



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

**Thursday, 15 February 2018  
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 - 14)
- 6. PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS –  
SEE MAIN SCHEDULE**
  - a) **17/01644/FUL Land at Manor Farm, Manor Road** (Pages 15 - 60)
  - b) **17/02436/FUL 11 Lansdown Walk** (Pages 61 - 70)
  - c) **17/02447/FUL St Francis, Park Lane** (Pages 71 - 116)
- 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

18<sup>th</sup> January 2018

### Present:

#### Members (15)

Councillors Barnes, Chair (GB); Fisher, Vice-Chair (BF); Baker (PB); Collins (MC); Colin Hay (CH); Hegenbarth (AH); Hobley (KH); Lillywhite (AL); McCloskey (HM); Nelson (CN); Oliver (TO); Savage (LS); Thornton (PT);

**Substitute:** Councillor Matt Babbage (MB)

#### Officers

Martin Chandler, Team Leader, Development Management (MC)  
Michelle Payne, Senior Planning Officer (MP)  
Chris Chavasse, Senior Trees Officer (CC)  
Annie Holdstock, Trees Officer (AH)  
Nick Jonathan, Legal Officer (NJ)

### 1. Apologies

Councillors Wheeler and Seacome. Councillor Hobley sent apologies for his late arrival.

### 2. Declarations of interest

#### 17/02402/CONDIT Ragged Stone, Old Reddings Road

Councillor Babbage – a family member lives in the vicinity of the application site – will leave the Chamber.

### 3. Declarations of independent site visits

#### 17/02402/CONDIT Ragged Stone, Old Reddings Road

Councillor Collins – knows the site well.

### 4. Public Questions

There were none.

### 5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 14<sup>th</sup> December 2017 be approved and signed as a correct record *without* corrections.

## 6. Planning applications

Application Number:	<b>17/01088/FUL</b>
Location:	<b>Land opposite Forden House, Timbercombe Lane</b>
Proposal:	<b>Erection of 5 dwellings with new vehicular access arrangements, provision of landscaping and other associated works</b>

**WITHDRAWN**

**Councillor Babbage left the Chamber before the start of the debate on this item.**

Application Number:	<b>17/02402/CONDIT</b>
Location:	<b>Ragged Stone, Old Reddings Road</b>
Proposal:	<b>Variation of condition 2 (approved plans) on planning permission ref. 15/01673/FUL to allow for an increase in parapet heights</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>9</b>
Update Report:	<b>None</b>

**MP** introduced the application as above, saying that planning permission for a single-storey dwelling on land to the rear of Ragged Stone was originally granted in November 2015. Work subsequently started, and during construction it became apparent that the height of the building would be higher than the approved scheme, and an application for a minor amendment was therefore made. The report refers to an increase of 300mm, but in fact this is 250mm on the lower part of the dwelling, and 150mm on the higher part. It is at Committee at the request of Councillor Britter. The recommendation is to permit.

### **Public Speaking:**

#### **Mr Richard Burgess, neighbour, in objection**

Is representing the many residents who are opposed to this application, and who are unhappy at the lack of important detail in the very dismissive officer report. Regarding visual impact, at 6.1.1, the report states that the land levels in Old Reddings Close are 500mm higher than the application site, which should soften the visual impact of the new structure, but this isn't the case from the adjoining properties in Old Reddings Road. At 6.2.4, the report downplays the impact on the immediate neighbours, suggesting that boundary enclosures would help, but this isn't possible next to Roebuck, as the wall is touching the boundary fence. The application raises the height of the structure by 30cm (four bricks), which increases shadow and reduces sunlight over the neighbour's garden. The report gives no explanation of the reason for the increase. It says it was influenced by a number of factors, including the need to provide a deeper than typical ground-bearing slab due to poor conditions – but what does this have to do with increasing the built height of the wooden structure on top of the slab?

The structure had been built to the now-requested size months before the current application was made on 9<sup>th</sup> December. The enforcement team was told it was too high in October; work stopped, then continued apace. The original 2015 plans and the current update show an increase of 30cm in the thickness of the roof structure, and the enforcement team confirmed that larger roof timbers had to be introduced to strengthen the roof. Was this due to a monumental architectural error and lack of scrutiny by planning officers, hoping local residents wouldn't notice? Why wasn't the structure design adjusted at the beginning to accommodate the larger roof supports and maintain the approved height? And why was the developer confident to carry on work, even though the error had come to light? Reflecting on the innocuous, short sentence in the RPA "Construction detailing of roof depth has resulted in a requirement to slightly amend/raise parapet heights" with



no explanation of dimensions, and submitted months after the construction was built, was this intended to be glossed over while building continued?

There are still serious concerns about this development, regarding a history of flooding of surrounding gardens and clarification on drainage from the site. Residents expect CBC to uphold planning rules and demonstrate to the public that they are acting honestly and legally. This type of issue has the potential to totally undermine the public's confidence in local authority and their responsibility in upholding values.

### **Mr Harry Madeley, applicant, in support**

He and his partner were granted planning permission in 2015, to build their first home on her parents' land. Both grew up in Cheltenham and work locally, have a Reddings allotment, friends in the community, and would like to stay there and start a family. It has been an uphill struggle but also an amazing opportunity for a young couple to build their own home and get on the property ladder in an area where they would not be able to afford to buy a house.

During the later phase of construction, it became apparent that the building height marginally exceeds the original planning drawings, by 6 in. in the taller part and just under 10 in. in the lower, due to a change in roof construction. This increase is to accommodate larger roof joists; the ceiling and window heights inside remain the same as the original design. This outcome was not intentional, but the officer report states that the impact will not be noticeably greater, and the house still stands significantly lower than the surrounding properties. The new house is single storey and contemporary, with the ridge line lower than adjoining properties; the Architects' Panel said the scheme is 'well designed'.

There is concern from neighbouring properties in Old Reddings Road – whose houses are well over 100 feet from the new house – but there was no objection to the development's height or construction materials with the original application. The existing boundary is a low, agricultural fence, which does provide long views to the new house, but hopes that a more permanent and slightly higher fence can be provided in the future, to improve the situation for the neighbours. Regarding privacy, the height and position of the windows has not changes, and at ground level are noticeably lower than that of Old Reddings Close. If there was a simple way to reduce the height of the buildings, he would not be here tonight, but is looking for support for this minor material amendment.

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

Has been asked by many local residents to voice their concerns with regard to what they consider to be a retrospective application. Members will have seen on Planning View this overbearing building to which the whole neighbourhood is opposed. Comments can be summarised as follows: the additional height of the building is inappropriate, and the development is no longer single storey. It is too tall, imposing, and domineering over the site and that of the immediate neighbours. The change in roof height makes it more prominent, even with the flat roof, which is out-of-keeping with the style and pattern of the neighbourhood. It creates an overshadowing presence, due to its proximity to the neighbouring boundary; the building has already created a negative impact, and if allowed to go higher, will be a complete eyesore when finished. Why was the development not amended when it became apparent that changes to the roof structure would be needed, to stay within the height of the approved design - it is a wooden construction, after all. Policy CP4 requires new development to avoid unacceptable harm to neighbouring amenity, but local residents feel that this building as built has an adverse visual impact and affects the neighbours' use of their garden.

There is also concern that the vagueness of the submitted plan is deliberate, to hide design errors; this is the second application to vary the approved plans, so why did a plan full of mistakes and lacking in detail and clarity get permission in the first place? Residents feel the officer report is very dismissive and unprofessional, lacking in detail and failing to answer questions – which leads them to believe the outcome is a done deal, ignoring their concerns and fears, and even indicating

collusion between the planning team and architects. Policy CP7 requires new development to be of high architectural standard and to complement neighbouring development and the locality; the NPPF Paragraph 58 advises that development should respond to local character and reflect the identity of the local surroundings and materials – which residents feel this building has failed to do.

In view of this and other applications in The Reddings, where residents feel planning rules have been flouted, they feel badly let down by the planners, and bad feeling, disbelief and suspicion has raised anxieties about transparency and integrity, not only of the planning team but also of the whole council. The local community has spoken, and their wishes and concerns should be listened to. It is their wish that this major amendment be refused.

### **Member Debate:**

**MC:** it has been interesting to listen to the different views of the objector, the applicant and the ward councillor. Has some points requiring clarification, and some questions. Was the decision on the original planning application made by the officer or the Committee? The original report quoted Policy CP4, that development will only be permitted where it would not cause harm to neighbouring amenity, concluding that it did not – is this still considered the case? When referring to the effect the new dwelling will have on neighbouring amenity, is the officer referring to No. 10 Old Reddings Close? If not, it should be, as this is the property which will feel the greatest impact. Was going to ask the exact increase in the height of the building – the report refers to ‘some 300mm higher than approved’ – but this has now been answered by the officer.

Who noticed that the dwelling was being built higher than approved? Was it the neighbour, the parish council, building control officers, enforcement officers? The speaker said that it had already been built before any challenge was made. Is concerned to read that the developer entered the neighbouring property without permission and damaged the fence – this should not be allowed. In photographs submitted by one of the objectors, the new dwelling appears to be right up against the neighbour's fence – is this allowed? It has also been claimed that a new fence will soften the relationship of the new building with the neighbour's garden. The speaker referred to a greater ground-bearing slab being required, but could this not have been placed lower in the ground – allowing the building to remain at the same height? And if this was noted early in the development process, the builder should surely have brought it to officers' attention before continuing.

The fact that the builders carried on regardless is supported by the timeline, and begs the question as to why they continued to build something for which they didn't have permission? They should have stopped and take advice from officers but it seems that they just continued regardless as it would be too difficult to change. This is a retrospective application, not an amendment, and the local authority must send the message that if something changes during the building process, building should stop. If applicants carry on, they must know that they do so at their own risk, and could face the expense of undoing what they have done.

Will listen to the rest of the debate, but isn't comfortable with this. It is only a single storey dwelling, and should not be overbearing, but just looking at this one amendment and the trouble that has been caused by the builders not doing what they should have done and are responsible for – it is very annoying.

**TO:** can officers confirm the statement made by the applicant that the height of the windows and ceilings will remain the same? Is the height that Members saw on Planning View the finished height? It will be no higher than this?

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

- To answer all of MC's questions:
- the original application was decided under delegated powers; it was not called to Planning Committee;

- regarding the harm to neighbouring amenity and Policy CP4, if the current proposal had been put forward originally, officers would have reached the same conclusion regarding the impact on the neighbouring property, and granted permission;
- the neighbour most impacted by the proposal, as referred to in the report, in Roebuck, not Old Reddings Close;
- and as to who first noticed that the proposal wasn't being built to plan, is not sure of the answer here, but thinks it was reported to the enforcement team by a neighbour; enforcement officers then liaised with planning officers.

**MC:** is not sure that MP can answer his other questions. Still cannot understand why building didn't stop when the error was realised. This is annoying. Carrying on building without permission has got to stop. Planning permission is granted to build in line with the approved plans. If an amendment is needed, it must go through the proper process. To carry on building regardless is not the right thing to do.

**MP, in response:**

- asked for clarification from the enforcement officers after their site visit. It is not always expedient to demand that building work should stop, but applicants are always informed that if they carry on, they do so at their own risk;
- to TO, the only change to the building is in the height; the roof structure is deeper than originally approved, but everything else is the same as the previous permission.

**Vote on officer recommendation to permit**

8 in support

4 in objection

**PERMIT**

**Councillor Babbage returned to the Chamber for this item.**

**Councillor Hobley arrived at the meeting during this item.**

Application Number:	<b>17/02251/TPO</b>
Location:	<b>1 Hazebrouck Close</b>
Proposal:	<b>Oak tree in rear garden - fell</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	Update Report: <b>None</b>

**AHoldstock** introduced the application as above, to fell a very large oak tree in the rear garden of the applicant's property. It is at Committee at the request of Councillor Whyborn. The recommendation is to permit, subject to the applicant re-planting a species to provide amenity to the local area.

**Public Speaking:**

**Mr Ling, applicant, in support**

The tree has a negative impact on his garden, home and family life – no grass, flowers or shrubs can grow underneath it, and the garden cannot be used for social events, such as barbecues. When the tree is in leaf in the summer, light is blocked out of the garden; the bare soil acts as a huge litter tray for local cats, and any vertical surfaces and the trampoline are covered with moss, making it impractical to use. The main impact of the tree is on his five-year-old daughter, who can't use the garden in summer or winter – there is no grass, and she cannot invite friends to play. Neighbours support the application to remove the tree, there have been no objections, and the ward councillor is also supportive. Is asking Members to agree to the request to remove the tree.

### **Councillor Whyborn, in support**

The applicant's family is suffering a very considerable loss of amenity resulting from this tree. Hopes we have learnt in the last few decades not to allow developers to build so close to oak trees, but this house pre-dates any current recommendation. Wrong decisions were made, and this tree is in the wrong place in relation to the houses. Members will have seen the loss of amenity it causes on Planning View: there is no grass at all, as the tree takes all the goodness from the soil. There is also a risk of branches falling. Asked for the application to come to Committee, being aware that anything to do with trees can be controversial; it is not usual for someone to ask to fell an oak tree, and it wasn't clear at the initial stage that the officer would agree. Would like to add four points to the issue of loss of amenity: the report states that the pruning needed to improve the situation would detract from the tree's visual amenity – it would end up shaped like a lollipop, and have no amenity for the rest of the neighbourhood; there is the risk of the tree roots undermining the property – it is not mature and therefore still growing bigger; an application to fell the tree was refused 15 years ago – if it had been permitted, we would now have two mature trees in its place; and finally, the question of what will happen if nothing happens – we will be back here in 5-7 years, considering the same situation. Unfortunately, sooner or later this tree will have to come down – it will be a choice between the tree and the house, and no-one wants that. Hopes therefore that the Committee will look favourably on this application, and grant permission to remove the tree.

### **Member Debate:**

**PT:** this is a stunning tree, a real beauty, and a perfect specimen. Is always in the forefront of those who wish to preserve trees but here, reluctantly agrees with the officer recommendation. It is a sad, sad thing, and hopes that at least the logs will be salvaged and made into something beautiful, not dumped in landfill. It will cost a lot to take it down, but the poor tree has to go. It is in the wrong place – the builder shouldn't have built so close to it. Despite her usual feelings, strongly believes this tree will have to come down.

**PB:** wasn't going to speak this evening - is usually a passionate defender of trees, and this is a particularly nice one. Has listened to the owner's sincere and honest appraisal of the situation, and as a parent, understands what he is saying – the tree prevents the garden from being used by the family, and dominates the house and garden. Apart from anything else, oak trees are fantastic habitats for various wildlife, but sadly believes the right decision in this case is to take the tree down.

**CH:** will be quick – this application should clearly be approved, which begs the question as to why it is at Committee. However, now that it is here, will take the opportunity to make a wider point: when housing developments go up, there are sometimes existing trees on the site, and the builder needs to consider what the trees will grow into. This is an omission; the house isn't that old. When applications are submitted, the developer should be advised where trees that are quite small will grow and soon become much bigger trees which can have a material affect on amenity. We must take note of what has happened here. As a carpenter, hopes that the wood isn't burned – it would be nice to work with.

**GB:** acorns grow into oak trees; people don't always recognise this fact.

**BF:** agrees with the previous speaker, but isn't sure that we should insist that a new tree is planted in this one's place. There is a yew tree in the garden, which is more than enough for a garden this size. The applicant will struggle to grow anything else there. Hopes that the applicant, having had his family's life dominated by the tree for so many years, will have a piece of garden furniture made from the wood, to remember it by!

**MC:** this is an unfortunate situation. Loves trees, and this one is particularly gorgeous. But has sympathy with the applicant – gardens are to be enjoyed, particularly by children. Will therefore agree with the officer's recommendation, but before the tree is removed, will go and give it a big hug!

**GB:** this is a beautiful tree, and no-one likes to lose a tree like this. It will mean a loss of habitat to various wildlife, but at least there are other trees in the area. Agrees with BF that appropriate replanting should be up to the applicant – we shouldn't insist on another tree, as it won't replace the amenity value of the existing tree. Would resist the condition for a replacement tree.

**AHoldstock, in response:**

- the application is at Committee because of the amenity issue rather than any health and safety risk. If there was any health and safety risk, the decision would be clear-but; the regarding the amenity issue, officers have changed their minds several times, and felt that an airing at Committee, opening the decision to a wider opinion, was the right thing to do;
- regarding any replanting, it would have to be a species appropriate to the location – a small-to-medium tree such as a hawthorn, which would grow taller than the fence but not dominate the garden.

**PT:** doesn't believe we should insist on a replacement. There are other trees in the area, and the garden is small. Another tree would restrict the family's use of the garden. They should be allowed to grow grass and enjoy what they've got.

**AL:** supports the officer recommendation, and would like to propose the lifting of the condition to replace. The plot faces east, so it will get the morning sun; a new tree will place the garden in shadow.

**AH:** would also like to support the lifting of the condition. As a liberal, supports the resident's right to live free from trees should they wish. We should give them the opportunity to enjoy the sunshine.

**Vote on AL's move to lift the condition requiring a replacement tree to be planted**

13 in support

0 in objection

1 abstention

**CONDITION IS REMOVED**

**Vote on officer recommendation to permit**

13 in support

0 in objection

1 abstention

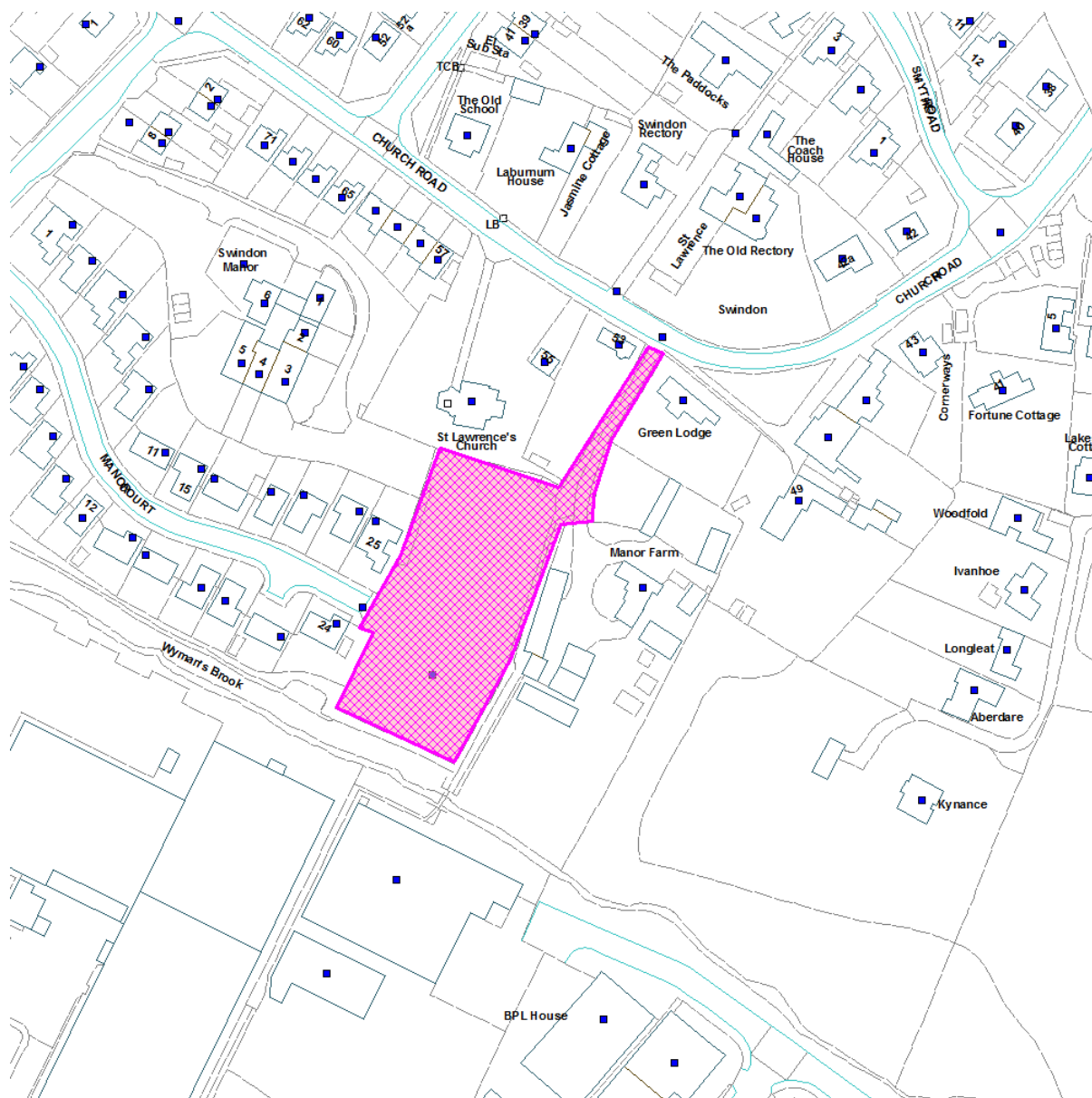
**PERMIT**

*The meeting ended at 6.50pm.*

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<b>APPLICATION NO:</b> 17/01644/FUL	<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 14th September 2017	<b>DATE OF EXPIRY:</b> 9th November 2017
<b>WARD:</b> Swindon Village	<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Centaur Homes Ltd
<b>AGENT:</b>	SF Planning Limited
<b>LOCATION:</b>	Land At Manor Farm, Manor Road, Swindon Village
<b>PROPOSAL:</b>	Residential development of 2 no. bungalows and 6 no. houses, with associated access and landscaping (revised scheme following 14/01823/FUL)

**RECOMMENDATION:** Permit subject to a 106 Obligation



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application is before Planning Committee at the request of Councillor Fisher. There is also an objection from Swindon Village Parish Council.
- 1.2 The application site comprises of a parcel of land which forms part of the Manor Farm group of residential and agricultural buildings. The site is accessed via a private driveway from Church Road which also provides vehicular access to Manor Farm and Green Lodge, Church Road. Although generally hidden from public view, the site is visible from the churchyard, the adjacent footpath alongside the western boundary of the site and from Manor Court. The site is not currently in use although has previously been used for the storage of caravans.
- 1.3 The site lies wholly within the Swindon Village Conservation Area and adjacent to the grade II\* listed St Lawrence Church.
- 1.4 The applicant seeks planning permission for the erection of two houses and six bungalows. The site will be accessed using the existing access road which adjoins Church Road.
- 1.5 Background/Planning History
- 1.6 Planning permission was granted in 2015 for an almost identical scheme of two houses and six bungalows (14/01823/FUL). A subsequent application in 2017 (ref 16/01755/CONDIT) sought material amendments to the approved scheme (relating to fenestration, elevation treatment and widening of the access road). This application had been due to be determined at the Planning Committee of 16<sup>th</sup> February 2017 with a recommendation to permit but was withdrawn from the agenda.
- 1.7 During the course of determining this application it became evident that the access lane leading to the application site from Church Road was an adopted highway although not owned by Gloucestershire County Council. As such, the ownership certificate accompanying the application had been incorrectly submitted by the applicant. A revised ownership certificate (Certificate C) was then submitted by the applicant and all relevant notices served. Further attempts were made by the applicant to establish ownership of the land but it was found to be unregistered land.
- 1.8 Up until that point, there had also been lengthy discussions with GCC about the suitability of the access lane for the purposes of waste and recycling collection and the potential alterations to this lane to accommodate refuse vehicles. The size of vehicles used by UBICO had increased since the approved scheme in 2015.
- 1.9 Given the inaccuracies in respect of the ownership certificate submitted as part of the original application, the Council considered that the s73 application (16/01755/CONDIT) was not a valid application for procedural reasons. The applicant was advised to submit a fresh application to address the above issue and to consider further the proposed means of waste and recycling collection from the proposed development.
- 1.10 The current application is almost identical to the revised scheme submitted and 2017 and includes the correct information with regards land ownership. The remainder of the report will therefore focus on the proposed amendments to design and fenestration and refuse collection.



## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport safeguarding over 90m  
Conservation Area  
Landfill Sites boundary

### Relevant Planning History:

**14/00569/PREAPP 28th April 2014 CLO**

Residential development on unused area of Manor Farm, 2 no. three bedroom bungalows and 5 no. three bedroom detached houses

**81/00961/PF 24th April 1981 PER**

Continued use of land for the storage of caravans

**83/00947/PF 22nd December 1983 PER**

Use of land for storage of caravans. (Renewal)

**86/01628/PF 28th October 1986 PER**

Use of land for storage of touring caravans. (Renewal)

**90/01510/PF 11th October 1990 PER**

Use of land for the storage of touring caravans

**14/01823/FUL 25th August 2015 OBL106**

Erection of 2no. bungalows and 6no. houses

**16/01755/CONDIT INV**

Variation of condition 2 (approved drawings ) for application no. 14/01823/FUL to include alterations to fenestration and detailing of dwellings and an amendment to the width of the access road.

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 1 Sustainable development  
CP 4 Safe and sustainable living  
CP 7 Design  
BE 1 Open space in conservation areas  
BE 5 Boundary enclosures in conservation areas  
BE 20 Archaeological remains of local importance  
GE 2 Private green space  
GE 5 Protection and replacement of trees  
GE 6 Trees and development  
NE 1 Habitats of legally protected species  
NE 3 Biodiversity and geodiversity of local importance  
NE 4 Contaminated land  
HS 2 Housing Density  
RT 1 Location of retail 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  
TP 6 Parking provision in development

## Joint Core Strategy

SD10 Housing development  
SD4 Safe and sustainable living  
SD8 Historic environment  
SD9 Biodiversity  
INF1 Infrastructure and services

## 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)  
Sustainable developments (2003)  
Swindon Village Conservation Area Character Appraisal & Management Plan (February 2007)

## National Guidance

National Planning Policy Framework

## **4. CONSULTATIONS**

### **Parish Council**

*11th October 2017* - 2017-10-11\_objection\_to\_manor\_farm\_development.pdf

*15th November 2017*

Swindon Parish Council wishes to raise the following objections to the above:

### Communal waste collection area

1.The waste collection area is shown on a narrow public footpath. This would impede users of the footpath (including school children going to and from school). The footpath is on a bend with limited visibility and people may find themselves forced to walk in the road and not able to face on-coming traffic.

2.The size of the proposed refuse collection area shown on drawing CTP-16-281 rev B produced by Cotswold Transport Planning is wholly unrepresentative of the area that would be required.

3.The applicant does not own or control the land proposed for the storage of waste.

4.The land is not specifically identified/described on any of the documents supplied by the applicant.

5.No details of the proposed bin store have been provided.

6.The proposed bin store will be in front of other residential properties.

7.The proposed bin store would have to be at least 15m long. It is also worth stating that Approved Document H6 clause 1.14 includes the statement that 'Where enclosures, compounds, or storage rooms are provided they should allow room for filling and emptying and provide a clear space of 150mm between and around the containers.' This requirement is also reiterated in the document Cheltenham Borough Council - Requirements for Refuse and recycling provision at new developments' under the category Presentation which states: ' It is recommended that a distance of 150mm should be allowed between and around containers.' Therefore in producing a plan of a refuse collection area for 8 properties this tolerance of 150mm between bins should be allowed for as there will be a

necessity to allow the space for filling and emptying. This would add a further 3.6m to the length of 11.08m length or add a further 2.4m to the 6.4m length.

8.The proposed bin store would result in a loss of visual amenity in a sensitive area of the village. The bin store would need to be a significant structure to resist the intrusion of vermin and would be totally unacceptable in this sensitive part of the Conservation Area. The Manual for Streets Section 5.10. Paragraph 1 states: Street furniture, signs, bins, bollards, utilities boxes, lighting and other items which tend to accumulate on a footway can clutter the streetscape. Clutter is visually intrusive and has adverse implications for many disabled people. The agencies responsible for such items and those who manage the street should consider ways of reducing their visual impact and impediment to users.'

9.A bin store is likely to be a significant structure as it will need to be in accordance with current standards and will require a gully and a water supply to be used for washing it down. Approved Document H6 1.15 states that: 'Communal storage areas should have provision for washing down and draining the floor into a system suitable for receiving a polluted effluent. Gullies should incorporate a trap which maintains a seal even during prolonged periods of disuse.'

10.The required length of the refuse collection area will make the collection of the waste more difficult and more hazardous for other road users.

11.We do not believe that the condition that residents should take their waste bins and boxes to the frontage of Church Road and then collect and return them to their properties can be guaranteed or enforced. It is more likely that bins will be left at the side of the road.

12.We object to the lack of control that will result from placing the refuse bins and boxes so far away from and out of sight of the properties that own them. Collections can occur at any time of the day and frequently bins and boxes are emptied after the people who own them have left for work. It is our experience that the refuse collector's first priority does not appear to include that they should ensure that the bins, bags and the boxes with their lids are tidily placed back where they came from. This isn't helped by the requirement that the lids of boxes are left loose so that they can blow around often being lost or broken. In addition whilst awaiting collection the contents of the bins and open boxes could be wind distributed around the location which the owners are unlikely to observe and would place a burden on other residents to tidy up any mess.

13.There are some services held at the church which result in a higher number of cars than usual. At these times this location is frequently used by church goers to park their vehicles. Locating refuse in the position indicated on the applicants drawing will result in a loss of parking provision on collection days or could result in vehicles colliding with bins/boxes/store.

14.The distance between the residencies and the proposed refuse collection point is unacceptable. Approved document H section H6 deals with solid waste storage. It lists the criteria for the location of waste storage and collection which also includes the maximum distances of travel. H6 Clause 1.8 states that: 'Storage areas for waste containers and chutes should be sited so that the distance householders are required to carry refuse does not usually exceed 30m (excluding any vertical distance). Containers should be within 25m of the waste collection point specified by the waste collection authority.' The shortest distance of travel from the nearest property in the proposed development (plot 1) is approximately 100metres. Which is in excess of 3 x the distance of travel that a resident should be expected to carry refuse. The nearest property in the centre of the small proposed terrace comprising of plots 3, 4, 5 & 6 at the south-west end of the site is a further 40m away (140m in total).

15. The refuse collection area is likely to attract vermin. Approved Document H6 1.13 states: 'Unsuitably bins can damage the visual amenity of an area and contribute to increase levels of anti-social nuisance such as odour and litter, so bin storage should be planned carefully. Where the location for bin storage is in a publicly accessible area or in an open area around a building (e.g. in a front garden) an enclosure or shelter should be considered. Best practice guidance is given in NHBC Foundation report NF60.' This is an area where rats have been reported in the past. There are also foxes and badgers in the area. The scheme contains a proposal for a badger foraging route which is due to the badger set that was originally located on the site. Therefore we have a genuine concern that people leaving bins or bags in the proposed location would encourage vermin, gulls and other animals to a position regularly accessed by pedestrians, church goers, children and residents. The likelihood of this occurring is possibly higher in Swindon Village than other areas of Cheltenham as the Village does not have (and does not want) street lights. Approved Document H6 1.16 states that: 'Any room for the open storage of waste should be secure to prevent access by vermin. Any compound for the storage of waste should be secure to prevent access by vermin unless the waste is to be stored in secure containers with close fitting lids.'

### Access for fire and rescue vehicles

16. We object that an adequate and compliant route has not been provided for Fire and Rescue Services to gain access to the dwellings on the development and that a Swept a Path Analysis has not been provided. The reference document for this objection is the Building Regulations Part B Volume 1, specifically section B5 'Access and Facilities for Fire and Rescue Services - The Requirements'. Table 8 confirms that there should be a minimum carriageway width of 3.1m and a width between kerbs of 3.7m. The minimum turning circle between walls should be 19.2m (29m for high reach). Diagram 24 and paragraph 11.5 state that fire and rescue service vehicles should not have to reverse more than 20m from the end of an access road. Diagram 24 illustrates a turning circle at the distance of 20m. Paragraph 11.2 states that there should be vehicle access for a pump appliance to within 45m of all points within the dwellinghouse.

### Access for delivery vehicles

17. We object to the fact that little consideration has been given to the adequacy of access for delivery and distribution vehicles and removal and furniture vehicles. Whilst there has been a focus on the refuse collection service there does not appear to have been the same degree of consideration given to other large vehicles. The applicant should include confirmation that access and egress from the proposed access can be achieved for any type of vehicle. Such vehicles should be able to access and egress the development without having to park in Church Road. The current trend to order on-line has resulted in suppliers such as Amazon, Argos, Currys, etc. sending out goods in delivery vehicles that are sized to have a capacity that is based on the distance that the vehicle has to travel from the distribution warehouse and the number of items that will be delivered by that vehicle before it returns. A small item of furniture or a single small appliance might be delivered in a van or on a large high-sided vehicle.

### Construction traffic

18. Prior to this application being consented the applicant should provide full details of how the contractor will manage the construction traffic including all delivery vehicles and loading and off-loading during the construction process. Timings of vehicle movement are to take place during periods that avoid the rush hour and the school runs. Delivery vehicles are not to be allowed to park or remain for any time in Church Road or block the public footpath that links Church Road with the River Swilgate. No loading or off-loading should take place in any location other than the development. The roads are to be regularly cleaned and swept.

### Potential number of houses served

19. We object to the lack of clarity regarding the total number of houses that the proposed access road will be able to serve. The land edged in blue on the submitted Site Location Plan, drawing number PL01 rev C, indicates the potential additional development land that has been surveyed by the applicant. In addition to the 2no. bungalows and 6no. houses of the proposed scheme there are 3no existing properties that connect to the existing access which will result in 11no. properties being served by the new access. The new access is also the public footpath that links between Church Road and the footpath through the communal land alongside the River Swilgate which also links to Manor Road and to other footpaths. Drawing number CTP-16-281 rev B confirms that for most of its length the new access is divided into a 3.1m wide road with a 1.0m wide footway without passing places and with limited visibility through the gated exit from the development. The Parish Council have always expressed concern at the number of properties being constructed particularly as the narrow width of the access was the result of negotiation with between the applicant, the highways engineer and the planning officer which confirms that the reduced width of the new access combined with the extended length of the 3.1m wide single track is only suitable to serve the 11no. properties that will be in place should consent be granted. We request that any consent that is given should include a limit to the number of properties that this access could support without significant improvements in width and visibility greater justification is required regarding the reduction of the width of the proposed access way. 'The Department for Transport Manual for Streets' illustrations on page 68 clearly show that a minimum of 1200mm is required for an adult with a child and that two adults pushing a buggy will require a minimum width of 1500mm. This suggests that the minimum width of a footpath should not be less than 1200mm but ideally should not be less than 1500mm. Paragraph 6.3.22 on the same page states that the minimum unobstructed width for pedestrians should generally be 2.0m.

### Design of access road

20. We object to the design of the junction of the new access road with Church Road not including sufficient space for an entering vehicle to wait for a pedestrian or vehicle exiting from the development end of the road. The narrow access road, which includes the pedestrian public footpath link between Church Road and the River Swilgate, is not wide enough to accommodate two vehicles and due to its length and the lack of passing places and safety refuges for pedestrians, mobility scooters, etc it is important for the access at the junction with Church Road to be wide enough to allow for an entering vehicle to stop clear of the carriageway and the footpath in Church Road and allow time for a vehicle travelling from the development to pass through the access road and out on to Church Road or to allow a mobility scooter or child's buggy to continue down the new access road and connect with the footpath in Church Road. Ideally any waiting vehicle should be in a position where it will not inhibit the visibility of the driver of the exiting vehicle.

### Height of house type C

21. We object to the lack of clarity regarding the height of house type C. This house type is a two and a half storey unit in the most prominent location. No sections have been provided through the site and adjoining properties that provide an indication of the relationship between the height of house type C and the existing historical properties. The site is within the Conservation Area and in a location that has been identified as contributing to the setting of the existing historical buildings. Confirmation and sections should be provided to confirm that the heights of the new buildings will not rise above the height of the existing historical buildings to ensure that the new buildings do not dominate the location.

### External lighting

22. Any proposals for external lighting and signage should be the subject of a separate application. Swindon Parish have always objected to the inclusion of street lighting and we request that a condition is attached that this development should not have street lighting of any form installed.

### Sound dampening

23. We object to the lack of design analysis and intent to dampen sound from the church bells. The proximity of the development to the church and its orientation to it will result in the sound from the church bells being very audible. Where necessary the design of the fabric of the buildings and their windows and doors should be to a standard that will reduce the sound from the bells.

### **Gloucestershire Badger Trust**

*11th December 2017*

### General Background Information

#### NPPF - Planning Policy

The likelihood of disturbing a badger sett, or adversely affecting badgers foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.

The loss of foraging habitat could also be considered as cruel treatment of badgers. Main roads may prevent badgers from accessing their setts. Severance of territory and pathways may also result in road casualties and potential traffic accidents.

#### Legal Protection

Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it a criminal offence to kill, injure or take badgers or to interfere with a badger sett.

Under the Act it is a criminal offence to:

Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof

Intentionally or recklessly disturb a badger when occupying a badger sett

### Land at Manor Farm, Church Road, Cheltenham

#### Background

Badger Trust Gloucestershire was not aware of the previous application 14/01823/FUL so did not comment on it.

In checking this application a site visit was made and we discovered one of the sett entrances had been blocked with two solid concrete blocks. This has now been reported to Gloucestershire Constabulary and we understand an investigation is underway.

There remain some signs of badger activity on site. We will now monitor this site and treat the setts there as at high risk of further disturbance.

#### The Application

Application number 17/01644/FUL provided an ecological walk over survey prepared by AA Environmental Ltd 14 March 2016 and 17 August 2017.

We note a report and badger survey was prepared by another ecology practice, Sedgill Ecology, in September 2014 which identified badger setts on site.

The later walk over appraisal identified that the single hole outlier along the line of western red cedars had become re-occupied and badger hair found plus mammal runs.

Our visit also clearly showed signs of badger activity on site in December 2017. Badger hair and mammal paths are visible.

There is activity at TN1 on the other side of the fence, at the end of Manor Court Cul-de-Sac. In total there are three holes at TN1. One has been deliberately blocked by two solid, dense concrete blocks, the second looks currently disused and the third hole (on the other side of the fence) could be partially used.

We agree with AA Environmental Ltd (AAe) that further monitoring surveys will determine the extent of any mitigation and need for any licensing requirements. We agree with their assessment that badgers are active in the area.

Displacement of badgers would inevitably result in them creating new setts elsewhere, which could well include residential gardens and commercial/public properties. Allotments often provide an easy source of food to a displaced badger and there are allotments nearby which may then be at risk.

Development on this site will cause a loss of foraging territory and the badgers will be forced to change their habitats in the search for food further afield. They are likely to be pushed into the gardens at Manor Court and cross nearby roadways more. This would bring them into conflict with residents and vehicles in the vicinity and presents both a danger to the badgers and to the local residents driving at night.

We would recommend that AAe revisit the site to assess the badger activity at sett TN1 and TN2. It is possible they will choose to revise their recommendations.

We have concerns about the loss of wildlife corridors in City Centres. Their development displaces the wildlife which often becomes isolated in nearby gardens. It is difficult to predict the impact this may cause as the loss of one site in isolation may not cause a significant change but as more small green spaces disappear and wildlife corridors disappear then sudden problems can start to occur.

Any development on the site must allow clear and appropriately sized wildlife corridors to allow both continuity of occupation of existing wildlife and transit from this area to new foraging areas. This would apply to all mammal species such as hedgehogs, foxes as well as badgers and other mustelid species.

Access to the nearby water source will need to be maintained throughout the development, this would appear to be the river Swilgate. It is also vital for wildlife and must be maintained through design of the final layout of the development, if consent granted. Attention must also be given to contamination of the water course during construction and mitigation put in place to prevent it.

### Good Practice during construction

We would recommend a Method Statement for the construction work would include the following:

Create an appropriate buffer between the works and the sett.

Current standing advice does not stipulate distances from occupied setts at which licensing is or is not likely to be required, but it indicates that one should be satisfied that an activity is not likely to disturb a badger before carrying it out. To assist in that decision making process, reference is often made by developers to former guidance issued by English Nature (now Natural England) which indicated that licensing was likely to be necessary, or

## Page 24

should be considered, when using heavy machinery within 30m of a badger sett, lighter machinery (generally wheeled vehicles) within 20m, and for light work such as hand digging or scrub clearance within 10m.

Security fencing should be kept away from the setts so access for the badgers is not impeded, any works fencing should not impede the entrance/exit points of the badger or their primary paths at any time. Badger access points must be created under both temporary and permanent fencing.

The badgers will be using this site for regular access to the stream, so it is important that any buffer or security fences enable this access to continue any works on site.

Implement site speed limits/reduce traffic flow in the vicinity of the sett, if appropriate.

Badger sett & path advice to be included in the construction method statement including clear instructions regarding the protection of the badger setts to the on-site contractors. Good working practices need to be employed by the developers and contractors.

Materials and chemicals should be stored well away from the setts (over 30m) and water courses and any site compounds should be fenced to ensure that no badger can obtain access.

Should any trenches need to be left open overnight a means of escape should be provided such as a suitably placed plank of wood.

Use of heavy machinery within 30m of the badger sett should be kept to a minimum (licence may be required) Machinery should not be left idling within the vicinity of the sett to minimise vibration and exposure to exhaust fumes.

No night work (badgers are nocturnal).

### Long Term important considerations for this and any subsequent planning amendments

#### Boundary treatment

Access for badgers from setts into surrounding land and to the water course should not be blocked or restricted in any way. If any new fencing is required, it should incorporate badger gates or large enough gaps for badgers to pass underneath easily.

#### Greenspace

It is advised that further consideration is given to the landscaping across the rest of the site in order to maximise site connectivity for wildlife and the provision of supplementary foraging through appropriate planting. In particular the badgers should have access to the nearby fields and streams. They will be forced to forage further afield across roadways if this development proceeds.

Prior to decisions on boundary treatment/landscaping/land profiling a badger specialist should be consulted in order to ensure permeability of the site and retention of essential corridors. This is particularly important in view of loss of foraging space which this development removes.

*30th January 2018*

It is our view that these suggestions\* are reasonable. Would it be possible to ask to be notified when the works have been completed so that we can do a site visit and effectively approve the works?



[\* Officer's suggestion: ' If the Trust is in broad agreement with the recommendations of the report, a suitably worded condition would be added to any planning permission and the drawing attached to the above (showing the wildlife corridors and boundary treatment), would form part of the approved drawings pack.']

### **Gloucestershire Centre For Environmental Records**

*25th September 2017*

Report available to view on line.

### **Swindon Village Society**

*6th October 2017*

I am writing about the above proposal on behalf of the Swindon Village Society. The Swindon Village Society acts as civic society for Swindon Village. We were in large measure responsible for establishing the Conservation Area and have assisted in all reviews of that area. We are also concerned with local history and conservation.

The element of the proposal that gives the Society particular concern is the arrangements for refuse collection. The proposal that all refuse collection takes place from 'The Green' area is not acceptable in a conservation area. The requirement would be for at least eight wheeled bins and probably twice as many together with green caddies. This would be entirely inappropriate in an area of high visual amenity. The first attachment to this document shows a photograph of the Green and a second photograph shows just one wheelie bin in the nearest feasible location to the site entrance. The photographs were taken from close to the entrance to the Manor Farm site.

The second attachment to this letter shows the Cotswold Transport Planning diagram of the area amended to show the true size of the area need for eight wheelie bins. Put eight or more any nearer to the site entrance and they would block the footpath used by school children on the way to school at the time of maximum vehicle activity. The location is on the bend of a road and therefore an unsafe place for a refuse vehicle to stop.

Swindon Hall, some two hundred yards away from Manor Farm has a similar problem of access for full sized vehicles. Collection is therefore by a smaller vehicle with hand unloading of the wheelie bins by the refuse operators. The Hall is also provided with communal wheelie bins for glass and paper which are wheeled the 50 yards to the main road about once every six weeks by refuse operatives for transfer to a full sized collection vehicle.

The Society can see no reason why a similar process cannot be adopted for the Manor Farm development with residents taking their bins to a location at the site end of the access road and bagged rubbish being hand transferred by refuse operatives to a suitable size vehicle.

Although access to the Manor Farm site is constrained, the type of vehicle that services the Hall would be able to gain access. There will undoubtedly be a need for similar sized vehicles to be able to gain access to the site for delivery of groceries and other material otherwise the site is hardly suitable for occupation in this day and age. Given that entrance to the site is on a curve there is nowhere nearby on Church Road where delivery vehicles could safely park for deliveries on foot.

The Society therefore feels that the proposed refuse collection arrangements for this site are entirely inappropriate and, indeed, unsafe and that a method of collecting refuse from the site itself can and must be developed.

**Joint Waste Team**

*4th October 2017*

Even with the proposed improvements the lane does not provide the necessary access for up to a 26 tonne refuse collection vehicle to service the households, so the only other option would be for the residents to present at the nearest adopted highway. Given that there would be 8 properties and therefore potentially 16 bins (refuse and garden waste) and 4 different types of recycling receptacle for each household, I don't believe there is the necessary space to accommodate these on the footpath.

*18th September 2017* - The shared surface would need to be constructed to the relevant standard to accept up-to a fully laden 26 tonne refuse vehicle.

The pavements would have to be wide enough to allow waste and recycling receptacles to be presented whilst not posing an obstruction to pedestrians.

**Cheltenham Civic Society**

*9th October 2017*

We have no objection to this development in principle; however, the scheme proposed is unimaginative and lacks architectural coherence. A simple modern vernacular would be more appropriate on this site with a layout reflecting the irregular pattern of village development. There is no provision for bins on-site.

The access road is narrow and would make it awkward for vehicles to pass. We suggest an alternative access from Manor Court off Manor Road

**Tree Officer**

*18th October 2017*

The Tree Section does not object to this application.

Please could a landscaping scheme be submitted which details replacement planting to mitigate for the trees which would need to be removed to facilitate the construction of the proposed development.

Also please could the following conditions be added with any permissions given:

Tree Protective Fencing, Ground protection mats to be used within RPA's of T2 Horse Chestnut and T7 English Oak where the RPA's are outside the protective fencing.

**GCC Highways Planning Liaison Officer**

*20th September 2017*

I refer to the above planning application received on the 14th September 2017, submitted with Site Access Arrangement & proposed site layout plan. Plan No(s), SK03 REV B, PL12 REV D, to which, I raise no highway objection subject to conditions,

1 - No works shall commence on site until details of the improvements to the existing access road from Church Road to the development have been submitted in writing to the LPA. The improvements shall be completed in all respects with the approved details, prior to the commencement on the development.

Reason: To reduce potential highway impact by ensuring a safe and suitable access, in accordance with paragraphs 32 and 35 of the NPPF, and CBC LP Policy TP1.

2 - No works shall commence on development until the road layout has been laid out in accordance with the submitted drawings, with first 20m of the proposed layout with the junction with the existing highway has been completed to at least binder course level and the works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

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 paragraph 35 of the NPPF and CBC LP Policy TP1.

3 - None of the dwellings hereby permitted shall be occupied until the vehicular parking facilities have been provided in accordance with the submitted Drawing PL12 REV D and shall be maintained available for that purpose thereafter.

Reason: To reduce potential highway impact in accordance with paragraph 39 of the NPPF and CBC LP Policy CP5.

4 - 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 paragraph 32 and 35 of The 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 NPPF and CBC LP Policy TP1 and TP2.

5 - 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: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality and in accordance with paragraph 32 of the NPPF and CBC LP Policy TP1

6 - 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.

7 - 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;
- viii. specify the access points to be used and maintained during the construction phase(s);

Reason: To reduce the potential impact on the public highway and in accordance with paragraph 35 of the National Planning Policy Framework (NPPF) and CBC LP Policy TP1.

8 - Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan [drawing no. SK03 REV B]

Reason: - To reduce potential highway impact by ensuring that a safe and secure access is laid out and constructed that minimises the conflict between traffic and cyclists and pedestrians in accordance with paragraph 35 of the National Planning Policy Framework.

### Informatives

The proposed development will require works to be carried out on the public highway together with the amending the existing vehicle crossing and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, (Gloucestershire County Council), before commencing works on the development. Further details can be viewed at <http://www.gloucestershire.gov.uk/mfgs>

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

The Developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the Developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.

The applicant is advised that to discharge condition 4 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.

### 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.

*6th October 2017*

Following on from our telephone conversation, the Highway Authority acknowledge that the access road is not sufficient to accommodate a service vehicle (refuse), however UBICO have confirmed a bin collection point on the Church Road demonstrated on plan SK03B, however this would not be supported by the highway authority due to safety concerns that the bins would block passage for pedestrians and wheelchair users etc. along with driver emerging visibility splays being obscured/blocked.

The Highway authority would be supportive of a revised bin collection point (for the applicant to provide information) or a waste management scheme (Private waste company) such as a caged transit vehicle that will be able to service the development.

From the highway authority's perspective, no on-site (UBICO) refuse collection and failure to provide a suitable alternative arrangement would be grounds for refusal. Visibility and pedestrian conflict associated with the proposed collection point would also be a reason for refusal.

The Highway Authority will require the planning application to be put on hold before the HA make a formal recommendation to the LPA, until the applicant/agent demonstrates to Cheltenham Borough Council that a suitable refuse collection scheme could and would be delivered.

*5<sup>th</sup> February 2018*

I can confirm that the LHA are satisfied that a fire tender vehicle can access the development as shown on plan ref: SP02B.

I can also confirm that the LHA are satisfied that the development will be serviced by a private waste collection scheme, currently awaiting comments back from legal cooperate (GCC) with regards to the section 106 (UU).

### **Historic England**

*26th September 2017*

Thank you for your letter of 14 September 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

The character of the Swindon Conservation Area is defined within the appraisal and management plan that dates from 2007. A map illustrating the area is within the document. The Conservation Area encloses all listed buildings, non-listed buildings, the immediate open land around these assets and a large section of open landscape setting to the east. To the south the area is defined by Wymans Brook which is connected to Church Road by a driveway that runs beside Manor Farm. Modern housing within the village is substantially excluded from the designated area.

The Church of St Lawrence is an Anglican parish church. It dates from the 12th century but was largely rebuilt in neo-Norman style in circa 1845 by T. Fulljames. The main elevations are of Ashlar beneath a stone slate roof. In plan form it comprises of a nave with north and south aisles, chancel with vestry on the north. It has a hexagonal west tower. It is designated as grade II\*, and as such is in the top 8% of listed buildings. Therefore, greater weight should be given to its conservation. The National Planning Policy Framework (NPPF) defines 'conservation' as 'the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance'.

We understand that following consent of a previous, almost identical development ref: 14/01823/FUL, there have been procedural issues relating to the access to the site. This has resulted in this revised planning application for the same quantum and layout of residential development.

We previously advised that following initial concerns over the potential impact upon the setting of the Grade II\* church that the screening of the development, both existing and proposed will result in minimal impact. We also recognised the benefit of a transfer of land in the northern section of the site to the church, which will provide an ample buffer between the church and proposed development. On the basis that the revisions amount to fenestration changes and an alteration to the access drive width, we would not wish to make any further comments. We are satisfied that the minor changes to the proposed scheme will have no additional adverse impact upon heritage assets and their settings.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When considering the current proposals, in line with Para 128 of the NPPF, the significance of the asset's setting requires consideration. Para 132 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm.

### Recommendation

Historic England supports the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 128, 132 and 137. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

### **Ward Councillors**

*16th October 2017*

Can you please note my objections to the above scheme. My grounds are:

1. Road safety issues in the roadway at 3.1m is too narrow to accommodate refuse collection lorries and would be narrow for emergency vehicles such as fire engines;

There is also a concern that pedestrians would be at risk from a narrowed pavement caused by the bin collection point;

2. Waste and recycling collections would, if the application was granted, result in a collection point having to be provided on the narrow roadway. As the roadway is narrow, with a blind spot near the collection point, it would be dangerous both for vehicles and pedestrians;
3. The Florence Convention, adopted into English law, stipulates that a development must be in keeping with the locality in which it is to be sited. The proposals in relation to

refuse collection and the bin/caddy collection point is not in keeping with the convention as this is a conservation area.

I would ask that this application to go to Committee for a decision and that a site visit is arranged for committee members.

Councillor Flo Clucas

### **Environment Agency**

*6th October 2017*

Thanks for consulting us on the above application. I note we commented previously to the 14/01823/FUL application via email on 10 April 2015 (I've pasted a copy of the correspondence below for reference). As you can see we made an overview of the application and indicated we were largely content with the development. We suggested the inclusion of a compliance style condition to secure the 8m unobstructed access to the Wymans Brook. I note this was attached to the permission granted as condition 23. We would advocate the same approach here and note the proposals are very similar for this new application ref 17/01644/FUL. One point to note is the Flood Risk Assessment (FRA) that has been submitted has not now been updated with the new climate change allowances that were released in February 2016 as part of the NPPG.

(For information: The National Planning Practice Guidance - NPPG - was changed on 19 February 2016 - follow link in the FRA Checklist, section 4 on climate change, available at: <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/site-specific-flood-risk-assessment-checklist/> . This new guidance sets out increased figures (greater than the previous 20% for river flows and 30% for rainfall) that should be used for climate change consideration.)

Whilst this should have been done by the applicant as it is technically not compliant with the NPPG/NPPF without this additional climate change analysis, we do not envisage in this instance that the new climate change allowances would materially impact the built development given the topography at this location as the land slopes up from the river and there is a fair stand-off distance away from the river and the floodplain that exists currently. Therefore if the developer were to undertake an amended FRA it is very likely that the new climate change allowances would not impact the development. We would recommend this work is done for completeness, but we would not raise any objections to the application on these grounds in this instance. I have attached our local climate change guidance for the applicant's use if they do undertake the additional assessment as this provides a useful approach for minor development that uses 'nominals' rather than having to undertake additional modelling.

I trust this is of assistance. Please do not hesitate to contact me if there are any queries. A copy of the subsequent decision notice would be appreciated.

### **County Archaeology**

*19th September 2017*

Archaeological implications

Thank you for consulting me concerning the above planning application .I wish to make the following observations regarding the archaeological implications of this scheme.

I advise that the application site is archaeologically sensitive since it is located in close proximity to Swindon's medieval church, and it is therefore in an area where medieval

settlement associated with the church is likely to have been present. I am therefore concerned that archaeological remains relating to medieval settlement may be present at this location and that any such remains would be adversely affected by construction ground works required for this scheme.

In connection with a previous planning application made on this site some archaeological evaluation was undertaken. Unfortunately, the presence of badger setts meant that the majority of the application site was not available for investigation.

I therefore recommend that, should planning permission be granted for this revised scheme, further archaeological investigation and any necessary mitigation recording should be undertaken.

In order to facilitate this I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree and implement a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework

I have no further observations.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>34</b>
Total comments received	<b>6</b>
Number of objections	<b>6</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** A total of 34 properties have been notified in relation to the proposal and six representations have been received. A site notice has also been displayed within close proximity of the site and an advertisement place in the Gloucestershire Echo.

**5.2** In summary, the issues raised are:-

- Suitability of access lane and highway safety on Church Road
- Refuse and recycling storage/collection
- Increase in height of some dwellings and impact on neighbour amenity and character and setting of neighbouring historic buildings
- Design, scale and layout of proposed development
- Impact on setting of listed buildings/historic buildings



## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The key issues are the design, scale and appearance of the proposed amendments to the approved scheme and their impact on the character and appearance of the conservation area and setting of the adjacent grade II\* listed church. The proposed alterations to the site access lane and the revised proposals for waste and recycling collection will also be considered. This report will need to determine whether there have been any changes in circumstances since 2014 which could lead the Council to make an alternative recommendation.

**6.3** As highlighted in the introduction, this application seeks amendments to two aspects of the previously approved application for two houses and six bungalows (planning ref: 14/01823/FUL). The amendments comprise alterations to elevation treatment and fenestration and modifications to the access lane, which comprise a reduction in width and provision of an adjacent pedestrian footpath.

**6.4** For reference, the key issues in determining the 2015 application were as follows, (i) the principle of development, (ii) the design and layout, impact on setting of adjacent listed structures and conservation area, (iii) impact on neighbouring properties, (iv) access and highways issues, (v) trees, (vi) biodiversity and (vii) flooding. Given the similarity with the approved scheme, not all the above issues will be discussed in detail in this report.

### **6.5 Amendments/Design and layout**

**6.6** Local Plan Policy CP7 and Policy SD4 of the Joint Core Strategy require development to be of a high standard of architectural design and to complement and respect neighbouring development. Proposals within the conservation area are also required to preserve or enhance the character and appearance of the area.

**6.7** In terms of layout, the proposed dwellings are set out in a terrace of four at the southern end of the site with the two detached houses two detached bungalows positioned either side and fronting a central T-shaped access road. Immediately to the west of the site lies the Manor Court development with properties positioned within relatively consistent and comfortable plot sizes; the proposed layout considered to be consistent with this pattern.

**6.8** The design approach is traditional with a material palette to match the character of the surrounding area; a mix of render, brickwork and slate roofs. There are three variations in house type, with the two storey terraced properties located to the south where the land levels fall away. The chalet style bungalows are positioned closest to the Manor Court development and adequately reflect the scale, mass and plot sizes of these neighbouring properties.

**6.9** A wildlife and landscape corridor is provided around the perimeter of the site which incorporates existing boundary vegetation as well as providing new planting. All of the above aspects of the proposal do not differ from that previously approved.

**6.10** An area of open space would again be retained between St Lawrence Church and the application site. Although this does not form part of the application site itself, it is within the wider site ownership and would provide adequate visual separation and ensure minimal visual impact on the views from the church. As part of the 2015 planning permission, a s106 Agreement is in place to ensure that this land is retained as open space and used by the church or as recreational ground. As part of the current application, a deed of

variation or a new s106 Agreement would also need to be entered into to secure the protection of this land.

- 6.11** The alterations to the current scheme relate primarily to the fenestration and detailing of the approved dwellings and each house type will be discussed in turn.
- 6.12** The proposed changes to house type B, comprise an increase in height of the terrace of buildings by just under one metre. In addition, the windows have been amended from sash windows to casement windows and some alterations made to the porches of the dwellings and the chimneys.
- 6.13** The height of house type C is increased by approximately 300mm from the approved ridge height. The rear elevation fenestration has been amended and an additional first floor window introduced; the bay window to the front of the dwelling amended to a flush window and alterations to a casement window.
- 6.14** Finally, changes have been made to house types D and E (bungalows), now referred to as D1 and D2 in this application. The mass and scale of the buildings remains consistent with the existing approval, but the window design has been amended from a sash appearance to a casement and an additional window introduced to both front elevations. The chimneys have also been altered.

**6.15** Consultee Comments on Design

- 6.16** Given the similarity with the previous two applications, the Conservation Officer was not consulted on the current proposal. Their comments in relation to the previous (amended) application are equally relevant to this application and in summary, are as follows:

*Conservation and Heritage summary:*

*Although, in my opinion, there is room for further enhancement to these proposals, the revised drawings will produce a scheme that is better than the one in the earlier submission. As such approval is recommended.*

- 6.17** Historic England has been consulted and is satisfied that the minor revisions to fenestration and alterations to the access will have no additional adverse impact upon heritage assets and their settings.
- 6.18** The Civic Society, whilst not objecting to the principle of development, considers that the scheme proposed is unimaginative and lacks architectural coherence. They feel a simple modern vernacular would be more appropriate on this site with a layout reflecting the irregular pattern of village development. They also comment on the lack of refuse bins on site and note that the access road is narrow and would make it awkward for vehicles to pass. They suggest an alternative access from Manor Court off Manor Road.

**6.19** Conclusion

- 6.20** In light of all of the above, officers consider the proposal would complement and respect what is a relatively mixed character within the area. The development site is not visually prominent and the design of the dwellings is such that it would have a neutral impact on the character and appearance of the conservation area. The scheme, as amended by this application, is therefore considered to adhere to the objectives of Local Plan Policy CP7 and JCS Policy SD4.

### **6.21 Access and Highways Issues/Refuse Collection**

- 6.22** The access lane to the site has been amended to provide a 1m wide pedestrian footpath and a 3.1m wide road for vehicles (increasing to 4.1 metres at its widest point). Space for cars to pass is provided on the access road at the entrance to the residential development. Turning space is provided within the development to allow vehicles to exit the site in a forward gear and two off road parking spaces have been provided for each dwelling. Gloucestershire Highways raise no objection to the alterations to the access road and consider that adequate emerging driver/pedestrian visibility is provided at the junction with Church Road.
- 6.23** Since 2014/6 the size of refuse vehicles used by UBICO to collect household waste and recycling has increased. This has resulted in the proposed access lane now considered unsuitable to accommodate refuse vehicles; turning into the site from Church Road is not possible. In response, a refuse collection area was proposed initially on land adjacent to the pavement fronting Church Road with residents required to wheel refuse receptacles from their properties to and from this dedicated area on collection days.
- 6.24** Officers considered this arrangement impractical, unsightly and a potential highway safety hazard. The storage on collection days of up to 18 refuse bins at the roadside, in close proximity to the pavement and at a bend in the road raised highway safety concerns in addition to concerns about the potential harm to the character and appearance of the conservation area. Furthermore, the collection area marked out on the submitted drawings was considered inadequate in size to accommodate the required number of refuse bins.
- 6.25** Gloucestershire Highways were not supportive of a roadside collection arrangement due to the above safety concerns; bins would block passage for pedestrians and wheelchair users with the potential for driver visibility splays being obscured or blocked. Gloucestershire Highways have however confirmed that they would be supportive of either a revised bin collection point or a waste management scheme (private waste company), such as a caged transit vehicle that would be able to access the development.
- 6.26** The applicant was subsequently advised to seek alternative means for refuse collection, most likely via a private waste and recycling collection service. The applicant was also advised that the Council would need to approve the detail of this service and be assured that the service would be provided in perpetuity and available on first occupation of the proposed development. This will necessitate the applicant entering into a s106 Agreement which would not only ensure that the scheme is delivered but enable the Council to monitor and have some control over the level of service provided for future residents.
- 6.27** A draft s106 Agreement has been prepared and is agreed by all parties. It includes provision for a private waste and recycling collection service, the details of which would be submitted and approved in writing by the Local Planning Authority prior to commencement of development. The details of the scheme would include the method and frequency of the collection service, the contract details of the chosen operator and the type and size of receptacles and refuse vehicles to be used. This service would be overseen by a Management Company which would be set up prior to first occupation. The Management Company would be responsible for the collection of charges for the refuse collection service and would also run and control the on-site public open space.
- 6.28** Officers are satisfied that a private collection service would meet the needs of future occupiers in terms of refuse and recycling collection and that sufficient measures would be in place to monitor the service and, should any breach take place, take appropriate action.

**6.29** The draft s106 also secures the retention of the land to the north of site for church related purposes or as garden land or as a play area.

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

**6.31** Local Plan Policy CP4 and JCS Policy SD14 require development to protect the amenity of neighbouring land users and the locality.

**6.32** A number of objections have been received from local residents. The issues raised focus on refuse collection, suitability of the access and the height increase of some of the dwellings. These aspects of the proposals have been discussed in detail above.

**6.33** The proposed layout of the scheme remains unaltered and the majority of the alterations to the dwellings relate to the detail of design with some minor increases in height. The proposed height increases are considered marginal and will not result in any unacceptable overbearing impact or loss of light to neighbouring dwellings. The fenestration alterations are also not considered to result in any unacceptable loss of privacy.

**6.34** The proposals are thus considered policy compliant in terms of neighbour amenity.

### **6.35 Other considerations**

#### **6.36 Parish Council**

**6.37** The Parish Council has provided a detailed consultation response and raises a number of objections to the proposed development; their concerns set out in full in section 5 above. Their concerns relate primarily to refuse collection and the design and suitability of the access generally to serve the proposed development alongside existing dwellings and footpath links. These matters have been discussed in detail above.

**6.38** In response to a query raised by the Parish, both the applicant's transport consultant and Gloucestershire Highways have confirmed that emergency services vehicles (and standard delivery vehicles) would be able to access the site via the proposed access lane and Gloucestershire Highways have no objection to the amended width of access road or driver/pedestrian visibility at the junction with Church Road.

**6.39** Comments are also made about the proposed increase in height of house type C and the impact on existing, neighbouring historical buildings. House type C is located near the entrance to the site and adjacent the existing buildings of Manor Farm. Whilst these comments are noted, officers do not consider that these two storey dwellings would impact on the setting or character of neighbouring historical buildings. The increase in height is minimal at 300mm and the properties remain two storey in appearance. However, in the absence of section drawings, a condition has been added requiring the submission of details of existing site levels and proposed finished slab levels.

#### **6.40 Ecology**

**6.41** The application is accompanied by a Habitat Survey and an Ecological Survey (revised since 2014). Surveys carried out in 2014 and 2016 identified the presence of badgers on site, albeit locations had changed. The updated survey carried out in September 2017 found that previously recorded setts were no longer active but that an outlier hole had become re-occupied. An inspection by the Gloucestershire Badger Trust confirmed that there is evidence of recent activity on the periphery of the site. The Badger Trust's comments are set out in full in section 5 above and in summary, the Trust is in agreement with the monitoring surveys and mitigation measures to be incorporated into the scheme as recommended in the AAe Ecology supplementary report submitted 20<sup>th</sup> December

2017. The inclusion of a suitable wildlife corridor is also recommended and shown on the submitted drawings.

- 6.42** Other than the site having potential as a habitat for reptiles there is no evidence of any other protected species.

**6.43** Flooding

- 6.44** Parts of the site encroach upon Flood Zones 1 and 2 (main river - Wymans Brook) and as such the applicant has submitted a Flood Risk Assessment. Largely due to the topography of the land, the Environment Agency raises no objection to the proposed development subject to the inclusion of a condition to secure an 8 metre unobstructed access to the Wymans's Brook.

**6.45** Archaeology

- 6.46** The County Archaeologist has confirmed that the application site is archaeologically sensitive given its close proximity to St Lawrence Church, and it is therefore in an area where medieval settlement associated with the church is likely to have been present. As such, any such archaeological remains could be adversely affected by construction ground works. Although some archaeological evaluation was undertaken as part of the previous applications, the presence of a protected species meant that the majority of the application site was not available for investigation.
- 6.47** Subsequently a condition has been added to require the submission of details of further archaeological investigation and any necessary mitigation recording.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1** Whilst officers acknowledge that additional alterations could be made to the scheme, it is not considered that these are necessary in order to support the proposals. The differences between the existing and the proposed scheme are relatively minor and elements of the detail of the design are improved. The layout, mass, scale and overall appearance of the dwellings remain broadly consistent with the approved scheme.
- 7.2** Despite the mixed character of the surrounding area, the proposed development would complement and respect neighbouring development and should not harm the character and appearance or setting of the adjacent listed building. The legal agreement will ensure that the land between the church and application site remains undeveloped.
- 7.3** Officers acknowledge that the access lane to the site is not ideal and that an alternative route via Manor Court would be preferred. That said, as part of the previous approval, the applicant had demonstrated that a large refuse vehicle could access the site via Church Road and manoeuvre within the development itself. With that in mind, it is unfortunate that the size of refuse collection vehicle used by UBICO has recently increased which has meant the applicant seeking an alternative scheme for the collection of waste and recycling.
- 7.4** The NPPF at paragraph 187 advises that Local Planning Authorities should look for solutions rather than problems. A private waste collection service is now proposed and its implementation would be secured via a legal agreement. The details of this scheme would be submitted and approved by the Local Planning Authority prior to commencement of development with the Council able to thereafter monitor the delivery of the service via a Management Company which would be set up to administer the service. Both officers and Gloucestershire Highways consider a private collection service acceptable in these circumstances, particularly given the size and location of the proposed development.

- 7.5** In light of all of the above the recommendation is to permit subject to the following conditions and completion of a s106 Agreement to secure the provision of a scheme for the collection of waste and recycling and to protect the land between the church and application site from further development.

## **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 No external facing or roofing materials shall be applied unless in accordance with  
a) a written specification of the materials; and  
b) physical sample/s of the materials,  
The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no fences, gates, walls or other built means of enclosure shall be erected without express planning permission.

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

- 7 Notwithstanding the submitted information, prior to the commencement of development, a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a survey of all existing trees on the land showing the size and species and identifying those trees, if any, it is proposed to remove. In addition it shall show in detail all proposed tree and shrub planting, hard surfacing (which should be permeable or drain to a permeable area) and areas to be grassed.

All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 8 The development shall not be occupied until details of boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the boundaries have been implemented in accordance with the approved details and shall be permanently retained as such thereafter.

Reason: In the interests of the character and appearance of the area and residential amenity, having regard to Policies CP 4 and CP 7 of the Cheltenham Borough Local Plan (adopted 2006). Approval is required upfront because the boundary treatment is an integral part of the development and its acceptability.

- 9 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design. This information goes to the heart of the consent and is therefore necessary before work commences.

- 10 Prior to the commencement of development a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. Any written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and shall include:

a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the Local Planning Authority (LPA) for approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.

b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a

quality assured sampling and analysis methodology. The requirements of the LPA shall be fully established before any site surveys are commenced.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve any such remedial works as required, prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

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. This information is required upfront to ensure that any ground or potential contamination is identified and not disturbed by construction works.

- 11 There shall be no new buildings, raised ground levels or structures including gates, walls and fences within 8 metres of the top of the north edge of the Wymans Brook culvert. The river easement on the south bank shall be maintained in accordance with submitted details shown on Drawing No. PLOD Rev D received 21st August 2017, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain access to the main river for maintenance or improvement works having regard to Policy UI4 of the Local Plan (adopted 2006).

- 12 No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

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

- 13 No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of



archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: to make provision for a programme of archaeological work, so as to record and advance understanding of any heritage assets which will be lost, in accordance with paragraph 141 of the National Planning Policy Framework.

- 14 No other development shall take place until the road layout has been laid out in accordance with the submitted drawings, with the first 20m of the proposed layout with the junction with the existing highway completed to at least binder course level. The works shall be maintained as such thereafter unless and until adopted as highway maintainable at public expense.

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 paragraph 35 of the NPPF, Policy TP1 of the Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (adopted 2017).

- 15 The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site, having regard to Policies TP1 and TP6 of the Cheltenham Borough Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (adopted 2017).

- 16 The development shall not be occupied unless details of the arrangements for future management and maintenance of the proposed roads/streets within the development have been submitted to and approved in writing by the Local Planning Authority. The roads/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: In the interests of highway safety, having regard to Policy TP1 of the Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (adopted 2017).

- 17 No dwelling 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 has been completed to at least binder course level and the footway(s) to surface course level.

Reason: In the interest of highway safety; to ensure safe and suitable access has been provided for all people; and to safeguard the visual amenities of the locality and in accordance with paragraph 32 of the NPPF, Policy TP1 of the Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (2017).

- 18 No work shall commence on the site until details of the provision of fire hydrants served by mains water supply including a location plan and timetable for their provision, have been submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be provided in accordance with the approved details.

Reason: To reduce the potential impact on the public highway in accordance with NPPF paragraph 32.

- 19 No development shall commence on site unless a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Management Plan shall:

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

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

Reason: In the interests of highway safety, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006) and Policy INF1 of the JCS (adopted 2017). This information is required up front because highway safety could otherwise be compromised at the beginning of construction.

- 20 The development hereby approved shall not be occupied unless the proposed means of vehicular access has been constructed in accordance with the approved plans (Drawing No SK03 Rev C) and shall be retained as such at all times.

Reason: To ensure satisfactory access to the development, having regard to Policy TP1 of the Cheltenham Borough Local Plan (adopted 2006) and Policy INF1 of the Joint Core Strategy (adopted 2017).

- 21 Prior to the commencement of development a Landscape and Aftercare Scheme based on drawing no. PL12 Rev D Site Layout and the Wildlife Corridor Schematic drawing no. PL43 dated February 2015 shall be submitted to and approved in writing by the Local Planning Authority. The details approved as part of this condition shall then be implemented prior to the occupation of any dwelling hereby approved and thereafter maintained in accordance with the approved scheme.

Reason: To ensure that biodiversity is conserved and in accordance with paragraphs 109 and 118 of the National Planning Policy Framework and Policy SD9 of the Joint Core Strategy 2017.

- 22 All ecology work and any mitigation measures shall be implemented in accordance with the conclusions and recommendations provided within the submitted AAe Revised Ecology Report dated 8th September 2017, Reptile Mitigation and Conservation Report dated 2014 and supplementary information provided by AAe/applicant dated 19th December 2017.

Reason: To ensure that biodiversity and habitats of protected species are conserved and in accordance with Policy SD9 of the Joint Core Strategy (adopted 2017) and paragraphs 109 and 118 of the National Planning Policy Framework.

- 23 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. The fencing shall be erected by the applicant and subsequently inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance). It shall remain in place until the completion of the construction process.

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

- 24 Ground protection mats shall be used within the Root Protection Areas of the Horse Chestnut (labelled T2) and the English Oak (labelled T7) as the root protection areas are outside the protective fencing.

Reason: In the interests of local amenity, in accordance with Policies GE5 and GE6 of the Local Plan (adopted 2006) relating to the retention, protection and replacement of trees.

### 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 proposed means of refuse and waste collection from the proposed development.

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

- 2 To assist in the conservation of countywide biodiversity, all species and habitat records from the ecological work commissioned by the applicant should be copied [preferably in electronic format] to the Gloucestershire Centre for Environmental Records (GCER).
- 3 If a protected species (such as any bat, badger, water vole, otter, white-clawed crayfish, reptile or any nesting bird) is discovered using a feature on site that would be affected by the development or construction work all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures already approved by the Local Planning Authority then these should be implemented. Otherwise a suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Protection of Badgers Act 1992. This advice note should be passed on to any persons/contractors carrying out the development/works.
- 4 This consent has been issued in association with a Unilateral Undertaking which relates to the collection of refuse and waste from the proposed development and restricted use of the parcel of land directly to the north of the application site.
- 5 The proposed development will require works to be carried out on the public highway together with the amending the existing vehicle crossing and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including appropriate bonds) with the Local Highway Authority, (Gloucestershire County Council), before commencing works on the development. Further details can be viewed at <http://www.gloucestershire.gov.uk/mfsgs>.

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- 6 The applicant/developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.
- 7 The applicant/developer is requested to erect a sign at the boundary of the new estate street with the nearest public highway providing the developer's contact details and informing the public that the County Council is not responsible for the maintenance of the street.
- 8 The applicant is advised that to discharge condition 16 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.

<b>APPLICATION NO:</b> 17/01644/FUL		<b>OFFICER:</b> Mrs Lucy White
<b>DATE REGISTERED:</b> 14th September 2017		<b>DATE OF EXPIRY :</b> 9th November 2017
<b>WARD:</b> Swindon Village		<b>PARISH:</b> SWIND
<b>APPLICANT:</b>	Centaur Homes Ltd	
<b>LOCATION:</b>	Land At Manor Farm, Manor Road, Swindon Village	
<b>PROPOSAL:</b>	Residential development of 2 no. bungalows and 6 no. houses, with associated access and landscaping (revised scheme following 14/01823/FUL)	

## REPRESENTATIONS

Number of contributors	<b>6</b>
Number of objections	<b>6</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

25 Manor Court  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9SD

### Comments: 15th October 2017

Once again the building on conservation land seems to be forgotten the spotlight seems to be on bins blocking the footpath in a conservation area, and an unsafe access road, nothing has been mentioned about visiting vehicles parking on the footpath in a conservation area. The owner of the land at Manor Court which seems to be everyone's suggestion for an entrance has been approached obviously to no avail. I agree that the access is acceptable to the houses that are being proposed, as when it was used for a careavan site there was no problem with vehicles towing caravans in and out of the access road, also large farm machinery accessing the site. Swindon Hall does not have a problem with refuse collection, a smaller vehicle could be deployed to collect the bins at Manor Farm.

Sad that conservation land is being built on, nothing is safe anymore, there will be no green spaces left for our grandchildren.

Green Lodge  
Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QX

### Comments: 6th October 2017

Photo attached.

### Comments: 6th October 2017

I would like to register my objections against planning application 17/01644/FUL land at Manor Farm, Church Road, Swindon Village, Cheltenham.

## Page 46

My reasons for objection are many, primarily the inadequate access proposed in the planning application. Not only is the proposed access lane still too narrow for two-way car traffic, it would be impossible for emergency services, refuse lorries and delivery trucks to have adequate and safe passage at all times whilst traversing this route.

The junction of the access lane is at the end of a tight bend from the direction of Wymans Lane and despite what is stated in the traffic survey that was submitted with the first planning application, this is a fast road with traffic frequently exceeding the 30 mph speed limit from both directions.

There is limited visibility to the right hand side when approaching Church Road from the proposed access lane, although when traffic from the right is observing the speed limit it is reasonably safe to turn into Church Road. On the other hand when the traffic is exceeding the speed limit it becomes very dangerous, as I have found out on numerous occasions.

The same problem occurs turning right off Church Road into the lane coming from the direction of the Church, again I have nearly been hit by traffic exceeding the speed limit coming around the bend. Lots of squealing tyres and obscene gestures from the speeding motorist aimed in my direction, from what the traffic survey would have you believe is a safe junction.

I can only presume the traffic survey was carried out at some obscure date and times in order to massage the results in favour of the planning applicant.

There is also a history of vehicular accidents within 50 meters of this junction, as the occupant of Church Cottage can confirm that her vehicle has been hit three times in the past year by speeding traffic driving round the bend.

In the past fourteen years since I have lived here the volume of traffic along Church Road has increased considerably, noticeably since the expansion of the village school there are more vehicles being used on the school run.

There are already problems with large goods vehicles, articulated lorries and buses driving along Church Road and quite often vehicles coming from the opposite direction are forced to drive up the pavement to avoid being hit by them.

Church Road is also being used increasingly as a short cut to avoid the congestion at the two mini-roundabouts adjacent to Topps Tiles on Wymans Lane especially at the morning and evening rush hours.

The proposed access route is part of a public footpath running between Church Road and The Runnings industrial estate.

You will note that there has been no mention of the pedestrian traffic that already uses the lane. There has been no survey showing the number of mothers and children, dog walkers, commuters or local workers taking a recreational walk during their lunch break.

There is plainly just not enough width to safely accommodate both pedestrian and vehicular traffic.

There is also the issue of noise and disturbance that will inevitably be caused to the existing residents by the increased traffic from any new properties that could be built.

Nothing has been proposed in this latest application to give an improved safer access to the development site.

## Page 47

Looking at the new plans for the site access I note that the carriageway has been reduced in width for vehicular access, going even further against all the Government Guidelines as previously pointed out by the Parish Council on their previous planning application objection.

It also appears to me that in order to circumvent the fact that the access is too narrow for refuse collection vehicles to enter the site we now have a proposal that the residents will have to physically haul their bins and recycling boxes up to the kerb side of Church Road.

There has been no calculation of the quantities of wheeled bins or recycling boxes likely to be at the kerbside for a considerable period of time before being removed back to their respective properties.

The proposed staging point is also on the dangerous bend and will almost certainly cause obstruction to the pedestrian access, more than likely causing pedestrians to traverse into the carriageway!

Where will the Ubico lorry park to collect this waste? Not ten or fifteen yards further up the road to avoid a traffic hazard but on the bend as close to the containers as possible.

The problem of access to the site by emergency vehicles has been ignored again and nothing in this new application addresses this problem.

Floor area required for waste and recycling containers:

Wheeled Bin: 750mm x 600mm

Recycling Box: 650mm x 450mm

Food Waste Receptacle: 450mm x 350mm

Ten properties putting out 2 x wheeled bins each, will requiring a floor area of 9 square meters or a line of bins 12 meters long! Also with 1 x Food Waste Recycling box for each property will require an additional a floor area of 1.58 square meters or a line of bins 3.5 meters long!

Ten properties putting out 4 x recycling boxes each, will require a floor area of 11.6 square meters or if boxes are stacked two high 5.8 square meters. Either 18 meters long if in single height one line or 9 meters long if stacked two boxes high.

Transfer these dimensions to a map of Church Road to compare if the waste bin area is the correct size on the proposed plans.

If bins were placed in the proposed position it would further impede the vision of drivers on Church Road and the drivers leaving the proposed site access road!

The proposed refuse collection area shown on the applicants drawing is sited on private land neither owned nor maintained by them or any public authority.

I would again like to remind the council and its employees that they have a duty of care to us the residents of this Parish for our safety and I would strongly urge that this application be brought to planning view and then further to the planning committee for their consideration.

The Old Rectory  
Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QS

**Comments:** 13th October 2017

Letter attached.

53 Church Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RE

**Comments:** 12th October 2017

PHOTOS AVAILABLE TO VIEW IN DOCUMENTS TAB

It seems abundantly clear that making access for this development to/from Church Road is neither safe nor practical. The lane is simply too narrow, whether defined as two way or one way it is clearly not a correct access route for this development.

Fortunately however, this development already has a (pre designated and obvious) safe and appropriate TWO WAY access road through Manor Court. Access through Manor Court avoids and eliminates all of the safety and practical issues that blight the current application. Indeed Manor Court was originally intended many years ago to be the access route at the end of the cul-de-sac and Manor Court is already laid out to accommodate the entrance to this proposed development. Surely the correct action would be to revisit the Manor Court access as this would offer ample TWO WAY access that is both safe and clear for vehicles, cycles and pedestrians. Accessing via Manor Court provides ample width for Two Way Vehicular Traffic along with safe and predesignated space for Pedestrians. This seems such a simple solution it is really quite strange that the access onto Church Road via such an inappropriate narrow lane is even being considered.

Furthermore:

1.) Regarding access to the proposed development from Church Road, we would like to point out that 3.1m is a very narrow road for 2 way traffic servicing the existing 2 properties and proposed 8 properties with the comings and goings of residents, guests, deliveries etc. as well as pedestrians, joggers and cyclists using the public footpath.

2.) A car entering the proposed site access road from Church Road will not be in a position to see a vehicle or vehicles coming from the development until they have already entered the access road. At that point reversing back onto Church Road is not a safe option, in fact it is a contravention of the Highway Code to reverse out onto a main carriageway. We cannot assume that visitors and delivery vans will use common sense and reverse back into the development to give way to the traffic entering the lane from Church Road and inevitably vehicles WILL end up reversing onto Church Road if they meet another vehicle in the lane.

3.) Church Road also has a sharp bend in close proximity to this junction which restricts the visibility of the motorists approaching the junction from along Church Road. Similarly any vehicle leaving the proposed site access has restricted vision of vehicles in both directions travelling on Church Road especially to the right where Church Road bends sharply to the left.

4.) The entrance onto Church Road sits directly after a blind hairpin bend. Even though at present the lane only serves one house there are already regular traffic accidents and incidents



at this junction. For example, recently there have been several separate traffic accidents near the entrance to the lane onto Church Road, two of which were serious. The police have been very reluctant to give out incident numbers for these events but we do have 2 of them. - Incident number 39 5/4/2016 Incident number 208 23/9/2016 (when a parked car was written off close to the lane entrance).

5.) Any vehicle exiting the proposed site access road will have committed to entering Church Road before seeing any oncoming vehicle. They would have the option of reversing back into the access road but could not be certain that there was not another vehicle intent on exiting onto Church Road straight behind them.

6.) As far as we can see no consideration for adequate emergency vehicle access has been taken into account and I find that most local fire department pumping appliances require a minimum 3.7 meter wide access road for their vehicles to be able to attend a fire. Reducing the road width to 3.1 meters will not satisfy this requirement.

The 4.8 meter width was conditioned by the Planning officer in the original consent as the officer felt that the road was short and a 4.8 meter width would allow two slow moving cars to pass each other. We do not believe that this has changed and for the reasons we have given above we believe that for the safety reasons this argument is still valid.

7.) The proposed bin store close to the opening of the lane onto Church Road is not adequate for bins from 10 properties (Manor Farm and Green Lodge already leave their bins at this site). This would mean up to 10 green bins and 10 brown bins and 10 food recycling bins left for up to 24 hours in some cases for working households. The pavement is very narrow at this site and not adequate for this quantity of bins. There is no pavement on the opposite side of the road and this pavement is used continually by school children, the elderly, wheelchair users, pushchairs and joggers. This quantity of bins would force these people into the road immediately after the sharp bend but their safety in mortal danger. Please see attached photographs of what the impact would be of bins from 10 properties being left in the proposed bin store. We also wonder where the refuse vehicle would stop to empty them? Surely not on a blind bend?

Would you also please note that there were concerns raised in the original planning consent that this junction with Church Road was inadequate and that the developer needed to provide more details to prove that the junction would work before proceeding with the development. This was a condition on the original planning consent in paragraph 10 and this condition has not yet been satisfied.

Therefore we propose that the application for the development should be rejected and that a re-application should be made which provides SAFE TWO WAY VEHICULAR AND PEDESTRIAN ACCESS to the development through Manor Court.

St Lawrence House  
Rectory Lane  
Cheltenham  
GL51 9RD

**Comments:** 12th October 2017

The access point directly onto Church Road is ill considered and will create an unnecessary hazard and cause traffic jams, due to so much additional traffic which will be generated by the new residents and their visitors at a point of Church Road where visibility is poor, and where there have previously been several crashes into parked vehicles. The road here is narrow, comes just after a long bend, and the residents of Church Road, and the congregation of St Lawrence Church all use this area to park their cars, so that it is often reduced to one way traffic. The introduction of a regular flow of traffic down the lane to the proposed development will exacerbate an already dangerous traffic point, particularly during rush hour, refuse collection times, and at

## Page 50

peak school times. I would urge the council to reconsider this access point, so that the clearly more sensible and safer access via Manor Court is used.

The Coach House  
Rectory Road  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9RD

**Comments:** 16th October 2017  
Letter attached.







Proposed development Manor Farm 17/01644/FUL

Comments from The Old Rectory, Church Road, Swindon Village.

### **Objects**

We object to the proposal due to the unsafe access and proposed refuse collection

We do not object to the use of the land for the proposed housing.

### **Traffic:**

We do not agree with the comments from the traffic survey. Our boundary wall forms the large bend to the right of the proposed access when leaving the site. We access our property via Rectory Lane and therefore have good knowledge of current traffic problems and those if the planned development goes ahead with this access.

There is a potential alternative access with a dropped kerb at the western side of the site into Manor Court which would provide an established safe access for residents and emergency and refuse vehicles. It seems that this option has not been explored as perhaps the current owner of that strip of land has not been approached.

There is no pavement on our side of the road. At busy times there have been several witnessed near misses when vehicles have either been driving too fast for the situation or have been large vans or HGV's. Pedestrians have had their safety compromised when vehicles have mounted the pavement beside the Green in front of Queen Anne Cottage to avoid collision. The wing mirrors of trucks have gouged into our brick wall, at times so loudly that we thought the wall had been knocked down, and there is no longer a grass verge on the tightest part of the bend, which has been eroded since we moved here 13 years ago. There have been collisions with parked cars resulting in 2 cars written off on the opposite side of the road after the proposed access by 53, Church Rd and Church Cottage due to cars going too fast around the bend with restricted view.

### **Refuse collection:**

The proposed solution to the problem of the inaccessibility for a bin lorry along the narrow single width access to the site is unacceptable.

The plan shows an area for bins to be left on Church Rd that is inaccurate for 8 new and 2 existing properties. Leaving bins there would be dangerous for pedestrians, especially pushchair or wheelchair users, as there is no pavement on the opposite side, dangerous for the vehicles leaving the site, as the already difficult access would be further compromised by reducing visibility due to the bins, and dangerous because a parked bin lorry collecting the refuse would cause a serious hazard on this tight bend. A large collection of bins would be unsightly in the Conservation Area. It is likely that they would have to be left out from the night before and only returned to the houses the following evening once the residents return from work.



The verge has been eroded from approximately 1m to 15cm wide by vehicles having to drive very close to the brick wall to avoid oncoming vehicles. There are chips and gouges from impacts seen on the brickwork.





This suggestion of where the bins should be put out for collection is unacceptable.

1. View of bin store from narrow bank on opposite side of road ( there is no pavement opposite)





2. Exit from Manor Farm lane with proposed bin store for 10 properties, blocking visibility at junction of Manor Farm Lane with Church Road in the direction of the sharp bend.



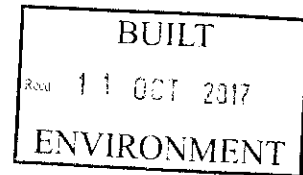


3. Proposed bin storage from 8 new properties and 2 existing properties obstructing the only pavement on this stretch of road. Pedestrians, wheelchairs and pushchairs forced into road just after sharp bend.





The Coach House  
Rectory Lane (NOT CHURCH ROAD)  
Swindon Village  
Cheltenham  
GL51 9RD



Ref : 17/01644/ful

Dear Sirs,

Once again planning rears it's ugly head.

The area around here is on a clay base with a little sand on top so we have a very high water table. The old Rectory and St Lawrence ( GRADE 2 LISTED ) have cellars that flood so have to rely on the water soaking into the brook at the back of Manor Farm. The above dwellings and mine and others ie the Homestead and the Thatch cottage do not have the foundations of modern houses ( they were built in the early 1800's ) so it would not require an Einstein to realise that by building 6 houses and 2 bungalows the depth of the foundations would create a small dam thereby causing the water to back up and possibly cause damage / subsidence to the above properties. The council of course would pay for any damage caused by this.

Environment

With 6 houses and 2 bungalows that could mean a potential of 30 cars or other vehicles.

It is a very bad bend and cars parked along this area are often damaged because of the general speed of traffic. ( one car was totally written off )

The increase of waste bins that would have to be brought up to the pavement - not only unsightly - would also cause problems for the young children walking to school in the morning and in the afternoon. It would be an accident waiting to happen.

The visual impact of more new houses against our lovely old and very rare church is unthinkable.

The church is in desperate need of more burial space, let the church have the ground.

Please think carefully again about approving this, we really do not want to create any more problems.

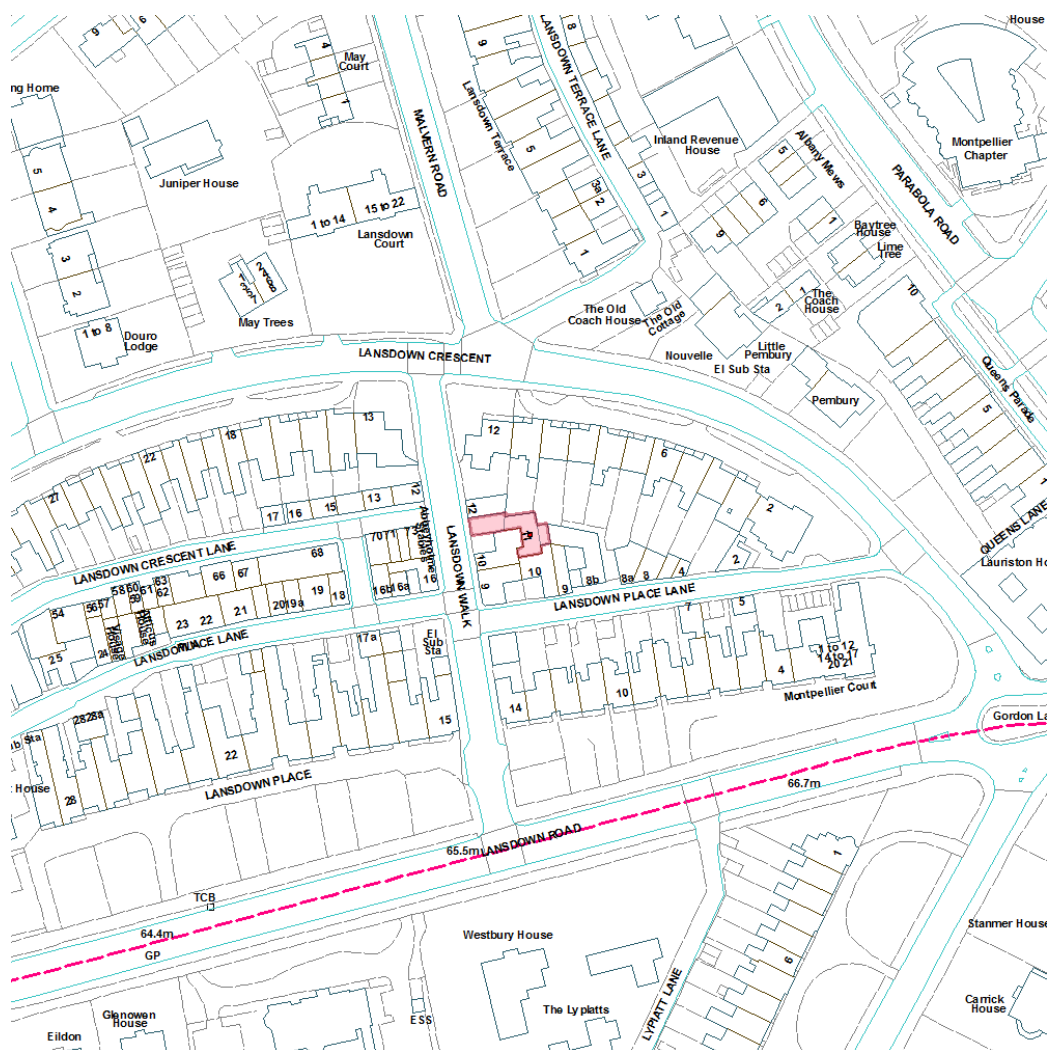
Yours very concerned

[Redacted signature block]

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<b>APPLICATION NO:</b> 17/02436/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 14th December 2017	<b>DATE OF EXPIRY:</b> 8th February 2018
<b>WARD:</b> Lansdown	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mr & Mrs Clark
<b>AGENT:</b>	H A Planning Ltd
<b>LOCATION:</b>	11 Lansdown Walk, Cheltenham
<b>PROPOSAL:</b>	Creation of a fire escape from second floor bedroom and roof terrace

**RECOMMENDATION:** Recommendation at Committee



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a newly constructed residential property situated within the Lansdown Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area, and to the rear of Lansdown Crescent, a grade II\* listed terrace.
- 1.2 The property is one of five new dwellings granted planning permission in October 2013 following the demolition of a number of buildings, which were largely dilapidated or fire damaged. The development is contemporary in design, with flats roofs, and steps up to three storeys within the site.
- 1.3 The applicants are seeking planning permission for the creation of a fire escape from the second floor bedroom, and a roof terrace.
- 1.4 The application is before planning committee at the request of Cllr Mason due to the concerns of local residents, particularly in relation to privacy and noise.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m

### **Relevant Planning History:**

**13/01251/FUL**

**PERMIT**

**18th October 2013**

Partial demolition of dilapidated and fire damaged buildings at junction of Lansdown Place Lane and Lansdown Walk, and refurbishment and reconfiguration of retained building together with redevelopment of remainder of site to form 5no. self-contained dwellings (1no. 3 bed unit and 4no. 4 bed units)

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

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

### Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements  
SD8 Historic Environment  
SD14 Health and Environmental Quality

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)  
Lansdown Character Area Appraisal and Management Plan (2008)

### National Guidance

National Planning Policy Framework (NPPF)

## 4. CONSULTATION RESPONSES

None



## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 37 neighbouring properties. In addition, a site notice was posted and an advert published in the *Gloucestershire Echo*. In response to the publicity, four representations have been received; one in support and three in objection.
- 5.2 The comments have been circulated to Members in full but, in brief, the objections relate to :
- Noise and/or disturbance
  - Overlooking/loss of privacy
  - Visual impact/impact on historic environment
  - Loss of light/overshadowing
  - Not in keeping
  - Devaluation of property

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The main considerations when determining this application for planning permission relate to design and impact on the historic environment, and impact on neighbouring amenity.

### 6.2 Design and impact on the historic environment

6.2.1 Adopted JCS policy SD4 sets out the design requirements for development proposals and highlights the need for new development to “*respond positively to, and respect the character of, the site and its surroundings*”; the policy reflects the aims and objectives of saved local plan policy CP7.

6.2.2 The proposed fire escape and roof terrace would be provided on an existing area of flat roof, which is currently inaccessible. The application proposes the insertion of French doors in the external wall, and the building up of the existing parapet to provide privacy to both neighbouring properties and the users of the proposed terrace.

6.2.3 The principle of the works is supported by officers, subject to some revisions to the method of enclosure. Currently, the application proposes to increase the parapet by up to 2.2 metres in part, together with a section of 1.6 metre high obscure glazed balustrading. However, officers do not consider that the provision of 1.6 metre high obscure glazing is appropriate to the building, nor of an acceptable height to prevent overlooking. Additionally, a 2.2 metre high wall is considered to be excessively tall; a 1.7 metre high screen is generally found to be sufficient in mitigating any overlooking or loss of privacy.

6.2.4 It is therefore anticipated that revisions can be secured to achieve a 1.8 metre high wall to the entire length of the southern and eastern boundary, stepping down in height at the northern end fronting Lansdown Walk.

6.2.5 Such an approach is considered to be appropriate to the building and its context. It is acknowledged that the site sits in close proximity to the rear of the grade II\* listed terrace but, overall, the proposal would not result in a scheme that is materially different to that originally approved. The contemporary approach to the design has been firmly established by the recent grant of planning permission for the development as a whole. The relatively minor works now proposed would not result in any additional harm to the

setting of this listed terrace or wider conservation area when viewed in their context; and the works would not be prominent when viewed from the public realm.

### 6.3 Impact on neighbouring amenity

6.3.1 Saved local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality. In assessing impact on amenity, the Council will take account of matters including loss of privacy, daylight, and outlook.

6.3.2 The concerns raised by the occupants of flats within no. 12 Lansdown Crescent have been duly noted; however it is not considered that the provision of a roof terrace in this location would result in any significant harm to the existing amenity of the nearby residents, subject to the revisions outlined in paragraph 6.2.4 above.

6.3.3 It is noteworthy that there are existing roof terraces at second floor, on the adjacent property, which formed part of the original consent. With the anticipated revisions, it is not considered that the amenity of neighbouring residents, in terms of privacy or overlooking, would be adversely affected.

6.3.4 Additionally, levels of noise arising from the use of the proposed terrace would be unlikely to cause any significant harm to neighbours.

6.3.5 Furthermore, it is acknowledged that the enclosure to form the roof terrace would be visible from surrounding properties but it would be read in the context of the existing three storey building, and would not result in any significant oppressive or overbearing impact.

### 6.4 Other considerations

6.4.1 It has been noted that comment has been made with regard to the lack of detail provided in relation to the method of escape from the terrace in case of fire. Additional detail in this respect has now been provided by the applicant. The proposal would be to use a mobile, roll-out fire escape ladder which could be hooked over the wall and unrolled down into the courtyard at ground floor in an emergency.

6.4.2 It is recognised that the property already meets current Building Regulations in terms of fire safety, and that the second floor bedroom is protected by a fire door, but there is no other means of escape from this bedroom.

6.4.3 Finally, Members will be aware that the possible devaluation of neighbouring property is not a material planning consideration.

## 7. CONCLUSION AND RECOMMENDATION

7.1 An update will be provided on receipt of revised plans.



<b>APPLICATION NO:</b> 17/02436/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 14th December 2017		<b>DATE OF EXPIRY :</b> 8th February 2018
<b>WARD:</b> Lansdown		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr & Mrs Clark	
<b>LOCATION:</b>	11 Lansdown Walk, Cheltenham	
<b>PROPOSAL:</b>	Creation of a fire escape from second floor bedroom and roof terrace	

## REPRESENTATIONS

Number of contributors	<b>4</b>
Number of objections	<b>3</b>
Number of representations	<b>0</b>
Number of supporting	<b>1</b>

Flat 5  
12 Lansdown Crescent  
Cheltenham  
Gloucestershire  
GL50 2JY

**Comments:** 28th December 2017

Objection to Planning Application for:

"Creation of a fire escape from second floor bedroom and roof terrace at 11 Lansdown Walk" ref 17/02436/FUL

The planning application proposes the creation of a fire escape from the second floor bedroom and a roof terrace at 11 Lansdown Walk, which would overlook the garden and some of the eight flats of 12 Lansdown Crescent. The proposed development provides French windows onto a new terrace being created on the flat roof nearest No 12. I object to this development on the following grounds:

### Noise or disturbance from the finished development

Any noise coming from the planned terrace will be amplified by its proximity to all the flats to the rear of 12 Lansdown Crescent, giving the noise no way to escape. All noise will be heard from the garden of and the flats to the rear of 12 Lansdown Crescent.

### Visual impact

11 Lansdown Walk is very close to Grade 2 listed buildings and the planned terrace is not in keeping with the style of these buildings. The other terraces in the Lansdown Villas face the street and are enclosed by walls, not glass. The glass portion will overlook the garden of 12 Lansdown Crescent and it is in direct sight line of all the flats in No 12 which have a rear aspect. Being on the second floor the glass portion will be fully visible from the street - changing the historic outline from that vantage point. It is not a fire escape as it provides no means of escape to the ground floor. Given the Lansdown Villas developments have only been completed in the last few years then I assume they complied with the relevant fire regulations, and unless these have changes, there should be no need for an additional fire escape.

### Privacy

Given the height of the wall, it will be directly overlooked by Flat 7 & Flat 6 of 12 Lansdown Crescent. The walls will overshadow the garden, the garden flat, Flat 2 & Flat 4 of 12 Lansdown Crescent.

Flat 4  
12 Lansdown Crescent  
Cheltenham  
Gloucestershire  
GL50 2JY

### **Comments:** 1st January 2018

As owners of Flat 4, 12 Lansdown Crescent, we object for the following reasons:

1. the application is materially incorrect. It is described as a fire escape, yet contains no actual method of escape.
2. the finished development would create a visual disturbance, for it is in line of sight from No 12 Lansdown Crescent. The development is not in keeping with the style of surrounding buildings, especially in proximity to a listed building.
3. the finished development would significantly compromise our privacy, giving an unacceptable degree of overlooking onto the garden of No 12 Lansdown Crescent. This is a communal garden, enjoyed by all 8 flats in the building. We believe development would overshadow the garden and devalue our property.
4. the proximity of the finished development threatens to trap an increased and unacceptable level of noise within the area.
5. Previous plans at the time of original construction rejected this aspect of the development. We believe this previous decision should stand.

Flat 7  
12 Lansdown Crescent  
Cheltenham  
Gloucestershire  
GL50 2JY

### **Comments:** 27th December 2017

As the owners of Flat 7, 12 Lansdown Crescent we object to the proposed extension to provide a roof terrace at 11 Lansdown walk which is at the back of our property.

Whilst the application refers to a fire escape, we have to assume that current fire regulations were met when the property was built 3 years ago and this is nothing more than an attempt to install a roof terrace that was denied in the original application ref 13-01252-FUL and the Report Update 559955 attached to that application. This is not intended to create a fire escape as there is to be no means of escape to ground level from this terrace.

These plans will create a terrace that will be directly below the bedroom, living room & kitchen windows of our flat. All noise coming from the terrace will reverberate between the high walls of our building & high walls surrounding the new terrace - pushing noise upwards towards our only windows. We will completely overlook the terrace and the glass portion will be visible from Lansdown Walk impacting the aesthetic of this historic area. The proposed high wall immediately facing our flat will further block light from No. 12's communal garden and the lower flats in the building (Garden Flat, Flat 2, Flat 6 and Flat 4). The high wall will prevent Flat 6 looking into the

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bedroom of this property (we believe that is the sight line suggested in the diagrams) but the glass portion means our garden will still be overlooked. This development sits directly behind a Grade 2 listed building.

I would be grateful if you would pass these comments onto the Planning Committee.

10 Lansdown Walk  
Cheltenham  
Gloucestershire  
GL50 2LJ

**Comments:** 19th December 2017  
Fully support the application.

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<b>APPLICATION NO:</b> 17/02436/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 14th December 2017		<b>DATE OF EXPIRY:</b> 8th February 2018
<b>WARD:</b> Lansdown		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Mr & Mrs Clark	
<b>AGENT:</b>	H A Planning Ltd	
<b>LOCATION:</b>	11 Lansdown Walk, Cheltenham	
<b>PROPOSAL:</b>	Creation of a fire escape from second floor bedroom and roof terrace	

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1 As set out at paragraph 6.2.3 of the main report, the principle of the proposed works is supported by officers. Since publication of the main report, revised plans have been submitted which include the alterations set out at paragraph 6.2.4 of that report, namely the provision of a 1.8 metre high wall to the entire length of the southern and eastern boundary, which steps down in height at the northern end fronting Lansdown Walk to 1.2m.
- 1.2 These revisions are considered to be sufficient to mitigate any adverse impact on the amenity of neighbouring residents, in terms of privacy or overlooking.
- 1.3 The recommendation therefore is to grant planning permission subject to the following conditions:

### 2. 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.

### INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 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 mitigate the impact of the development on neighbouring residential properties. Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

<b>APPLICATION NO:</b> 17/02447/FUL	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 16th December 2017	<b>DATE OF EXPIRY:</b> 10th February 2018
<b>WARD:</b> Prestbury	<b>PARISH:</b> Prestbury
<b>APPLICANT:</b>	Mr & Mrs Minihane
<b>AGENT:</b>	Mark Le Grand & Co
<b>LOCATION:</b>	St Francis, Park Lane, Prestbury
<b>PROPOSAL:</b>	Demolish existing and construct a new detached dwelling

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached 'arts and crafts' style property located within a residential area on Park Lane in Prestbury.
- 1.2 The applicant is seeking planning permission for the demolition of the existing building and its replacement with a new dwelling.
- 1.3 The site is located within the Green Belt and forms part of a suggested new Conservation Area that will be consulted upon in the coming months.
- 1.4 The application is at planning committee at the request of Councillor Payne due to the level of local concern.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport safeguarding over 90m  
Greenbelt

### Relevant Planning History:

**16/01150/FUL 22nd August 2016 PER**

Demolition of existing attached garage and erection of a new detached garage, erection of a two storey extension and a single storey extension to the dwelling.

**16/02244/FUL 8th February 2017 PER**

Demolition of existing garage and rear wing; and erection of extension to rear and side of existing dwelling with new garage

**17/01520/FUL 23rd August 2017 WDN**

Demolish existing and construct a new detached dwelling and garage

**17/01656/PREAPP 30th August 2017 CLO**

Demolish existing and erect a new dwelling

**18/00121/PRIOR PCO**

Demolition of existing dwelling at St. Francis, Park Lane

## 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

CO 7 Rebuilding or replacement of dwellings in the green belt

### Supplementary Planning Guidance/Documents

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

### National Guidance

National Planning Policy Framework



Joint Core Strategy  
SD4 Design Requirements  
SD5 Green Belt

#### **4. CONSULTATIONS**

**Parish Council**  
*2nd January 2018*

No Objection

**Gloucestershire Centre For Environmental Records**  
*5th January 2018*

Report available to view online.

**Tree Officer**  
*24th January 2018*

The Tree Section does not object to this application pending more information being submitted. The closest point of the proposed building is closer to the silver birch than that of the existing property by approximately 1m. This means the proposed building would encroach onto the RPA of the silver birch and given the nature of the surrounding landscaping the birch would have more roots within the soft landscaping of the existing garden than under the road. As such please could a method statement for the construction of any part of the development which encroaches into the RPA along with a Tree Protection plan be submitted by a suitably qualified and insured arboriculturalist. Please could the following condition be added with any permissions given:

No roots over 25mm to be severed

Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

**County Archaeology**  
*18th December 2017*

Thank you for consulting me regarding the above planning application. I wish to make the following observations regarding the archaeological implications of this scheme.

I advise that the application site is located on the southern portion of a medieval moated settlement, the better preserved parts of which are designated a Scheduled Monument in recognition of the national archaeological importance of the remains.

The application site is located outside the Scheduled Monument, and previous archaeological investigations undertaken at surrounding properties (at 'Kennan', 'The Little Monk' and 'Green Willows' have found no evidence for any significant archaeological remains.

It therefore seems likely that the application site will also have low potential to contain any significant archaeological remains associated with the moated settlement, and for that

reason I recommend that no archaeological investigation or recording need be undertaken in connection with this scheme.

However, the large scale of this development proposal means that it may have an adverse impact on the setting of the Scheduled Monument, since this is located to the immediate north of the application site. Therefore, I recommend that in advance of the determination of this planning application you should consult Historic England for their views on that setting issue.

I have no further observations.

### **Historic England**

*5th January 2018*

Thank you for your letter of 18 December 2017 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

#### Historic England Advice

St Francis, Park Lane, Prestbury, lies next to and partially over the scheduled monument known as Moated Site 570m west of Laxton Meadow Farm, more commonly called Prestbury Moat (National Heritage List for England No. 1018448). The monument is unusual as it is a rare form of moated site consisting of two moated enclosures immediately next to each other. The western enclosure contains the remains of a large medieval house and the eastern is thought to contain the remains of associated farm and other domestic buildings. The site was occupied between the 13th century and 18th century and was owned by the Bishops of Hereford. The eastern and southern areas of the site were built over in the first half of the 20th century.

St Francis lies over part of the in-filled southern and central moats where the two enclosures meet. When the site was designated as a nationally important monument the 20th century properties were excluded as no earthwork remains, recorded before the site was developed, were visible. However the buried remains of the southern moat are still present under the property. A small area of the garden, of St Francis, in the north east corner is included within the scheduled area.

The monument lies on the edge of Cheltenham with open farm land to the north and open land of the racecourse to the west. The southern and eastern edges of the monument are developed with detached properties within their own gardens. The open land to the north and west contributes to the monuments significance as it evokes the open farmland it was originally surrounded with and supported it. The 20th century housing does not contribute to the monuments significance. The open land (gardens) around the houses does contribute a small amount to the monuments significance.

Scheduled Monuments are protected under the Ancient Monuments and Archaeological Areas Act 1979. Under Section 2 of that Act it is an offence to undertake works in a scheduled area without the consent of the Secretary of State (SoS) for the Department of Culture Media and Sport. The application for scheduled monument consent is separate to the planning consent process. Historic England act as advisors to the SoS and also provide advice to applicants to help with the application process. Further information about this can be found at <<https://www.historicengland.org.uk/advice/hpg/consent/smc/>>

The proposed demolition and construction of a new building has the potential to impact on buried archaeology associated with the moated site. However investigations close to this location have never recovered any archaeological material. This is probably due to the development in the early 20th century removing any remains. It is therefore unlikely that

this work will impact on any buried archaeology and we agree with the County Archaeological Advisor that no archaeological mitigation is required.

The proposal also has the potential to impact on the significance of the monument through a change in its setting. We have assessed this and have concluded that this proposal will not impact on the significance of the monument. The existing house does not contribute to the monument's significance. The open space of the garden does contribute a small amount. The new build is slightly larger than the existing but the open area closest to the monument is retained and the change is not sufficient to cause any harm to the significance.

The demolition and building work will not impact directly on the scheduled area but the proposed landscaping works will. From the drawing submitted it is possible that the works would constitute a requirement for scheduled monument consent. I advise that the applicant contacts me to discuss the proposals and to establish if Consent is required or not.

The application does not include any mention that the site lies adjacent to a National Significant Heritage Asset. There is also no assessment on the archaeological impacts of the proposal. This is contrary to National Planning Policy Framework paragraph 128.

However as the construction works will not impact on significant archaeology it is not necessary for this assessment to be provided.

### Recommendation

Historic England has no objection to the application on heritage grounds.

We consider that the application meets the requirements of the NPPF, in particular paragraphs 129 and 132.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

### Conservation Policy Officer

*5<sup>th</sup> January 2018*

As requested, some informal comments on the status and adoption process/approximate timeline for the Park Lane Conservation Area.

The proposed boundary of the conservation area is part of the Local Plan as approved by Council. It is hoped that consultation on the Local Plan will commence in Jan 2018 with submission to PINs in approximately April 2018. Examination of the Local Plan, hopefully in 2018.

When the Local Plan is adopted the understanding is that the conservation areas will be designated at this point.

As a separate ongoing process the conservation area character appraisals and management plans will be drafted and put out to formal SPD consultation with the aim of being adopted as SPDs by Council.

I have drafted the character appraisal for Park Lane and am currently aiming to consult, though not as part of the formal SPD consultation, in Jan/Feb 2018. This consultation is to gain input from interested parties to inform the appraisal and subsequent management plan.

As discussed in my opinion little weight can be given to our intent to have the area designated given the stage in the adoption process of the Local Plan and as there is no evidence which has been consulted upon/tested at this stage supporting our intention.

### **Heritage And Conservation**

*2nd February 2018*

The proposal is for demolition of the existing dwelling and construction of a new dwelling.

The existing dwelling, St. Francis is one of a pair with Kennan, which are a mirror pair of arts and crafts houses with very similar design detailing. The pair were constructed in 1926, designed by architect Walter Rosser of Newport. Both have an 'L' shaped plan form, constructed of Cotswolds limestone in a random rubble arrangement with handmade brown clay tiles to roof. Their roof type varies but both have heavy, timber brackets and eaves with stone corbels to ends. A central two storey step forward sits between the two wings on both dwellings, Cotswold stone to ground floor and a 'black and white' timber gable to the first floor. Windows are non-original but are likely to reflect the opening mechanism and leaded light pattern of the originals. The openings themselves remain unaltered, having an informal arrangement with a Cotswold stone sills and lintels. A low wall, coursed, rusticated Cotswolds limestone in blocks with 1 metre high timber fence, piers and copings, is located along the boundary of both properties. Kennan is slightly set back from the building line and sits behind St. Francis so is discreet within the streetscene, its outlook is of Cheltenham Racecourse. This contrasts with St. Francis which sits prominently and faces east down Park Lane, notably it is located on a junction.

Park Lane and the properties on it were largely developed earlier than St. Francis and Kennan, in 1909. These Edwardian dwellings are in the 'black and white' style, rendered with applied half timbering to the first floor, prominent gables, tiled roofs, heavy eaves and slightly varying details between the semi-detached and detached dwellings, which have small front gardens and a strong building line. The dwellings along Park Lane form a cohesive whole with a distinct character and appearance.

Notably there is a draft Park Lane Conservation Area Appraisal and the proposed conservation area boundary is identified within the emerging Local Plan. Notably the boundary of the proposed Park Lane Conservation Area includes St. Francis and Kennan. However while public consultation regarding the proposed conservation area is currently taking place it has not been adopted so, in planning terms, little weight should be given to it, although it should be used as a material consideration in the determination of this application.

While little weight can be given to the proposed Park Lane Conservation Area, St. Francis and neighbouring dwelling Kennan, can be considered 'non-designated heritage assets', a status recognised in Paragraph 135 National Planning Policy Framework (NPPF). Concerning non-designated heritage assets the NPPF states, "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The significance of St. Francis and Kennan are they both have historic and architectural interest as good examples of modest local domestic arts and crafts houses by a regional architect known for working in this style. Together the dwellings have a group value with a distinct character and appearance within the street scene, although importantly both retain substantial elements design continuity through their use of scale, massing, roof forms, materials and detailing with the other dwellings Park Lane. Notably the significance of St. Francis also lies in its wider contribution Park Lane which, when viewed from the east, it

faces prominently onto by projecting forward of the general building line, giving it something of a landmark like quality.

The demolition of the existing dwelling would cause material harm to the non-designated heritage asset, which would be lost as a result of the proposal. Harm would also be caused to the setting of its neighbour Kennan, which would no longer be read as a pair, and to the wider historic streetscene, of which St. Francis is one of the most important individual buildings. If allowed to be demolished the proposed Park Lane Conservation Area would have a notably poorer character and appearance.

It is considered the scale of harm is unacceptable given the significance of St. Francis and its wider setting. It is recommended the application be refused for this reason.

Notwithstanding the significant concern over the proposed demolition of a non-designated heritage asset, there are concerns over the proposed replacement dwelling. This introduces several design features that would appear incongruous within the existing streetscene including: a front elevation that is orientated so it faces away from Park Lane where the character of the area is defined by front elevations facing the street; the proposed symmetry on the front elevation where the existing detached dwellings are defined by asymmetry; the gothic and Cotswolds vernacular detailing which is not characteristic of Park Lane; the lack of a continuation of the landmark like quality the existing dwelling has; and finally, the poor use of materials which, when viewed from the east end of Park Lane, would not relate it well to its context. Through the blanket use of stone, the proposal lacks a strong enough reference to the streetscene. It is noted both St. Francis and Kennan are constructed of stone but they reference the materials in the immediate context through the use of 'black and white' timber framing. While Kennan will remain it is largely obscured by the proposal within the lane so would not lend its use of a similar stone to allow the new dwelling to be tied to its context.

Should the principle of demolition be accepted, it is considered there are significant design concerns over the proposed dwelling which would result in it appearing out of keeping with its context. For this reason it is recommended the application be refused.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>16</b>
Total comments received	<b>22</b>
Number of objections	<b>22</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

**5.1** 16 letters were sent to neighbouring properties, 18 letters of objection have been received.

**5.2** Many of the objections raise similar points and whilst not limited to, these have been highlighted below:

- Size and scale of new dwelling
- Loss of existing building
- Design and materials
- Loss of privacy
- Impact on character of existing street scene

- Flooding
- Potential adoption of Park Lane as a Conservation Area
- Impact on Green Belt
- Impact on Trees

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.1.1** The main considerations of this application are the principle of the demolition, the design and layout of the replacement building, including its impact on the Green Belt, impact on neighbouring amenity and impact on existing trees.

### 6.2 Site history

- 6.2.1** The application site has been subject to a number of recent applications. In 2016 two permissions were granted for the 'demolition of the existing attached garage and erection of a new detached garage, erection of a two storey extension and a single storey extension to the dwelling' (16/01150/FUL & 16/02244/FUL).
- 6.2.2** In August 2017 an application was submitted for the demolition of the existing property and the erection of a new property (17/01520/FUL). This scheme was deemed to be wholly unacceptable for a number of reasons relating to its scale, form, design and use of materials and was later withdrawn. Following the withdrawal of this application a formal pre-application (17/01656/PREAPP) was submitted to establish officer thoughts on the acceptability of demolishing the existing building and its replacement with new.

### 6.3 Policy context

- 6.3.1** The JCS has recently been formally adopted and therefore is used for the consideration of current applications.
- 6.3.2** The Council are currently in a process of reviewing Cheltenham Borough Council's Local Plan; however this is in its early stages of consultation and is unlikely to be formally adopted until later in the year. This application has therefore been considered in line with the Council's current and saved local plan policies – Adopted July 2006.
- 6.3.3** The emerging local plan has identified new sites to be considered for conservation area designation, Park Lane is one of these sites. The potential adoption of Park Lane as a conservation area is acknowledged by officers however, the Council is in the very early stages in this process, with the emerging local plan not yet out for public consultation. Having discussed this with our Conservation Officer within the Planning Policy Team, it is considered that very little weight can be given to the potential adoption of this area as a conservation area when deciding this current application.

### 6.4 The site and its context

- 6.4.1** The application site is approximately 0.07 hectares in size and is accessed via Park Lane which is a residential street within the Prestbury area of Cheltenham. The site consists of a two storey detached dwelling in a corner plot position. The site shares boundaries with two other residential properties within Park Lane and is located within the Green Belt
- 6.4.2** Park Lane consists of a range of properties, differing in style, size of building and plot sizes. Generally, on the approach to the site when travelling west on Park Lane, the properties are

typically modest semi-detached and detached properties of similar scales and plot sizes. The properties in the immediate vicinity of the application site are generally larger detached buildings set in more generous plots.

- 6.4.3** In terms of the design and style of the surrounding properties, the approach to the site appears to be generally characterised by rough render and mock Tudor timber detailing. Whereas the application site and immediate neighbour of 'Kennan' have a typical 'arts and crafts' style with a stone external finish.

### **6.5 Principle of demolition**

- 6.5.1** The existing building is not listed and not currently located within a conservation area. It is therefore not protected in any way.
- 6.5.2** Members will be aware through this report that Park Lane is being suggested as a new conservation area, and that this would, if adopted, provide the building with protection from demolition, but this has not happened yet.
- 6.5.3** The comments from the Conservation and Heritage Officer in relation to the value of the existing building are entirely understood. The existing house without doubt is an interesting building that has historic value and it would certainly be regrettable to see it demolished; nobody is advocating that this is the best course of action. But, the application has to be assessed against the current planning framework and, as acknowledged in the consultation responses above, the suggested conservation area holds very little weight at this point in time.
- 6.5.4** Officers have some difficulty in relation to pursuing a line of argument around the "non-designated heritage asset" approach as suggested by the Conservation Officer. The building is not on this authority's 'local list' which would be the natural place to find a non-designated heritage asset and whilst it is perhaps a building that has simply been overlooked, to stifle development on this basis would not have the positive thrust of the NPPF at its heart.
- 6.5.5** It is important to bring to the attention of members the fact that since the formal submission of this application, the applicant has submitted a prior notification application for the demolition of this building. This process only allows for consideration from an environmental health and building control perspective relating to the safety aspects of the works required to demolish the building and any impact on neighbouring amenity. There is no reasonable ground to withhold this consent and this has to represent a material consideration of significant weight.
- 6.5.6** It is the view of officers that the principle of demolition has to be unfortunately acceptable and that the focus should be on replacing it with a building of quality.

### **6.6 Design and layout**

- 6.6.1** Local plan policy CP7 relating to 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.
- 6.6.2** As set out above, the context around the application site is generally characterised by large detached properties set within reasonable sized plots providing an element of space between buildings. In terms of a site layout, officers are satisfied that the proposal is contextually appropriate.
- 6.6.3** With regard to the external appearance, the proposed dwelling is relatively traditional in form. It has a pitched roof, projecting gables, and stone work but seeks to inject a contemporary feel by combining this with aluminium windows and doors and first floor

French doors with window guards. In this respect, it is a relatively “safe” proposal but officers are of the view that if materials, detailing, and workmanship are of a high quality, then the resultant building would be a suitable replacement. It members are minded to grant consent, officers would suggest conditions ensure some control over these points; certainly the facing materials are critical to the success of the scheme.

- 6.6.4** In stating the above, the concerns of the Conservation Officer have been fully considered but do not raise sufficient substance to warrant the refusal of planning permission. The orientation of the house mirrors ‘Crossways’ opposite the site and whilst there is variety of architecture, symmetry is found in the semi-detached houses in close proximity to the site.
- 6.6.5** Likewise the concerns of the Architects’ Panel are understood. It is view of officers that the tests for the replacement dwelling are being set artificially high due to the desire to see the building retained. This is completely understandable and officers have an awful lot of sympathy with this approach, but ultimately, the application needs to be determined against the existing policy context and this is a context that regrettably gives no protection to the existing building and this is a material consideration of significant weight.
- 6.6.6** A large amount of local concern relates to the increased scale of the proposed new dwelling. It is clear from the existing and proposed plans that the property will be significantly bigger in overall footprint. However when compared to the scale of dwelling that could be developed through the previously granted additions to the property it would be difficult to appreciate any significant increase in its footprint. The applicant has submitted a drawing to show a comparison between the existing, the approved scheme and the proposed scheme.
- 6.6.7** Officers consider the proposed development to be successful in responding to the local character and it is compliant with Cheltenham’s adopted ‘Garden Land and infill sites SPD’. The key reasons include the position of the dwelling within the plot, and the space around the property. The proposal is sympathetic to neighbouring developments allowing the proposal to sit comfortably with the existing pattern of development.
- 6.6.8** It is acknowledged that this development will undoubtedly be visible from the surrounding residential properties and will clearly read as a contemporary addition in the street scene. It is not however considered that any such impact would warrant a refusal of planning permission.
- 6.6.9** The proposed development is considered to be compliant with local plan policy CP7, guidance set out within the NPPF and within the ‘Development on garden land and infill sites in Cheltenham’ Supplementary Planning Document.

### **6.7 Impact on the Green Belt**

- 6.8** Local plan policy CO7 relates to the replacement of dwellings in the Green Belt. It advises that replacement dwellings will only be permitted where (a) the number of replacement dwellings is no greater than the number to be demolished; and (b) the volume of the original building is not exceeded by more than 15% or 70 cubic metres (whichever is the greater); and (c) there is no harm to the openness and visual amenity of, or encroachment upon, the Green Belt.
- 6.9** It is important to note that the volume allowances set out within the policy were based on the limitations set by the Town and County Planning (General Permitted Development) Order 1995 which at the time allowed existing dwelling houses to be extended by up to 15% or 70 cubic metres whichever was the greatest.
- 6.10** Since this time, permitted development rights have been significantly amended by the Town and Country Planning (General Permitted Development) Order 2015, which came



into force following a review of the planning system, and are now far more relaxed in terms of what can and cannot be achieved without planning permission.

- 6.11** It is therefore felt that to consider the scheme purely on volume calculation would be an overly simplistic way of interpreting the aims and objective of the policy; what is of most importance is safeguarding the openness of the Green Belt. This is highlighted within both the NPPF and the emerging Cheltenham Plan; the current local plan policy is dated and not consistent with national policy.
- 6.12** Paragraph 89 of the NPPF considers *'the construction of new buildings as inappropriate'* with an exception to this as: *'the replacement of a building'* providing *'the new building is in the same use and not materially larger than the one it replaces'*.
- 6.13** The main consideration in respect of the Green Belt is therefore to consider whether the replacement building is 'materially larger' and whether the proposed development would have a harmful impact on the openness of the Green Belt.
- 6.14** Officers fully acknowledge that the proposed new dwelling is larger than that of the existing dwelling but it is important to consider the sites potential in terms of the size of the dwelling that could be achieved should the extensions that have already been approved be implemented. It is therefore the approved scheme, as a very plausible fall-back position that officers are assessing the replacement against.
- 6.15** Whilst officers acknowledge that the proposal will be larger than the extended existing building, in terms of the openness to the green belt, which is what policy is seeking to protect, it would be very difficult to argue that the proposal would be materially larger than the previously approved scheme. Importantly, there is no definition of what constitutes 'materially larger', it is an exercise of judgement and officers are satisfied that the openness of the green belt would not be compromised as a result of this development.
- 6.16 Impact on neighbouring amenity**
- 6.17** Local plan policy CP4 relating to neighbouring amenity seeks for new development to protect the amenity of adjoining land users and the locality, with specific reference to loss of light, loss of outlook and loss of privacy.
- 6.18** In terms of loss of light, it is the immediate land user of 'Kennan' that will be most affected by the development. The scale of the proposed west elevation as viewed from this neighbour is not significantly larger than that of the scheme recently approved to extend the property. The position of the new dwelling and its relationship with the neighbouring site will not change significantly. In the letter of representation from the occupiers of 'Kennan' no specific concerns have been raised regarding loss of light or overbearing impact. It is not considered that the proposed development will result in any unacceptable loss of light or overbearing impact on this or any other neighbouring land user.
- 6.19** In terms of a loss of privacy, concerns have been raised by a number of neighbouring land users. Officers considered the large roof terrace to the rear of the site to be unacceptable and inappropriate for its position within the site, especially due to its close proximity to the shared boundaries. Officers also raised concerns regarding first floor windows proposed in the west elevation which would result in an increased loss of privacy. Revisions have been requested and received, the rear roof terrace has been removed from the plans and a condition is suggested restricting its future use. In addition, a condition has been suggested for two of the first floor windows in the west elevation to be obscurely glazed.
- 6.20** Officers acknowledge the proposal includes a balcony on the west elevation of the property, whilst this is not ideal due to its proximity to the boundary; a balcony of similar scale already exists in this position and is therefore considered to be acceptable. With the

submitted revisions and the addition of conditions officers do not consider the proposal to result in any unacceptable loss of privacy to any neighbouring land user.

### **6.21 Trees**

**6.22** The large tree to the front of the site is protected and therefore careful consideration is given to the protection and retention of this tree through any future development.

**6.23** The tree officer has provided a detailed response to this application. Whilst no objection has been raised, conditions have been suggested for the protection of existing trees. These are considered to be necessary and reasonable.

### **6.24 Other considerations**

**6.25** Concerns have been raised regarding potential flooding implications as a result of the proposed new build.

**6.26** This application has been discussed with the Council's Land Drainage Engineer who does not consider there to be any major concerns. The concerns of local residents regarding potential flood implications have been brought to the attention of the applicant who has acknowledged that a surface water drainage plan will be required under building regulations and will be designed in accordance with Severn Trent guidelines as well as a ground investigation and soil analysis report.

**6.27** A condition has been suggested for an appropriate SuDS scheme to be incorporated within the sites development. Officers consider that the information provided by the applicant and the addition of this condition is sufficient to ensure that the proposed development will not result in any unacceptable flooding implications.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1.1** Officers acknowledge the volume and level of concerns raised by the local residents in Park Lane and that the loss of the existing building is regrettable. That said, officers are required to consider the merits of this application based on the current policy context. The first part of this process was to establish whether or not the existing building is currently protected in anyway and therefore if its retention as a whole could be defended. Having concluded for the reasons set out above that the building is not currently protected in any way the principle of its demolition is regrettably considered to be acceptable.

**7.1.2** On balance, officers consider the design, scale and form of the replacement dwelling to be acceptable for its location and will not result in any unacceptable harm to the character of the area or result in unacceptable harm to the openness of the Green Belt, particularly when assessed against the legitimate fall-back position.

**7.1.3** The application is considered to be compliant with adopted local plan policies and guidance set out within the NPPF and our 'Development on garden land and infill sites in Cheltenham' Supplementary Planning Document.

**7.1.4** Having taken in to account all of the above, officer recommendation is that planning permission be granted, subject to the conditions set out below.

## 8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 The development hereby permitted shall incorporate a Sustainable Drainage System (SuDS) for the maintenance and management of surface water run-off. The SuDS system shall be fully installed and operational prior to first occupation of the development.

Reason: To ensure sustainable drainage of the development, having regard to Policies UI2 and UI3 of the Cheltenham Borough Local Plan (adopted 2006).

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

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

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

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

- 6 Prior to the commencement of any works, a construction method statement relating to any works which encroach in the RPA of the protected tree shall be submitted to and approved in writing by the local planning authority. The measures set out in this document shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity, having regard to Policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 7 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 8 The flat roof area above the kitchen of the development hereby permitted shall not be used as a balcony, roof garden or amenity area.

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

- 9 No external facing or roofing materials shall be applied unless in accordance with  
a) a written specification of the materials; and  
b) physical sample/s of the materials,  
The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 11 Prior to the implementation of any landscaping, full details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

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). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

## INFORMATIVES

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

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

In this instance, the authority sought revisions to reduce impact on neighbouring amenity in terms of privacy;

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

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<b>APPLICATION NO:</b> 17/02447/FUL		<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 16th December 2017		<b>DATE OF EXPIRY :</b> 10th February 2018
<b>WARD:</b> Prestbury		<b>PARISH:</b> PREST
<b>APPLICANT:</b>	Mr & Mrs Minihane	
<b>LOCATION:</b>	St Francis, Park Lane, Prestbury	
<b>PROPOSAL:</b>	Demolish existing and construct a new detached dwelling	

## REPRESENTATIONS

Number of contributors	<b>22</b>
Number of objections	<b>22</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

The Chase  
Park Lane  
Prestbury Cheltenham  
Gloucestershire  
GL52 3BN

### Comments: 17th January 2018

We would like to object to the proposed demolition of St Francis and its replacement with a new, much larger property. The volume of the new house would be 75% greater than the existing building and would be out of keeping with the size and character of the other properties in Park Lane, thereby compromising the integrity of this unique road. Although most of the properties here have been tastefully extended, none have been enlarged by the percentage proposed here. The height of the property could also be an issue for immediately neighbouring properties in terms of loss of light and privacy. Most importantly, St Francis is a perfectly sound and attractive building and would comfortably house a medium to large family as it currently stands. To knock it down completely would be a great shame, not to mention a shocking waste of a good quality home that many would aspire to live in.

Cotswold  
Park Lane  
Prestbury Cheltenham  
Gloucestershire  
GL52 3BN

### Comments: 2nd February 2018

I object to the demolition of this character property and to the building of a new larger property that does not match the character of the existing properties in the area.

Harbury  
Spring Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BW

### Comments: 1st February 2018

Letter attached.

17 Shaw Green Lane  
Cheltenham  
Gloucestershire  
GL52 3BS

**Comments:** 4th February 2018

I do not think that planning permission should be granted to demolish this charming property, one of a pair, which is in keeping with the rest of the properties in Park Lane.

The proposed replacement is not in keeping with the neighbourhood.

If permission is granted - despite the large number of objections - please can the Case Officer include a clause in his Report to ensure that the soakaway is constructed properly and that calculations are submitted by the developer to show that it will be adequate to ensure that no flooding will be caused, a big problem in this area because of the heavy clay soil.

I would like to request that this Planning Application goes before the Planning Committee.

Byways  
Spring Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BW

**Comments:** 12th January 2018

I strongly object to demolishing a perfectly good house to replace it with something which is going to take nearly the whole of the site and will look ridiculous in relation to all existing properties.

This has happened in Spring Lane with the construction of the 'watch tower' (Moat Corner) and the resulting nuisance from light pollution and domineering occupants, spoiling what was once a lovely peaceful place to live.

The Council should take heed of the views of neighbours who have endeavoured to enjoy their homes without upsetting others.

Beechwood  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 29th January 2018

We are writing to object to the proposed demolition of the above property and also its replacement with a far larger modern building. We live in Park Lane (Beechwood) and would be directly affected by these proposals.

Park Lane is a characterful area and may become a Conservation Area in the near future. We feel that the proposals for St Francis would ruin the character of the street just when the quality of the existing area and dwellings are about to be recognised by the new designation.

The proposed new dwelling is far too large in scale and would not be in keeping with the other houses in the street. It is also too tall and would dwarf its neighbours.



We are concerned at the loss of garden area (and drainage) and also object to the risk to important trees.

Please stop the proposed demolition of St Francis and its replacement with too large a modern building which would be out of character for the street and significantly detract from the amenity of this proposed Conservation Area.

Wits End  
Park Lane  
Prestbury Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 18th January 2018

We are writing to object to the proposed demolition of St Francis and the construction of a new home in its place. The reasons for our objections are as follows:

1. The scale of the new building is disproportionate to the size of the plot, and to other homes in the street. To increase the volume of the home by almost 75% (far exceeding the allowance in local planning policy) and its height by 1.5 metres would not only be out of keeping with other homes in the Park Lane, but also unfair to its surrounding neighbours. It would set an unhelpful precedent on what is a beautiful road of lovely houses.
2. The proposed design for the new home is also out of keeping with the existing homes on Park Lane. The existing building of St Francis is architecturally and historically interesting. It's an attractive home, and to knock it down seems such a waste. To replace it with a new-build of Cotswold stone would jar with and spoil the aesthetic of the rest of the street, particularly as it would be so huge in comparison to the other homes.
3. The introduction of roof terraces and balconies will interfere with the privacy of St Francis' neighbours, as well as being out of keeping with the other style of homes around it.

We are concerned that allowing a lovely home to be destroyed on a street in a potential conservation area and replaced with something that is far too big and out of keeping with the street would set a very unhelpful precedent. Park Lane is an attractive and friendly place to live and we seek the Council's support in preventing it from becoming a target for overdevelopment.

Chase House  
Bowbridge Lane  
Prestbury Cheltenham  
Gloucestershire  
GL52 3BJ

**Comments:** 19th January 2018

We would like to object to the building of a new property at this location for the following reasons:

It requires the wholly unnecessary demolition of the existing property, which could set a precedent. St Francis is not some derelict building beyond saving, but a perfectly habitable building. There is no sound reason for destroying it.

St Francis is one of a pair of Lutyens inspired 'Butterfly' properties. Both St Francis and its neighbour Kennan are very rare examples surviving to this day. For historical and architectural reasons it is essential that they must be preserved as a vital part of our heritage.

## Page 90

One of the prominent features of Park Lane is the Mock Tudor style of cladding. Again, both St Francis and its neighbour Kennan share this style. The proposed house does not.

The proposed building is much larger, both in area and height, than both St Francis and the other properties in this road, and as such would dominate them.

The inclusion of a glass balcony will jar with the local area, since there is no such feature anywhere on the street. Additionally the balcony would overlook other properties, thus denying their occupants their privacy they currently enjoy.

This modern building will not fit in with the rest of the road. There are many other roads in the village and surrounding areas where old and new already sit side-by-side where this building would not look out of place. Park Lane is probably almost unique in that all the properties still retain a similar, old-style appearance. This building will end that.

The birch tree on the site, recently protected by a Tree Preservation Order, may well be damaged irreparably by the work to demolish and build again.

Hermione  
Park Lane  
Prestbury Cheltenham  
Gloucestershire  
GL52 3BN

### **Comments:** 18th January 2018

We live in Park Lane and objected most strongly to the previous planning application. Main grounds being that the unique style of our road was completely disregarded when planning the replacement house. The most recent plan is an improvement but it still does not reflect Park Lane's style. In fact the size of it ensures that it would dominate the road and destroy the consistency of the mock Tudor style of the vicinity.

From the plans we see that all of the adjacent houses will be overlooked by this house. This is an infringement of their privacy and is unnecessary. St Francis is architecturally of merit and, being one of a pair, is part of our local heritage.

Finally, does it not seem ridiculous to be demolishing a fine house in an area which is soon likely to be within the Conservation Area.

Craignethan  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

### **Comments:** 13th January 2018

With reference to the above application we object most strongly to the proposed plan for the following reasons:

#### The present building

St Francis is a very solidly constructed building and there is no valid reason at all why it should be demolished. It is an extremely attractive house, which blends in naturally with all its close neighbours, in particular with its twin, Kennan, adjacent to it. Indeed it sits very comfortably with all the houses in Park Lane. Its scale and size fits in with the whole look of the street..

## Butterfly Design

One unusual feature is its 'Butterfly' design, the origins of which date back to the early 17th century and was revived by such eminent architects as Norman Shaw and Sir Edwin Lutyens in the late Victorian era and the Arts and Crafts movement. Both St Francis and its neighbour Kennan are very rare examples surviving to this day. For historical and architectural reasons it is essential that they must be preserved as a vital part of our heritage - ideally as 'listed' buildings.

## Mock Tudor Style

One of the prominent features of Park Lane is the Mock Tudor style of cladding. It is based on the designs of the mediaeval ages and the Tudor period. The revival of this feature is also associated with the Arts and Crafts movement and the same eminent architects Norman Shaw and Sir Edwin Lutyens, among others, were great advocates of it, using it in many of their designs. St Francis is no exception, having this feature on parts of the house, particularly over the door entrance, and thereby easily integrating with the other houses in the street. Its adjacent twin, Kennan, also displays this Mock Tudor feature. This style gives a unified whole to the area. Thus St Francis can boast of having two historical and architectural styles and this is very rare. It is vital therefore that St Francis is preserved.

## Improvements over the years

Most houses in Park Lane are more than 100 years old. Over this time some additions have been made to the houses but always with sensitivity to neighbours and the area, never increasing their size, scale or footprint vastly, nor raising their height to dominate or intrude on neighbours' privacy. This observance to maintain the quality and character of the area has always been of paramount importance when making such additions or improvements, ensuring that any work blends in with the environment. All residents have shown tremendous respect for each other and the quality and special character and uniqueness of Park Lane and its heritage.. This does not appear to be the case with the plan to replace St Francis. It certainly does not fit in at all! The only indication we received before the planning applications were 2 images (computerised ie CGI) of a very large and unsuitable house, as if the matter was fait accompli!

## The proposed replacement

The proposed replacement for St Francis would go completely against the ambience and character of the road. Dominating by its bulk and height virtually all of Park Lane it would be totally out of place and destroy the whole appearance of the area. The size of the house shown on the images is misleading because the actual house, if built, would take up much more of the plot than that shown on the images.

## National Planning Policy Framework (NPPF)

The plan for a floor space of over 300 square metres is almost twice the area of the existing house. And its volume will be more than 75%. The height is 1.5 metres higher (nearly 5 feet!). Not only will the size and height dominate the area it will impinge on the privacy of at least three of its adjacent neighbours. It will reduce the garden to virtually nothing. On the details of size and height alone it is totally contrary to the specific terms of the NPPF (National Planning Policy Framework) in particular with reference to paras: 53 'causing harm to a local area by virtue of massive development of a site'; 58 'failure to respond to local character'; 61 'failure to integrate into built and historic environment'; and (in the case of its neighbours) 66 'failure to take account of the legitimate interests of residents affected by the proposals'.

## The Cheltenham Local Plan

The Cheltenham Local Plan Second Review proposes an even tighter new replacement dwellings policy (GB2) that states that a new building will not be 'materially larger than the one it replaces'. It is quite clear that the proposed house to replace St Francis would not be allowed at all under that caveat, besides being in contradiction to the terms of NPPF para 66: 'failure to take account of the legitimate interests of residents'.

### Glass Balcony and other materials

The inclusion of a glass balcony as shown on the South West view in the computerised image of the proposed building will jar with the local area, since there is no such feature anywhere on the street. Its reflection of the sun, which will shine towards the balcony, will almost certainly impinge on houses opposite. This glass balcony overlooks the road and is totally out of place. The materials of the proposed build such as its 'pseudo' Cotswold stone do not complement the materials used anywhere in the street and certainly not with the adjacent Kennan which has natural stone. And the design is totally out of character.

### Privacy

There is a very serious issue of privacy, especially with balconies which overlook Kennan, Little Monk and Green Willows. This is inconsistent with the policy regarding the vital importance of privacy (NPPF para 66 : 'failure to take account of the legitimate interests of residents').

### Flooding

There is a serious danger that flooding would occur from the soak-away which runs towards the moated area. In heavy rain the moat fills quickly and any further addition would join the streams in the street and cause flooding to neighbouring properties, especially those opposite. The heavy clay soil does not allow for the water to drain off easily and quickly. This is compounded by there being hardly any garden at all, taken up as, it would be, by the enormous size of the building. What is left is mostly paths and hard standing, thus making it even harder for water to soak away.

### Effect on the trees

The huge size of the building, which virtually fills the plot, also will affect the trees, in particular the Preserved Order birch whose roots will be damaged in any building work close to it. That would lead to its possible demise, thus setting a dangerous precedent for other trees in the road. Any such destruction disturbs the biodiversity, habitat and general aspect of the street.

### The Prestbury Moated Scheduled Monument

The Prestbury Moated Scheduled Monument (under Historic England) lies directly to the north of the site. Since the proposed build's footprint is so large it is very close to this border which abuts the Monument. Any building or other earth work in this area could disturb or seriously damage important archaeological remains and artefacts.

### Green Belt (Cheltenham Local Plan Review)

Park Lane lies within the Green Belt and any development which disregards the spirit and terms of the Green Belt (see criteria C) will have a serious and dramatic impact on the openness of the area. The new build would increase the volume by 75%. This is 5 times the present allowable increase of 15%, as stipulated in the current regulations (Policy CO7). This sheer increase and size of the proposed replacement goes completely against both the regulations and the purpose of the Green Belt policy and is therefore totally unacceptable. The permitted increase in volume will be even less under the regulations in a future status as a Conservation area.

### Conclusion

We all take great care of our locality which we are proud of. We always ensure that any addition or improvements to our own houses are carried out with due consideration and sensitivity and do not affect our neighbours adversely.

Park Lane is unique and is an area 'of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance' - the criteria for a Conservation area.

The proposed plan for demolition would not 'preserve' St Francis, a house undoubtedly of intrinsic historical and architectural merit. To arbitrarily demolish St Francis would be a dreadful disaster - in fact a catastrophe. Earlier applications have allowed some additions to St Francis without demolishing it. These alone underline the fact that there is no structural or any other reason for it to be destroyed.

The proposed replacement would not 'enhance' the street in anyway. It would be a monstrous eyesore which would destroy the complete uniqueness, harmony and special character of Park Lane.

We urge the Council Planning Authority most earnestly to take into account our concerns and objections and refuse this application.

Gable Cottage  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 7th January 2018

The earlier plan to rebuild St Francis, submitted and later withdrawn in August 2017, was met by strong objections from almost all Park Lane residents. Their objections centred on the damage that would be done to the visual unity and character of the early-20th-century estate, which householders over the last few decades have been careful to respect when extending and modernizing their houses. Substituting a further plan for a complete rebuilding, albeit a design somewhat less aggressively modern than the previous one, in no way addresses those objections. Approval of such a plan would set a dangerous precedent in the context of this well-preserved estate and would further add to a recent tendency to allow the gratuitous rebuilding of completely sound dwellings. The applicant should be persuaded to revert to his original plan of making sympathetic extensions, while preserving the visually-interesting 'butterfly house' style of the south front to the lane. We, therefore object strongly to this proposal.

Morar  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 19th January 2018

We are very concerned at the size of the proposed house which seems excessive. It will not fit with the street scene, is too big for the plot and the height will impact upon the privacy of adjoining dwellings.

It will be a huge shame if the existing building is demolished, and massively detrimental to the unique character of Park Lane.

Edge House  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 15th January 2018

I refer to the above planning application.

As the owner of Edge House, directly opposite St. Francis, I invite you to consider my extremely strong objection to the demolition of a sound and well designed stone property, built as part of the

original development of Park Lane. Vandalism is not in my opinion too strong a word. The replacement proposal is a Cotswold type pastiche that drives a coach and horses through the architectural integrity of Park Lane and on a massive scale that dominates and overlooks neighboring houses. It is quite simply unsuited both to the plot and surroundings.

Specifically the proposal should be rejected on a number of planning policy grounds set out below.

### National Planning Policy

The proposal is in conflict with national planning policy as set out in the National Planning Policy Framework (NPPF). The following paragraphs particularly apply: para.53 (causing harm to a local area by virtue of massive overdevelopment of a site); para.58 (failure to respond to local character); para.61 (failure to integrate new development into built and historic environment); para.66 (failure to take account of the legitimate interests of residents affected by the proposals)

### Local Planning Policy

The application site is located in the Cheltenham - Gloucester Green Belt as defined in the Cheltenham Local Plan Second Review, the statutory Local Plan for the area. As such, Policy CO7 of the adopted Local Plan applies in that the proposal is for a replacement dwelling in the Green Belt. This policy allows for a dwelling to be replaced providing it does not exceed the volume of the existing by more than 15% or 70 m<sup>3</sup> whichever is the greater.

With this new application, the proposal is for more than a 75% increase in volume (773cub m. compared with 437cub.m. for the existing).

The Council should also take into account that the emerging Cheltenham Local Plan proposes a new Replacement Dwellings policy GB2 which is even more restrictive than CO7. This new policy provides for a replacement dwelling to be " ....not materially larger than the one it replaces". Not only is the proposal therefore in conflict with existing statutory policy, it is also in conflict with the policy that will form part of the new Local Plan.

It has been suggested that the measurement comparison is to be made between what has been previously granted permission on the St Francis site and the proposed new dwelling so that material impact can be judged. That however would be totally wrong in policy terms and therefore in law. The most recent permission was granted for an extension and refurbishment scheme and was quite properly not considered against the replacement dwellings policy. This new scheme, however, is for a replacement and must be considered against that policy CO7 and nothing else. It is irrelevant to take into account any extensions that may have been permitted, because the permission for those extensions was not implemented.

A second element to the CO7 policy is in relation to the impact the proposal will have on the openness of the Green Belt (criteria c). The footprint of the proposed dwelling is more than twice the size of the existing (177sq.m. compared to 83 sq.m. existing) thereby having a dramatic effect on openness. It is noted that the Council made this point to the applicant in the pre-application discussions.

The Green Belt boundaries were drawn round Prestbury and in particular to include Park Lane, Shaw Green Lane and Spring Lane for a reason. That reason was to ensure that there was no over intensification of development in these areas. The retention of a balance between built form and green space was considered essential to the protection of the character of the outer fringes of the village. This proposal is in direct conflict with this objective and would create an unacceptable precedent.

Should the Council seek to support this application it will be in total disregard of its own statutory policies. The breach of the Replacement Dwellings policy is unequivocal and massive. The

applicant has provided no justification for such a radical departure from policy, presumably because there is none.

### Proposed Conservation Area

On 11 December, 2017, the Council approved the Cheltenham Local Plan for consultation purposes. Following consultation, the Plan will proceed to Examination and eventually adoption. This Plan contains a significant proposal for Park Lane to become a Conservation Area. This proposal is a confirmation of the uniqueness of Park lane both in historic and architectural terms. There is nothing similar in the rest of Cheltenham.

While the Park Lane Conservation Area is currently a proposal, local residents will wholeheartedly support it. It is therefore certain to happen once the appropriate procedures are completed. If this were in existence now there would be no question that this application to demolish and rebuild would be rejected out of hand for conservation reasons alone. It does not need to be spelt out that this new dwelling would neither " preserve nor enhance, the two fundamental tests in dealing with development in conservation areas.

The proposed Conservation Area merits significant weight in consideration of this application by the Council. It would be nonsense for the Council to allow this application and then to complete the designation process when this house had already irrevocably damaged the street scene.

Even without the Conservation Area, the Council has a duty to protect historic environments. Now that an analysis of Park Lane has been carried out in the Local Plan review, the Council has categorically concluded that this is indeed a historic environment worthy of conservation area designation. Any attempt therefore to support this application would represent a failure in carrying out the Council's responsibilities to implement established and clear national planning objectives.

### Architectural Quality of St Francis

This attractive house should be protected for its own sake as well as for its more general contribution to the street and to the proposed Park Lane Conservation Area.

### Loss of Trees

Since the last application, a mature birch tree situated on the frontage of St Francis has become subject to a Tree Preservation Order. This was strongly supported by local residents and the Council is to be congratulated for this. The new proposals will however place this tree under threat. The canopy of the tree will virtually touch the proposed property and the root system will be extensive, This will bring pressure to bear in the future for its removal or radical pruning. In this regard, the computer-generated images submitted with the application are misleading. The scale of the house proposed in relation to the protected tree is unacceptable.

### Conclusions

Because the proposal confounds approved policy of the Borough Council and national Policy as well as emerging local planning policy and shows total disregard for its environment, there are no defensible grounds for approving this application.

Heath Lodge  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 11th January 2018

I would like to object very strongly to this second attempt to steal our street from us.

Park lane is a unique place in Cheltenham enjoyed not only by the residents, but by the many walkers and dog lovers of the town as well as visitors and race-goers. Most residents have lived here for a long time and are from a wide mix of backgrounds. Every single other property in the street has respected the original character which is why it is so special.

This new proposal, while an improvement on the previous one, still fails to address our concerns as it is still demolishing a beautiful period house and replacing it with a massively overbearing modern design that is totally at odds with all other properties.

The selection of the building materials defies all logic for a new build here. Surely as a minimum any new design should be in keeping with either the white fronted, red roofed cottages or the stone of St Francis. I see no need reason to introduce another style. A Cotswold stone and black roof is about as far away as you can get.

The proposal will completely destroy the existing street scene, set a precedent and open up the flood gates for speculators. Should the proposal be approved, the community will retain their current anger towards the owner which is also not something anyone wants.

St Francis itself is a wonderful looking building. We all wondered about it's (and Kennan's) aesthetics and heritage and at least these proposals have brought this to light. The rare Edwin Lutyens inspired butterfly design is wonderful to see and it would be an appalling thing to witness its destruction. We believe it should be preserved for it's own sake, in fact we'd like to see some kind of preservation order placed upon it and Kennan.

The beautiful Birch tree that was threatened by the last proposal will still be threatened, regardless of the TPO. The footings of the building will interfere with the doubtless extensive root system of such a mature tree. As the footings are dug, they will cut through parts of it, giving rise to potential infection and death of the tree. Birch trees are very thirsty creatures and the roots will continue to search for water potentially interfering with the foundations and ultimately causing subsidence. If the proposal is built, future owners would then be able to cite the tree as being a threat to their property. All of this is unnecessary in our view.

In times of heavy rain, Park Lane can become a river. The drains usually cope OK, but with the hugely increased footprint of the proposal, drainage from that area will be reduced and more water will flood into the road and Kennan. We have yet to have water in our house, but if it gets over the threshold of our drive there would be no defence. Anything that contributes to an increase in water in the street must be stopped. We would be asking serious questions of council were this to happen.

I understand that the Local Planning says that when demolishing and rebuilding on a plot, the area mustn't increase by greater than 15%. Clearly this is a lot more than this (nearer 70%) and will have a huge effect on the openness of the street.

It seems to me the artists view leaves a lot more space at the front than the layout plans suggest. Also the tree is shown much smaller than reality. I don't believe they give the true perspective of the proposal, I hope you will discount those images in your consideration.



We will continue to fight against any plans to destroy this perfectly good and historically interesting building and our lovely street in which it sits.

Crossways  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 12th January 2018

I refer to the above planning application and your letter to us of 18 December, 2017 requesting any comments before 8 January, 2018.

The timing of this second application to demolish St Francis, is in our view cynical and seems to have been deliberately timed to coincide with the time when many people are away for the Xmas/ New Year period. We are grateful that the Council has extended the date for the receipt of comments to allow a proper opportunity for residents to respond.

We commented at the time of the last application that neither the applicant or his 'plan drawer' had sought to engage with any of us, as potentially future neighbours. Nor for that matter had there been any pre-application discussion between them and the Borough Council. Presumably in an attempt to answer this criticism, some of us had a couple of very misleading computer generated images hand delivered a day or two before the application was submitted. Hardly what one would call consultation. Also, I note from the application forms that a summary of pre-application consultation sets out the salient points made by the Council, most of which appear to have been ignored by the applicant. You will not be surprised that Park Lane residents are extremely angry over the consideration they have been shown..

Below, we set out our main objections to the application, having regard to the plan documents and particulars submitted. They fall into two categories - general objections which address the overall impact that the proposal will have on the locality and detailed objections to the specific impacts on adjacent property.

### General Objections

#### National Planning Policy

The proposal is in conflict with national planning policy as set out in the National Planning Policy Framework (NPPF). The following paragraphs particularly apply: para.53 (causing harm to a local area by virtue of massive overdevelopment of a site); para.58 (failure to respond to local character); para.61 (failure to integrate new development into built and historic environment); para.66 (failure to take account of the legitimate interests of residents affected by the proposals)

#### Local Planning Policy

The application site is located in the Cheltenham - Gloucester Green Belt as defined in the Cheltenham Local Plan Second Review, the statutory Local Plan for the area. As such, Policy CO7 of the adopted Local Plan applies in that the proposal is for a replacement dwelling in the Green Belt. This policy allows for a dwelling to be replaced providing it does not exceed the volume of the existing by more than 15% or 70 m<sup>3</sup> whichever is the greater.

With this new application, the proposal is for more than a 75% increase in volume (773cub m. compared with 437cub.m. for the existing) i.e. by more than 336 cub.m.! This complete disregard of policy is sufficient reason in itself to refuse this application out of hand.

In fact, this new proposal is for virtually the same footprint as the previous application. The only thing that has changed to reduce the volume is the removal of the third floor. It is tantamount to the same dwelling since there is very little to prevent the applicant coming back at a later date and adding rooms in the roof space to achieve what was originally intended.

The Council should also take into account that the emerging Cheltenham Local Plan proposes a new Replacement Dwellings policy GB2 which is even more restrictive than CO7. This new policy provides for replacement dwellings to be " ....not materially larger than the one it replaces". Not only is the proposal therefore in conflict with existing statutory policy, it is also in conflict with the policy which will form part of the new Local Plan.

It has been suggested that there should be a comparison made between what has been previously granted permission on the St Francis site and the proposed new dwelling so that material impact can be judged. That however would be totally wrong in policy terms and therefore in law. The most recent permission was granted for an extension and refurbishment scheme and was quite properly not considered against the replacement dwellings policy. This new scheme, however, is for a replacement and must be considered against that policy and nothing else. It is irrelevant to take into account any extensions that may have been permitted.

In any event, even if that comparison had some validity and it has not, the new proposal is some 22% or 140cub.m. larger in volume than what has been permitted, making this proposal still wholly unacceptable in terms of policy CO7.

A second element to the CO7 policy is in relation to the impact the proposal will have on the openness of the Green Belt (criteria c). The footprint of the proposed dwelling is more than twice the size of the existing (177sq.m. compared to 83 sq.m. existing) thereby having a dramatic effect on openness. Again, the conflict with policy is unacceptable. It is noted that the Council made this point to the applicant in the pre-application discussions.

The Green Belt boundaries were drawn round Prestbury and in particular to include Park Lane, Shaw Green Lane and Spring Lane for a reason. That reason was to ensure that there was no over-intensification of development in these areas. The retention of a balance between built form and green space was considered essential to the protection of the character of the outer fringes of the village. This proposal is in direct conflict with this objective, would create a massive precedent and if repeated would utterly destroy the semi rural integrity of the locality.

A significant point needs to be made at this juncture. Should the Council seek to support this application it will be in flagrant disregard of its own statutory policies. The breach of the Replacement Dwellings policy is so great that there is no margin for negotiation or justification. Indeed the applicant has provided no justification at all for such a radical departure from policy, presumably because there is none, apart from his own personal wishes.

All residents of Cheltenham expect the Council to act reasonably and consistently in applying its own adopted policies. Failure to do so would be a gross dereliction of duty and would be capable of being challenged in the Courts. There should therefore be no argument in summarily rejecting this application on this criteria alone, notwithstanding the further issues raised below.

### Effect on the Street Scene

Park Lane is a unique street of 16 properties, 13 of which were built in 1908/1911 together with a property known as Hanbury at the top of Spring Lane. Of the remaining, one - Morar - was built in the 20's. Two further properties - Kennan and St Francis - were also added in the 20's. Finally, two much newer properties were added in the 50's beyond the end of the street, one of which, Little Monk, abuts the application site.

The street was built as Park Estate and was intended to house managers and workers for local employment. The properties were modest and built primarily of block and render with clay tile

roofs. Although most of the properties on the street have been improved and extended over the years, the general impression is one of medium sized dwellings with good sized gardens, with lots of trees to the front presenting cohesion and integrity worthy of protection and conservation.

This latest proposal would seek to add a still massive property to the street scene, a Cotswold 'pastiche', totally out of character with all other properties on Park Lane and lacking any significant architectural or historic interest.

### Architectural Quality of St Francis

The dwelling which is proposed to be demolished to make way for the new proposal is a perfectly sound Cotswold stone house which has planning permission for two schemes involving extension and modernization. Presumably the applicant would not have submitted these schemes unless the building could be satisfactorily refurbished and extended. It is structurally sound and in decent condition and as such, it is perfectly capable of being retained for its own merits and therefore its place in the street scene protected. It is an excellent example of an 'arts and crafts' style house from the early 20th century and is in fact an example of a 'butterfly house'. This was a style of large country house popular in the mid to late 19th century which was later adapted for suburban use in a smaller form. It was associated with architects as well known and respected as Edwin Lutyens. This attractive house should therefore be protected for its own sake as well as for its more general contribution to the street and to the proposed Park Lane Conservation Area.

### Proposed Conservation Area

On 11 December, 2017, the Council approved the Cheltenham Local Plan for consultation purposes. Following consultation, the Plan will proceed to Examination and eventually adoption. This Plan contains a significant proposal for Park Lane. It is to become a Conservation Area. This proposal is a confirmation of the uniqueness of Park lane both in historic and architectural terms. There is nothing similar in the rest of Cheltenham.

While it is accepted that the Park Lane Conservation Area is currently a proposal, it will be wholeheartedly supported by local residents. It is therefore certain to happen once the appropriate procedures are completed. If this was in existence now there would be no question that this application to demolish and rebuild would be rejected out of hand for conservation reasons alone. It does not need to be spelt out that this new dwelling would neither "preserve or enhance, the two fundamental tests in dealing with development in conservation areas.

Great weight should be given by the Council to the proposed Conservation Area in considering this application. It would be farcical for the Council to allow this application and then to complete the designation process once the street scene had been irrevocably destroyed by this ridiculous construction. We say this because such is the scale of Park Lane ( only16 dwellings), it is obvious that this one single proposal would have a catastrophic impact on its history and architectural integrity.

Even without the Conservation Area , the Council has a duty to protect historic environments. Now that an analysis of Park Lane has been carried out in the Local Plan review, the Council has categorically concluded that this is indeed a historic environment worthy of conservation area designation. Any attempt therefore to support this application would represent a failure in carrying out the Council's responsibilities to implement established and clear national planning objectives.

### Scale of Development

As stated, the proposal would increase the built volume on the site by more than 75% and the footprint by more than twice the existing. The height of the property is also intended to be raised by 1.5 metres. Nothing vaguely resembling this currently exists on Park Lane. The scale of the property is therefore unacceptable, given the important contribution the site makes to the locality.

It would dwarf all of its immediate neighbours by at least 50% more than the next largest property and yet on one of the smallest plots. The overbearing and over-dominant effect would be catastrophic for those properties immediately adjacent.

The other issue caused by the massive overdevelopment of the site is the amount of garden area that would remain. It would be restricted to two tiny areas, on the northern and southern ends of the plot, everything else would either be house, hard-standings, terraces or paths. As stated above this is in conflict with Green Belt policy.

### Loss of Trees

Since the last application, a mature birch tree situated on the frontage of St Francis has become subject to a Tree Preservation Order. This was strongly supported by local residents and the Council is to be congratulated for this. The new proposals will however place this tree under threat. The canopy of the tree will virtually touch the proposed property and the root system will be extensive. This will bring pressure to bear in the future for its removal or radical pruning. In this regard, the computer generated images submitted with the application are deliberately misleading. The scale of the house proposed in relation to the protected tree is therefore unacceptable.

### Detailed Objections

The new proposal at first glance is a slight improvement on the previous application which was disgraceful and subsequently withdrawn. However, the size of the property now proposed is such that it will still dominate its immediate neighbours including Crossways. It will be much higher than the existing and its bulk is more than twice as big. The policy issue in relation to the scale proposed is discussed above but there are also direct impact and privacy issues as a result.

Also, we are concerned that although the proposal is currently for a two storey property, there would be ample scope for additional rooms to be located in the loftspace. Not only would this make the conflict with the CO7 policy even greater, it would further add to the dominance and overbearing nature of the house on its neighbours.

There are also specific impacts on the amenity of other surrounding properties but we will leave the owners of the properties concerned to outline their detailed objections.

We note from the new Design and Access Statement that ,and we quote:

" The new building will have no impact on the surrounding properties ..... "

This is a quite ridiculous statement, the same one used in support of the previous application. However, as any planner would know all development has some impact on its local environment. The question is whether or not the need for a development outweighs the perceived impact in any planning balance. This statement is therefore pure sophistry and renders the whole of this Statement valueless. The fact that it has not been removed highlights the total disregard that the applicant has had for neighbouring properties in the design process. In fact the words of the new Design and Access Statement are merely a mirror image of the previous application and therefore show a singular lack of knowledge of the steps the evaluation and design process should follow in arriving at a sympathetic response to any site.

The feeble attempt at consultation before this application was submitted that we referred to at the beginning of this letter included a statement that the property had been designed :

' in accordance with advice provided by Cheltenham Borough Council Planning Department and supports the pattern of ongoing and sympathetic redevelopment of property in Prestbury'

Nothing could be further from the truth. There is absolutely nothing sympathetic about this monstrous proposal. Also, the applicant's own summary of pre-application discussions seems to indicate that what has been submitted does not accord with the Council's advice.

The design only represents the applicant's wishes, no more than that, and there has been no thought whatsoever given to either the architecture of the street and the existing building or the destructive effect on the homes surrounding the site.

Finally, we are aware that there are already numerous other objections to this proposal from Park Lane residents. We believe we can speak for all who have written, and who may still write, to state categorically that the Borough Council will have our total backing in rejecting another appalling proposal and can guarantee unequivocal support from all of us at any subsequent appeal, should this arise, including professional expertise if this would be helpful.

Green Willows  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 16th January 2018

The proposal of the new house is now two storey stone property with floorspace of over 300sq m almost twice the area of the existing house, and the volume of 75% more than the existing. This building is 1.5 metres higher than the present house and raises privacy issues to the neighbouring properties.

The existing house is of historical and architectural significance in our lane and must stay!! It has an important role in contributing to the character of the area.

Kennan  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 5th January 2018

Letter attached.

The Little Monk  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 7th January 2018

We write concerning the recent planning application for St. Francis, Park Lane, Prestbury.

As Park Lane is, according to the local plan, to become a conservation area, an application to demolish a Cotswold stone property which reflects part of the history of Prestbury village and its link with Cheltenham racecourse, seems very sad.

We are concerned that the footprint of the proposed building appears to be larger than the original and, according to the measurements seems to constitute up to 42% of the site and therefore would not fit comfortably on the plot and the visual attraction of the pair of houses at the end of Park Lane would be lost.

The proposal of a first floor terrace will not only take away the privacy in our garden but will also have full view into our living room, kitchen and master bedroom which we find totally unacceptable and object in the strongest terms. In fact, this aspect appears to have been discussed in the pre-application discussion (ref: 17/01656/PREAPP).

The idea of a soakaway seems inappropriate as it would concentrate a huge volume of water in a place that could not support it. Since the moat runs along the border with Little Monk, and the soakaway is to be positioned very close to it, there is real concern that this would seriously impact the water levels in the moat at surrounding properties since the winter rains already fill the moat annually.

The Firs  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 28th December 2017  
Letter attached.

Spring Cottage  
Spring Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BW

**Comments:** 10th January 2018  
Letter attached.

Shaws  
2 Shaw Green Lane  
Cheltenham  
Gloucestershire  
GL52 3BP

**Comments:** 18th January 2018

I object to the demolition of this architecturally significant house which with its neighbour forms a pair of 17th century butterfly style houses which enhance the inherent visual attractiveness of this rural lane. Its design and composition is out of keeping within this ancient part of the village.

The proposed new building is over 70% larger by volume than the the existing house and will dominate not only nearby properties but the entire lane.

i am concerned for the well being of the preserved birch tree also the loss of any soak away availability in this local area which is known for its flooding issues.

## Page 103

I did not object to the application for extensions to the existing property but I DO object to its unnecessary demolition and the precedent this action may set.

Meadowside  
Park Lane  
Prestbury  
Cheltenham  
Gloucestershire  
GL52 3BN

**Comments:** 19th January 2018  
Letter attached.

Harbury  
Spring Lane  
Prestbury  
Cheltenham GL52 3BW

27<sup>th</sup> January 2018

Re: Planning Application for St Francis, Park Lane, Prestbury

Whilst I am not directly affected by the above proposal I feel it is ethically and morally wrong to consider demolishing this house to build another.

I love the area within the old part of Prestbury that's why I chose to live here (more than once) and part of its charm is the character of all the houses and their defined history.

St Francis was built around the same time as my house, although a completely different style and epitomises beautifully the era in which it was built. It is unique in that there is only one other, which has had alterations without changing its character, in that particular style in Prestbury - why demolish part of our heritage?

Could the owners, who quite clearly are not happy with the house, not have bought some land or a property suffering from subsidence/disrepair where they could have built exactly what they wanted without destroying a perfectly good house? Alternatively, stick with the original plan to extend without destroying the origins of something that is already elegant. There are many examples around Cheltenham e.g. Tommy Taylors Lane, Albemarle Gate where 1960/70's house have been updated or resurfaced without this inherent desire to destroy. My own new next door neighbour, in Park Lane, has just extended and refurbished inside without pulling the house down.

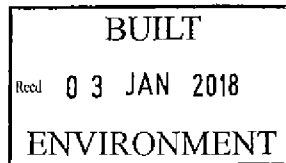
As stated at the beginning of this letter I am not directly affected by this proposal but I am a passionate conservationist and I cannot see any justifiable reason for demolishing this house.

Yours truly,





Director of Planning  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 1PP



[REDACTED]  
Kennan  
Park Lane  
Prestbury  
Cheltenham  
GL52 3BN

2<sup>nd</sup> January 2018

Dear Sir / Madam

Re Planning Reference 17/02447 St Francis Park Lane Prestbury { Objection }

We write regarding the planning application for the above property .

It does seem sad that a wonderful Cotswold stone property is to be demolished particularly as Park Lane is in the Local plan to become a conservation area .

At the present time St Francis has a balcony to the front of the property and is to be replaced which overlooks our front garden to the South . The proposal is for a large first floor terrace to the rear of the building this would mean our rear garden to the north of the property would be totally overlooked . We strongly object to this as we will have no privacy at all in our rear garden and indeed to the front . The rear is used as our main area to relax in with friends and family .

This proposal does not consider our privacy at all and is totally unacceptable to us .

The plan does also show windows facing our property which are to be used as a dressing room and on-suite bathroom . These windows should have obscured glass .

Another thing I would like to point out is the plan for a soakaway to take away rain water etc. from the roof of the building . This would be a complete disaster as the soil base is solid clay and would not soakaway but flood our and neibours garden.

Your Sincerely

A large black rectangular box redacting the signature and name of the sender.

BUILT
Recd 28 DEC 2017
ENVIRONMENT

The Firs  
107 Park Lane

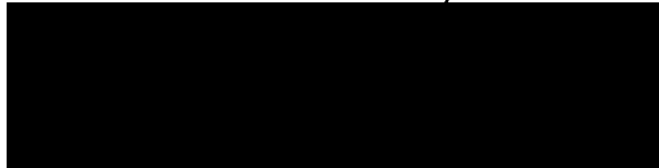
Prestbury  
Cheltenham  
GL52 3BN

22.12.17

Dear Sir, I am writing to  
put forward an objection  
to the alteration to St.  
Francis in Park Lane.

I feel the visual  
impact will be marred  
as it is one of a pair  
and it will detract from  
the unification of the  
whole.

Yours faithfully



Spring Cottage,  
Spring Lane,  
Prestbury,  
Cheltenham,  
Glos., GL52 3BW  
9.1.2018

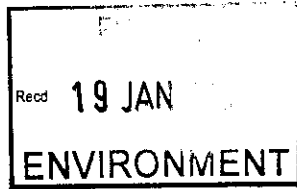
Ref. 17/02447/FULL.

My attention has been drawn to the fact that the above application to demolish St Francis, Park Lane has again come to your office.

It makes no sense to me to destroy a perfectly sound house which has for many years part of the street scene.

The architects appear to intend to put a very much larger building in its place. Surely this is against a planning rule.

A new building of this size and appearance would be totally out of place.  
I object on these grounds to this proposal.



Meadowside  
Park Lane  
Prestbury  
Cheltenham  
GL52 3BN

17 January 2018

Dear Sir,

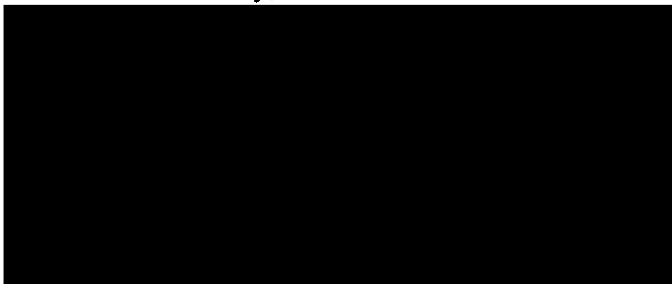
St Francis, Park Lane, Prestbury 17/02447/FUL

We wish to object in the strongest terms to the Planning application concerning the above.

The present structure at St Francis constitutes part of an extremely rare enclave of cottage-style houses which is at the heart of the make-up of Park Lane. Their uniformity of design should be preserved, not destroyed. That surely is the rationale behind the prospective creation of a Conservation Area for the road: it is hardly logical for the demolition of St Francis to frustrate the very reason for that creation.

Moreover it is not merely the design which will destroy this uniformity: the size of the proposed structure compared with its plot curtilage is just as unacceptable and an utter intrusion into the modest proportions of this prime location.

Yours faithfully,



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<b>APPLICATION NO:</b> 17/02447/FUL		<b>OFFICER:</b> Mr Ben Hawkes	
<b>DATE REGISTERED:</b> 16th December 2017		<b>DATE OF EXPIRY :</b> 10th February 2018	
<b>WARD:</b> Prestbury		<b>PARISH:</b> PREST	
<b>APPLICANT:</b>	Mr & Mrs Minihane		
<b>LOCATION:</b>	St Francis, Park Lane, Prestbury		
<b>PROPOSAL:</b>	Demolish existing and construct a new detached dwelling		

## OFFICER REPORT UPDATE

The following consultation responses have now been received:

### **Cheltenham Civic Society**

*12<sup>th</sup> February 2018*

We appreciate that the dwelling, St Francis, has little statutory protection, at present, but we concur with the views of the conservation officer. We understand the character of the area is under review regarding its designation as a conservation area, and therefore it would be premature to demolish this building.

It is one of a pair in the 'arts and crafts' style and though it has suffered the indignity of replacement windows, it forms an important part of the character of the area. The style of the proposed dwelling leads to the question: why demolish the existing building when its replacement would be one of less architectural merit?

We recommend that this application be refused.

### **Architects Panel**

*13<sup>th</sup> February 2018*

#### Design Concept:

To support a replacement dwelling scheme, the panel needs to be convinced that the new design is an improvement on the existing architecture. The existing building is not Listed but could be considered a non-designated heritage asset. Its contribution to the street architecture is arguably significant by virtue of its unusual Arts and Crafts features, its unique plan and its scale and character.

The panel felt there was nothing special about the design of the proposed replacement dwelling that justified replacing the existing building.

#### Design Detail:

Many of the design features of the scheme were considered inappropriate, in particular the first floor glass balconies. The muddled incoherent mix of contemporary and traditional stone detailing results in a design that the panel felt would be inappropriate in this relatively sensitive location.

#### Recommendation:

Not supported.

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<b>APPLICATION NO: 17/02447/FUL</b>		<b>OFFICER: Mr Ben Hawkes</b>
<b>DATE REGISTERED: 16th December 2017</b>		<b>DATE OF EXPIRY: 10th February 2018</b>
<b>WARD: Prestbury</b>		<b>PARISH: Prestbury</b>
<b>APPLICANT:</b>	Mr & Mrs Minihane	
<b>AGENT:</b>	Mr Mark Le Grand	
<b>LOCATION:</b>	St Francis, Park Lane, Prestbury	
<b>PROPOSAL:</b>	Demolish existing and construct a new detached dwelling	

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Since the publication of the officer report, a local resident has made an application to Historic England for the building to be listed. Historic England has rejected this application and the report detailing the reasons for their decision is attached.

**Application Name:** St Francis, Park Lane**Number:** 1454411**Type:** New**Heritage Category:** Listing**Address:**

St. Francis, Park Lane, Prestbury, Cheltenham, GL52 3BN

County	District	District Type	Parish
Gloucestershire	Cheltenham	District Authority	Prestbury

**Recommendation:** Reject**Assessment**

## CONTEXT &amp; BACKGROUND

We have received an application requesting that we consider St Francis, Prestbury, Gloucestershire, for listing. The site is the subject of a current planning application for the demolition of the house and replacement with a new dwelling. This application is due to go before Planning Committee for determination on 15 February 2018, and there is therefore a high degree of urgency in achieving an outcome in the listing assessment.

The house is not within a conservation area although the LPA is currently consulting on designating Park Lane Conservation Area, which would include the building.

## HISTORY &amp; DETAILS

The house known as St Francis was built in 1926 along with the neighbouring detached residence known as Kennan, although only their building plots are marked on the Ordnance Survey Map of 1932. The pair of buildings were designed by Welsh architect Walter Prosser of Newport on plots towards the end of Park Lane, which had mainly been developed in 1908-1911, overlooking Cheltenham Racecourse. St Francis has what appears to be a rear addition in similar materials and style (shown on 1955 mapping), but of lower ridge height, to which a further small addition was built and subsequently removed. Other features such as window units have been replaced. Built in the Arts and Crafts style, St Francis is of pseudo-butterfly plan and built of coursed rubble limestone with half-timbering to the upper floor of the central entrance bay. The half-hipped roofs have kneelered oversailing eaves and are covered in clay tiles, and there are brick stacks. Interior fittings such as fireplaces appear to be of a standard design.

## DISCUSSION

The Principles of Selection for Listing Buildings (March 2010) state that buildings of pre-1700 date that

contain a significant proportion of their original fabric are listed. Also, that most buildings of pre-1840 date are listed. After 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary. Our Listing Selection Guide Domestic 4: The Modern House and Housing (December 2017) gives further guidance. For Arts and Crafts houses, interest lies in their subtle qualities of composition and detailing, requiring sensitive evaluation. Simplicity is a virtue: beauty was implied in the perfection of proportion. Care was taken with local materials, sparing ornament, neatly detailed door cases, picture-rails and cornices, together with fireplaces, and a good staircase, and some limited use of panelling and built-in fittings. Other common ingredients can be seen in the planning of the house. Long plans are distinctive, with an entrance hall that serves also as a room for entertaining, a large fireplace and perhaps an inglenook; the other principal rooms are set to either side off corridors, with a service wing providing well-lit and comfortable working accommodation. It is also important to look carefully at the setting of these houses – the integration of house and garden is an important feature of the time.

With reference to the Principles of Selection and our Selection Guide Domestic 4: The Modern House and Housing, St Francis, a detached house of 1926, is not recommended for listing for the following principal reasons:

Architectural interest:

- \* the house, although neatly designed, lacks the characteristic careful massing and vernacular-inspired detailing of better Arts and Crafts buildings of this period;
- \* the use of two architectural styles, a version of a butterfly plan and 'Mock Tudor' styling, noted by the applicant, does not add to its claims to special interest;
- \* the architect, while a competent designer and planner of numerous buildings in the early C20, is not of particular note and none of his buildings are currently listed in England;
- \* the modest fittings, though pleasant, do not demonstrate the craftsmanship and inventiveness which is typically found in the more interesting Arts and Crafts houses, and the design lacks features such as inglenooks, high-quality timberwork or built-in furniture, which would set it apart from its many peers;
- \* original features such as window frames have been removed and the building appears to have been extended to the rear.

Historic interest:

- \* St Francis has no known claims.

Group value:

- \* its position as a pair of houses of similar design does not significantly add to its interest on a national level, especially as the buildings now have variations between their footprints.

CONCLUSION

St Francis falls short of the level of architectural interest which would be necessary for a house of this early C20 date to merit listing in the national context.

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