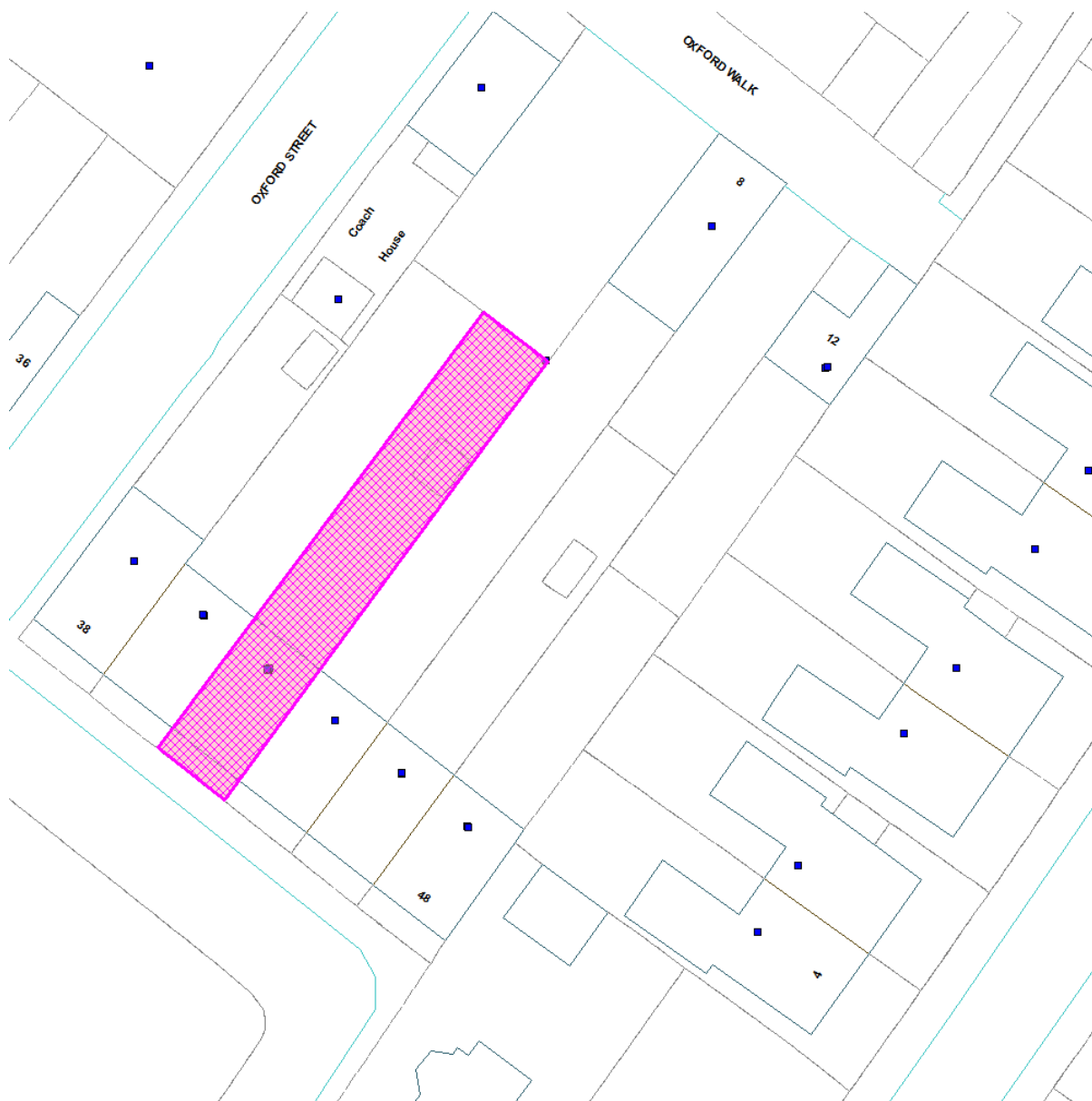
Residents have not been informed of these plans, and the proposed plans at the rear would not only restrict light on the buildings next to it but also incur months if not years of on going building work and disruption to residents with regards to demolishing and moving materials on and off site.

Therefore I would like to propose this application is rejected, and all future applications to undergo significant building work on this site.

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|   |  |  |
|---|--|--|
| <b>APPLICATION NO:</b> 17/00887/LBC     |  | <b>OFFICER:</b> Mr Adam Dyer               |
| <b>DATE REGISTERED:</b> 4th August 2017 |  | <b>DATE OF EXPIRY:</b> 29th September 2017 |
| <b>WARD:</b> All Saints                 |  | <b>PARISH:</b>                             |
| <b>APPLICANT:</b>                       | Cheltenham Borough Council                     |  |
| <b>AGENT:</b>                           | Cheltenham Borough Homes Ltd                   |  |
| <b>LOCATION:</b>                        | 42 London Road Cheltenham Gloucestershire      |  |
| <b>PROPOSAL:</b>                        | Repair of stone stair treads to basement steps |  |

**RECOMMENDATION:** Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 42 London Road is a Grade II\* listed building located within the Sydenham Character Area of the Central Conservation Area. The property is located within a terrace of 6 houses dating from 1816-17.
- 1.2 The applicant seeks to repair the basement external steps by splicing in new Forest of Dean sandstone.
- 1.3 The application is going to planning committee as the applicant is Cheltenham Borough Homes, with the property owned by Cheltenham Borough Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area  
Listed Buildings Grade 2star

### Relevant Planning History:

**00/01410/LBC 4th September 2001 GRANT**

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 3 Sustainable environment  
BE 9 Alteration of listed buildings

### Supplementary Planning Guidance/Documents

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

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Building Control**

*18th August 2017*

No comment

### **Historic England**

*17th August 2017*

Thank you for your letter of 9 August 2017 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

## 5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 A site notice was displayed near the site and an advert placed in the Gloucestershire Echo.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The key consideration in relation to these comments is the impact of the works the listed building and the conservation area. Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, whilst section 72 (1) requires local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 6.3 The current basement steps are in a poor state, where they have become worn away over many years to the point that they have become a safety concern. As a result they are uneven and a potential slip hazard when wet.
- 6.4 The proposal is to therefore cut in and remove small sections of worn away stone and splice in new pieces of Forest of Dean sandstone. This will therefore help restore the steps to their former glory, and preserve the architectural interest of the listed building. A method statement outlining an appropriate approach for the proposed work has been included as part of this application.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 For the above reasons it is recommended that consent is granted with the following conditions:

## 8. CONDITIONS

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

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

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

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

Stone Sample

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

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