



# CHEL TENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Planning Committee

**Thursday, 21 June 2018**  
**6.00 pm**  
**Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Garth Barnes (Chair), Paul Baker (Vice-Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Wendy Flynn, Alex Hegenbarth, Karl Hobley, Paul McCloskey, Tony Oliver, Simon Wheeler and John Payne

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

### Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 16)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS –  
SEE MAIN SCHEDULE**
  - a) **17/02460/FUL Playing Field adjacent to 10 Stone  
Crescent** (Pages 17 - 72)
  - b) **18/00590/FUL Stables, Hyde Lane, Swindon Village** (Pages 73 - 92)
  - c) **18/00594/FUL 46 Queens Road** (Pages 93 - 102)
  - d) **18/00681/FUL Regent Arcade** (Pages 103 - 114)
  - e) **18/00700/ADV Regent Arcade**  
See Item 6d – 18/00681/FUL Regent Arcade – for

combined report.

- f) **18/00829/FUL 5 Princes Street - WITHDRAWN**  
This application is being dealt with under delegated powers.

- g) **18/00846/FUL 66 Townsend Street** (Pages 115 - 130)

- h) **18/00934/FUL 68 Sandy Lane** (Pages 131 - 156)

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

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

24<sup>th</sup> May 2018

**Present:**

**Members (15)**

Councillors Barnes, Chair (GB); Baker, Vice-Chair (PB); Atherstone (VA); Barrell (DB); Collins (MC); Cooke (SC); Flynn (WF); Hegenbarth (AH); Hobley (KH); McCloskey (PM); Oliver (TO); Seacome (DS); Wheeler (SW).

**Substitutes:** Councillor Rowena Hay (RH)  
Councillor Malcolm Stennett (MS)

**Officers**

Tracey Crews, Director of Planning (TC)  
Emma Pickernell, Senior Planning Officer (EP)  
Nick Jonathan, Legal Officer (NJ)

**1. Apologies**

Fisher (BF); Payne (JP)

**2. Declarations of interest**

There were none.

**3. Declarations of independent site visits**

**16/01515/FUL 252 Bath Road**

Councillor Stennett and Councillor Hay.

**4. Public Questions**

There were none.

**5. Minutes of last meeting**

Resolved, that the minutes of the meeting held on 19<sup>th</sup> April 2018 be approved and signed as a correct record *without* corrections.

## 6. Planning applications

Application Number:	<b>18/00350/FUL</b>
Location:	<b>118 Canterbury Walk</b>
Proposal:	<b>Demolition of existing garage and erection of new outbuilding to operate as holistic beauty treatment business (sui generis use)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit with additional condition</b>
Letters of Rep: <b>2</b>	Update Report: <b>Report update – amended condition</b>

**EP** introduced the application for planning permission as above, to allow the applicant to run her business from home. Opening hours requested are 9.30am-5.30pm Tuesday, Wednesday, Friday and Saturday, and 2.00-8.00pm Thursday. The applicant anticipates seeing four clients a day, making this a relatively low key use. Officers feel that the dimensions and design will have an acceptable impact on the area, and County Highways do not have any issues. The recommendation is to permit, with conditions.

### Public speaking

#### Neighbour (neutral)

Does not object to the planning application per se, but would like to raise the following concerns and request that certain conditions be applied. Firstly, it has been suggested that four vehicles could be parked at the premises at any one time, but this is not possible – there isn't enough room at the side of the properties where the front doors are situated. Canterbury Walk is quite narrow and it is frequently difficult to accommodate delivery, maintenance and refuse vehicles together with resident parking. With clients manoeuvring in and out regularly and extra parking on the road, this may cause obstruction and further nuisance to through traffic and to neighbours' access.

The second point concerns her privacy and security. There is no restriction on the number of clients attending the business between 9.30am and 5.30pm, with a late evening of 8.30pm. If Members look at the photograph attached to her letter of representation, they will note that her front door, kitchen window and rear gate face No 118 within 6-8feet. There is a 3-foot fence dividing the properties, which belongs to No. 118. There will be a loss of privacy and security with clientele continuously passing her door and window. Her security light will be going on and off late into the evening, particularly in the winter months, which may be a cause of concern for neighbours.

If the Committee is mindful to grant permission, would be grateful of a requirement for No. 118 to provide fencing to the maximum height allowed along from the garage to the end of the bungalows, which would afford some privacy and security.

### Member debate

**SW:** is sorry not to have been on Planning View, but on the point about the security fence, will be interested to hear comments from officers as to whether this can be included as a condition to smooth the waters.

**MC:** was on site visit, and agrees with the officer. This proposal will not be intrusive, but his concerns are two-fold: there will always be a certain amount of traffic and parking issues generated by a business run from home. This is a narrow and busy road, near the junction with Salisbury Avenue, which is also a busy road. Has sympathy with people living adjacent to this proposed development. The main problem with attaching conditions to planning permissions is this: if the number of vehicles at any one time was to be restricted, how would this be enforced and by whom? Time and time again, the Committee puts conditions on planning permissions which

aren't enforceable. Is confident that we have it in our power to require a fence to be put up and the number of vehicles limited – but if we can't enforce it, there isn't much point.

**TO:** would support the inclusion of a condition for a fence to the maximum height allowed.

**SC:** on site visit, noted that this a residential road, and introducing a business here will change the nature of the locality. The business will provide personal services, and this will mean people coming and going throughout the day. The suggestion that there will be just three or four people a day suggests long appointment time, but if these were to be shorter, there could be a lot more clients. Having visited the site, it is obvious that the front doors of the two properties look at each other across a narrow driveway in an intimate relationship. If the application is permitted, at the very least a condition for a fence should be included to restore the privacy of the neighbour. Her personal space will be infringed by the number of people visiting during the day.

**PB:** it is pertinent that the neighbour didn't object in principle to there being a business next door, but has real concerns about its effect on her. Businesses in homes are more and more a feature of modern society, and should be encouraged and supported; we should support local people. This isn't going to be a big business but a small-scale one and the neighbour is OK with the nature of it, so if anything can be done to improve her privacy, then we should do that.

**EP, in response:**

- The siting of an extended fence can be facilitated, and in anticipation of this issue coming up at Committee, the officer has had some preliminary conversations with the applicant. She is happy to raise the height of the fence;
- Regarding conditions, the opening hours and also ensuring that the premises will just be used by the applicant for the hours set out on the application form and in the supporting information – these are all enforceable. The proposed opening hours are common; it will be relatively straightforward to identify a breach, and also for enforcement officers to take action if required. These conditions will be enforceable;
- Regarding the nature of the use, the applicant has an existing business, currently situated on the Promenade; information about that business has been provided – the sort of treatments, how long each client will stay etc. It can be assumed that the relocated business will operate in a similar manner. Appointments tend to be quite long, so there will not be a big through-put of clients.

**RH:** the officer has said a fence can be conditioned. The neighbour has asked for 'the highest fence possible'. What height will that be?

**EP, in response:**

- There is an existing fence further back in the site, and it would be sensible to carry this on – it is 1.7m minimum, and high enough to stop anyone from peering over.

**Vote on officer recommendation to permit, with condition for suitable fence**

13 in support

1 in objection

1 abstention

**PERMIT**

Application Number:	<b>16/01515/FUL</b>		
Location:	<b>252 Bath Road</b>		
Proposal:	<b>Regeneration of site to provide replacement retail at ground floor (flexible A1/A3 use), 7no. apartments over, 1no. end terrace house and a detached dwelling to the rear (Revised scheme)</b>		
View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Refuse</b>		
Letters of Rep:	<b>151</b>	Update Report:	<b>i. Report update</b>
			<b>ii. Additional representations, including photo montage from speaker</b>

EP introduced the application for planning permission to demolish all the structures on the site – the dwelling and buildings currently used for Bath Road Market, and to replace it with a ground floor retail unit, seven duplex apartments and a town house, with a separate detached dwelling at the rear. Bin and bike storage is provided at the back, and an archway to Langdon Road serves as the main access to the site. Highways Officers are happy with the proposal.

It is a prominent site, with a significant tree on the corner. The applicant has made several significant revisions to address concerns regarding design, and also the impact on the tree. The conservation officer and trees officer support the current proposal. There are concerns from the Architects Panel, regarding the size, materials and design, but officers have considered these matters and feel that the planning balance comes down in favour of the proposal. There will be a purpose-built commercial unit on the ground floor, which will provide jobs, and the site is situated in a sustainable location. The recommendation is to approve subject to conditions, including the extra conditions circulated on the blue update.

### **Public Speaking**

#### **Neighbour, in objection**

This proposal is an overdevelopment of the site, a monolithic mass at variance with its surroundings; it does not respect Langdon Road where it is mainly sited, and is not of sufficient quality to warrant approval. The Civic Society has stated that two storeys would fit better than three, and the Architects Panel suggested that losing the town house altogether would give the development more space. The Residents Association consider it an overdevelopment of the site, which should be scaled back. None of this has happened, with hardly any size change since they were made.

The conservation officer suggests that the massing and scale would not be out of keeping with other three-storey buildings in Bath Road, but the majority of the development is in Langdon Road, where there are no three-storey buildings. Langdon Road is described in the Leckhampton Character Appraisal as attractive late Victorian and Edwardian red brick semi-detached houses with unifying characteristics, therefore dominant and distinctive within the street scene. This is not consistent with CBC's policy CP7: this design is not consistent with its surroundings, does not fit in with the existing buildings, is overly dense, out of place, and has little amenity for its residents. It led to believe that it is the best compromise that can be reached, but CBC planning didn't compromise when a coach house was refused 50 metres away behind the police station, describing it as anachronistic and incongruous, failing to preserve or enhance the character or appearance of the conservation area. Nor did CBC compromise at the other end of Langdon Road when No. 34 was built in 2010, insisting on approving all details, including sash windows, rooflights, vents, flues etc.

We shouldn't be compromising. The emerging Local Plan suggests that development will only be permitted where it complements and respects neighbouring development and the character of the locality. JCS Policy SD4 also dictates the new development should respect the character of the site and its surroundings, the enhance local distinctiveness and grain re lay-out, mass, form and all other matters.

Conservation areas are not intended to prevent change but to ensure that future development is appropriate to the area. This proposal is not, and the NPPF suggests that permission should be refused for development of poor design which fails to take opportunities available to improve the character and quality of an area and the way it functions.

## **Agent, in support**

This mixed-use proposal has been over three years in the making – pre-application discussions started in October 2014, with the principle of redeveloping this brownfield site, all the way through to the detailed proposal presented today. A public consultation was held in June 2016, and the applicants have responded to feedback from officers, consultees, surrounding businesses and members of the public. The design has changed radically at least three times, the footprint has been amended many times, and tree protection measures have been carried out precisely as recommended by the trees officer. Overall there has been a 20% reduction in residential floor space compared with the original submission, a clear reduction in scale and massing, and the height in Langdon Road has also been reduced at a point much earlier in the road, to complement the height of No. 2.

This has all been achieved in the context of the requirement of the National Planning Policy Framework that planning applications should optimise the potential of a site to accommodate development. Currently the site is made up of a dilapidated house in multiple occupation, hardstanding, and low-rise greenhouses which are not fit for purpose and nearing the end of their life. The proposal will result in a large investment at this end of Bath Road, both in a financial sense and in enhancing the conservation area – the quality of the materials can be controlled through the recommended conditions. The applicants are very much aware that many residents have concerns in relation to car parking, but as the committee report states, it is not the role of an individual planning application to solve a problem that already exists.

The existing site has unrestricted retail use and the current house – with six tenants – has no on-site parking at all, whereas the application will provide on-site parking at a level supported by transport experts at Gloucestershire Highways. There are no highways objections to the proposal, given the sustainable nature of the location. Regarding the height of the coach house to the rear of the site, it will be much lower than the existing building at 252A Bath Road, and the levels conditions will ensure that it is set at an appropriate height.

It has taken a long time to get to this point, but there have been good reasons for this, and the significant improvements in the proposed scheme are clear to see. Trusts that the quality of the submission, together with the work carried out by officers to achieve an application worthy of support, will allow Members to endorse the recommendation to permit.

## **Councillor Sudbury, in objection**

Has no in-principle objection to the redevelopment of the Bath Road Market site; the loss of it and the pop-up shops will be a huge concern to the small businesses which operate there and their customers, but the current buildings could and should be improved upon. As a prominent site in the conservation area, it requires very special consideration, and it is therefore disappointing that there have been so little improvements to the original plan over the last two years. An active local residents association was established 18 months ago, doing marvellous work to improve and enhance the area, but the developers have not engaged with them at all to address the concerns of the local community.

Her key concern is that trying to fit nine dwellings into this small site will always be an over-development of the site. The consequences of this are very significant – the proposed design will harm the character and appearance of the conservation area and cause unacceptable loss of amenity to neighbours in Langdon Road and Francis Street. The design will not complement or respect the character of the area, particularly the south-facing elevation to Langdon Road; could not disagree more with the planning officer's comments on this aspect of the plans. Langdon Road architecture is uniform and distinctive: domestic in style; pretty, two-storey semi-detached houses with front gardens, sash windows and pitched roofs. This is seen in all the roads in the Naunton

Park area – it is the character of the area, and while Bath Road itself may be more diverse, the residential side roads have a very distinctive character and this development faces onto Langdon Road – its character must be responded to in a more harmonious way than is proposed.

The design, scale, mass, fenestration of what is proposed is a bleak, utilitarian caricature of the pretty dwellings that make this area so attractive. The fenestration isn't in keeping with the proportions of the Edwardian sash windows in the area. There is not enough 'space' in the southern elevation. The site entrance with building over the top is too dominating. The redevelopment of the garage site to the Natural Grocery Store at the other end of Bath Road incorporated windows in keeping with Clare Street and a south-facing elevation dropping to a single storey, creating a clear space and not dominating the street scene.

Has serious concerns about the impact of the proposal on the amenity of the existing residents, as well as occupiers of the new building, from potential noise and odours if the flexible space is used for restaurant purposes. Can permitted development rights be withdrawn so that any proposed usage can come back to Committee for detailed determination? This point is also important in terms of deliveries to the end user – parking is an absolute nightmare in the area, and people park in the loading bay at the front. A1 use could potentially be a small supermarket with numerous deliveries each day. This location could not sustain these types of the delivery without creating a danger to other road users.

With respect to highways officers who raised no objection, they do not seem to understand how difficult parking is for residents of the streets off the east side of Bath Road and Leckhampton Road. There is no permit parking on this side of the road, unlike the west side. Commuters, shoppers and Bath Road workers compete with residents for scarce parking spaces; conducted a parking survey in the area in 2016, in which 60% of residents felt there was a problem.

The coach house is built up to the boundary of 1-5 Francis Street; officers say there will be no unacceptable loss of light but acknowledge that the building will have an overbearing impact on those properties – a term used to describe the dominating effect of the development on neighbouring property in terms of scale and massing. So the officer is saying that the coach house *will* harm the amenity enjoyed by the residents of 1-5 Francis Street because of its scale, massing, and generally dominating effect.

Local Plan policy CP4 and JCS SD14 seek to ensure that new developments don't have an unacceptable impact on neighbouring amenity, so how can permitting a development that includes an aspect overbearing on five properties be considered in any way acceptable?

Urges Members to refuse the application on the grounds of CP4, and also CP7, for the harm it will do to the conservation area.

## **Member Debate**

**MS:** agrees with Councillor Sudbury. This is over-development of the site and a missed opportunity at the gateway to Bath Road, and for town, for people approaching from that direction – it will be the first thing they see, and needs to be a quality building with green space around it. Agrees that policies CP4 and CP7 are grounds for refusal, which demand compatible use with each other and with adjacent land users, and in keeping with the conservation area. Also considers JCS Policy SD8 to be appropriate – this proposal doesn't meet its requirements, which demand a positive contribution to the local character of the area. If it was a free-standing building in a different location it might be OK, but in this location, in a conservation area, it is not right. It also contravenes the emerging Local Plan policy D(6), which requires proposals to complement and respect neighbouring developments. CBC could be said to be at fault here for not having a development brief for this area – it would have been great to have some scheme set out so we could support it straight away. Would like to know how much consultation there was with local residents. Suspects it was very little. Will have difficulty in supporting this scheme.

**GB:** is MS proposing refusal?

**MS:** is happy to do to so.

**PB:** if an architect spent three years designing this scheme, they wouldn't be his architect for much longer. Is staggered that this scheme has been presented to Members. This is a hugely prominent site, completely at odds with the nature of the area. Langdon Road is very special, and has planning protection because it is so precious – why are we even considering this lump on the end of it, on design grounds if nothing else? It is a monolithic over-development, a carbuncle which will stick out like a sore thumb. Supports MS in his move to refuse. The applicants could do far better; both the Architects Panel and the Civic Society have said as much, and consider it to be over development. The concept of a mixed residential and retail scheme is good, but hates the arches – it would be much better to have open access and three or four houses with gardens. This proposal is boring and ugly, and could be so much better.

**SW:** is going to echo some of the comments already made. Why is this a conservation area? What makes it special? You only have to look at the drawings or look at the area to see what is special about it. Is not suggesting that any proposal should be a rubber stamp of all the other streets, but unfortunately this is a rubber stamp of the abysmal buildings that went up in the 1970s, and everyone seems to agree that those were horrible buildings. This opinion has nothing to do with the other buildings on the street. Even if it wasn't in a conservation area, would struggle to support it; it just doesn't belong there. Is with MS here; can't support the development of the site until something that fits in is put forward.

**DS:** his immediate reaction looking at the Langdon Road elevation was that the fenestration of the proposal is vertical whereas Langdon Road windows are horizontal – so the proposal is against the spirit of Langdon Road from the start. Parking is problematic already in this area. Realises that the development is constrained by the tree on the corner, and it looks like no windows have been included on that aspect of the building for that reason; in Imperial Square there were trees in front of the Broad Walk, which in no time residents were suggesting should be trimmed back or cut down – it be the same here.

**GB:** considers the applicant has missed an opportunity on a major point coming into town. The building looks like a 1960s cinema, and doesn't fit into the street scene. Is concerned that this proposal is an over-development.

**SC:** considers this a very interesting and potentially exciting development, with additional housing and commercial space imaginatively combined. As other Members have said, this corner is very prominent and noticeable, and anything here will become a local landmark and could have a big impact. It will be a very busy site. Notes that there is a lot packed into the edges of the site, and the 3D pictures look as if the Bath Road side is flush with the second floor of the adjoining building – in fact it would protrude further. Is mainly worried about the Langdon Road side; the dominant façade of the proposal is on that pretty, well-preserved street, and we are now presented with a new development, the detailing of which is completely different – scaled up, untidy and haphazard. Whatever goes on this site will be a dominant landmark for many years, and it should improve the street scheme. Cannot comment on car parking, bike and bin stores are good, but would like to see something much better overall. This is over- development ; likes the concept on this important site but the detailing lets it down.

**DB:** is very much a newbie, but has a few things to add. The coach house backs on to Francis Street – officers say the daylight test is acceptable, but the proposed building will be very near to back gardens, and its height will be overbearing. The brick frontage of the Langdon Road aspect – doesn't accord with pretty brick houses, and agrees with DS's comments that the vertical windows are not good. Can see, however, that this proposal has a lot in its favour – the residential/commercial mix, bike storage etc.

**MC:** this is difficult, and has to add an element of reason to the debate. This is an ugly, dilapidated, brownfield site, which will be developed at some point. Preferred Robert Young but obviously that is now gone. The proposed solution combines retail and commercial; we need more houses, and there is a shortage of affordable housing in Cheltenham – thought this has to be the right housing, in the right place, and of the right design. Parking here is already a problem, and the developer can't sort this out or be blamed in that respect – we have no minimum parking requirement standard. The proposal includes one parking space per dwelling, and Gloucestershire Highways consider this to be acceptable. Has sympathy with local residents, but something is going to happen on this site. KS mentioned odours if the ground floor is used for A3, but there are several restaurants along Bath Road, and the aroma can be quite nice. Other Members have spoken, and it's clear a lot will oppose the application, but will keep open mind for now. We have to be realistic about this ugly brownfield site; there will be something there sometime, and hopes this will sooner rather than later.

**AH:** a lot of his points have already been raised. Regarding the design and parking issues, we have to bear in mind that we are not only considering houses but also homes – where people are going to live.

**PM:** A number of assertions have been made, and is still undecided about which way to vote. If the proposal is refused, the applicant will get pegs in ground on the off-chance. At the start of this operation, there was an open session at the Norwood Arms, where the developer engaged with the local community; it was well attended. We are now several versions on from the original proposal. On site visit, stood in a delightful garden in Francis Street, at the back of where the coach house will be. 16ft poles had been erected to the height of the proposed building; the shadow cast at 2.00pm was no more than 5ft and didn't reach the house, so cannot see that the coach house will make much difference to the garden. This is a sustainable site, on a bus route, and 10 cycle spaces are provided for the flats – it is ideal for a greener way of living, and not necessarily the case that each flat will have two vehicles as well. Car parking provision is not unreasonable, based on local data. Has looked at 34 Langdon Road, at the other end of the road – a delightful extension which mirrors the Edwardian houses – but developers don't have to match their proposals, clone-like, to Bath Road – we need some gradation. Can see that parking is a problem here, but that is not for a planning application to solve. Regarding the potential A1 or A3 use for the ground floor, Bath Road doesn't need more restaurants, and would like to see this restricted to A1, for which business activity would be finished by 6.00, leaving car parking on the surrounding streets for residents; there are many uses which would be appropriate to this area. The NPPF promotes a presumption in favour of development, and although this could be better, it is a good application in face of all the different considerations.

**KH:** there are some positives in this proposal: it is good to have more housing in Cheltenham, especially in this area, which is a desirable place to live. It is to be welcomed, as is the redevelopment of a brownfield site. It can sometimes be tedious as a councillor to be barracked by people objecting to building anything anywhere. Last year there were many objections to proposals to build on fields; if people are objecting here too, where can new building go? Feels this is a general point worth making.

Regarding the level of parking provision for the site, is pleased that the developer has made some provision, but doesn't believe it will be adequate. The size and design of the units are not for families with one car; more likely for one or two sharers, which will mean multiple vehicles, thus increasing parking issues in the area. Agrees with residents here. AH reminded Members that these will be homes, not just houses, and questions therefore whether what is proposed will be the nicest of places to live.

Looking at the positives, there is concern that the third storey is incongruous with the surrounding streets – takes the point, but the street scene of retail units along Bath Road is different. This is a prominent site; the buildings here vary in height. GB compared the proposal to a 1960s cinema – civic societies across the kingdom hold these in great affection; it's a shame that it isn't an actual 1960s cinema. **Agrees that the style of the arch isn't fitting, but we cannot live in the past; there**

are some excellent examples of modern architecture, and although it isn't the best in this case, neither would pastiche be – it is rarely successful on sites such as this. Agrees that this is a prominent site, and as proposed, people would be asking 'how did planners let that pass?'

To conclude, is challenged to say how this proposal could be improved, bearing in mind the considerations needed to make the site viable.

## **EP, in response:**

- A lot of members have talked about the design; there has been a lot of to-ing and fro-ing to come to something appropriate - materials, design, massing – and officers feel a good balance has now been struck between providing a good level of accommodation and protecting the area around the site;
- Officers feel the height is appropriate to Bath Road and to Langdon Road; the massing is different to Langdon Road, but the prevailing ridge height is the same; and the materials combine the render of Bath Road and the brick of Langdon Road;
- Coming down to the detailing, and subjective considerations of what or may not be acceptable, the NPPF steers local authorities away from this – it has to be based in objective analysis;
- Taking into account the SPD criteria of assessing infill scenes, the eaves height, ridge height, pattern of openings – these are different, but the scheme ticks all the right boxes;
- Amenity is only a real issue for the coach house and the properties in Francis Street, and an additional cross-section has been provided to show the relationship between them. The conclusion is that there will not be unacceptable impact on the light, and privacy will be secured by obscure glazing to the rear. As to whether the coach house will be overbearing – it will have a impact, and the outlook from the gardens on Francis Street will change, but officers do not feel that it will be an unacceptable level of harm;
- Regarding parking, as members have said, this isn't an issue for the planning applicant to solve – it is an existing issue. Bath Road Market and the HMO provide no parking; the proposal will provide nine spaces, is situated on sustainable bus routes, within walking distance of town – all of which Highways officers consider make it acceptable. The number of car parking spaces provided is based on average car ownership in the area, and ticks the right boxes;
- Regarding the safety of the archway, this is set in from the edge of the pavement, to ensure pedestrians will be visible to drivers going in and out;
- To PM's comments about usage of the ground floor unit, it would not be appropriate to limit this to A1 use. The application is for A1/A3 use, and we cannot unilaterally take this out of the proposal; we must consider what has been asked for;
- These are the main issues but if it is looking like Members want to refuse the scheme, can give advice on what is likely to swing it at Appeal – will wait for more debate before doing this.

**GB:** Members have had a good debate, and raised a lot of issues; there is no need to extend the debate too much if all the issues have been covered, and Members can vote on the officer recommendation.

**MS:** the applicant was asked for a quality statement building as the entrance to the Bath Road area. If it was free-standing, it would look better, but here it is over-development and doesn't complement the existing grain of the area. Isn't saying it's bad design, just that it isn't right in this location.

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

1 in support  
12 in objection  
2 abstentions

**NOT CARRIED**

**GB:** Members now need to talk about refusal reasons and consider how these might stand up at appeal.

**EP, in response:**

- In terms of design, it boils down to scale, mass, detailing of the building, and how it responds to the character of the conservation area. Appropriate policies to consider here are Local Plan CP7 and CP4; JCS SD4 and SD8; the SPD on garden infill, and the NPPF;
- If Members want to pursue loss of amenity to Francis Street as a refusal reason, it boils down to the overbearing impact only – no other reason – and the policies here would be CP4 of the Local Plan, JCS SD14, and the NPPF.

**MS:** what about the emerging local plan policy?

**EP, in response:**

- The emerging local plan is at a very early stage.

**MS:** it's still worth including it as a refusal reason. The Inspector can just ignore it if he/she doesn't agree.

**EP, in response:**

- SD8 is definitely the appropriate policy in the emerging Local Plan. Is doubtful about how much weight it carries at this stage, but it can be included as a refusal reason if Members want.

**TO:** can concern about the A1/A3 usage be added? That Members would prefer it to be A1?

**EP, in response:**

- Would need to hear more about the issue here – is it the noise or smells that Members are concerned about? There is no supporting information from consultees.

**TO:** it is more about the right mix of businesses in Bath Road.

**EP, in response:**

- The report addresses this. The applicant will seek a use that doesn't harm the vitality of Bath Road as a centre. This would be a weak ground for refusal.

**PM:** the key point is that A3 use would more likely mean evening opening. If it is retail, it will shut at 6.00pm, and not exacerbate the parking issue in the surrounding streets.

**GB:** can EP sum up the refusal reasons put forward, based on loss of amenity and design.

**EP, in response:**

- For the scale, mass, and detail of the design, appropriate refusal reasons are Local Plan Policies CP3 and CP7; JCS policies SD4 and SD8; the SPD on garden infill; and the NPPF. Also the emerging local plan policy;
- For the overbearing effect on Francis Street, the appropriate refusal reasons are: Local Plan Policy CP4; JCS Policy SD14; and the NPPF.

**Vote on MS's move to refuse on the above grounds**

13 in support

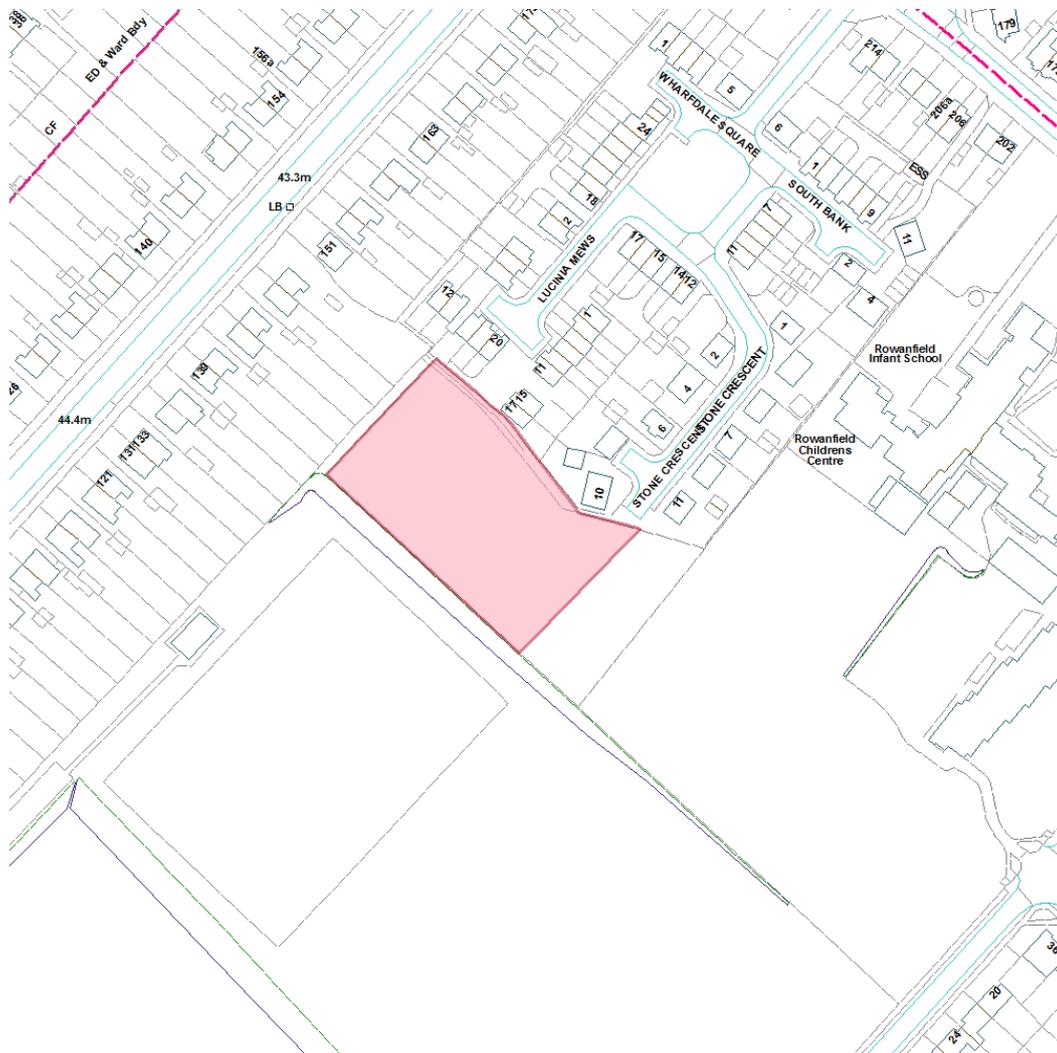
1 in objection

1 abstention

**REFUSE**

<b>APPLICATION NO:</b> 17/02460/FUL	<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 19th December 2017	<b>DATE OF EXPIRY:</b> 20th March 2018 (extended by agreement with the applicant until 31st July 2018)
<b>WARD:</b> St Marks	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	New Dawn Homes Ltd
<b>AGENT:</b>	n/a
<b>LOCATION:</b>	Playing Field adjacent to 10 Stone Crescent, Cheltenham
<b>PROPOSAL:</b>	Erection of 13no. dwellings with associated road and sewers

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a roughly rectangular piece of land, 0.39 hectares, to the north of the King George V playing field in St. Marks. The site is fenced off from the playing field and does not form part of the designated Public Green Space.
- 1.2 The surrounding area to the north is largely residential - the land to the north-east (through which the proposed development site would be accessed) having been developed for housing in the early 2000s. Rowanfield Primary and Junior Schools are located to the east.
- 1.3 The application is seeking planning permission for the erection of 13no. dwellings accessed from Stone Crescent. The scheme has been amended during the course of the application in terms of housing numbers and layout.
- 1.4 An application for planning permission, ref. 14/01276/OUT, was previously considered in 2014 for the development of this site for residential purposes; the site at that time was slightly larger, at some 0.55 hectares. The application was in outline only with all matters reserved, other than access, and proposed 40% affordable housing together with contributions to education and playspace.
- 1.5 The application was determined by the planning committee who resolved to grant outline planning permission subject to an s106 agreement. The applicant at that time was the County Council, and the legal agreement was never completed; the application was therefore subsequently disposed of, and no decision was issued.
- 1.6 This application is before the planning committee following a commitment to bring any future reserved matters or full application to committee.
- 1.7 Members may recall that this application was deferred from the April committee meeting to allow for further discussion and negotiation to take place with the applicant. Despite, this, the applicant has been unable to put forward a revised scheme which addresses the significant concerns raised by officers. The scheme now being considered is therefore the same as that previously recommended for refusal.

## 2. CONSTRAINTS

None

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

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  
RC 7 Amenity space in housing developments

### Adopted Joint Core Strategy (JCS) Policies

SD3 Sustainable Design and Construction  
SD4 Design Requirements  
SD10 Residential Development  
SD11 Housing Mix and Standards  
SD12 Affordable Housing  
SD14 Health and Environmental Quality

INF1 Transport Network  
INF2 Flood Risk Management  
INF7 Developer Contributions

## Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)  
Flooding and sustainable drainage systems (2003)

## National Guidance

National Planning Policy Framework (NPPF)

## 4. CONSULTATION RESPONSES

### **Architects Panel**

*14th February 2018*

**Design Concept:** The panel had no objection to the principle of the development but found the scheme submitted most unimaginable.

**Design Detail:** Concerns were essentially over the site layout which the panel felt could be improved by reviewing the mix of units, working with site context and key views, and creating interesting place-making spaces. The garage designs, their roofs and locations look particularly incongruous.

**Recommendation:** Not supported.

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

*6th April 2018*

The proposal is for the construction of 13 dwellings, served by an extension of the carriageway at the end of Stone Crescent.

The application site comprises a piece of land located to the north of the King George V playing field (a protected open space), and to the south of the former Gloucestershire Marketing Society site (wholesale fruit and vegetable market) which is now a housing estate of 60 dwellings developed by Bloor Homes in the early 2000s. I consider that the proposed site to be within an urban environment well serviced by local amenities all within walking distance including many social amenities being; 10 primary and 10 secondary school(s) within a 2 mile radius, shops, public house, community centre and a number of employment sites together with good highway links and a local bus A and K services enabling access to Cheltenham Spa Railway Station 1.1 miles and Cheltenham Town Centre 1.5miles distance. There is a good standard of pedestrian pathways and with provision for good cycling accessibility. I consider that the opportunities for sustainable transport modes have been taken up given the nature and location of the site in accordance with Paragraph 32 of the NPPF. The site is accessed from a residential area, there are footways and street lighting and the footway will be extended into the site. There was an application 14/01276/OUT for part of the site in 2014, to which the Highway Authority raised no objections subject to conditions. The principle of the development and means of access was established.

I have noted the comments on the web-site, however the concerns with parking are existing and the site will provide parking at a higher level than required by the current guidelines. While there are no segregated footways within the proposed site the proposal will be constructed as a shared surface street and has sufficient width to accommodate 2 vehicles passing a pedestrian throughout the layout.

Amended plans were received on 15th March showing changes to the layout, which provide the inter visibility splays required. Vehicular tracking as shown on drawing no. 124-03\_A shows a 3 axle refuse vehicle manoeuvring within the site and passing a car at the entrance from Stone crescent. The parking for no 1 has been relocated to provide visibility splays. The parking provision is generous and the proposed carriageway width of 5.5m with a 500mm service strip both sides would be a minimal reduction from the 6.8m required for a shared surface street, and given the low vehicle trip generation and pedestrian usage would not be considered a hazard to highway safety.

I refer to the above planning application received on 20th December 2017 with amended Plan(s) Nos: 124-01\_C, 124-03\_A and Revised Design and Access Statement received on 15th March 2018, .I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

### Suggested Condition #1

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

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

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

### Suggested Condition #2

No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 15m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

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

### Suggested Condition #3

The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan 124-01\_C, and those facilities shall be maintained available for those purposes thereafter.

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

### Suggested Condition #4

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan 124-01\_C and those facilities shall be maintained for the duration of the development.

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

### Suggested Condition #1

The development hereby permitted shall not be occupied until the bin storage facilities have been made available for use in accordance with the submitted plan 124-01\_C and those facilities shall be maintained for the duration of the development.

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

### Suggested Condition #1

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

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

### Suggested Condition #1

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.

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

Note: The applicant is advised that to discharge condition [user defined no. - GCC22]. 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.

### **Urban Design**

*9th February 2018*

I visited the site today (09.02.18) and have reviewed the submitted plans. I would not be able to support the application as it stands given the issues raised below.

The amended plans are an improvement on the initial scheme design which had numerous issues, and allows a more comfortable parking arrangement across the site, with enhanced garden spaces.

There are a couple of impacts issues to be aware of, including the distance between the rears of the proposed plots 1 to 3 and the existing gardens along the northern site boundary, including No.s 10, 17 and 15. The approximate distance between the rear elevation of Unit 2 and the edge of the existing garden of No.10 Stone Crescent is only 9m. The distance between the rear elevation of unit 2 and the rear elevation of No.10 is only 13m.

Type F houses appear to be 2.5 storey, meaning increased overlooking, overshadowing and overbearing impacts. The distances involved are way below what would be acceptable. A very similar issue exists when considering unit 3 and its relationship to No.17 and 15. I have also taken into account the lower site level in relation to the surrounding properties but this would not adequately mitigate the impacts, particularly the back to back distances issues.

Given the very small distances involved, incorporating some kind of screen planting would not be acceptable and would unreasonably overshadow the existing gardens. As such, the only solution may be to look at some kind of physical alteration to the proposed properties. This could include a mono-pitched roof form, where a single storey form is provided at the rear (facing the existing properties) with a 2-storey form at the front. This would apply to units 1 to 3. The applicant would have to demonstrate that this could form a successful design solution, as there could be an issue with presenting a rather large expanse of roof to the existing properties.

### **Revised comments**

*13th April 2018*

Fundamentally the same issues remain in terms of the very tight distances between the proposed units and the existing properties. I feel that if permitted, this would set a very awkward precedent and result in significant on-going harm. I did already suggest altering the house types as the most obvious physical solution to the problem but the plans still show 2-storey dwellings (actually more like 2.5 storey given the habitable room within the roof space and the skylights and dormers). Bungalows would also be a solution and the value of these types of property are high with strong demand. The parking area in the NW corner is also awkward and as a minimum, prominent windows would need to be placed in the side elevation of unit 6 which faces that parking area.

### **Joint Waste Team**

*22nd December 2017*

The access road connecting to Stone Crescent must be constructed to a suitable standard to allow up to a 26 ton refuse vehicle to service each week.

The properties within this development will be required to present their waste and recycling receptacles at the kerbside of the road and I note that there doesn't seem to be any pavements in place? This will pose a problem with full and then empty receptacles causing obstructions for motorists/residents driving into the development. In such a development

elsewhere we have had regular complaints about driveways being blocked with bins after the collection has taken place. With nowhere off the road for the bins to go, this issue would be repeated here.

**Cheltenham Civic Society**

*8th January 2018*

We consider that Cheltenham deserves better than this. This is the usual banal housing development churned out by most developers; it could be anywhere in the south of England, it has no local distinctiveness. The details are architecturally illiterate. We recommend that this scheme be refused.

**Gloucestershire Centre for Environmental Records**

*5th January 2018*

Report received.

**Severn Trent Water Ltd**

*21st December 2017*

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

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

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

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

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

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

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

## **Revised comments**

*26th March 2018*

I am writing to reiterate my original comments regarding the public sewers crossing the above planning development site.

To note the following sewers are crossing the site and require the following 'no build' zone areas:

225mm diameter foul sewer - no build zone of 3m either side of the pipe, measured from the centreline, thus, providing 6m no build zone across the diameter of the pipe.

825mm diameter surface water sewer - no build zone of 5m either side of the pipe, measured from the centreline, thus, providing a 10m no build zone across the diameter of the pipe.

These sewers are of strategic importance to the Company and as such, the sewers need to be located within public open space to ensure 24hours emergency access. In addition, it also prevents any accidental damage or building constraints by future house owners. The applicant will need to either amend their layout or divert the sewers under Section 185 of the Water Industry Act 1991, into an accessible public area. They may obtain copies of our current diversion application form and guidance notes, from either our website or by contacting our Developer Services Team ([www.stwater.co.uk](http://www.stwater.co.uk) - Tel: 0800 707 6600).

## **Landscape Architect**

*9th January 2018*

### 1. Tree protection plan

It is not clear from the information provided, which trees are to be removed and which are not. It would be helpful if the position of the trees could be clearly marked indicating the loss and retention of trees in relation to the site boundary. Please also submit a tree protection plan with detailed drawings.

### 2. Hard landscaping

Current landscaping strategy document only covers basic principles of the development. Please provide design drawings and written specifications for hard landscape features such as paving, surfaces, edgings, boundary treatments, lighting, cycling facilities, and other elements in external works.

### 3. Soft landscaping

Please provide design drawings and written specifications for soft landscape features as well as planting plans including name, number, size, and density of plants in each specific planted area.

### 4. Design and access statement

Please provide a more detailed site analysis as well as a broader range of policy consideration regarding good design, landscape, environment, etc. Please provide more detail for access design along with how this development would promote modes of sustainable transport.

## **Tree Officer**

*10th January 2018*

The CBC Tree Section cannot support this application in its current form.

Whilst the development proposal in principle is acceptable, the current tree-based objection pertains to the exclusion from the site of the narrow (4 metre wide) strip of land running up the western side of the site from the proposal. This narrow strip of land belongs to Cheltenham Borough Council and the trees on it have been managed by CBC for many years. To have such a narrow strip of land bordered on both sides by private housing would make it become very difficult to manage and the land would soon become (even more) derelict with tree management/surgery very difficult to achieve. It would be far more preferable to incorporate this strip of land into rear gardens of the proposed plots thereby giving more generous plot sizes as well as negating CBC's responsibilities.

At the south east corner of this site (and within CBC ownership) is a large oak tree whose canopy is sparse but otherwise in apparent good condition. This tree should remain in CBC ownership. Given the current extent of the canopy and the trees gradual decline into over-maturity, the tree may well respond well to retrenchment pruning thus rendering it more safe, reducing shade, leaf and fruit etc drop as well as the likelihood of stimulating the crown into the production of a layer of inner foliage which could help sustain the tree into the future.

The proposed site plan shows 3 off site trees along the southern border of the site. However the tree survey shows 6 trees. Please could this be clarified. 2 Of these trees are Raywood ash, a structurally unsound tree. Perhaps these 2 trees could be removed and replaced with 2 more suitable trees (Gleditsia tricanthos 'Skyline' a thornless variety of honey locust) with good autumn colour to match adjacent trees.

Assuming the above land agreement can be reached with CBC, a detailed landscape plan for trees in all rear and front garden plots as well as details of border treatment.

### **GCC Lead Local Flood Authority**

*12th April 2018*

I refer to the notice received by the Lead Local Flood Authority (LLFA) on the 19th March 2018 requesting comments on the above proposal. The LLFA is a statutory consultee for surface water flood risk and management since April 2015, and has made the following observations and recommendation.

#### Surface water flood risk

The applicant's Flood Risk Assessment (FRA) does not define/specify the level of surface water risk posed to this site. However, the FRA has stated with anecdotal evidence that land features and ground characteristics in the surrounding fields prevent surface water flows from reaching the site and being a source of flood risk to the proposed development. The applicant has also suggested the properties are positioned in the least at-risk locations, and a cut-off drain may be installed to manage the surface water from the fields.

Although it has been stated by the applicant that the soil from the adjacent fields lends itself to allow for infiltration, any surface during rainfall events (e.g. 1% or 3.33% Annual Exceedance Percentage (AEP)) will almost certainly generate runoff. The characteristics of the field will determine rate and quantity of runoff that will be generated. In addition to this, LiDAR clearly shows the development site to be the lowest point of the greater greenspace where surface flows will naturally drain to. A flow accumulation assessment carried out by the LLFA on the LiDAR confirms these flows do drain through the development site, see Figure 1.

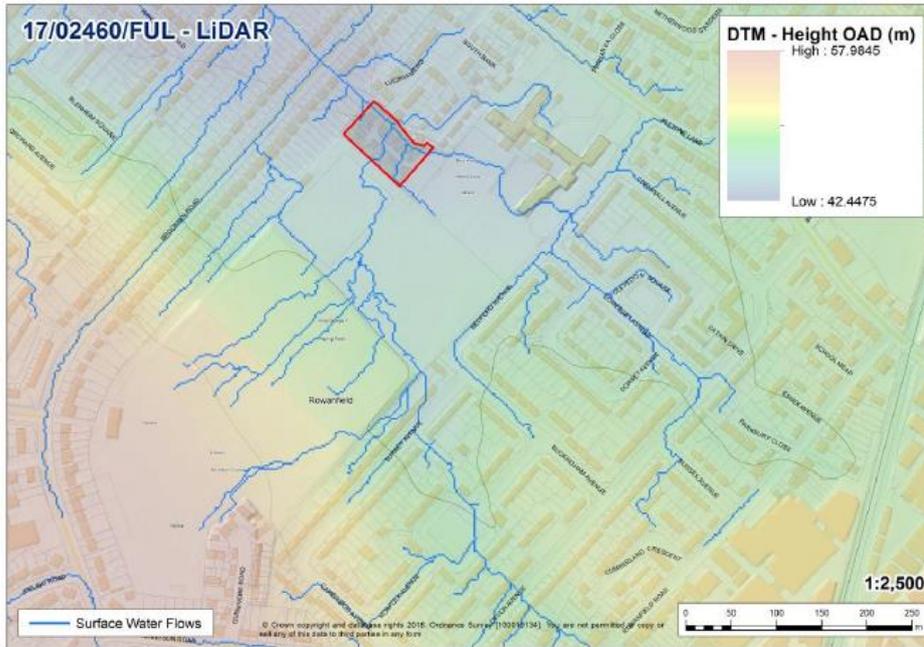


Figure 1 - LiDAR and Flow Accumulation

This is reflected in the Environment Agency’s surface water flood risk mapping, see figure 2, which show surface water flows travelling directly through the proposed site, in particular during a 3.33% AEP event (also known as the 1 in 30 year event) and the 1% AEP event. Also of note, the site is predominately within the 0.1% AEP extent (i.e. 1 in 1000 year flood extent).

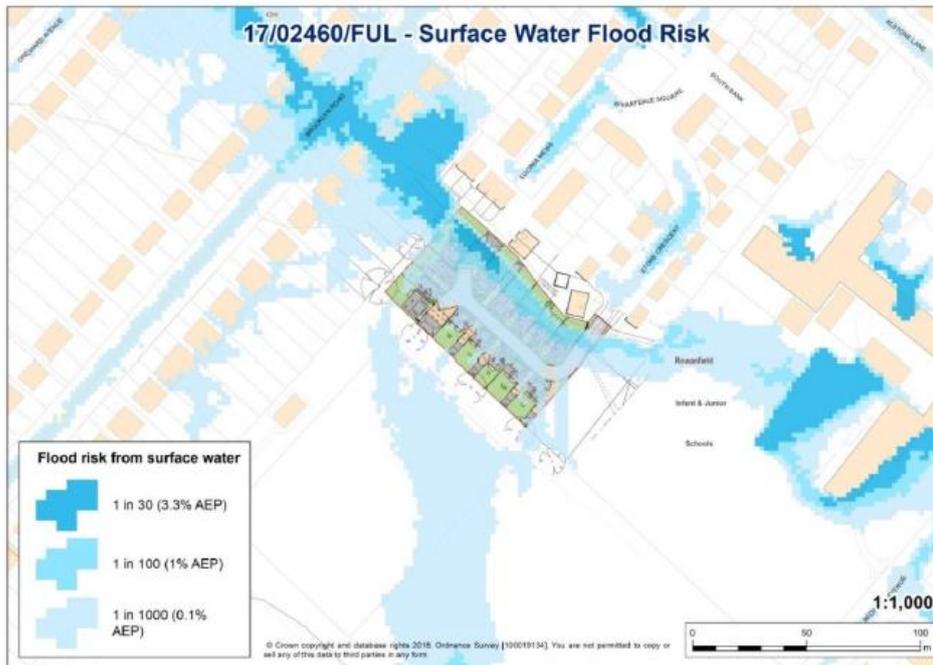


Figure 2 – Environment Agency Surface Water Flood Maps

As recommended by BS8533:2017 (Assessing and Managing flood risk in development. Code of practice), surface water flows that could enter the site from elsewhere should be realised and considered to ensure surface water does not pose a flood risk to development. The LLFA acknowledges the applicant has stated a cut-off drain could be installed; however its hydraulic performance and ability to manage the surface water flows has not been explored nor stated (i.e the adequacy of the cut-off drain to capture the runoff that would drain to the site from the adjacent fields). Therefore, the FRA has not assessed the

surface water flow from the adjacent fields sufficiently to convince the LLFA that these properties will not be at risk of flooding from surface water in accordance with the requirements of the NPPF. On this basis the LLFA does not support the principle of the development that is currently being presented.

### Surface water management

While the LLFA does not agree to the principle of the development, as discussed in the previous section, the LLFA has also reviewed the proposal's method for managing the runoff generated by the site's hardstanding in the following:

#### Discharge strategy – **NON-COMPLIANT**

For the proposal to be compliant with the NPPF's discharge hierarchy the applicant must follow the following order of preference for discharging the site's surface water.

1. *into the ground (infiltration);*
2. *to a surface water body;*
3. *to a surface water sewer, highway drain, or another drainage system;*
4. *to a combined sewer*

The applicant has suggested infiltration will most likely be restricted due to the local geology and soil. Despite this being contrary to the description given of the ground conditions of the field, borehole data has been supplied supporting the statement on infiltration. Borehole data is not a direct representation of a soil's infiltration capability, therefore infiltration tests in accordance with BRE 365 or similarly approved should be undertaken before infiltration is fully ruled out.

It has also been explained there is a lack of watercourses in the vicinity of the site that can reasonably be connected to, this is accepted.

The applicant has proposed to connect to the nearest sewer. This is the sole option presented for discharging the site's surface water, and despite this the applicant has not sought permission for a connection to this third party system, or identified if there is sufficient capacity in the system to receive a new connection that will result in an additional flow to the network. If permission to connect is not granted or there is insufficient capacity in the sewer, this could make the development unviable from a surface water management perspective as it will not be possible to comply with the NPPF.

#### Discharge rates – **NON-COMPLIANT**

The applicant has specified a 5l/s discharge rate will be designed for this site that will outfall to the existing STW sewer. This rate has not been supported by evidence to demonstrate it is the existing greenfield rate, therefore it has not been possible to assess the development's compliance with Standard 2 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

It has not been demonstrated if the field currently positively drains to the sewer; therefore, any flow from this development will be considered as new additional flow to the sewer network. Thus, it needs to be demonstrated that there is sufficient capacity within the network to receive this new additional flow regardless of its flow rate. This will ensure the site does not increase flood risk elsewhere.

#### Drainage strategy and indicative plan – **NON-COMPLIANT**

The applicant has not specified the required attenuation volume to maintain the greenfield runoff rate and volume, nor has the site plan made provision for surface water attenuation. Therefore the LLFA is unable to assess the proposal's compliance with Standards 2, 4 and 6 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

While a cut off drain has been proposed, it has not been specified where the cut off drain will be located, if sufficient space has been provided within the red line boundary, its hydraulic performance and behaviour, and where it will discharge/connect to (with relevant permissions/consents to connect). Therefore, the LLFA can not be made certain if the cut-off drain can sufficiently manage the surface water runoff that could enter the site from elsewhere and if it is technically viable. The cut-off drain is particularly important for this development as without the feature surface flows could directly impact properties or overwhelm the on-site drainage (i.e. SuDS) rendering it ineffective.

### Water quality – **NON-COMPLIANT**

From the information presented on Planning Portal the LLFA could not determine what provisions will be installed on this site to ensure water quality will be managed, therefore the LLFA can not determine if this proposal is compliant with the NPPF's requirements to ensure water quality from this site is not decreased.

### Climate change – **NON-COMPLIANT**

A factor of 30% has been used account for resilience to climate change. This factor is non-complaint with the Environment Agency's latest national guidance (<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), and therefore does not conform to the NPPF (Paragraph 93: <https://www.gov.uk/guidance/national-planning-policy-framework/10-meeting-the-challenge-of-climate-change-flooding-and-coastal-change>). A factor of 40% is the accepted value for this development type.

### Exceedance flow paths – **NON-COMPLIANT**

Details on how exceedance flows will be managed could not be found in the information provided on the planning portal; therefore the LLFA is unable to assess this development's compliance with Standard 9 of the Non-Statutory Technical Standards for Sustainable Drainage Systems. In accordance with best practice, exceedance flow paths should not be designed to flow through gardens of residential properties. Given the site is located at the lowest point of the field with residential properties along two boundaries, demonstrating how exceedance flows will be managed and the paths they will take to avoid putting properties at risk of flooding is especially relevant for this proposal.

### LLFA Recommendation – Objection

Given the location of this proposed development within the greater field, and the Environment Agency's surface water flood mapping, LiDAR data and flow accumulation assessment, it is highly likely without intervention that surface water flows from elsewhere would enter this site and pose a significant flood risk to the development. Thus far, the FRA has not identified or assessed surface water flows from elsewhere, and if required demonstrate the proposal will manage these flows sufficiently to ensure flood risk is not increased.

In addition to the above, the FRA has not supplied sufficient detail to demonstrate that the proposal will provide a surface water management system (e.g. SuDS) to manage the site's surface water in accordance to national standards, therefore the LLFA can not assess this development's compliance with the NPPF to not increase flood risk to the site or elsewhere, or reduce the water quality.

The LLFA recommends Cheltenham Borough Council's LPA object to the principle of the proposal in its current form.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the application, letters of notification were sent out to a number of, but not all, properties in Stone Crescent, Lucinia Mews, and Brooklyn Road, and Rowanfield

Infants & Primary School. Some properties in Bedford Avenue and Somerset Avenue were also notified in error.

- 5.2 Additionally, in accordance with the publicity requirements for major development, as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015, the application was later publicised in the Gloucestershire Echo. Two site notices were also posted, one at the entrance to the housing estate and one adjacent to the site itself.
- 5.3 Letters were again sent, and site notices posted, on receipt of revised plans.
- 5.4 A number of representations have been received from 28 local residents during the course of the application in response to the publicity; and all of the comments have been circulated in full to Members. In brief, the main concerns raised relate to:
- Increased traffic, parking and highway safety
  - Impact on amenity - increased noise levels, loss of privacy, loss of view
  - Visual impact
  - Impact during construction phase
  - Drainage and localised flooding
  - Sewers running through the site
  - Loss of trees
  - Loss of green space
  - Lack of social housing / community facilities
  - Heights of buildings

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

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

### 6.2 Principle of development

6.2.1 Paragraph 14 of the NPPF states that *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking”*. For decision-taking this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay.

6.2.2 Adopted JCS policy SD10 advises that in Cheltenham, outside of allocated sites, housing development will be permitted where it is infilling within the Principle Urban Area (PUA).

6.2.3 In this instance, the site is centrally located within the PUA in a sustainable location. Furthermore, the wider site (as previously proposed for development) is allocated for housing in Policy HD5 of the emerging Cheltenham Plan.

6.2.4 Additionally, the resolution to grant outline planning permission on the site in 2014 subject to an s106 agreement (albeit the decision was not issued) is a material consideration in the determination of this current application.

6.2.5 As such, there is no fundamental reason to suggest that the principle of developing this site for housing is unacceptable, subject to other material considerations set out below.

### 6.3 Design and layout

6.3.1 Paragraph 56 of the NPPF states that *“Good design is a key aspect of sustainable development”* and *“is indivisible from good planning”*. Paragraphs 59 and 60 go on to state that design policies should not attempt to impose architectural styles or particular tastes but should concentrate on matters such as the overall scale, massing, height, layout, materials, etc. of new development.

6.3.2 Adopted JCS policy SD4 sets out the local 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.

6.3.3 For small scale residential developments, greater detail can be found in the Council’s adopted SPD relating to Development on Garden Land and Infill Sites in Cheltenham. The document sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines and goes on to state that *“Responding to character is not simply about copying or replicating what already exists in an area. It is not merely about preservation of what is important about a place but must also allow a place to evolve in a manner which is appropriate to the context of the place, seeking always to enhance a place”*.

6.3.4 The scheme has been revised during the course of the application but has failed to overcome officers concerns and officers question whether the proposed layout seeks to make the most effective and efficient use of the site, or provide the mix of dwellings sought by adopted JCS policy SD11.

6.3.5 Whilst the contemporary design approach taken in dwellings is generally acceptable, the layout is uninspiring and officers do not consider that the proposed development would add to the overall quality of the area, establish a strong sense of place and identity, nor optimise the potential of the site, as required by paragraph 58 of the NPPF. Officers have significant concerns in relation to the layout and provision of car parking, the proximity of housing to boundaries, and relationships between properties.

6.3.6 The parking for the affordable units would be provided within a rear parking court in the north western corner of the site. Whilst small parking courts which are overlooked will sometimes be supported, it is always preferable for them to be designed out of a scheme. In this case, the parking court is considered to be wholly unacceptable as it would not be sufficiently overlooked; house type C does not have any windows in its side elevations. Additionally, no direct access to dwellings would be provided which is likely to cause inconvenience and discourage use; and the parking court would not provide any opportunities for soft landscaping to be incorporated resulting in an unattractive and extensive area of hard surfacing. The parking court would also be located in close proximity to properties in Lucinia Mews.

6.3.7 The proposed bin and cycle storage for the affordable units is also wholly inadequate in size, and inconveniently located in the far corner of the parking court. The bin and cycle storage has clearly not been designed to encourage the use of these facilities.

6.3.8 The relationship between dwellings is also unsatisfactory in parts, and it is noted that a street scene showing units 1-5 has not been submitted. Of most concern, is the relationship between units 5, 6 and 7 whereby units 6 and 7 would have their principal

outlook on to the blank side wall of unit 5 just some 8 metres away, far short of the 12 metres usually sought.

6.3.9 Finally, some of the dwellings fail to achieve a distance of 10.5 metres to the site boundaries but have first floor windows in their rear elevations.

### 6.4 Access, parking and highway safety

6.4.1 Paragraph 32 of the NPPF and adopted JCS policy INF1 emphasise the need to encourage the use of sustainable modes of transport, and state that planning permission should only be refused on highway grounds where the impacts of the development are severe.

6.4.2 The revised proposals have been reviewed by the Local Highway Authority who raise no objection to the residential development of the site subject to conditions. The consultation response, which can be viewed in full above in Section 4, acknowledges the representations from local residents but highlights that the concerns relate to the existing situation; this current application for planning permission cannot be expected to provide solutions to existing problems. The provision of 13 additional houses in this location will not result in any severe highway impact.

6.4.3 Additionally, it should be noted that the 2014 outline application sought approval for an access in this location, and no highway objection was raised based on a provision of up to 20 units.

6.4.4 Notwithstanding the above, as previously noted at paragraph 6.3.4, officers have concerns in relation to the significant overprovision of car parking proposed throughout the site; Unit 13 in the south eastern corner of the site has up to 8 on-site car parking spaces. Whilst there are currently no minimum or maximum parking standards throughout Gloucestershire, such an overprovision is considered to be unacceptable and is clearly contrary to the aims and objectives of the NPPF and adopted JCS policy INF1 which seek to encourage the use of sustainable transport modes.

### 6.5 Neighbouring amenity

6.5.1 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. The policy is consistent with adopted JCS policy SD14, and paragraph 17 of the NPPF which sets out planning should always secure “*a good standard of amenity for all existing and future occupants of land and buildings*”.

6.5.2 Overall, the proposed development would not result in any significant impact on neighbouring amenity in terms of outlook and visual impact; whilst it is acknowledged that outlook from neighbouring properties would undoubtedly be altered by the development, officers do not consider that the resultant impact would be unacceptable; the overall heights of the dwellings are comparable to the surrounding two storey building heights and the development would not result in any overbearing effect.

6.5.3 There are some areas of minor concern where upper floor clear glazed windows would fail to achieve a minimum distance of 10 metres to the site boundaries, these are principally plots 6 – 9, although it is noted that these windows do achieve 10.5 metres to the rear boundaries of the properties in Brooklyn Road. Plots 1 and 2 would also some allow overlooking of no. 10 Stone Crescent.

6.5.4 Noise levels resulting from the proposed residential development have also been raised as a concern; however, the noise levels would be no greater than those normally associated with residential properties and gardens.

6.5.5 Additionally, noise and disruption to residents of the existing development during the construction of the development is not a reason to refuse planning permission; however, the hours of construction can be controlled.

### 6.6 Trees and landscaping

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

6.6.2 The Trees Officer's comments in relation to the council owned strip of land along the western edge of the application site have been duly noted, and officers acknowledge that the incorporation of this land into the development site would be preferable. This was previously highlighted in the Trees Officer's comment on the 2014 application; however the fact remains that the land sits outside of the application site, and whilst the future maintenance of these trees might prove difficult in the long term, it is not a reason to refuse planning permission. As this is private land, the owner could erect 2 metre high fence along this boundary at any time.

6.6.3 Officers are aware that a number of trees within the site have already been cleared; however, it is not known who carried out the work. Notwithstanding this, the trees that have been felled were located on private land, not protected by Tree Preservation Orders, or within a conservation area, and therefore the Council would not have been in a position to prevent this work.

### 6.7 Flooding and drainage

6.7.1 Adopted JCS policy INF2 seeks to avoid development proposals in areas at risk of flooding and set out that proposals must not increase the level of flood risk either on site or elsewhere. It goes on to say that new development, where possible, will be required to contribute to a reduction in existing flood risk, and to incorporate a suitable Sustainable Drainage System (SuDS).

6.7.2 The application site lies within Flood Zone 1 but much of the site is identified on the Environment Agency's Flood Maps as being at risk from surface water flooding, although the Council's Land Drainage Officer is not aware of any flooding problems in this location.

6.7.3 A Flood Risk Assessment has been submitted during the course of the application which has been reviewed the Lead Local Flood Authority (LLFA) and their detailed response can be viewed in full at Section 1 above. The LLFA conclude that *"it is highly likely without intervention that surface water flows from elsewhere would enter this site and pose a significant flood risk to the development"* and *"the FRA has not identified or assessed surface water flows from elsewhere, and if required demonstrate the proposal will manage these flows sufficiently to ensure flood risk is not increased"*. Additionally *"the FRA has not supplied sufficient detail to demonstrate that the proposal will provide a surface water management system (e.g. SuDS) to manage the site's surface water in accordance to national standards, therefore the LLFA cannot assess this development's compliance with the NPPF to not increase flood risk to the site or elsewhere, or reduce the water quality."* The LLFA therefore object to the development in its current form.

6.7.4 There are public sewers running through the site which were not identified in the 2014 application. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent from the sewerage company. Severn Trent Water in initially commenting on the application raised no objection to the proposals subject to the inclusion of a condition requiring drainage plans for the disposal of foul and surface water flows to be submitted to and approved by the Local Planning Authority should planning permission be granted. However, a subsequent response sets out 'no

build' zone areas and requires the sewers to be located within public open space to ensure 24 hour emergency access, and to prevent any accidental damage or building constraints by future house owners. Whilst this does not preclude the development of this site for housing, the sewers would need to be diverted into an accessible public area.

### 6.8 Affordable housing and other planning obligations

6.8.1 Adopted JCS policy SD12 requires new development proposals for 11 or more dwellings in Cheltenham, outside of the Strategic Allocation sites, to provide a minimum of 40% affordable housing. The affordable housing should, where possible, be provided on-site and seamlessly integrated and distributed throughout the site. Additionally, for a development of this nature, contributions to education and libraries will also normally be sought.

6.8.2 As originally submitted, the application proposed the erection of 14 dwellings but made no provision for affordable housing as the applicant was unaware of the change in policy following the adoption of the JCS; former local plan policy HS4 only triggering the need to provide affordable housing in new developments of 15 or more dwellings.

6.8.3 The current scheme for 13 dwellings now proposes a policy compliant level of affordable housing, comprising 4no. affordable rented units and 1no. intermediate housing unit. However, the housing has been grouped together in the far corner of the cul-de-sac and not dispersed throughout the site.

6.8.4 Additionally, no agreement has been completed to secure payment of the necessary contributions to education and libraries, or the provision of the affordable housing.

## 7. CONCLUSION AND RECOMMENDATION

7.1 Whilst officers consider the principle of developing this site for housing to be acceptable, together with the proposed access from Stone Crescent, there are a number of concerns in relation to the proposed layout and mix of housing; overprovision of car parking spaces; neighbouring amenity; and drainage and flooding. Additionally, no agreement has been completed to secure payment of the necessary contributions to education and libraries, or the provision of affordable housing.

7.2 The recommendation therefore is to refuse planning permission for the following reasons:

## 8. SUGGESTED REFUSAL REASONS / INFORMATIVE

- 1 The proposed layout and mix of housing fails to make the most effective and efficient use of The proposed layout and mix of housing fails to make the most effective and efficient use of the site. The layout is uninspiring and would fail to improve the overall quality of the area, establish a strong sense of place and identity, or optimise the potential of the site. Furthermore, the layout would result in some uncomfortable relationships between both the proposed units and existing neighbouring properties, with some of the proposed dwellings having first floor, clear glazed windows within 10.5 metres of the site boundaries.

Additionally, the proposed affordable units have not been dispersed throughout the site but grouped together and would share a rear parking court which is wholly unacceptable as it would not be sufficiently overlooked, and would be likely to cause inconvenience and discourage use. The parking court also fails to provide any

opportunities for soft landscaping to be incorporated resulting in an unattractive and extensive area of hard surfacing. Moreover, the proposed bin and cycle storage for the affordable units is inadequate in size, and inconveniently located in the far corner of the parking court, and has clearly not been designed to encourage the use of these facilities. The parking court, and bin and cycle store within, would also be located in close proximity to properties in Lucinia Mews and would be likely result to in a nuisance to the occupiers of these nearby dwellings.

The proposed development is therefore contrary to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), policies SD4, SD10, SD11, SD12 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 2 There are currently no minimum or maximum parking standards throughout Gloucestershire; however, the level of car parking proposed for this development is considered to be an overprovision in this sustainable location. Such a level of car parking provision would be likely to encourage the use of the private motor car, and therefore discourage the use of sustainable modes of transport.

The level of car parking proposed is therefore contrary to the aims and objectives of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 3 The application site is identified on the Environment Agency's Flood Maps as being at risk from surface water flooding. The submitted Flood Risk Assessment has not identified or assessed surface water flows from elsewhere nor demonstrated that the proposal will manage these flows sufficiently to ensure flood risk is not increased. Additionally insufficient detail has been submitted to demonstrate that the proposal would provide a surface water management system (e.g. SuDS) to manage the site's surface water in accordance with national standards, or that the development would increase flood risk to the site or elsewhere, or reduce the water quality.

As it stands, the proposed development is therefore contrary to policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 4 Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017) state that where infrastructure requirements are generated as a result of site proposals, new development should be supported by appropriate on- and/or off-site infrastructure and services. Financial contributions towards the provision of necessary infrastructure and services will be sought through the s106 or CIL mechanisms as appropriate. Arrangements should be negotiated and agreed with developers prior to the grant of planning permission.

This development would lead to:

- i. An increase in demand for playspace provision in the Borough and therefore the development should mitigate its impact in terms of adequate provision for on-site or off-site outdoor playing space (Supplementary Planning Guidance - Playspace in Residential Development, JCS policy INF4, and Section 8 of the NPPF).
- ii. A need to provide for financial contributions towards education and library provision for the future residents (JCS policy INF6 and Section 8 of the NPPF).
- iii. A need to provide for an element of affordable housing (JCS policy SD12 and Section 6 of the NPPF).

No agreement has been completed to secure payment of the necessary commuted sums itemised above, along with the provision of affordable housing. The proposal

therefore fails to meet the expectations of policies SD12, INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), Supplementary Planning Guidance, and national guidance set out within the NPPF.

### **INFORMATIVE**

- 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, having had regard to all material considerations, the authority cannot provide a solution that will overcome the above reasons for refusal.

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

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<b>APPLICATION NO:</b> 17/02460/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 19th December 2017		<b>DATE OF EXPIRY :</b> 20th March 2018	
<b>WARD:</b> St Marks		<b>PARISH:</b>	
<b>APPLICANT:</b>	New Dawn Homes Ltd		
<b>LOCATION:</b>	Playing Field Adj 10 Stone Crescent, Cheltenham		
<b>PROPOSAL:</b>	Erection of 13no. dwellings with associated road and sewers		

### REPRESENTATIONS

Number of contributors	<b>29</b>
Number of objections	<b>27</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

11 Wharfdale Square  
Cheltenham  
Gloucestershire  
GL51 8DL

**Comments:** 9th January 2018

A similar application was made some years ago, and my reasons for objecting now are the same as then.

My principle objection is that of traffic management and safety. Wharfdale Square and the surrounding roads are already oversubscribed with parked cars. Not only are there a number of multiple occupancy buildings in the area, with multiple associated vehicles, but the square also attracts local workers who park on the square to walk to work (e.g. adjacent school) or the local bus stop for easy access to GCHQ and the town centre.

The parked cars make a large proportion of the square and connected roads effectively 'single lane', and navigating them is already tricky. In addition to this, the square is extremely heavily loaded with cars during school drop-off and pick-up times. In no way are these roads capable of being used as 'through roads' to an extended development of the neighbourhood.

Further, the sole access road to the square is usually filled with parked cars, making that road also 'single lane'. Frequently, cars have to reverse back into the busy main road (Alstone lane) to avoid drivers exiting the square. This is worse at peak times, and safety issues are compounded by heavy pedestrian traffic crossing the access road to get to the neighbouring school and childrens centre.

Safety issues are not restricted to just the junction with Alstone lane. The main brick-paved areas of Wharfdale square, around the central garden, are currently used as somewhat of a 'shared-space' with local children playing. I have personally witnessed a number of near-misses already, and increasing the general traffic flow around the square will only add to the safety concerns.

Additional buildings will also affect the character of the neighborhood. Increasing traffic and noise, decreasing available space for residents to enjoy, impacting the visual amenity of the area, and impacting road safety.

4 Lucinia Mews  
Cheltenham  
Gloucestershire  
GL51 8DR

**Comments:** 6th January 2018

Thank you for the belated opportunity to comment.

My main concern is the effect on traffic levels on the roads of the existing development. The new houses, if built, would effectively increase the size of the existing development by a quarter. This would increase the traffic flow and hazards in Wharfdale Sq. and Stone Cresc. correspondingly. \*What will be done to alleviate this?\*

Wharfdale Sq. constitutes the access to my house and garage, so I know well that it and its junctions are already heavily parked much of the time, often on both sides of the narrow twisting road. In particular the ramp to and from Alstone La, and its junctions at both ends, are solidly parked during the school run.

The available plans suggest construction traffic would access the site via Wharfdale Sq. and Stone Cresc. \*Large vehicles may not be able negotiate these tight turns safely\* when they are heavily parked on both sides. \*Size and type of contractors' vehicles should be restricted\* e.g. no artics, and/or max. wheelbase length.

The hedge round Wharfdale Sq. makes the east and south corners of the square blind to drivers of most saloon, estate and hatchback cars and small vans. Near-misses at these corners are already common with current occupation and traffic levels, and are likely to increase, and lead to actual accidents, both during construction and after occupation of the new site. \*What will be done to alleviate this?\*

If contractors' and site workers' vehicles were to park in the existing development during construction, they would quickly swamp and block the existing development. This would be unacceptable for current residents. \*Construction traffic must not be allowed to park on the existing development.\*

**Comments:** 16th February 2018

Here is the message I e-mailed to Asset Protection at Severn Trent on 9 Feb. I haven't had a response.

"Good morning. Can you give me some information on your involvement in this proposed development, please?"

A developer is planning to build houses on low ground near my house in Cheltenham. The site currently functions as a sink for surface water from the surrounding higher area. Adjacent houses and roads already flood in wet weather. We understand there are sewers and a culverted stream running under the site.

SWT commented on 21 Dec 2017, but there is no indication of the status of the activities discussed there.

I and some of my neighbours are still concerned that the work may adversely affect drainage and exacerbate flooding. Some of my neighbours already experience flooding and sewage reflux in wet weather. \*As preparatory site work has already been done, and the comment deadline is close, we are keen to know the status of SWT's involvement, and would like reassurance that SWT is getting adequate opportunity to identify issues and stipulate safeguards.\*

## Page 39

The planning application is 17/02460/FUL. I understand the closing date for comments is 20 Feb 2018. The prospective developer is New Dawn Homes. Their revised drawing, uploaded on 6 Feb 2018 but dated Nov 2017, shows drains and diverted services, and an unidentified broad blue line in the N corner of the site. (The top of the plan is NE, not N as stated there.) Natural drainage from the site is northwestwards, across Brooklyn Road, above and below ground.

Thanks in advance."

### **Comments:** 17th February 2018

Currently the southeast side of Wharfdale Square is effectively a single lane for much or most of the time. For the safety of the increased vehicle and pedestrian traffic, it should be widened to two lanes with a kerbed pavement. A strip could be taken from the central grass area, which is little used.

The trees along the northeast boundary of the site should be replaced. Trees not only absorb atmospheric CO<sub>2</sub>, in flood areas they also absorb groundwater. This is a practical beneficial step that takes priority over technicalities of planning rules, land ownership or ransom strips. If the development goes ahead without those trees, and later floods, it will be partly because of the loss of those trees.

The sequence of the proposed site plans isn't clear. The plan submitted on 18 Dec is said to have been superseded, yet the revised one submitted on 6 Feb is also dated Nov 2017, so already existed before the Dec one was submitted.

15 Wharfdale Square  
Cheltenham  
Gloucestershire  
GL51 8DL

### **Comments:** 7th January 2018

I would like to object to the construction of the 14 new homes. In addition to agreeing to all the points made by the resident at 4 Lucinia Mews, my main concerns are as follows:

- The traffic flow to / from Wharfdale Square will increase significantly throughout the construction of the houses and once they have been built.
- The noise level will increase significantly throughout the construction of the houses.
- During school start and finish times cars are parked alongside the entrance to the square and all around it. This will make it difficult for construction vehicles to enter / exit the site.
- As it has already been pointed out the size of the estate will increase by a quarter. I purchased my house based on the size of the estate, it being out-of-the-way and the noise level. All 3 of these will be impacted.
- Children can regularly be seen playing around the square. This poses a safety issue, as during the construction phase and post the construction this will increase the potential of a traffic related incident occurring, as the traffic to / from the square will increase significantly.
- Waste disposal vehicles have a hard time getting around the square. Construction vehicles will experience the same issues.
- Parking is already very limited for residents. Construction vehicles will elevate this problem further.

### **Comments:** 10th January 2018

I am a resident of Wharfdale Square in Cheltenham.

I was recently made aware of a proposed development of 14 new dwellings which are being built in close proximity to my property. We were kindly made aware of this development late last week by my local Councilor, Sandra Holliday, who has been copied in on this email. She suggested I drop you an email.

## Page 40

Upon finding out about the development I spoke to a number of residents and put in an objection to the development going ahead. A number of the residents also put in objections. The details of my objection can be found on your website, so I won't go through it in this letter.

The reason I am writing this email is to specifically raise a number of concerns that I and a number of residents have regarding the way in which this Planning Application has been handled by Cheltenham Borough Council. We were only made aware of this development late last week and upon speaking to a number of residents in the area some of them were shocked and were not even aware that it was happening.

I would like to understand:

- Why we as residents and as such individuals who are directly impacted by this development were not made aware of this Planning Application upon submission? The number of objections submitted would be far higher if residents had been given ample time to reflect and comment.

- Who in the area has actually been contacted by yourselves to make them aware that this Planning Application had been submitted? There is one way into and out of the potential development so the residents of the following would be affected:

- Wharfdale Square
- Lucinia Mews
- Stone Crescent
- South Bank

- Why work has begun on the land when the Planning Application has not yet been approved? Upon speaking to concerned residents it seems that a gate to the site has already been put into place, trees have been cleared and the land has been marked out by an orange plastic fence. Is the Developer just being presumptuous or has this Planning Application already been approved and we are only just now being made aware of it as a formality?

- How will the submitted objections will be handed? As above, has this Planning Application already been approved?

I would like to ask that proper canvassing is carried out to gauge the views / opinions of the local residents prior to approving this Planning Application. At last count there are 15 objections from concerned residents and one from the Cheltenham Civic Society. I can only assume that the number of objections will increase if more people are made aware of the development and potential impact.

Please feel free to contact me at this email address if you want to discuss any of these points further. If you would like to discuss this matter over the phone please send me your number and I will call in.

Thanks and I look forward to hearing from you.

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

In addition to the comments already made, in the Public Comments Section it has Total Consulted down as 48. I believe this to be inaccurate as a number of people have already pointed out we have only in the last week and a half been made aware of this development. Please can you provide clarification on which 48 residents / properties were made aware of this development? It should be noted that there are about 65 properties that would be impacted by this development residing in South Bank, Wharfdale Square, Lucinia Mews and Stone Crescent.

### **Comments:** 28th January 2018

I have submitted a FoIA request to [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk), as I do not feel due process was followed when 14/01276/OUT, which underpins this Planning Application, was

submitted and approved. I would expect a response to my FoIA request prior to any decision being made on this current Planning Application.

**Comments:** 2nd February 2018

Article in Gloucestershire Live about this Planning Application - <http://www.gloucestershirelive.co.uk/news/cheltenham-news/fears-plans-homes-near-cheltenham-1148653>

The Council have admitted the following:

According to Cheltenham Borough Council's website, 48 households have been consulted, but the planning officer admitted some of these were "incorrectly selected".

The officer also said that "due to an oversight", notices about the application were not put up in the neighbourhood until January 17 - eight days after the deadline for community feedback.

**Comments:** 20th February 2018

I can think of a number of reasons why the Planning Application should not be granted. As a resident of the area, I feel I am best placed to know the problems and issues the proposed new development will cause. My concerns about this particular Planning Application are as follows:

- Increased traffic to / from the area during the development phase and once the houses have been built. According to the amended plans the proposed new development will be for 10 houses - 3 bedroom (1 of), 4 bedroom (3 of) and 5 bedroom (6 of). This will total 45 bedrooms. Before the amendment the proposed new development was for 14 houses - 3 bedroom (6 of), 4 bedroom (5 of) and 5 bedroom (3 of). So a total of 53 bedrooms. The area already suffers from high levels of congestion during school pick up / drop off times and once people have finished work. Residents of Wharfdale Square, Lucinia Mews, Stone Crescent and South Bank will be heavily impacted by this increase in traffic, as there is a single entry / exit point to the area. The reduction in the number of houses in the amended plan and therefore fewer bedrooms doesn't really alleviate the issue by much. Table 5 / Bullet 1 of the Cheltenham Local Plan (Matters which may be the subject of Planning Obligations) states the following - "works to provide safe access to a site, to accommodate safely local increases in traffic due to the development, and to discourage the additional traffic from using unsuitable local roads".

- Reduction in the amount of parking available in the area. Parking is already at a premium in the area. An average of 3.8 cars has been allocated per house (This means at least 38 more vehicles.) in the proposed new development. This will increase exponentially if the dwellings are Houses in Multiple Occupation (HMO). This was the reason for mentioning the number of bedrooms in my first point. What are CBCs parking guidelines - specifically what is the minimum level of car parking that proposed new developments should offer, according to its size? As I do not believe that the proposed new development provides sufficient parking space to meet these requirements. The proposed development is likely to generate a significant increase in the amount of local traffic and as such any loss of on-road parking could mean the loss of a valuable residential amenity. There are only 20 parking spaces shown on the Proposed Site Plan but the NDH literature (revised design and access statement) states there are 21 parking spaces. Which one is correct and where are the other 17 - 18 cars going to park? Possibly in the garage which will almost certainly be used for storage? Parking concerns were highlighted in the comments put in by 3 and 6 Stone Crescent when the 2014 Outline Planning Application (14/01276/OUT) was raised against the same plot of land. It looks like these comments were not taken into consideration. There are a number of HMOs mentioned in these comments, which have 4 - 5 cars each. Note, the Planning Office recently approved 16/00056/FUL for a house on Stone Crescent to be converted from a 6 bedroom to a 7 bedroom HMO. Where does it all stop!

- Please take the time to visit the local area at the pertinent times (e.g. school start times, school end times, in the evening when people have returned from work, when the refuse collections are taking place, etc.) prior to making a decision about the 2017 Planning Application. This clearly

has not happened up to now as is apparent from comments made by other residents in their objections. In a similar vein I would expect the NDH literature (revised design and access statement) to be updated to reflect accurate images of the parking situation, as the image shown on Page 5 was clearly taken at a time of day when there is plenty of available parking. See the image provided in the objection letter provided by 6 Stone Crescent to see an accurate representation of the parking situation in Stone Crescent. See the images in Gloucestershire Live (<https://www.gloucestershirelive.co.uk/news/cheltenham-news/fears-plans-homes-near-cheltenham-1148653>) to see an accurate representation of the parking situation at school pick up time. A decision must not be based on an inaccurate representation of the current situation.

- Children can regularly be seen playing around the area and there are also children walking to / from the school during school pick up and drop off times. This poses a health and safety issue, as during the development phase and post the development phase traffic flow will increase significantly, which also increases the chances of a traffic related incident / accident occurring. Note that there are no pavements in Wharfdale Square, so individuals (adults and children alike) are regularly seen walking on the roads. Residents of the local area have over the years become aware of this but there are still a number of 'near misses' in the area. The Cheltenham Local Plan (Para 14.25) states the following - "New development can endanger highway safety if poorly located or built without adequate infrastructure. Policy TP 1 seeks to limit development, which may harm highway safety."

- The proposed new development does not have any pavements according to the Proposed Site Plan. If this is correct then this poses a health and safety issue to residents of the proposed new development and should be addressed.

- Hedges around Wharfdale square are renowned for blocking and impairing the vision of individuals driving around the square (i.e. lots of blind corners). There have been a number of near misses on the square due to the hedges being overgrown and not thinned appropriately, thereby making it difficult to see oncoming vehicles and increasing the potential of a traffic related incident / accident occurring. This has been highlighted to CBC's Parks and Landscapes department a number of times but they have said they only cut the hedges once a year. Construction vehicles entering / leaving the site via one entry / exit point may further exacerbate the issue as the roads are very narrow and you can just about get cars driving by each other side by side.

- The previous points will all result in highway safety being compromised. The following needs to be considered: traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians / cyclists.

- The 2017 Planning Application goes against a number of the areas highlighted in Core Policy 4 of the Cheltenham Local Plan (Safe and Sustainable Living). See Note 1 - "In assessing impact on amenity, the Council will have regard to matters including loss of sunlight and/or diffuse daylight (see note 2), loss of outlook, loss of privacy (see note 3), and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lights (see also policy CP 3 (sustainable environment), hours of operation, and travel patterns, including heavy goods vehicles (see also policy CP 5 (sustainable transport))." The noise level in the area will increase during the development phase and once the houses have been built. The dust and dirt levels in the area will increase during the development phase. Note, this estate in its current form was completed in 2001. This will cause existing residents unnecessary disturbance and disruption to residents of the existing development.

- The NDH literature (revised design and access statement) states - "This planning application can ensure that there is adequate access for emergency and refuse access to the properties." Waste disposal vehicles already have a hard time getting around the area. They can regularly be seen reversing in and driving out of roads off the main square, as there is no turning area. Construction vehicles will experience the same issues. This will increase the potential of a traffic related incident / accident occurring. The Cheltenham Local Plan (Para 14.45 and 14.46) states

the following respectively - "Heavy goods traffic has increased considerably in the last 10 years, and with it problems of safety and air pollution." and "Heavy goods vehicles are an essential component of the economy of Cheltenham and those with local destinations will need to have access throughout the network. These vehicle movements are best accommodated on the main highway network using positive measures designed to steer them on to main roads and to discourage them from seeking alternative routes through sensitive areas." I consider construction vehicles to be of the same ilk as HGVs and as such believe that the proposed new development is a direct contravention of these principles.

See Consultee Comment from the Joint Waste Team -

"The access road connecting to Stone Crescent must be constructed to a suitable standard to allow up to a 26 ton refuse vehicle to service each week.

The properties within this development will be required to present their waste and recycling receptacles at the kerbside of the road and I note that there doesn't seem to be any pavements in place? This will pose a problem with full and then empty receptacles causing obstructions for motorists/residents driving into the development. In such a development elsewhere we have had regular complaints about driveways being blocked with bins after the collection has taken place. With nowhere off the road for the bins to go, this issue would be repeated here."

- The NDH literature (revised design and access statement) states - "The proposal will, as much as possible, maintain boundary planting (and replace it with native species where necessary), but the site is otherwise devoid of any features of interest. The submitted arboriculture report deals with the trees off-site, and it is noted that the site is capable of being developed without impact on these trees. The new landscaping will greatly improve the landscaping of this disused piece of land. " However, trees have already been felled (circa 20 - 30) on the site of the proposed new development which previously protected the estate against the elements and provided homes to breeding birds and other wildlife including bats. The Cheltenham Local Plan (Policy GE 5 and Policy GE 6) discusses Protection and Replacement of Trees and Trees and Development respectively. Have these policies been taken into consideration during the felling of these trees? Cheltenham Local Plan (Para 6.15) states the following - "Human life, health and well-being depend on a healthy natural environment. Vegetation contributes to the physical well-being of a town by absorbing carbon dioxide and releasing oxygen, so improving the quality of air. Acting as a baffle, it can also absorb and so reduce noise." The area may now be more prone to flooding than it already is. The Cheltenham Local Plan Objective 30 states the following - "to reduce the risk of flooding and flood damage." The Cheltenham Local Plan (Para 13.4) states the following - "The primary responsibility for safeguarding land and property against flooding lies with the owner." A number of the houses, which back onto the proposed new development in Lucinia Mews currently experience issues when it rains heavily (i.e. flooded toilets, drainage problems, etc.). A local resident has commented that Brooklyn Road experiences "localised flooding during and after periods of heavy rain." Has anyone in the Planning Office looked into this aspect, as it was highlighted to them during a meeting with them on 5th February 2018? The Cheltenham Local Plan (Para 13.15 and 13.17) states the following respectively - "Development usually increases the area within a site covered by impermeable materials. This will result in an increase in the quantity and rate of surface water run-off to watercourses. Many watercourses are susceptible to flooding, or are only capable of accommodating run-off under pre-development conditions. Additional run-off from development can instigate or exacerbate flooding. In addition, development within flood plains, as well as increasing the risk of flooding, can disrupt existing flood flow regimes, which, in turn, can result in damage to buildings, property and infrastructure. Supplementary Planning Guidance on Flooding and Sustainable Drainage Systems has been published which sets out in greater detail the requirements for sustainable drainage measures." and "PPG25 states that it is the responsibility of the developer to provide an assessment of whether proposed development is likely to be affected by flooding and whether the development will increase flood risk elsewhere. An assessment may also be needed of the risk of groundwater or local flooding due to overland sheet flow or run-off exceeding the capacity of drainage systems during prolonged or intense rainfall. The developer must satisfy the Council that any flood risk

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arising from proposed development can be successfully managed with the minimum environmental effect." I believe that the proposed new development is a direct contravention of these principles. Please can you confirm that a Flood Risk Assessment has been carried out by the Developer and if yes please make it available for public consumption? Things will get worse for local residents now the trees have been felled, as they would have absorbed some of the rainwater during heavy rainfall. There seems to be a lack of transparency as we haven't yet been definitively informed who carried out this tree felling and for what purpose (i.e. assuming someone did something is not good enough). The land was sold to New Dawn Homes mid-2016 according to GCC yet we have the following statements from various individuals which are contradictory:

"I can let you know that the land is Glos County Council owned. There are no TPO's and the site is not in a conservation area. The felled trees were not too special and there is an (outline) proposal to plant new trees if the site gets permission. It is assumed that the county felled the trees but there is no case to answer." - Sandra Holliday (Email)

"I am waiting to hear who authorised this work to be carried out." - Sandra Holliday (Letter)

"The trees that are being felled are privately owned and are not protected nor are they worthy of protection. Whilst we understand the concerns of residents on this point, the council is not in a position to prevent this work." - Martin Chandler (statement in Glos Live)

"I am not aware of any tree-felling works to have taken place by us at this site." - New Dawn Homes Rep (Callum Hughes) (statement in Glos Live)

- I understand there is a culverted stream / brook (River Chelt possibly?) that runs under the site. The Cheltenham Local Plan (Para 13.34) states the following - "Both the Council and the Environment Agency are in general opposed to the culverting of watercourses because of the adverse ecological, flood defence and other effects that are likely to arise, unless there is no reasonably practicable alternative or if the detrimental effects of culverting would be so minor that they would not justify a more costly alternative. Where practicable, the Council seeks to restore culverted watercourses to open channels and will require existing culverts to be opened up where they are affected by development proposals. Culverting can exacerbate flooding and destroy wildlife and amenity habitats. Where exceptionally culverting is permitted, suitable measures of mitigation or compensation must be provided (including the opening up of other sections of culvert and enhancing open stretches of watercourse within close proximity to the development). Such measures would be secured within the development by condition or planning obligation." Please can the Developer highlight what they intend to do with this culverted stream?

- A more recent Arboriculture Survey is required. The last one was submitted in February 2014. Are there any trees on the land for the proposed new development which have associated TPOs? Are there any roots belonging to existing trees which will potentially interfere with the proposed new development and as such need to be dealt with if this Planning Application is given the go-ahead? A Tree Protection Plan will also need to be produced to protect those trees to be retained during any building works.

- An ecological appraisal carried out in support of 14/01276/OUT (previous Planning Application on the land) says "There are no specific records of bats within 1 km of the site". An ecological appraisal carried out in support of 17/02460/FUL (current Planning Application on the land) says "No protected species were recorded during the survey, although the habitats present provided opportunities for protected species: Breeding birds. The cherry tree on Site provided suitable habitat for breeding birds." However, a comment made against 17/02460/FUL (current Planning Application) by a resident of Brooklyn Road says the following - "We regularly see many birds and bats around these trees so we believe further surveys should be carried out to ensure these species remain protected." I suggest further work is done to actually assess what the wildlife impact will be, as what is currently published is contradictory." The Cheltenham Local Plan (Para 6.16 and 6.21) state the following respectively - "Green spaces are essential in providing habitats

for a wide range of flora and fauna. Some green spaces, particularly the more extensive and relatively undisturbed grounds of large houses and non-residential properties, may also harbour legally protected species such as barn owls, badgers and bats. Green spaces are therefore of significance to nature conservation." and "In its role as custodian of public green spaces the Council will seek opportunities to improve the value of existing spaces. PPG17 sets out that local authorities need to assess existing and future community and visitor needs for open spaces." I believe that the proposed new development is a direct contravention of these principles.

- Severn Trent Water have said the following:

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

Have STW been approached for comment and if yes why aren't their comments posted? I have provided CBC's Planning Office with an email chain between local Councillors (John Webster, Sandra Holliday, Mike Skinner, Charmian Sheppard and David Fidgeon) and the ex-lead of the area's Neighbourhood Watch Scheme stating the following - "the land behind has lots of sewer pipework underneath it and I believe and a ducted watercourse and can't be built on even though it is CC property." I would like to understand what has changed which has now made building on this land possible and whether it will negatively impact the residents of the existing development in any way. The Cheltenham Local Plan (Para 13.38) states the following - "Responsibility for sewerage and sewage treatment lies with Severn Trent Water, which has a duty to provide such public sewers as may be necessary for effectively draining their area, and to provide sewage disposal works which deal effectively with the contents of sewers. Development proposed over or adjacent to a public sewer which would make maintenance or replacement of that sewer unacceptably difficult or would prejudice the structural integrity of the sewer will generally be unacceptable." I believe that the proposed new development is a direct contravention of this principle.

Residents of the local area have sent STW an email asking for their view on this proposed new development. I would also expect the Planning Officer to do the same and publish the results.

- The building of residential homes will ruin a much needed recreational area and reduce green space in this part of the town. This land could easily have been made into a children's play area. My understanding was that the land in question was originally going to be used as a nature reserve by the local school. Why did this plan not come to fruition?

- The Human Rights Act, in particular Protocol 1, Article 1 states that "a person has the right to peaceful enjoyment of all their possessions, which includes the home and other land." We believe that the proposed development would have a dominating impact on us and our right to the quiet enjoyment of our property. Table 5 / Bullet 12 of the Cheltenham Local Plan (Matters which may be the subject of Planning Obligations) states the following - "facilities or measures to offset the loss of or impact on any resource, such as woodland or open space, present on a site prior to development". The Cheltenham Local Plan (Para 6.8) states the following - "Green space in the urban environment has worth for its townscape, environmental, wildlife and recreational values. PPG17 on Sport, Open Space and Recreation, published in July 2002, describes the contribution open spaces make to people's quality of life, and in making towns and cities attractive places in which people will want to live. It states that open spaces should be recognised not only for their recreational and community value, but also for their contribution to urban quality, and for supporting wildlife. The Borough Council will take these issues into account when making

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development control decisions and formulating local plan policies." I believe that the proposed new development is a direct contravention of this principle.

- The NDH literature (revised design and access statement) states - "The application site itself is a vacant piece of land which has been fenced off for some time with metal gates." This is incorrect as the metal gate that is at the end of Stone Crescent now was actually a metal fence originally. This metal fence was funded by residents (CBC contributed £500 via grant and residents made up the rest). The fence cost over £1750. CBC wouldn't pay for it as they said it sat on the original Developer's land. The original wooden fencing erected by Barratt Homes back in 2001 had been vandalised and panels had been removed to enable people to use it as a cut through. Several houses had been broken into and groups of youths would use it late at night to cut through to the playing fields. A number of Councillors who have already been mentioned above were aware of this situation. The metal fence which residents funded has now been replaced by someone with a metal gate and is sometimes left unlocked, thereby defeating the point of having it there in the first place! This can be seen in the following article - <https://www.gloucestershirelive.co.uk/news/cheltenham-news/fears-plans-homes-near-cheltenham-1148653>. As yet no one has admitted to replacing the fence with a gate. I would expect this situation to be investigated and residents who funded the fence to be compensated accordingly. Collateral has been provided to GCC and members of CBC to substantiate my claim that residents funded this fence.

- There are 6 Objections and 1 Neutral comment from Stone Crescent residents. As there are only 11 houses in Stone Crescent please can you clarify the statement in the NDH literature (revised design and access statement) which states the following - "5.3 - The local neighbours have been door knocked to show them the planning application and most concerns were regarding making sure that the access road was not blocked during deliveries." If the statement is correct then why would 54% (doesn't include the Neutral comment) of residents on Stone Crescent have raised an objection? I would like to understand which 'local neighbours' were actually canvassed as the NDH literature (revised design and access statement) states - "The application site comprises a rectangular piece of land located to the north of the King George V playing field (a protected open space), and to the south of the former Gloucestershire Marketing Society site (wholesale fruit and vegetable market) which is now a housing estate of 60 dwellings developed by Barratt Homes in 2002". So knowing this I would have expected all 60 dwellings to be door knocked for their view.

Sandra Holliday has commented as follows when asked whether NDH had canvassed impacted residents about the proposed new development but worryingly none of our publicly elected representatives seem to be willing to follow this matter up:

To Resident 1 - "Unfortunately what New Dawn Homes have said in their literature may be not true or even misleading but that is out of everybody's hands."

To Resident 2 - "I can assure you that I will keep a watchful eye on this application as I have had no communication from any local resident who has been door knocked by New Dawn Homes despite them saying this in one of their documents."

- The NDH literature (revised design and access statement) states - "Paragraph 14 of the NPPF is clear that for decision taking, the presumption in favour of sustainable development means approving development proposals that accord with the development plan without delay". However Paragraph 13 of the NPPF states - "The National Planning Policy Framework constitutes guidance<sup>8</sup> for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications." Guidance is defined as "advice or information aimed at resolving a problem or difficulty, especially as given by someone in authority." As such it may or may not be followed dependent on external factors. What the NDH literature (revised design and access statement) does not state is that "where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies

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in this Framework taken as a whole; or - specific policies in this Framework indicate development should be restricted." As such, due care and consideration should be taken prior to making a decision about the 2017 Planning Application. This does not mean making a decision without knowing the full facts as the NDH literature (revised design and access statement) seems to be intimidating.

- Due to an 'oversight' Site Notices were not originally displayed for the 2017 Planning Application. When alerted to this fact, Site Notices were then placed in discrete locations and wrapped around lampposts making them near impossible to read. An image in Gloucestershire Live (<https://www.gloucestershirelive.co.uk/news/cheltenham-news/fears-plans-homes-near-cheltenham-1148653>) shows how these Site Notices were displayed. An email was sent requesting that they be placed in more prominent locations and made more visible to local residents. This didn't happen. This was again requested in a meeting with Planning Officers on 5th February 2018. The yellow site notices were replaced with blue site notices when amendments were made to the development plans. However, they were displayed in the same places and in the same manner.

- Letters of notification were originally not sent out to all impacted residents and the Planning Office admitted that in some cases letters of notification were sent out to houses which were 'incorrectly selected'. Following a meeting with the Planning Office they agreed to send letters of notification out to a more focussed and accurate list of impacted residents if amendments were made to the 2017 Planning Application. They followed through with this when the recent amendments were made to the 2017 Planning Application.

- With regards to the NDH literature (revised design and access statement):

o The second image shown on Page 6 is of a house on South Bank and not on Stone Crescent as stated in the NDH literature (Revised design and access statement). I suggest this is corrected.

o It states "There is no planning history for the site itself." This is not true - see Planning Application 14/01276/OUT. I suggest this is corrected.

- The press got involved as we were not getting the support or answers to our questions from the Council and its representatives. See the following article - <https://www.gloucestershirelive.co.uk/news/cheltenham-news/fears-plans-homes-near-cheltenham-1148653>

- The Construction Method Statement is not on the Website against the 2017 Planning Application. This was requested by a Consultant in the 2014 Outline Planning Application (14/01276/OUT). Please make this statement publically available

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

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

Reason: To reduce the potential impact on the public highway."

- A FoIA Request submitted against the 2014 Outline Planning Application (14/01276/OUT) revealed that due process was not followed for this particular application. This led to the Outline Planning Application being approved subject to a S106 without any real input or opposition from

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local residents (4 of the 7 residents that objected weren't even provided with letters of notification). This is also apparent from the number of objections (currently 27) against the 2017 Planning Application, which again did not follow due process, until the Planning Office were reminded of their obligations as set out in <http://www.legislation.gov.uk/uksi/2015/595/article/15/made>. Note that there was a discrepancy between the number of residents that were made aware of the 2014 Planning Application (32) and the 2017 Planning Appli

**Comments:** 23rd March 2018

All of my previous comments related to Health and Safety, increased traffic flow, limited parking, flood risks, impact on wildlife, etc. still apply. Please ensure you take them into consideration prior to making a decision on this Planning Application. In its current form the proposed new development will have a significant detrimental impact on the local area and its residents. This is the reason why the existing estate has been in place since 2001 and the land for the proposed new development has never been built upon. It is also the reason why you have 27 Objections and no one Supporting this particular Planning Application.

1 Lucinia Mews  
Cheltenham  
Gloucestershire  
GL51 8DR

**Comments:** 11th January 2018

As a resident of Lucinia mews I was very shocked to hear about the proposed building application at the back of our estate. Information provided by our local Councillor in the past few days Why was this information not provided by yourselves to the residents????? A long time ago!! Ground work, tree removal to this site were completed last AUTUMN..NO INFORMATION ABOUT THIS WORK WAS GIVEN AT THE TIME BY ANYONE Gates were put in & diggers used...

Our boundary trees were removed...Why?? Our boundary trees were at an elevated level & not at ground level on the proposed site, these trees provided residents with privacy, protection from the elements & provided homes for many birds & wild life...

The drainage system for the estate is already terrible, we do not need any more problems.

There is only one access onto the estate, the main square is made of block paving & not suitable for heavy vehicles,, the main entrance is always very limited access due to school parking.. the estate roads are narrow & residents parking due to MOH is a nightmare.. Access is narrow & limited , again not suitable for heavy vehicles..

26 Cornwall Avenue  
Cheltenham  
Gloucestershire  
GL51 8AY

**Comments:** 21st January 2018

To be honest, I think that majority of my feelings have been aired before but I cannot see the sense in this plan if it goes ahead.

Not only will it affect the privacy of properties in Brooklyn Rd, Lucinia Mews and Stone Crescent, it will have a massive impact on Rowanfield Schools (Infant, Junior and Childrens Centre). Imagine the noise during building work, along with the mess, the builders parking and then, if it goes ahead, minimum of 2 cars per property going in and out of the area on a single road into Alstone Lane.

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The area is a mess anyway for parking thanks to people using Rowanfield to park and get the train after being pushed from other areas who now have parking permit schemes (strangely any road that may impact race traffic at a guess). Then at school run time the area is like a car park anyway.

Add extra traffic to the proposed area and you are just lining up an accident, where, at its worst could be a child being hit.

Couple with the green space slowly being used up (have the trees started to be taken down already in the area as mentioned above - if so, something is fishy) . If this goes ahead it gives developers the go ahead to build in any little nook of green that they can.

The bottom of King George is always wet so this development could cause more flooding, affecting residents already there and the school. I have friends in the roads affected and they say they already have drainage problems.

Hopefully the councils sees sense.

10 Wharfdale Square  
Cheltenham  
Gloucestershire  
GL51 8DL

**Comments:** 7th January 2018

All the cars and construction traffic have to go round Wharfdale Square, and therefore directly in front of my house, which is accessed directly from the street. The roads in Wharfdale Square were designed only to service the existing houses, and in the application there is no consideration of the change to the access road usage. Also the nature of the proposed housing means that it is likely that a number of the houses will be let to multiple occupants, as is the case with the larger houses in the existing development. The impact of this is not considered in the application. As one of the other comments has made the spaces on the plans are mostly one behind each other, rather than adjacent, so it is likely that a number of the spaces will not be able to be used. I would also like to point out that despite the fact that my garage is off Stone Crescent I had not received any information on this new development, can this be addressed if further consultation is required.

7 Wharfdale Square  
Cheltenham  
Gloucestershire  
GL51 8DL

**Comments:** 9th January 2018

I object on the grounds of the Impact on traffic and parking, there is no social housing or no community facilities and visual intrusion for existing properties.

214 Alstone Lane  
Cheltenham  
Gloucestershire  
GL51 8HY

**Comments:** 20th February 2018

There is only one route in and out of wharfdale square and this development will cause even more traffic in an already busy area. Parking will also be an issue.

19 Wharfdale Square  
Cheltenham  
Gloucestershire  
GL51 8DL

**Comments:** 9th January 2018

Main worries as mentioned by other neighbours- hazards caused by increased traffic around the close. During the construction process, the use of the only entrance into the square for large construction vehicles which is already busy and often has parked cars along it.

16 Wharfdale Square  
Cheltenham  
Gloucestershire  
GL51 8DL

**Comments:** 7th January 2018

I object to this proposal for the following reasons:

1. There will be an increase in traffic and noise as a result of the construction of these new houses which will affect all residents of Wharfdale Square.
2. The road around Wharfdale square is not designed to accommodate large vehicles/trucks or increased level of traffic as the road is already narrow (especially with residents cars parked in front their houses). The road around the square is only wide enough for a single car most of the time.
3. Wharfdale square as the only access road to the new development will likely to result in significant wear to the brick road. The increase in traffic and overcrowding will become a health and safety issue especially for children and residents who regularly walk through the area considering there is no real designated footpath around the square.
4. Residents are now only being consulted regarding the development as an after thought, and very late on in the planning phase with no impact assessment provided.

**Comments:** 14th February 2018

The proposed development will cause increased congestion in an already busy school/residential area. Wharfdale Square is a narrow brick road culdesac which was never designed to cope with additional traffic and cars.

Wharfdale Square does not cope with HGVs or new residential traffic and there is no designated pedestrian path making it this a potential health and safety issue.

The additional housing development should have its own private access so there is no impact to existing residents within Wharfdale Square.

3 Stone Crescent  
Cheltenham  
Gloucestershire  
GL51 8DP

**Comments:** 17th February 2018

My main concerns with the proposed development have already been said multiple times by my neighbours. My main issues are the access to Stone Crescent for the proposed development and related to this my issue with pedestrian safety.

As it stands right now the access roads are very dangerous as they are constantly full of parked cars causing obstruction for the local residents. This situation has already resulted in my car being damaged by having to avoid other large vehicles in the square.

Cars have nowhere to park, so they park on the pavements. I walk in and out every day with a pushchair and I have to walk in the tight road with two children and I fear for them everytime a car comes past. I shouldn't be on the road, there should be adequate walking space for the local residents.

These dangerous problems will only exacerbate themselves with the new development. Care must be taken to improve the local area if this development should be built.

131 Brooklyn Road  
Cheltenham  
Gloucestershire  
GL51 8DX

**Comments:** 23rd December 2017

- No details have been provided to indicate any screening to the south and west elevations
- No details of any additional planting to the boundaries
- No archaeological investigation details provided
- Only an attempt to achieve the lifetime homes criteria specified not a full commitment
- No details of proposed benefits to the local area of this development included in the application
- No ecological benefits explained in the application only a statement saying the development will improve this
- No statement on the impact to traffic on orchard way in particular to periods during school time
- Landscaping plan has not been included in the application
- No details of HQM compliance
- No impact assessment provided in relation to construction activities orchard way is a very congested area at peak times
- No SI provided with the application in relation to potential contamination

147 Brooklyn Road  
Cheltenham  
Gloucestershire  
GL51 8DX

**Comments:** 8th January 2018

Our prime concern would be the four proposed properties Ref: 6,7, 8 and 9. As they are 3 Storey buildings with notably small rear gardens, it will have a huge impact on ours and other neighbours privacy and views. We also have an abundance of breeding birds and other wildlife including Bats which we are privileged to see in the summer evenings and would not like to see ANY of the

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existing trees taken down. The Tree Survey does suggest the 'Stump' (T12) could be retained for conservation values. We hope this is possible.

Another concern would be the interference with the existing water/sewage works. Our gardens already struggle to drain with heavy rains and the new development would only add to this problem.

145 Brooklyn Road  
Cheltenham  
Gloucestershire  
GL51 8DX

**Comments:** 5th January 2018

We would like to put forward concerns for the new proposed development adj to 10 Stone Crescent.

There has not been a site layout plan submitted to show where the houses/roads etc are to be built, this is a concern.

Our rear garden has an 82 year old Horse Chestnut tree growing within and against our boundary fence line (no11), the branches are overhanging into the proposed area.

Our concerns are for the safety of the tree and the wildlife that uses it (squirrels, various birds) We believe that our privacy and security of our property will be compromised from people climbing the tree and entering our garden as the covering bramble currently protecting it will be removed! The last tree survey that has been documented was in 2014, our tree has grown immensely since then.

We request a site plan detailing the plots of the proposed houses, it has been put forward that they will be 3 storey houses, this could be a privacy issue for us as the occupants will have full view of our entire garden and into our home.

As we do not know the plot setting there is a concern over the street lighting to the proposed housing.

I would like to ask for our tree (no11) to have another consideration within planning constraints and the plot drawing to be re-submitted to residents for further consideration before this application is given the go ahead.

151 Brooklyn Road  
Cheltenham  
Gloucestershire  
GL51 8DX

**Comments:** 19th February 2018

After viewing the plans for the erection of 14 dwellings and road at Playing Field Adj 10 Stone Crescent Cheltenham we object to these plans going ahead as there has been no increase in the drainage system away from the area and no analysis done to prove the current system can cope with further dwellings being built.

The plans should state the capacity the current drainage system can take, what capacity it is running at this time and what extra capacity the 14 dwellings will add to the system. I am referring to the drainage pipes running pass my house 151 Brooklyn Road. It should be explained with figures to back it up that these pipes can manage the extra dwellings. If not, extra drainage should be added to the plans.

A further objection is to draining of surface and rain water as these dwellings are being built in the lowest level of this area.

It should be explained if the current field is or is not a soak away for this low-level area which receives surface water from the King Gorge V playing area. This could lead to surrounding gardens becoming boggy. There has been no mention of the brook that once ran through this field and alongside our property. A survey should be taken to determine if the brook is still functional and if so what effect the new dwellings may have.

We feel more investigation needs to be carried out regarding drainage and how surface water will be channelled to ensure these new dwellings do not cause flooding and costly damage to them and nearby houses. Before building starts or the field remains as it is.

149 Brooklyn Road  
Cheltenham  
Gloucestershire  
GL51 8DX

**Comments:** 8th January 2018

We would like to put forward concerns for the new proposed development adjacent to 10 Stone Crescent.

- The Environment Agency has identified the site as being at a high risk of surface water flooding. Our concern is that any mitigation (such as raising the level of the land) may direct excess water to surrounding gardens, particularly those at the bottom of Brooklyn Road.
- Further to the previous point drainage and sewage services identified on the proposed site plan are already heavily oversubscribed, which causes backflow and localised flooding during and after periods of heavy rain. Any additional demand would exacerbate this problem and would directly impact on residents of Brooklyn Road.
- Trees currently at the rear of 147 Brooklyn Road have not been shown on the plans. Is their removal planned? If so, we would be interested to know if an ecological survey for breeding birds has been considered, as this was recommended in the initial ecological survey. We regularly see many birds and bats around these trees so we believe further surveys should be carried out to ensure these species remain protected. These trees would also provide privacy to all houses, so should not be removed.
- Finally it appears the proposed properties backing onto Brooklyn Road appear close to existing property boundaries, which would likely result in both our own, and neighbouring properties being overlooked.

8 Stone Crescent  
Cheltenham  
Gloucestershire  
GL51 8DP

**Comments:** 5th February 2018

I would like to object to the erection of 14 dwellings adjacent to 10 Stone Crescent. The access roads of Stone Crescent and Wharfedale Square are just not suitable to carry any more vehicles. With a minimum of 3 cars per house on the new development making just two return journeys each day, there would be an additional 168 car journeys with a possibility of over 300. In Wharfedale Square there are no footpaths so pedestrians are required to use the road, so the additional traffic would be very dangerous. There are also two tight corners as you leave Wharfedale Square and enter Stone Crescent which are not suitable for this number of vehicles.

## Page 54

At the moment Stone Crescent is a short road but once extended it will become much longer enabling drivers to increase their speed as they approach the corners. As previously mentioned, the area around the school is highly congested at various times of the day and such an increase of vehicles making the turning onto Alstone Lane would increase the danger for school children.

6 Stone Crescent  
Cheltenham  
Gloucestershire  
GL51 8DP

**Comments:** 16th February 2018  
Letter attached.

5 Stone Crescent  
Cheltenham  
Gloucestershire  
GL51 8DP

**Comments:** 7th January 2018

Object to erection of 14 houses Due to inappropriate access road to proposed housing estate. I understand STONE CRESCENT will be the access road which already is congested given that of the 10 houses in Stone Crescent have 4 multi-let's each taking up to 4 parked cars per house on Stone Crescent. Stone Crescent is presently structured as a residential road and NOT A THROUGH ROAD.

Please consider health and safety.

10 Stone Crescent  
Cheltenham  
Gloucestershire  
GL51 8DP

**Comments:** 10th January 2018

Hello, I'm a resident of 10 Stone Crescent, Arle, Cheltenham where I have enjoyed residency for the past 10 years. I find the area peaceful and the neighbours very pleasant. However, I'm very disturbed by the planning application for the 14 residential homes on the playing field adjacent to our house which will cause negative effects on amenity.

The cul de sac already attracts loitering and building a road through the fence is likely to encourage more nuisance as well as generating unnecessary traffic. In addition, few years ago after loiters broke the wooden fence, we asked the Council to erect a steel fence to discourage this, however, the Council told us that this was our responsibility so the residents crowdfunded thousands of pounds ourselves to have this fence built.

The field currently is a suitable playing and recreational area for children and families. The building of residential homes will ruin a much needed recreational area in this part of the town.

The building of the new homes will have a negative affect our enjoyment of our home with more congested parking which is already a problem with people parking on the estate especially during the school run. We will be very disappointed if the fields overlooking the home we've grown to love is turned into more residential homes.

**Comments:** 5th February 2018

Hello, I'm a resident of 10 Stone Crescent, Arle, Cheltenham where I have enjoyed residency for the past 10 years. I find the area peaceful and the neighbours very pleasant. However, I'm very disturbed by the planning application for the 14 residential homes on the playing field adjacent to our house which will cause negative effects on amenity.

The cul de sac already attracts loitering and building a road through the fence is likely to encourage more nuisance as well as generating unnecessary traffic. In addition, few years ago after loiters broke the wooden fence, we asked the Council to erect a steel fence to discourage this, however, the Council told us that this was our responsibility so the residents crowdfunded thousands of pounds ourselves to have this fence built.

The field currently is a suitable playing and recreational area for children and families. The building of residential homes will ruin a much needed recreational area in this part of the town.

The building of the new homes will have a negative affect our enjoyment of our home with more congested parking which is already a problem with people parking on the estate especially during the school run. We will be very disappointed if the fields overlooking the home we've grown to love is turned into more residential homes.

Unit 8  
Isbourne Way  
Winchcombe  
GL54 5NS

**Comments:** 7th February 2018

I live at No. 11 Stone Crescent.

There are big problems with traffic and parking but I feel these can be overcome and such the whole of the estate would benefit.

There is a big problem with the "school run" - Cars park at the entrance to Wharfdale Square too close to the corner of Alstone Lane on the left facing Alstone Lane and on the pavement too close to the corner of Alstone Lane on the right; both of which are, not only illegal, but also causes a blind spot for pedestrians and motorists alike. I feel that double yellow lines should be put down, not just at the corners of Alstone Lane and Wharfdale Square but other junctions near the school and enforced with Traffic Wardens at the peak times. I also think if the landscaping in Wharfdale Square was changed - Made smaller and made into a roundabout, and/or redeveloped into parking, with some landscaping for permit holders between the hours of 4pm to 8am this would solve the problem making it safer and easier for all. As for the proposed development, there doesn't appear to be a pavement which I think is important for safety reasons and making it easier for refuse collections. I feel that building/planning regs are not fit for purpose with regards to car parking/spaces; garages need to be bigger - wider so you are able to drive your car in and be able to get out of your vehicle, as well as longer to provide some storage for tools etc. rather than, as is the case these days, garages getting used as an oversized shed.

There doesn't appear to be and plans for the land adjacent to my house - 11 Stone Crescent and I would suggest this could be used for further car parking again permit holders and if the council did redevelop Wharfdale Square a childs play area could be incorporated. As kids will always find a way into King George Playing Fields I suggest a entrance to field would also be a good idea thus allowing all the residents of the estate easy access. I notice that the School has a gate in its fence backing onto this land and maybe the roadway could be made up to this making a suitable turning area. There are a lot of comments about concerns with construction traffic - is it possible to use the entrance to K. G. F. on Brooklyn Road? Maybe the changing rooms close to the proposed development, which have been burnt out now for many years, need knocking down and

## Page 56

rebuilding - perhaps something the developer may want to get involved with as they would have men, machinery and materials on site?

To sum up I think a well thought out plan for the development would enhance the road giving better facilities for the existing residents and new alike.

14 Wharfdale Square  
Cheltenham  
Gloucestershire  
GL51 8DL

### **Comments:** 7th January 2018

I object to the application for the reasons given by my neighbours. Construction traffic, and an increase in the number of vehicles needing to use the square once the houses are built, will exacerbate the following situations:

- Accessing and departing Wharfdale square is already difficult and often dangerous during week days as staff from the local school park all along the entrance road, and in the square itself. I have regularly had to reverse into oncoming traffic when entering the square, to avoid a collision. Refuse lorries and large delivery lorries often have difficulty negotiating the square because of the numbers of cars parked. One driver delivering supplies for a recent construction in Stone Crescent, said that he should have been told how difficult access was.

- Access is impeded by parents dropping off and collecting children from Rowanfield Infant and Junior schools, and using the square as a car park. The entrance road is often double parked during these times, making passage even more difficult and dangerous.

Additionally, there does not appear to be sufficient parking set aside for the new builds - on the plan, spaces seem to be double parked rather than adjacent, meaning that some residents would likely look to park in Stone Crescent and Wharfedale Square.

Finally, construction would eliminate our rear view of the playing fields - one of the reasons for which we bought the house.

### **Comments:** 9th February 2018

Responding to the revised site plans: 10 properties now proposed instead of 14, but with the same number of bedrooms in total - 49, and even fewer car parking spaces - 36 including the spaces allocated in the garages, when there were 38 for the same number of bedrooms on the old plan. Given that only a quarter of garage owners use their garages for storing cars, this is going to exacerbate the parking situation even further. With six 5 bed houses now proposed instead of 3, it's fairly certain that they'd be purchased by absentee landlords, and rented by the room - as is already the case with most of the four and five bedroom properties on the estate, meaning that there will be even more cars to find spaces for. Why, when the land was sold under the proviso that a percentage of it be allocated to affordable housing, are only large houses being built? A Five bedroom house is not an affordable one, by any stretch of the imagination.

Again, as a neighbour commented previously, building the development in a hollow would exacerbate the existing flooding problems in Stone Crescent, and lead to a very damp living experience for any new residents.

12 Wharfdale Square  
Cheltenham  
Gloucestershire  
GL51 8DL

**Comments:** 7th January 2018

Given the information available at present, we have the following concerns and items of consideration:

Proposed size of development: 14 dwellings seems excessive given the size of the site and limited access to the proposed dwellings by a single, existing road.

Loss of green space: 3 storey buildings will obstruct the view of the playing field and trees, part of the original appeal of the existing properties.

Site traffic and site access: From the plans it appears that the only access to the site would be via Wharfdale Square. There is potential for damage to the existing road surfaces. Access to large lorries and long vehicles is restricted on the street presently, is there a plan to create a temporary site access road?

Short-Term Implications: During the building phase, given that this is a residential area, this could potentially cause severe disruption and raises concerns of safety especially as access to current housing may be restricted i.e. by work vehicles.

Long-term: the proposal is that each residence will have 3 parking spaces. The existing road on Stone Crescent via Wharfdale Square was not designed to sustain such a large, potential increase in traffic flow.

Loss of existing parking spaces at the end of Stone Crescent that are in regular use.

The site is low-lying:

Susceptibility of proposed site to excess surface water - the site sits lower than surrounding land, could a new development on the site increase the risk of localised flooding both to the existing estate and the new houses?

177 Brooklyn Road  
Cheltenham  
Gloucestershire  
GL51 8DX

**Comments:** 27th January 2018

Yet more of our precious recreational parks are being STOLEN from us to make way for big rich property developers.

The park is always used by the local residents who exercise their dogs and kids who are always playing down there making rope swings from the trees and making dens in the bushes.

Where does it end? What will stop the council selling off the rest of KG5 years down the line?

The residents and children of rowanfield and surrounding areas HAVE A RIGHT to as much green recreational space as possible and the council of this town MUST respect that right!

You will be robbing us - the council tax paying residents of this area, of recreational green park space.

226 Alstone Lane  
Cheltenham  
Gloucestershire  
GL51 8HZ

**Comments:** 19th February 2018

I was recently made aware, by letter from a concerned citizen, of a proposed development comprising 14 new dwellings on undeveloped land, which I believe has now been amended to 10 dwellings, as per the latest development proposals available on the planning portal.

The lack of information in the Planning Design and Access Statement and Community Involvement, pertaining to transport and flood risk, is borderline inept and has left me speechless.

Please see below a list of issues, which should be discussed and are not mentioned.

## Transport

No assessment, apart from a a sentence, of the sites accessibility and opportunities for sustainable travel have been undertaken. It is necessary to identify what local services and amenities are located in proximity to the site, and also what alternative sustainable travel opportunities are present to enable future residents and visitors to choose sustainable alternatives i.e. walking, cycling and public transport facilities in proximity to the site.

No assessment has been made of the local highway network in terms of reviewing personal injury collisions in proximity to the site.

There is no mention of the amount of vehicular trips the site will generate and a trip generation exercise has not been undertaken.

No swept paths have been undertaken showing safe access/egress of a refuse & emergency vehicle or the simultaneous access/egress of a refuse vehicle and large estate car.

As per Manual for Glos 4 'Developers are encouraged to calculate the parking demand that would be generated by the proposed development using the methodology set out in the NPPF and submit this evidence with the planning application. 2011 Census data in respect of car ownership is available for super output areas and this should be the starting point for determining likely car ownership levels for you development'. No justification for parking standards based on census data have been provided in the Planning Design and Access Statement.

## Flood

At no point in the Planning Design and Access Statement and Community Involvement report has flooding been assessed. Considering across the site, as shown on Environment Agency flood maps, the risk of pluvial flooding is classified as 'High' and 'Medium', the lack of flood risk assessment is shocking.

As per NPPF guidance it is recommended, given the pluvial flood risk, that a Level 2 Flood Risk Assessment (FRA) is carried out to examine this risk in more detail. The Level 2 FRA should also demonstrate how, through the use of SuDS, the amount of surface water entering sewer systems or local watercourses is managed to minimise the risk of pluvial flooding.

Considering the site is undeveloped greenfield land, it is vital to show how any excess surface water resulting from an increase in impermeable areas as part of the development is to be managed.

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It is obvious that substantial additional information is required before any planning decision is made.

2 Lucinia Mews  
Cheltenham  
Gloucestershire  
GL51 8DR

**Comments:** 8th January 2018

My objection to the plan has been eloquently highlighted by (so far 11) other residents to date - all of which I echo and agree with.

This just feels like another money-making exercise for the developers, with no real thought to existing residents and/or environment.

Parking is already an issue in and around Wharfdale Square. How will the site be developed to accommodate this increase? One of the reports I have seen in relation to this plan mentions there is already an average of 3 cars per household.

Linked to the parking issue is ease of access. How will the building vehicles safely enter and exit the site? Where will the contractors park? Surely not in the existing residential streets?!

Concerns have already been highlighted in relation to the school run and the additional pressure on parking (or lack off) as well the potential safety of residents and those picking up/dropping off their child. More housing and its associated traffic can only have a greater negative impact.

I bought my house on the basis of the small size and quiet nature of the site. How will noise levels from residents and vehicles be managed?

Developments should integrate and enhance the existing environment and I feel this plan just simply doesn't offer that.

2 South Bank  
Cheltenham  
Gloucestershire  
GL51 8DN

**Comments:** 28th January 2018

As per all the comments of our neighbours I feel very strongly that the planned building of new houses on the playing field should NOT be allowed.

Already the cul de sacs of all three roads are over burdened with resident parking which is regularly made worse at school drop off and collection times. This coupled with children running about from the school, our own children who often play outside after school, plus increased builders traffic is a huge safety concern to us. This is before the new houses are occupied which again will make the parking situation and traffic worse. It is only a matter of time as it is before a child is involved in a serious accident and the increased traffic during building and after with further residents is just going to increase the risk!

We have one narrow entrance roadway permanently with cars parked down one side of it which is a nightmare normally when entering and exiting the square. Add to this large lorries and building works vehicles on what is essentially a one way access is going to cause major issues. Then there is the added issue of how the block paved road itself will cope with the additional heavily laden lorries and diggers etc.

## Page 60

The roads themselves prove awkward for our refuse lorries and any delivery vehicles let alone construction vehicles trying to manoeuvre around the square. This extended cul de sac was never designed as a access route/through road! Somebody is going to get hurt or residents cars will get damaged!

The drainage and power to this cul de sac is flaky at best normally, with drainage issues and power cutting off and low water pressure being a regular issue. Building new houses and linking them to the same systems will only cause more problems.

I have to question why we have only been consulted about these plans in the past week and it has taken local neighbours to get together to find out information about it all. Work removing trees etc has already taken place on the site before anything has been authorised! This all seems very unhand on the Council's part.

There are already very few green areas for our children to play and now you are not only going to build on a large part of one of them but you are also inadvertently restricting our children from playing outside their homes because of the risk from both the building traffic and then at least 42 more cars when all properties are filled.

1 Stone Crescent  
Cheltenham  
Gloucestershire  
GL51 8DP

**Comments:** 19th January 2018

We would like to make an objection against the planning application for 14 residential homes on the playing field adjacent to 10 Stone Crescent.

The reasons for this is that there will be difficulties in parking and turns in the road so this will cause hazardous driving conditions.

In addition there will be noise disturbance and hazardous materials.

I hope you take these reasons into consideration.

**Comments:** 5th February 2018

I am a resident at 1 Stone Crescent. We would like to make an objection against the planning application for 14 residential homes on the playing field adjacent to 10 Stone Crescent.

The reasons for this is that there will be difficulties in parking as it is already disruptive during school drop offs and picks up as parents are literally parking wherever they want which is already causing major disruptions further enhancing the chances of potential collisions. There are also children walking during this time which poses health and safety issues. There will also be an increase in traffic.

The field is also a suitable playing area and recreational area for children and their families. The building of homes will mean that families will be unable to use that area.

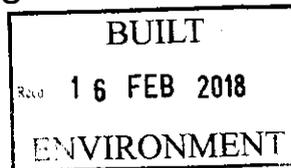
I hope you take these reasons into consideration.

10 Stone Crescent  
Cheltenham  
Gloucestershire  
GL51 8DP

**Comments:** 19th January 2018

I have been a resident at Stone Crescent for 10 years and I have thoroughly enjoyed my time here. However, I am troubled at the application made by New Dawn Homes to build 14 more houses and destroying the current cul de sac we reside in. This would lead to an increase in traffic/noise and will cause problems for parking for the residents. Previously we have had issues with youths trespassing on private property and this will increase if the fence is removed.

In addition to this the fence was paid for and installed by residents. When we approached the council to install the fence for our safety and protection they refused and said it was our responsibility. Therefore this fence belongs to the residents of the street who paid for it and organised its installation.



6 Stone Crescent  
Cheltenham GL51 8DP  
14-2-18

Dear Sir/Madam

RE: Planning Application reference 17/02460/FUL

Firstly, I wish to draw attention to a number of aspects of this application that I believe give inaccurate and misleading information regarding the true impact of this development. These are as follows:

1. The 'Statement and Community Involvement' document includes a photographic view looking down Stone Crescent toward the proposed site. The photograph's field of view is exaggerated (presumably through the use of a fish-eye lens or later manipulation) so as to make the road appear wider than it actually is.
2. The picture referred to in point 1 above, has been taken at a time when the road was empty of vehicles apart from one car parked in the turning area where it is proposed to continue the road to lead to the proposed development.

As a resident of Stone Crescent, I can confidently state that the photograph does not provide an accurate impression of the normal parking situation on my road. For the majority of the day from early evening until approximately 9am weekdays, Stone Crescent is absolutely full of parked cars. The under supply of parking spaces necessitates people parking on the pavements as well as on drives. During this period, I have counted as many as six cars on the left-hand side of the facing the proposed development and five on the opposite side plus four cars in the turning areas (two in each leg). In addition, Stone Crescent is heavily used for temporary parking by parents at the near by school at 9am and 3pm. To evidence this, see the photograph below taken during the hours stated.



3. Paragraph 1.5 of the same document states the site has no planning history. This is incorrect. There have been two previous planning applications preceding this one, the first for 13 dwellings, occupying the entire site area including the strip of land to the left-hand side of the extended Stone Crescent road to the development. The second was for an undisclosed number of dwellings.

4. I note that the application has been superseded calling now for, 6 x 5-bed type 'F' houses (an increase of 3), 3 x 4-bed type 'R' houses (a decrease of 2), 1 x 3-bed type 'B' houses (a decrease of 5). Both the current and the previous application are for more 5-bed houses than is stated. If one looks at the Type 'R' 4-bed house, it is apparent that it is not a 4-bed house, but a 5-bed house, just smaller than the 5-bed type 'F' house. So, in fact, the latest amended proposal is calling for 9 x 5-bed houses, an increase of one 5-bed house.

I have the following concerns with this proposal:

1. A number of the larger properties in Stone Crescent have in recent years been converted to houses of multiple occupancy (HMOs). The existing HMOs already have on average 4-5 cars associated with them, but they were built only with the standard parking capacity of 2 spaces per household. This is one of the reasons for the parking situation described above. There is a high probability that the same will happen to the proposed 5-bed dwellings, exacerbating the parking situation further. In addition, Stone Crescent will lose what are currently 2 parking spaces in front of the access to the site (by the steel gates) when the road is extended to the new development.

2. I note that the revised plan with 10 proposed dwellings has a slightly wider road than the existing Stone Crescent. This is a welcome amendment, but I note there will be no pavement. I believe the lack of pavement will encourage parking on either side of the road as is currently the case on Stone Crescent. It is already the case that access by refuse collectors on Stone Crescent is impeded (they are unable to turn in due to parked cars). Apply this to emergency vehicles and the situation becomes dangerous.

In summary, I believe that the development does not have sufficient provision for car parking which based on my current experience, will cause problems for the new residents as well as exacerbating the problems for existing residents on Stone Crescent.

3. I note that the strip of land to the left of Stone Crescent (on entering adjacent to the school's playing field) is not included in this application. I am concerned that this should be taken into consideration as there is clearly the potential for future development in this area, and the increase in the number of dwellings will impact on the issues with parking and access outlined in my letter.

4. I wish to state that I am not against the development of this site. People need homes. My concern is that the current proposal has been drawn up with the developer's profit in mind, at the expense of the quality of life and safety of existing and future residents. For this proposal to be workable, it is my opinion that pavements should be in place and consistent throughout the development and adequate parking spaces should be planned (taking into the account the provision for HMOs). Perhaps the strip of land adjacent to the school should be dedicated to parking. In addition, the possibility of a one way system for vehicular traffic should be adopted. There should be stipulation that future HMOs should not be permitted unless there is provision of sufficient parking spaces.

Yours faithfully,



<b>APPLICATION NO:</b> 17/02460/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 19th December 2017		<b>DATE OF EXPIRY:</b> 20th March 2018 (extended by agreement with the applicant until 31st July 2018)
<b>WARD:</b> St Marks		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	New Dawn Homes Ltd	
<b>AGENT:</b>	n/a	
<b>LOCATION:</b>	Playing Field Adj 10 Stone Crescent, Cheltenham	
<b>PROPOSAL:</b>	Erection of 13no. dwellings with associated road and sewers	

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1 As set out in the main report, this application was deferred from the April committee meeting to allow for further discussion and negotiation to take place with the applicant. Unfortunately, the applicant has been unable to put forward a revised scheme which fully addresses the significant concerns raised by officers.
- 1.2 Since the publication of the main agenda, further revised plans have been submitted by the applicant for consideration. Additionally, a revised Flood Risk Assessment (FRA) has been submitted.
- 1.3 The revisions include, but are not limited to, the provision of a gable frontage to the garage serving plot 12A; the removal of some annotated car parking spaces (albeit the parking spaces still remain); a reduction in the size of the parking court serving the affordable units and the introduction of some landscaping within it, together with windows in the side elevation of plot 5 to provide overlooking; larger gardens for the affordable units; and increased distances to boundaries.
- 1.4 Although the latest revisions result in some improvements to the scheme, overall, the layout remains poor and officers continue to think that the proposed development would fail to add to the overall quality of the area, establish a strong sense of place and identity, or optimise the potential of the site, as required by paragraph 58 of the NPPF. Additionally, officers continue to question whether the proposed layout seeks to make the most effective and efficient use of the site, or provide the mix of dwellings sought by adopted JCS policy SD11.
- 1.5 Early on in the application process, the applicant was advised that officers didn't feel that this was a scheme that could be 'tweaked' and advised that the applicant adopt a different design approach. However, the applicant has sought to work with the original layout and, as a result, the piecemeal changes that have taken place have brought with them additional issues; and whilst officers have sought to provide helpful advice and suggestions to the applicant throughout the application process, it is not for officers to come up with a design solution for the site.
- 1.6 In addition to the above, the Lead Local Flood Authority (LLFA) has reviewed the revised FRA and still objects to the development. Although, due to time constraints, they have not been able to carry out a detailed assessment of the revised submission, they have provided the following comment:

*The LLFA would object based on the following:*

*The applicant has elected to use swales to convey surface water runoff flows around the development. The swale which borders the northern-most aspect of the site appears to be intersected by garden fences – no information has been submitted as to how this will work. Furthermore the LLFA has concerns that the swale will not be maintained by the future owners of the property and may in fact be filled-in in favour of a more aesthetic garden, thus increasing flood risk. In addition, the swale appears to discharge into the rear garden of unit 4 of the proposed development as well as beside number 17 of the existing development to the north. Whereas the submitted “Proposed Drainage Layout” shows a retaining wall, no design or discussion has been submitted to show how this interaction will work, and therefore the LLFA remains unconvinced that this is a plausible concept.*

*The swale which borders the southern-most aspect of the site appears to have garages and retaining walls built into it, which will impede and impound flows, no design or discussion has been submitted to show how this interaction will work, and therefore the LLFA again remains unconvinced this is a plausible concept.*

## **2. CONCLUSION AND RECOMMENDATION**

2.1 Whilst officers continue to consider the principle of developing this site for housing to be acceptable, together with the proposed access from Stone Crescent, there remain a number of concerns in relation to the proposed layout and mix of housing; overprovision of car parking spaces; and drainage and flooding. Additionally, no agreement has been completed to secure payment of the necessary contributions to playspace, education and libraries, or the provision of affordable housing.

2.2 The recommendation therefore is to refuse planning permission for the following amended reasons:

## **3. SUGGESTED REFUSAL REASONS / INFORMATIVE**

- 1 The proposed layout and mix of housing fails to make the most effective and efficient use of the site. The layout is uninspiring and would fail to improve the overall quality of the area, establish a strong sense of place and identity, or optimise the potential of the site. Furthermore, the layout would result in some uncomfortable relationships between the proposed units.

Additionally, the proposed affordable units have not been dispersed throughout the site but grouped together, and would share a rear parking court which is likely to cause inconvenience and discourage use. The parking court would also be located in close proximity to properties in Lucinia Mews and would be likely to result in a nuisance to the occupiers of these nearby dwellings.

The proposed development is therefore contrary to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), policies SD4, SD10, SD11, SD12 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 2 There are currently no minimum or maximum parking standards throughout Gloucestershire; however, the level of car parking proposed for this development is considered to be an overprovision in this sustainable location. Such a level of car

parking provision would be likely to encourage the use of the private motor car, and therefore discourage the use of sustainable modes of transport.

The level of car parking proposed is therefore contrary to the aims and objectives of policy INF1 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 3 The application site is identified on the Environment Agency's Flood Maps as being at risk from surface water flooding. The applicant is proposing the use of swales to convey surface water runoff flows around the development; however, insufficient detail has been submitted to demonstrate how this will work. The Lead Local Flood Authority therefore remains unconvinced that the use of swales is a plausible concept for the management of the surface water runoff on this site.

In the absence of an agreed surface water drainage strategy, the proposed development is contrary to policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), and national guidance set out within the NPPF.

- 4 Policies INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017) state that where infrastructure requirements are generated as a result of site proposals, new development should be supported by appropriate on- and/or off-site infrastructure and services. Financial contributions towards the provision of necessary infrastructure and services will be sought through the s106 or CIL mechanisms as appropriate. Arrangements should be negotiated and agreed with developers prior to the grant of planning permission.

This development would lead to:

1. An increase in demand for playspace provision in the Borough and therefore the development should mitigate its impact in terms of adequate provision for on-site or off-site outdoor playing space (Supplementary Planning Guidance - Playspace in Residential Development, JCS policy INF4, and Section 8 of the NPPF).
2. A need to provide for financial contributions towards education and library provision for the future residents (JCS policy INF6 and Section 8 of the NPPF).
3. A need to provide for an element of affordable housing (JCS policy SD12 and Section 6 of the NPPF).

No agreement has been completed to secure payment of the necessary commuted sums itemised above, along with the provision of affordable housing. The proposal therefore fails to meet the expectations of policies SD12, INF4, INF6 and INF7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017), Supplementary Planning Guidance, and national guidance set out within the NPPF.

### **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

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publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

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

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

Chr. Holliday

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17/02460/FUL

Land adj. to  
10 Stone Crescent



### Stone Crescent

Regrettably, I am unable to attend today's meeting due to a long standing engagement booked in to my diary 3 months ago.

However, thank you for the opportunity to raise the concerns of residents who have contacted me with great concerns about this application.

I am unsure as to what time committee members visited the site on Tuesday, but if it wasn't at the time when the nearby Rowanfield Infant and Junior schools finished for the afternoon you may not have experienced the parking chaos caused by those picking children up from school and littering this estate and nearby roads with vehicles. Also if committee had had the opportunity to visit during the evenings or weekends you would have seen for yourselves an increased number of residents cars parked in the estate and in the turning circle at the top of Stone Crescent, close to the application site.

Whilst the principle of development and means of access was established in 2014 for part of this site, any development would need to be right for the site and this application is far from right for this site.

The applicant, New Dawn Homes unfortunately sowed the seeds of mistrust by not communicating with residents despite saying in their Planning, Design and Access Statement and Community Involvement document dated December 2017 that they have. I have not spoken to one resident who has been door knocked by them. This mistrust was further compounded by the felling of trees on this site and causing damage to a fence in Lucinia Mews.

I will not cover all of the residents concerns in detail as residents have rightly taken the opportunity to make known their concerns and they are well documented in your papers.

The main thrust of these concerns relate to the impact on the existing roads, the impact from additional vehicles, especially in terms of safety to children playing in the area around Wharfdale Square and also to pedestrians, the fear of flooding to nearby homes and to the site in question, drainage, the issues with the sewers, and the lack of pavements raising concerns that rubbish bins and recycling boxes will further reduce the width of the road.

Quite simply, the narrow roads on this estate were not designed to accommodate large vehicles and as mentioned previously when residents are at home and at the times of the school run, the width of the road is further reduced and I have often wondered when I have been in the area how emergency vehicles would manage to access the estate.

Whilst this falls outside the application site, I have also been made aware that the green area in Wharfdale Square may be sacrificed to provide additional parking. This is

a recreational space, appropriate to the current number of houses and must be allowed to remain so.

The fact that these homes have windows in the roof with sufficient space to provide additional bedrooms have also caused unease in the local community as potentially should these homes become HMO's this will further impact on the increase in vehicle movements and residents safety.

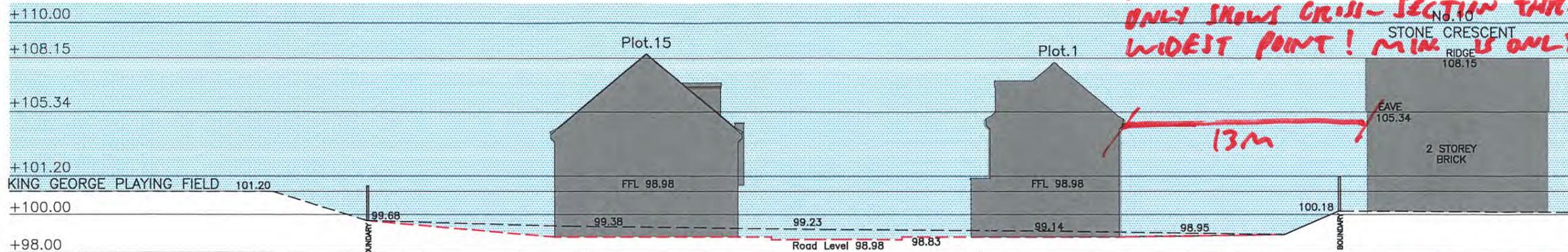
The Architects Panel has called the design concept "unimaginable", Urban Design is unable to support the application and Cheltenham Civic Society has called this development "architecturally illiterate".

Having studied the planning officer's recommendations for refusal, including comments regarding the issues of surface water flooding and drainage, water quality, car parking provision and the unacceptable grouping together of the affordable units etc I absolutely agree that this application falls short of what is acceptable in so many ways.

As ward councillor I absolutely agree that this application should be refused and would urge committee to support local residents by refusing this application.

Sandra Holliday  
Ward Councillor – St Mark's

21<sup>st</sup> June 2018



**SECTION A-A**

--- EXISTING SITE LEVEL  
- - - PROPOSED SITE LEVEL

KEY	
	Screen Wall Position
	1.8m Timber Close Boarded Fence
	Indicative Landscape Areas
1	Plot Number
P1	Parking Allocation
	Grass
	Tarmac Shared Surface Road
	Paving Slabs to Doors and Patios
	Timber Gate 1.8m High
	Drains and Diverted Services
SO	Shared Ownership Plot
R	Rented Plot
	Garden Shed
	Rotary Line
	Bin & Recycling Area

Rev	Description	Date
E	Layout revised after meeting with LA	31.05.18
D	Layout revised following LA comments	16.04.18



New Dawn Homes  
The White House  
Newdawn Place  
Cheltenham. GL51 0FR  
Tel: 01242 233510 Fax: 01242 233510 www.newdawnhomes.co.uk

Site: Stone Crescent, Cheltenham

Drawing: Proposed Site Plan & Section

Scale: 1:250/1:500 @ A3 Date: Nov 2017.

Designed By: AW Status: Preliminary

Drawing No.: 124-01\_E

DISTANCES BETWEEN HOUSES + P TOO GREAT. (25M!)

6.5M GARDENS VERY SMALL.

IT MIGHT BE POSITIVE?

NEGATIVE TERMINAL VISTA. SWAP OVER GARAGE + HOUSE.

THE VIEW TO GARAGE SIDE NEGATIVE.

MISLEADING DRAWING!  
ONLY SHOWS CROSS-SECTION THROUGH WIDEST POINT!  
MIN IS ONLY 9m!  
(8m to boundary)

\* SIGNIFICANT OVERLOOKING ISSUES, ALTER PLOT 2 HOUSE TYPE. VERY DAMAGING PRECEDENT TO SET.

ACCOMMODATION SCHEDULE		
A TYPE	2 BEDROOM	2No.
C TYPE	3 BEDROOM	6No.
F TYPE	5 BEDROOM	4No.
R TYPE	4 BEDROOM	4No.
TOTAL 16 No.		

KING GEORGE V PLAYING FIELD

MATT HASLAM - CRC  
01.06.18



--- EXISTING SITE LEVEL

KEY	
	Screen Wall Position
	1.8m Timber Close Boarded Fence
	Indicative Landscape Areas
	Plot Number
	Parking Allocation
	Grass
	Tarmac Shared Surface Road
	Paving Slabs to Doors and Patios
	Timber Gate 1.8m High
	Drains and Diverted Drains
	Shared Ownership R
	Rented Plot
	Garden Shed
	Rotary Line
	Bin & Recycling Area

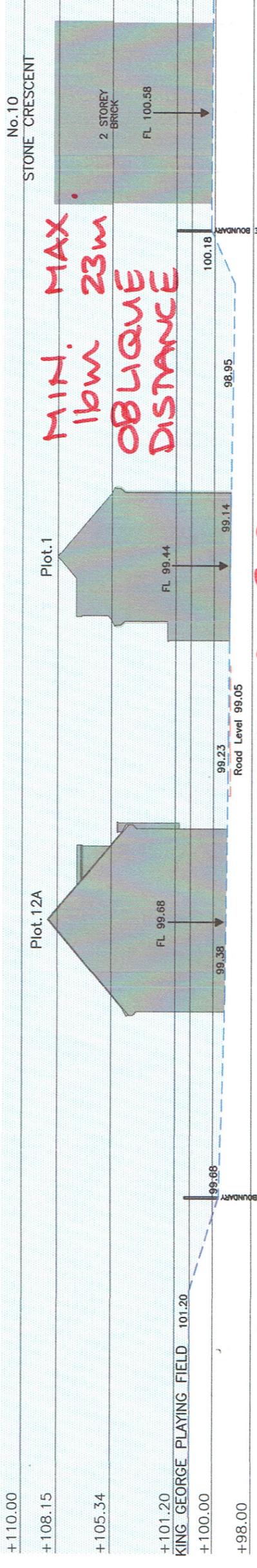
Rev	Description	Date
F	Layout revised after comments from LA	13.06.18
E	Layout revised after meeting with LA	31.05.18
D	Layout revised following LA comments	16.04.18



**New Dawn Homes**  
 The White House  
 Newdawn Place  
 Cheltenham, GL51 0FR  
 Tel: 01242 233510 Fax: 01242 233510 www.newdawnhomes.co.uk

Site: <b>Stone Crescent, Cheltenham</b>	
Drawing: <b>Proposed Site Plan &amp; Section</b>	Date: Nov 2017.
Scale: 1:250(1:500 @ A3)	Status: Preliminary
Designed By: AW	
Drawing No.:	

124-01\_F



SECTION A-A



ACCOMMODATION SCHEDULE	
A TYPE	2 BEDROOM 2No.
B1 TYPE	3 BEDROOM 1No.
B2 TYPE	3 BEDROOM 1No.
C TYPE	3 BEDROOM 2No.
F TYPE	5 BEDROOM 2No.
R1 TYPE	4 BEDROOM 3No.
R2 TYPE	4 BEDROOM 2No.
TOTAL 13 No.	



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to a site to the north of Cheltenham within Swindon parish. The site is located just outside of the Principal Urban Area (PUA) on Green Belt land. The site is accessed via a track from Hyde Lane.
- 1.2 Planning permission was recently granted in September 2016 for the conversion of a former stable building on the site to provide 2no. dwellings together with an associated change of use of the land to residential. The application was accompanied by a structural survey report which concluded that the conversion of the building was "*structurally feasible without need of any major demolition and subsequent rebuilding to the main load bearing fabric of the existing building*".
- 1.3 However, during the conversion works, part of the building collapsed. It is understood that initially only the asbestos roof covering and timber roof carcass was removed; however, during further works to establish the integrity of the foundations, the gable end collapsed. For health and safety reasons, given the building's proximity to the public footpath, the decision was subsequently taken to demolish the remaining structure.
- 1.4 This application is now seeking planning permission for the erection of a four bedroom dwelling on the site; the dwelling would adopt the same footprint, and be of a similar height and massing, as the former stable building. The application also proposes a comprehensive landscaping scheme, and associated works to include the provision of 3no. car parking spaces.
- 1.5 Revised plans have been submitted during the course of the application to address some minor errors in the original submission; additionally a full topographical survey has been provided. The landscaping proposals have also been revised in line with the tree officer's comments.
- 1.6 The application is before the planning committee at the request of Cllr Fisher and Cllr Clucas, and following an objection raised by the parish council. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

**Constraints:**

Airport safeguarding over 90m  
Greenbelt

**Relevant Planning History:**

**16/00276/FUL**

**PERMIT**

**23rd September 2016**

Conversion of existing stable block to provide 2no. dwellings with associated change of use of land to residential

## 3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

GE 6 Trees and development

CO 7 Rebuilding or replacement of dwellings in the green belt

Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements

SD5 Green Belt

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

National Guidance

National Planning Policy Framework (NPPF)

## 4. CONSULTATION RESPONSES

### **Architects Panel**

*11th May 2018*

Design Concept - The panel had no objection to the principle of building a modest single storey dwelling on this site, a building of similar scale to the former stables which had previously been granted planning permission to be converted to a dwelling.

Design Detail - The panel found the elevations confusing and inconsistent with the plans in that details relating to gutters, downpipes and projecting bays were not precisely drawn. The graphics adopted did not help sell the scheme and the Block Plan was apparently indicative only. Nevertheless, despite these shortcomings, the panel generally supported the design intent and believed the building could be very successful if detailed well.

Recommendation - Support

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

*4th April 2018*

This is not a major application, therefore the LLFA will not be commenting on this application.

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

*3rd April 2018*

Report received.

### **Tree Officer**

*13th April 2018*

The Tree Section does not object to this application depending on further information being submitted.

The tree section appreciates the number of trees proposed to be planted on this site, however, consideration needs to be taken as to the ultimate size of these trees at maturity and the shade they will cast. The locations of these proposed trees needs to be considered so that each tree has the capability to grow to maturity unhindered or constrained by its surroundings. The *Juglans regia* will reach a mature height of 10-15M, and are proposed to be planted nearby a *Quercus robur* which can reach a height at maturity of 17-22M. These trees are proposed for the middle of the 'orchard area' where they will cast shade on the other fruit trees to the north. The *Quercus* and *Juglans* should be relocated closer to the northern boundary to allow the fruit trees to be positioned to the south allowing them to take

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full benefit from the sun. Instead of having 7 apple trees of 2 varieties, introduction of other fruiting trees may enhance the orchard, for example planting pears (eg. *Pyrus communis* Conference or *Pyrus Doyenne du Comice*), or Almonds (*Prunus Dulcis*).

Several of the trees planted on the Southern boundary of the site will grow to be large and as such may cast shade on the property, please could a shade analysis be undertaken and the proposals altered accordingly.

### **Revised comments**

*29th May 2018*

The tree section appreciates the changes made to the landscape proposals following previous Tree Officer comments. The alterations to the tree species and layout have followed previous advice, and the tree section has no further objections.

### **GCC Highways Development Management**

*29th March 2018*

I refer to the above planning application received on 23rd March 2018.

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

### **Parish Council**

*13th April 2018*

The Parish Council acknowledge the previous consented scheme application ref: 16/00590/FUL for the proposed conversion of the original stable to create two dwellings.

We have taken this into account when reviewing the proposal contained in application number 18/00590/FUL.

Swindon Parish Council wish to register our objection to the proposals contained within application 18/00590/FUL.

1. The Parish Council believes that Insufficient Information and Details have been provided to be able to compare the proposal with the original stable block it is necessary for:

- a survey with levels and elevations of the original stable block to be provided.
- the existing elevations, plans and elevations to be shown in outline on the proposed drawings.
- The proposed finished floor and ridge levels should be indicated on the proposed drawings.

The Parish Council believe that without a drawing providing such comparisons it is not possible to be certain that the proposal has been designed to fulfil the criteria which is required for the conversion of a building to provide a dwelling in the Green Belt.

2. The Parish Council Objects to the Proposed Construction of a New Dwelling within the Green Belt

The Parish Council believe that this proposal is for a new dwelling which will replace the original stable block and therefore it fails to meet the requirements of the NPPF and other legislation listed in the Planning Officer's recommendation for application number 16/00590/FUL.

The original proposal was for the conversion of the existing stable block to provide two semi detached dwellings.

Paragraph 6.2.6 given in the Planning Officer's report for supporting the original proposal contained in 16/00590/FUL was:

"6.2.6 Additionally, local plan policy CO13 (conversion of rural buildings) states, in part, that:- The conversion of rural buildings to uses other than agriculture will only be permitted where:

(a) the building is not a temporary structure; and  
(b) the building is appropriately located and suitably constructed and otherwise is suitable for conversion without substantial demolition, rebuilding or extension; (c) the conversion and alternative use are appropriate to the character and location of the building.... "

It is clear that the current proposal is a completely new dwelling and had it been the original submission it would have failed to meet a number of requirements including the criteria set out in the Planning Officer's statement as underlined in bold in the preceding extract.

### **3. It Does Not Comply With Any Of the Requirements that Relate to Conversion of Existing Buildings within the Green Belt**

The Parish Council does not support the proposed application as in order to be compliant the proposal should be constructed so that it incorporates the existing fabric and should not require significant re-building or external alterations. This proposal is a significant rebuild and the external appearance is not the result of minor external alterations.

Conversions that involve extensions will not be considered appropriate and any future proposals to extend a converted building will be considered contrary to Policy.

### **4. The Existing Stable Block was Not a Suitable Building for Re-Use**

Paragraph 90 of the NPPF sets out forms of development that are not inappropriate in the Green Belt and this includes the re-use of buildings that are of permanent and substantial construction.

The simple construction of the existing stable block did not in our opinion constitute a 'substantial construction' within the context of Green Belt policies. We do however acknowledge that additional structural information was provided following the consent of application number 16/00590/FUL and the opinion of the Building Control department was also obtained in order to assess the suitability of the structure for the works proposed in the original application.

Unfortunately the structure proved not to be as substantial as the applicant had hoped and could not be considered as forming a structurally sound base for any future works.

It is the opinion of the Parish Council that this prevents the Stable Block from being in any way compliant with the intent of the Green Belt policies and therefore it is no longer suitable for consideration as a 'Suitable Building for Re-Use'.

Therefore the Stable Block site no longer provides a means of constructing a dwelling within the Green Belt.

### **5. Sustainable Location**

The Parish Council disagrees that the site is in a sustainable location and therefore the development does not constitute a sustainable development as set out in the NPPF.

The site lies in a position that is sufficiently distant from any local means of public transport that would provide a reasonable means of accessibility for the occupiers other than by car.

**6. The Proposal Does Not Fulfill the Provisions of and does not fall within any of the special circumstances set out in paragraph 55 of the NPPF**

NPPF 55 states that Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

One of the special circumstances and the basis for the previous consent had been that 'the re-use redundant or disused buildings and lead to an enhancement to the immediate setting.' As this is not only a replacement building but a new dwelling this application no longer meets this criteria.

It is the opinion of Swindon Parish Council that the proposal could not be considered as fulfilling the special circumstance 'exceptional quality or innovative nature of the design of the dwelling...'

**7. The Proposal Does Not Fulfil the Provisions of Paragraph 89 of the NPPF**

Paragraph 89 of the NPPF states that 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.' It then describes a number of exceptions to this.

It is the opinion of the Parish Council that:

- The dwelling will not be used to support forestry and agriculture.
- The dwelling will not be used for outdoor leisure, outdoor sport or as a cemetery.
- This is no longer an extension or alteration that can be compliant with bullet point 3 of paragraph 89.
- The proposed building is a dwelling and not a stable and does not fulfil in any way the intent of bullet point 4 of paragraph 89.
- From the available information the proposed building does not appear to reflect the size of the one that it replaces. We have requested that the applicant should provide comparison drawings.
- The proposed property is not in a location where it could be considered as 'infilling' and the Parish Council have not been made aware that it is the applicant's intent that this should be considered as affordable housing.
- Comments relating to the exception described in Bullet Point 6 have been listed separately.

**8. Comments Specific to the Exception described in Bullet Point 6 of Paragraph 89 of the National Planning Policy Framework**

The original simple stable building was acceptable as a modest building for outdoor recreation and was set in an open field and did not have a harmful effect on the openness of the Green Belt.

The proposed conversion of the stable to two small dwellings was in accord with the provisions of bullet point 3 of paragraph 89 of the Framework in terms of buildings that are not inappropriate in the Green Belt.

However, the current proposal for the construction of a large single dwelling which will be segregated from the field by planted boundaries and fencing which has very little reference to the original stable building and its equestrian/agricultural character would, in the opinion of the Parish Council, create a more domestic character and overtly residential use.

The domestic features such as the proposed length of full height glazing to the south elevation will emphasise the residential appearance and the angular projecting windows on the north elevation do not reflect the original character of the stable.

The Parish Council believe that this domestication of the stable block site and the impact that it will have on the land around it would have a harmful effect on the openness of the Green Belt which may be difficult to overcome and will be very apparent to people using the public right of way.

### **9. Flooding and its Potential to Result in the Increase of the Floor Level of the Proposed Building**

The Parish Council wish to object to any increase in the ridge level of the proposed building above the ridge level of the original building.

The site is known to flood and the Parish Council has been informed by local residents that the floor of the stable block has been under water on a number of occasions.

We are very much aware of the difference in terminology between the use of the words 'height of the building' and the words 'levels of the building'. We are concerned that by proposing that the building is the same height the applicant could raise the floor level whilst maintaining the building height. In real terms this would still result in an increase in the 'real' ridge level of the proposed building above the ridge of the original building and because of the problems of flooding the building could be significantly raised in level.

We note that there was a proposal for a SuDS Sustainable drainage system. Whilst we are not experts in this field we are aware that SuDS are drainage solutions that provide an alternative to the direct channeling of surface water through networks of pipes and sewers to nearby watercourses.

This is achieved by some form of on-site storage of water that will slowly drain away as flood water subsides and the levels of water courses and aquifers start to drop.

As this is one building in a very large and frequently 'boggy' and partially flooded field we do not understand how the provision of a SuDS system will provide a solution without significantly raising the floor level of the proposed building above the original floor level of the Stable Block.

We therefore request that confirmation of the proposed levels is obtained prior to any consent being given.

### **10. The Parish Council do not believe that the appearance of the building proposed in the current application reflects the character and appearance of the original Stable Block**

The use of similar materials on the outside of a building may have provided a building that was materially sympathetic to the original Stable Block, which may have important if they were adjacent to each other, but the use of the same or similar materials does not automatically produce a building that reflects the appearance or the character of the original Stable Block.

## **5. PUBLICITY AND REPRESENTATIONS**

- 5.1 Letters of notification were sent out to 25 neighbouring properties. In addition, a site notice was posted adjacent to the site next to the public footpath. Three representations

have been received in response to the publicity, two in support and one general comment about flooding; these have been circulated in full to Members.

### 6. OFFICER COMMENTS

#### 6.1 Determining issues

6.1.1 The key considerations in the determination of this application are:

- the principle of residential development in this rural location;
- the impact of the development upon the openness and visual amenity of the Green Belt;
- the design, layout, and architectural treatment of the proposed dwelling; and
- any potential impact upon the amenity of occupiers of nearby dwellings and users of the existing public right of way, and on the local highway network.

#### 6.2 Principle / Impact on Green Belt

6.2.1 Adopted JCS policy SD5 states:

*“To ensure the Green Belt continues to serve its key functions, it will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. That is: ‘whether very special circumstances exist to outweigh the harm automatically caused to the Green Belt by virtue of the development being inappropriate and any other harm actually caused.’”*

6.2.2 Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 89 goes on to state that whilst generally the construction of new buildings should be regarded as inappropriate in Green Belt, two exceptions are the *“replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces”* and the *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt...”*.

6.2.3 Given the former equestrian use of the land, the site is considered to fall within the definition of previously developed land (brownfield land). This view is shared by an appeal inspector in a recent decision (Appeal Ref. APP/Y0435/W/17/3178790) which states:

*“A stable building, hardstanding and manege are located in the northern part of the site, with the remainder used as grazing areas for horses...From my visit it is clear that although only the northern part of the site contains development, the paddocks that extends to the south is part of the use of the site for equestrian purposes. I find this to be an integral part of the site that is within the curtilage of the manege and stable building. Thus, the site is considered previously developed land.”*

6.2.4 As such, the principle of a replacement building on this site must be considered acceptable. The similar footprint, height and massing of the proposed building to that of the demolished building would ensure that the development would not result in any greater impact on the openness of the Green Belt.

6.2.5 In a recent appeal decision on The Hayloft at The Reddings (Appeal Ref. APP/B1605/D/17/3184074) the inspector, at paragraph 22 states:

*“As all of the original building has now been demolished...the appellant could no longer alter the building and revert back to the development granted by the 2015 permission...if this is correct, it is still material that the Council recently granted consent for a development that is very similar to the appeal scheme and which would have had no materially greater impact on the openness of the Green Belt or the character and appearance of the area. I give this factor very significant weight.”*

6.2.6 The inspector goes on, at paragraph 24, to state that whilst affording substantial weight to the harm to Green Belt that would arise from that particular development, the grant of previous permissions was compelling, and gave these considerations great weight, stating *“This would amount to very special circumstances which would justify the development and outweigh the harm to the Green Belt”*.

6.2.7 Whilst this appeal decision dealt with the erection of a replacement dwelling within the Green Belt, that was materially larger than the one it replaced, there are clear similarities with this application.

6.2.8 Notwithstanding the above, with specific regard to residential development, adopted JCS policy SD10 is the relevant policy for the supply of housing. The policy states that outside of allocated sites, in Cheltenham, housing development will be permitted on previously-developed land within the PUA or where it is infilling within the PUA. Paragraph 49 of the NPPF advises that *“Housing applications should be considered in the context of the presumption in favour of sustainable development”*.

6.2.9 As previously noted, in this instance it is acknowledged that much of the site lies just outside the PUA boundary, and outside of the built up area of Swindon Village, and as such, the proposed development conflicts with policy SD10.

6.2.10 However, planning law requires applications for planning permission to be determined in accordance with the development plan *unless material considerations indicate otherwise*. It is therefore necessary to consider whether or not there are material considerations in this instance which would outweigh the identified conflict with the development plan.

6.2.11 Planning Policy Guidance (nPPG) identifies that a material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission); and that *“The scope of what can constitute a material consideration is very wide”*, and *“Whether a particular consideration is material will depend on the circumstances of the case”*.

6.2.12 Previous planning decisions, and appeal decisions, are generally accepted as being a ‘material consideration’. Indeed, in the Hayloft appeal decision referred to in paragraph 6.2.5 above, the Inspector gave *“very significant weight”* to the recent permissions granted on the site.

6.2.13 With this mind, officers consider that the recent grant of planning permission on this site, albeit for a conversion rather than rebuild, is a significant material consideration in the determination of this current application; and, on balance, based on the particular merits of this individual case, outweighs the identified conflict with policy SD10. As such, officers support the principle of erecting a single dwelling in this location.

### 6.3 Design and layout

6.3.1 Local plan policy CP7 (design) requires all new development to complement and respect neighbouring development and the character of the locality. Additional design principles are set out within adopted JCS policy SD4.

6.3.2 As previously noted the footprint of the proposed dwelling is the same as that of the former stable building, and it is of a very similar height and massing. In the approved conversion scheme, the roof was to be replaced by a traditional tiled roof, with simple fenestration and vertically boarded timber doors, and the exterior of the building was to be largely clad in horizontal timber boarding. The resultant building was considered to be appropriate to its rural setting.

6.3.3 The Design and Access Statement which accompanies this application sets out that the current proposal looks to retain a similar form, but to reflect *“the equestrian character and simplicity”* of the former stable building. The building now proposed would now have a steel sinusoidal roof covering but would again be clad in horizontal timber cladding. The curved ridge to the roof, and the cantilevered windows to the north elevation with hit and miss timber cladding, would provide for a higher standard of architectural design, which would enhance the immediate setting whilst sensitively responding to the rural location of the site.

6.3.4 The Architects Panel, although referencing some inconsistencies in the submission (which have now been addressed), generally support the design approach taken and believe the building could be very successful if detailed well. In this regard, officers agree that a high quality finish to the building would be critical to the success of the scheme. It is therefore recommended that conditions are imposed to ensure that samples of the external facing and roofing materials are submitted, together with the detailed design of the windows and external doors; flues; rainwater goods etc.

6.3.5 This revised scheme also provides opportunity to improve the sustainability credentials of the dwelling with the Design and Access Statement identifying that *“The buildings fabric will surpass the insulation requirement of Part L of the Building Regulations”*. Additionally, *“Shading to prominent glazed areas has been included to reduce the risk of overheating in the summer”* and the design has also sought to ensure that the building benefits from natural light to reduce the need for artificial lighting during daylight hours.

6.3.6 High quality landscaping proposals will also be crucial to the success of the development to ensure that the dwelling sits comfortably in its context, and the application has been accompanied by a detailed hard and soft landscaping scheme to include hedging and tree planting; the scheme has been revised during the course of the application in line with the Trees Officer’s comments.

6.3.7 Future demand for the erection of domestic sheds, small extensions etc. can be adequately controlled by way of a condition which removes permitted development rights.

### 6.4 Impact on neighbouring amenity

6.4.1 Saved local plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it would not cause unacceptable harm to the amenity of adjoining land users or the locality. The policy is consistent with advice set out within adopted JCS policy SD14.

6.4.2 The nearest residential properties are located to the south of the site fronting Hyde Lane. Given the distance to these dwellings there should be no harm to the amenities of the occupiers of these properties in terms of noise and disturbance, outlook, or privacy.

6.4.3 The proposals are therefore acceptable in terms of neighbouring amenity.

### 6.5 Access and highway safety

6.5.1 Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission will be granted where the impact of the development will not be severe.

6.5.2 The site is currently accessed via a long unmade track which leads from a Class 3 lay-by style highway subject to a 30mph speed limit; the access serves as a Public Right of Way (PROW). This access would be used to serve the proposed dwelling, and is the same as that previously approved.

6.5.3 The current application has not been reviewed by the Local Highway Authority; however, they raised no objection to the previous application to provide 2no. dwellings on the site, subject to the inclusion of conditions to ensure that car parking is delivered within the site, and that works to improve the access are carried out.

6.5.4 The proposal was also previously considered by the County Council's Public Rights of Way Team who likewise raised no objection subject to the developer/future occupiers applying for the necessary order/licenses. It was considered necessary to close the PROW for the duration of the construction works to ensure public safety and a temporary Closure order would be required in this respect. In addition, future occupiers of the dwelling would have to apply for a vehicle license to use the PROW. Informatives are suggested to this effect.

6.5.5 The development is therefore acceptable on highway grounds.

### 6.6 Other considerations

6.6.1 The site is located outside of Flood Zones 2 and 3 but part of the site is identified by the Environment Agency as being at a low risk of flooding from surface water. The application proposes the use of a SuDS pond in the south-eastern corner of the site to provide storm water attenuation and, for the avoidance of doubt, a condition is suggested that requires a Sustainable Drainage System (SuDS) to be incorporated; full details of which would be considered at Building Regulations stage. It is intended that water run-off from the dwelling would be channeled into a shallow grassed swale connecting to the pond and water within the pond would naturally evaporate or dissipate over time; the swale would simply appear as a shallow linear indentation within the lawn. Officers consider it unreasonable to require additional flood information to be submitted in respect of this application given the very recent grant of planning permission for the conversion.

6.6.2 Environmental Health previously identified the site as having been used as "Brick Kilns" in the past. Subsequently, a contaminated land report was submitted to and agreed by the Environmental Health team; and therefore no additional information is required in this respect.

### 6.7 Conclusion and recommendation

6.7.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Officers acknowledge that the proposed development would be in conflict with JCS policy SD10 given that much of the site lies just outside the PUA boundary; however, it is considered that, in this instance, the recent grant of planning permission for the conversion of the former stable building is a significant material consideration which would outweigh this conflict. Officers do not accept that support for this particular development would

undermine the use of policy SD10 in refusing inappropriate residential developments elsewhere.

6.7.2 The footprint of the proposed dwelling is the same as that of the former stable building, and it is of a very similar height and massing; as such, the proposal would have no greater impact on the Green Belt than the previously approved scheme. Additionally, the proposed building would provide for a higher standard of architectural design and be appropriate to its rural setting, with the design approach supported by the Architects' Panel.

6.7.3 Whilst the dwelling itself would be sited outside of the PUA, its access from the highway is within the PUA, and the dwelling would be located to the rear of an established row of residential properties with local transport links to a wide range of facilities. Moreover, in granting planning permission for the conversion of the former stable building to two dwellings, the site was considered to be a sustainable location for residential development.

6.7.4 The proposal would not impact on the amenity of nearby residential properties and, would not result in any severe impact on the highway network. No objection has been raised by local residents.

6.7.5 Therefore, on balance, based on the particular merits of this individual case, officers recommend that planning permission be granted subject to the schedule of conditions below:

### 7. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of any works on site in association with the development hereby permitted, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction; and

vii) provide for wheel washing facilities.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 4 Prior to the commencement of any other works on site in association with the development hereby permitted, the existing access facility shall be modified to provide a minimum width of 4.1m for the first 5m, with 4.5m wide entry and exit radii, and the area within 5m of the carriageway edge shall be surfaced in bituminous macadam or other approved material. The works shall be carried out in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, and shall be similarly maintained thereafter.

Reason: To ensure a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 5 No external facing or roofing materials shall be applied unless in accordance with physical sample/s of the materials which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the locality, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

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

a) Windows and external doors (including reveals, cills, materials and finishes); and  
b) Rainwater goods.

Reason: In the interests of the character and appearance of the locality, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 7 Prior to first occupation of the development, a refuse and recycling collection point for the dwelling within at least 25m of the existing highway shall be provided in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling collection point shall be similarly maintained thereafter.

Reason: In the interests of sustainable waste management and recycling, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 8 Prior to first occupation of the development, vehicular facilities shall be provided in accordance with Drawing No. DLA.1852.L003.02A. The parking and turning facilities shall not be used for any purpose and shall remain free of obstruction for such use at all times.

Reason: To ensure that adequate car parking, and a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 9 The development hereby permitted shall incorporate a suitable Sustainable Drainage System (SuDS) to manage surface water drainage. The scheme shall be implemented prior to first occupation of the dwelling and thereafter fully maintained and managed.

Reason: To ensure sustainable drainage of the development and reduce flood risk, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 10 All soft landscaping works shown on Drawing No. DLA.1852.L003.02A shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the character and appearance of the locality, having regard to saved policies CP3 and GE6 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

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

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the locality, having regard to saved policies CP4 and CP7 of the Cheltenham Borough Local Plan (2006) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

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

- 2 The Public Right of Way team consider that to ensure public safety the PROW should be closed for the duration of the construction works. A temporary Closure order will be required, with a minimum of 8 weeks notice and a minimum cost of approximately £700. The applicant/developer will need to apply to the PROW team at Amey Gloucestershire 08000 514 514 for this to be processed and approved.

## Page 87

(It must be noted that there is no guarantee that a legal Order will be confirmed simply because planning permission has been granted).

- 3 The proposed development will require the provision of a footway/verge crossing and the applicant/developer is reminded of the need to obtain approval for the vehicle crossing from Amey Gloucestershire before commencing any works on the highway; you can contact them on 08000 514 514 or alternatively email: [GCCHighways@Amey.co.uk](mailto:GCCHighways@Amey.co.uk).

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<b>APPLICATION NO: 18/00590/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>	
<b>DATE REGISTERED:</b> 23rd March 2018		<b>DATE OF EXPIRY :</b> 18th May 2018	
<b>WARD:</b> Swindon Village		<b>PARISH:</b> SWIND	
<b>APPLICANT:</b>	Ranger Homes Ltd		
<b>LOCATION:</b>	Stables, Hyde Lane, Swindon Village		
<b>PROPOSAL:</b>	Erection of dwelling on the site of a former stable block		

### REPRESENTATIONS

Number of contributors	<b>3</b>
Number of objections	<b>0</b>
Number of representations	<b>1</b>
Number of supporting	<b>2</b>

Hyde Villa  
Hyde Lane  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QN

**Comments:** 12th April 2018

Having given the plans a great deal of attention we are happy to support the application for a new residential dwelling .we feel it will be a vast improvement on the building that was originally there and a must given the current condition of the site .

Cranleigh  
Hyde Lane  
Swindon Village  
Cheltenham  
Gloucestershire  
GL51 9QN

**Comments:** 5th April 2018

Letter attached.

Unit P2  
Kingsditch Lane  
Cheltenham  
Gloucestershire  
GL51 9PB

**Comments:** 5th June 2018

I often walk past this site with my dog on the public footpath and to see that something was being done to the original old building last year was a positive, the site is now a bit of an eye sore with a big mound of rubble which presumably was the old building.

I have viewed the plans online and the design looks very attractive, much better than the old one, so I support this application

With any heavy rain, creating flooding,  
it is unfair to the buyers who will  
have the unfortunate task of paying  
for any damage (caused by flooding)  
to the property.

The gardens which back onto the  
field always become flooded, just  
over half way into the gardens.  
One lady actually had a bell for  
£56,000 a few years ago after  
the last flooding.

The long driveway to the property  
is "right of way", and very narrow.  
This could cause problems  
Hyde Lane is exceptionally busy

Yours sincerely

[Redacted signature]

(MP)

Cranleigh  
Hyde Lane  
Swindon Village  
Cheltenham  
GL51 9QN



28 March 2018

Miss Tracey Crews  
Director of Planning  
C B C  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

BUILT  
3 APR 2018  
ENVIRONMENT

Ref No: 18/00590/FUL

Dear Miss Crews.

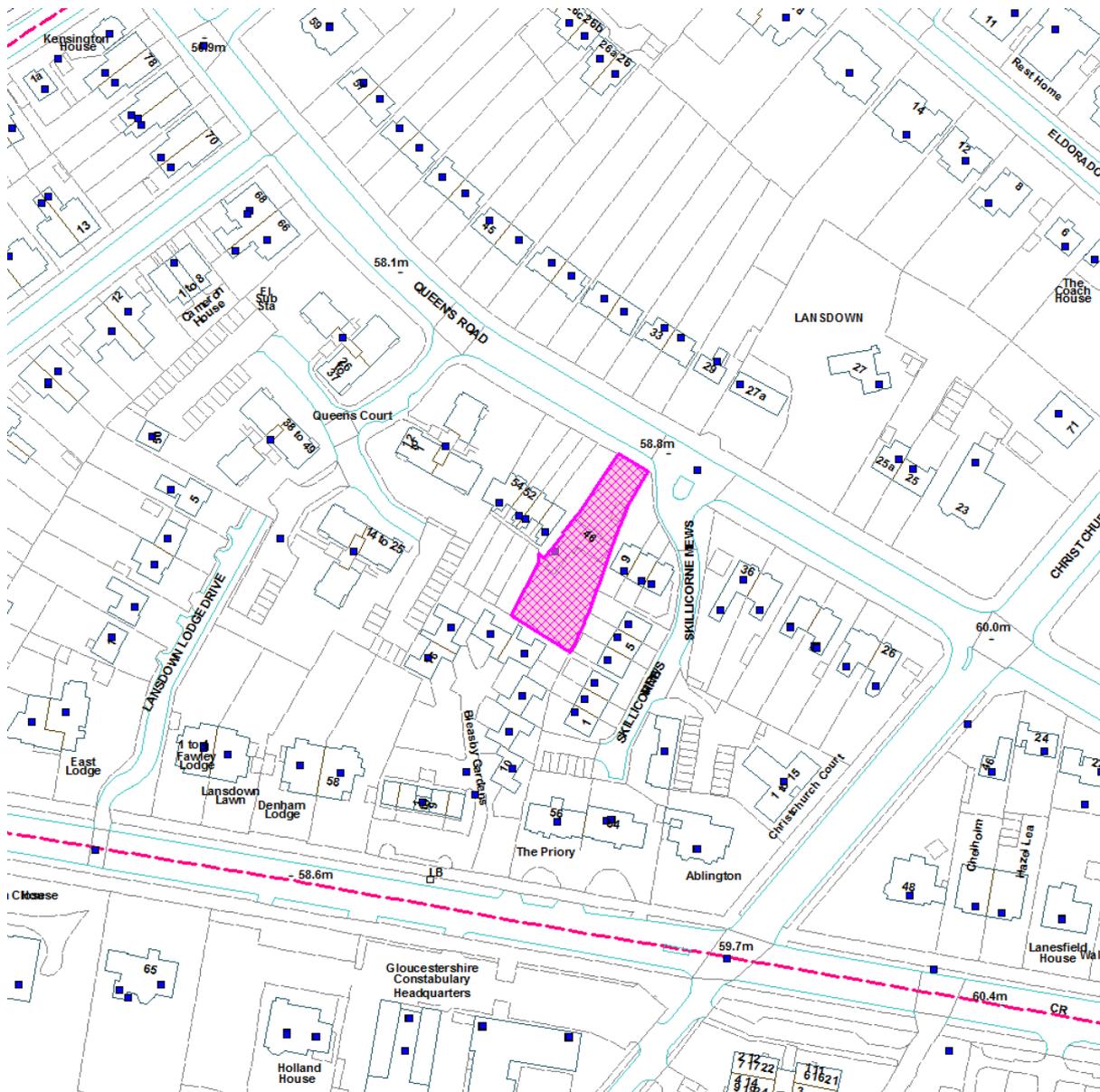
Proposal of Dwelling on Stable Block  
at Stables, Hyde Lane, Swindon Village

Comments regarding above Proposal.  
Flooding at the Stables area has been  
very severe over the years.  
Before the last owner left, her  
horses had to be rescued from the  
stable block, due to two feet of water  
in the stable. Unable to return  
for some while until the floods  
cleared.

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<b>APPLICATION NO:</b> 18/00594/FUL		<b>OFFICER:</b> Mr Gary Dickens	
<b>DATE REGISTERED:</b> 23rd March 2018		<b>DATE OF EXPIRY:</b> 18th May 2018	
<b>WARD:</b> Lansdown		<b>PARISH:</b>	
<b>APPLICANT:</b>	Dr Mahesh Parmar		
<b>AGENT:</b>	Clint Jones Building Design Services		
<b>LOCATION:</b>	46 Queens Road, Cheltenham		
<b>PROPOSAL:</b>	First floor rear extension		

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 46 Queens Road. The site is a two storey residential property which dates from the mid-1800s and located on the southern side of Queen's Road.
- 1.2 The application proposes a first floor rear extension in order to provide a study.
- 1.3 The application is before committee at the request of Cllr Seacome on behalf of adjoining neighbours. Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Smoke Control Order

### **Relevant Planning History:**

**17/00018/PREAPP 1st February 2017 CLO**  
Two storey rear extension

**05/00843/FUL 21st July 2005 PER**  
Erection of single storey timber framed glazed conservatory

**05/01369/CONDIT 21st October 2005 REF**  
Deletion of condition 2 of planning permission ref. 05/00843/FUL requiring glazing bars to be finished in white.

**13/00157/FUL 25th March 2013 PER**  
Single storey rear extension

## 3. POLICIES AND GUIDANCE

### Joint Core Strategy

SD 4 Design Requirements  
SD 14 Health and Environmental Quality

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (Feb 2008)  
Central conservation area: Lansdown Character Area and Management Plan (July 2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

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

*3rd April 2018*

Report received.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>14</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** Fourteen letters were sent to neighbouring properties and a site notice displayed, together with an advert in the Gloucestershire Echo. Additional notification letters were sent out following the receipt of revised plans. Six objections to the proposal have been received.
- 5.2** All representations have been circulated in full to Members but, in brief, the main objections relate to:
- Unacceptable loss of privacy and loss of light
  - Impact of the works on the character of the original building and wider conservation area

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2** For this application the main considerations relate to the impact of the works on the character of the building, the impact on the surrounding area and the impact on neighbouring amenity.

### 6.3 The site and its context

- 6.4** The application site is one of the early properties to be built on Queen's Road and lies wholly within the central conservation area. The site is identified as a positive building within the Lansdown Character Appraisal and Management Plan.

- 6.5** The building appears to have been subject to a number of extensions / alterations some of which, based on planning records, took place prior to when permission was required (circa 1948).

### 6.6 Design and layout

- 6.7** The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (JCS) notes in Policy SD4 how well thought out design is crucial in producing sustainable places to live. The JCS states how development should *"respect the character of the site and its surroundings"* and *"should be of a scale, type, density and materials appropriate to the site and its setting"*.

- 6.8** This is reinforced through Local Plan Policy CP7 which calls on development to be of a high standard of architectural design. Paragraph 4.18 of the Local Plan advises that *'Extensions to existing buildings need to be carefully designed to respect the character and the scale of the existing building or group of buildings....The most important consideration is that an extension should not detract from the original.'*

- 6.9** The Local Planning Authority has adopted design guidance relating to residential alterations and extensions through a Supplementary Planning Document (SPD). One of the five basic design principles set out within this document relates to subservience. Here

the document advises that *“an extension should not dominate or detract from the original building, but play a supporting role”*.

- 6.10** The proposed first floor extension would sit directly above the ground floor breakfast area, essentially extending the existing two storey rear wing by 2.4m at first floor. The proposed extension is considered to respect the design and form of the existing property. Whilst it is acknowledged that the property has already been subject to relatively significant extensions, it is not felt that this particular proposal will cause undue harm to the appearance of the property. The proposed extension will be subservient to the existing building.
- 6.11** It is acknowledged that the property has been heavily extended in the past, and that the property is reaching the maximum level of extension which it can successfully accommodate. However it is considered that this particular proposal is, on balance, acceptable.
- 6.12** The proposed extension is considered to be in accordance with JCS Policy SD4 and Local Plan Policy CP7. The proposed scale and design is at a level which will not harm the wider conservation area.
- 6.13 Impact on neighbouring property**
- 6.14** The JCS stipulates that development must not cause unacceptable harm to the amenity of neighbouring properties and this is supported through Local Plan Policy CP4. Two of the five basic design principles within the SPD relate to neighbouring amenity - maintaining privacy and ensuring adequate daylight.
- 6.15** Six letters of objection have been received and the main concerns raised are noted in section 5.2 above. The concerns relating to design have been discussed as part of the Design and Layout section above.
- 6.16** When considering a potential loss of privacy on neighbouring properties the planning authority uses the following minimum distances as stated within the SPD: *“Facing windows to habitable rooms (living, dining and bedroom) should be a minimum of 21m apart, with at least 10.5m from window to boundary”*.
- 6.17** The initial proposal included a window to the side (east) elevation whilst the rear (south) elevation consisted mainly of glazing. There were concerns over this side window which faced directly towards properties in Skillicorne Mews and at officer request this has been removed. This has alleviated concerns that the proposal would cause a loss of privacy to these properties.
- 6.18** The windows to the rear elevation have been simplified and scaled down in size / amount. The proposal is on the limits of acceptability in terms of the properties on Bleasby Gardens to the rear of the site. However it does comply with the stipulated distances in the SPD, measuring a distance of 21m window to window with 13 Bleasby Gardens and 19.5m window to boundary.
- 6.19** Regarding the relationship with 48 Queen’s Road, the cranked positioning of the application site results in the proposed rear windows facing more to the rear amenity area of the neighbouring property. Much of the neighbour’s amenity space is occupied with a large outbuilding therefore no significant overlooking of the garden area is envisaged. The standard daylight test was also conducted to assess the potential impact on upper ground floor windows to 48 Queen’s Road. The proposal passes this test.
- 6.20** It is acknowledged that the proposal will be visible and have an impact on adjoining neighbours; however it is not considered that this will be to an unacceptable level. The

proposal is therefore considered to be in accordance with Policy SD14 of the JCS and Local Plan Policy CP4.

### **6.21 Environmental Impact**

**6.22** Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed small scale development will have any impact on these species.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** Based on the above, the application is considered to be in accordance with relevant national and local policy. The recommendation is therefore to permit planning permission subject to the conditions below.

## **8. CONDITIONS**

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

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

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<b>APPLICATION NO:</b> 18/00594/FUL		<b>OFFICER:</b> Mr Gary Dickens	
<b>DATE REGISTERED:</b> 23rd March 2018		<b>DATE OF EXPIRY :</b> 18th May 2018	
<b>WARD:</b> Lansdown		<b>PARISH:</b>	
<b>APPLICANT:</b>	Dr Mahesh Parmar		
<b>LOCATION:</b>	46 Queens Road, Cheltenham		
<b>PROPOSAL:</b>	First floor rear extension		

### 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>

8 Skillicorne Mews  
Queens Road  
Cheltenham  
Gloucestershire  
GL50 2NJ

**Comments:** 30th March 2018

We object to the proposed extension. The property already has multiple extensions and has virtually doubled in footprint.

Our main objection however, is about our privacy. There doesn't appear to be a need for it to have multiple windows, one of which is a large window which will look directly into our garden. The proposed extension will block sunlight on our home and garden.

7 Skillicorne Mews  
Queens Road  
Cheltenham  
Gloucestershire  
GL50 2NJ

**Comments:** 1st April 2018

This would impact on our privacy as the side windows would overlook our garden.

6 Skillicorne Mews  
Queens Road  
Cheltenham  
Gloucestershire  
GL50 2NJ

**Comments:** 30th March 2018

I object for 3 reasons:

1. Visual impact.
2. Privacy - more windows overlooking my property

3. Further spoiling an original Regency House which is in a

Conservation Area. (The existing extension built 5 years ago is already an ugly addition to this property.

**Comments:** 25th May 2018

I object on the grounds of privacy and obscuring our view.

The extension will look ugly and we have to look at it daily.

It is not abiding to the Conservation Area rules being a place of natural beauty.

9 Skillicorne Mews  
Queens Road  
Cheltenham  
Gloucestershire  
GL50 2NJ

**Comments:** 29th March 2018

The visual impact will restrict the view from my home. the building is already an eyesore made worse by the recent family room extension

The study will overlook my property and garden infringing upon my privacy

The proposed extension will block evening sunlight on my home and garden.

I am very opposed to this plan

**Comments:** 25th May 2018

i am the immediate neighbour and this proposed extension will overshadow my garden and reduce the evening sunshine and general light

It is an additional eyesore on what is already a over extended building whose owners have no regard for the local community

48 Queens Road  
Cheltenham  
Gloucestershire  
GL50 2LT

**Comments:** 3rd April 2018

I would like to oppose this application.

The boundary wall with 48 Queens Road will be increased in height which would have an impact on light, view and feeling of openness.

The siting of two new large windows at the rear elevation will have a great impact on the privacy of our garden.

This application for an extension is to build above an existing rear extension that was built onto another extension, that was built onto yet another extension to the original cottage. The front of the property also has had two extensions in the past.

6 Skillicorne Mews  
Queens Road  
Cheltenham  
Gloucestershire  
GL50 2NJ

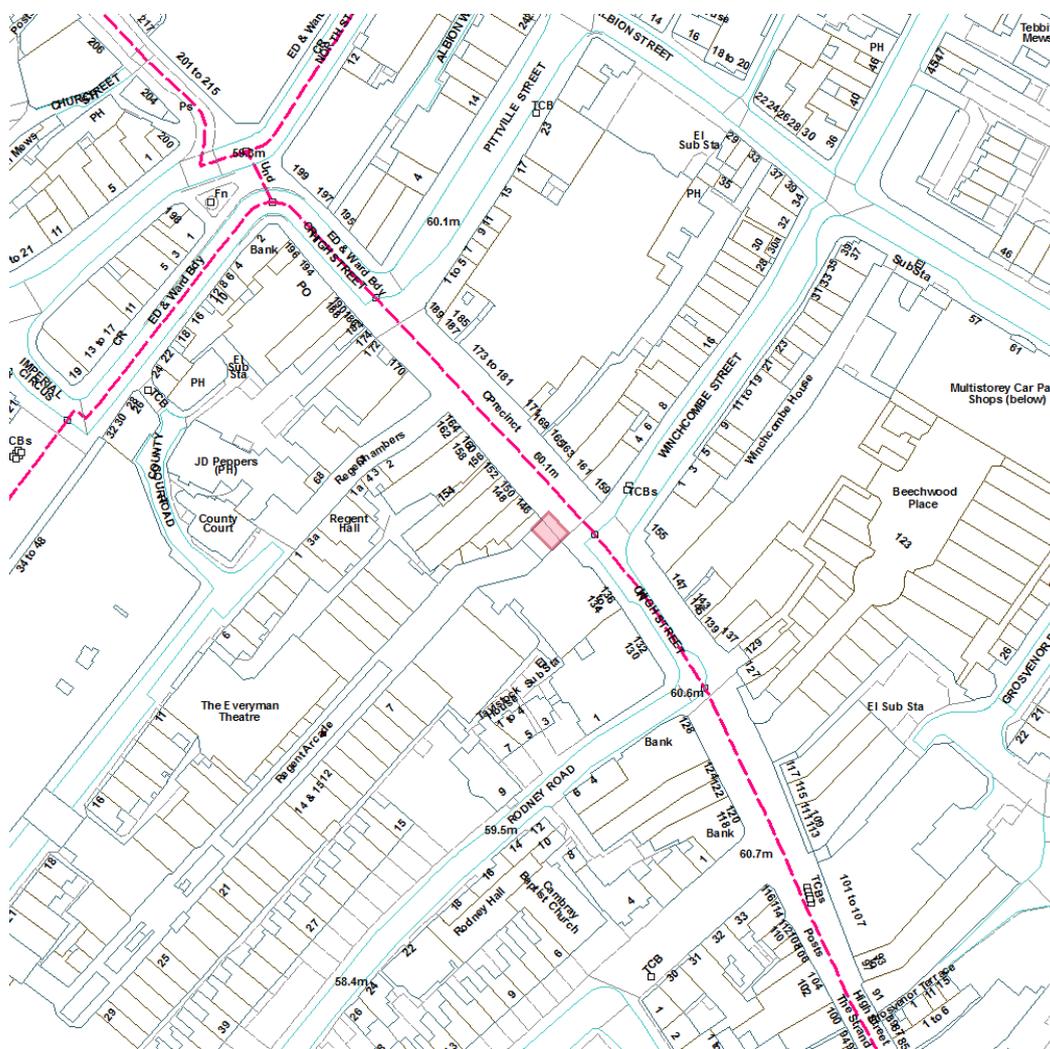
**Comments:** 29th May 2018

I am completely against this planning application on the grounds that it makes an original regency building even uglier than it is already .Cheltenham is an attractive regency town and if we all went to this extreme it would not be the town that it is. Do not allow this application to go ahead on the grounds of keeping Cheltenham the lovely town that it is.

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<b>APPLICATION NO: 18/00681/FUL &amp; 18/00700/ADV</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED: 7th April 2018</b>		<b>DATE OF EXPIRY: 2nd June 2018</b>
<b>WARD: College</b>		<b>PARISH: n/a</b>
<b>APPLICANT:</b>	Canada Life	
<b>AGENT:</b>	Bell Associates Architects Ltd	
<b>LOCATION:</b>	Regent Arcade, Regent Street, Cheltenham	
<b>PROPOSAL:</b>	<b>FUL</b> - Demolition and reconstruction of the Regent Arcade High Street entrance <b>ADV</b> - Individual internally illuminated lettering reading 'Regent Arcade' with supporting 'Shopping   Dining   Leisure' sign and installation of two projecting glass banner signs	

**RECOMMENDATION: Permit / Grant**



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The Regent Arcade shopping centre was developed in the 1980's on the site of the former Plough Hotel. The existing frontage along the High Street was only recently constructed, planning permission having been granted in 2008 and subsequently renewed in 2011.
- 1.2 The site is prominently located within Cheltenham's Central Conservation Area, and is also located within the Core Commercial Area, Primary Shopping Frontage, and Central Shopping Area.
- 1.3 This report relates to two applications, one seeking planning permission for the demolition and reconstruction of the existing High Street entrance to the arcade, and an associated application for advertisement consent for new signage proposals in the form of internally illuminated lettering reading 'Regent Arcade' with supporting 'Shopping | Dining | Leisure' sign and two projecting glass banner signs.
- 1.4 The planning application is before planning committee as the entrance proposals are not supported by the Architects' Panel; the associated application for advertisement consent has been referred for completeness.
- 1.5 Revised drawings have been submitted during the course of the application.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area  
Core Commercial Area  
Primary Shopping Frontage  
Central Shopping Area  
Smoke Control Order

### Relevant Planning History:

<b>07/01778/FUL</b>	<b>PERMIT</b>	<b>15th February 2008</b>
The demolition and reconstruction of the Regent Arcade frontage onto the High Street		
<b>07/01779/CAC</b>	<b>GRANT</b>	<b>15th February 2008</b>
The demolition and reconstruction of the frontage Regent Arcade frontage onto the High Street		
<b>09/01660/ADV</b>	<b>ALLOWED ON APPEAL</b>	<b>23rd December 2009</b>
Proposed illuminated sign for Regent Arcade, High Street entrance		
<b>10/01850/TIME</b>	<b>PERMIT</b>	<b>21st January 2011</b>
Application for a new planning permission to replace an extant planning permission, 07/01778/FUL for the demolition and reconstruction of the Regent Arcade frontage onto the High Street in order to extend the time limit for implementation		
<b>10/01851/TIMECA</b>	<b>GRANT</b>	<b>13th January 2011</b>
Application to extend the time for implementation of planning permission 07/01779/CAC. The demolition and reconstruction of the Regent Arcade frontage onto the High Street		

### 3. POLICIES AND GUIDANCE

#### Saved Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

BE 13 Advertisements and signs in conservation areas

BE 15 Projecting signs in conservation areas

#### Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

#### Supplementary Planning Guidance/Documents

Shopfront design guide (2007)

Old Town Character Area Appraisal and Management Plan (2007)

#### National Guidance

National Planning Policy Framework (NPPF)

### 4. CONSULTATION RESPONSES

#### **Architects Panel**

*11th May 2018*

#### Design Concept

The panel had no objection to the principle of replacing the existing High Street Regent Arcade frontage given that the current entrance is only a few years old (rebuilt in 2013) and of no significant architectural interest. Nevertheless, any changes would need to enhance the elevation and make a positive contribution to High Street architecture. The panel was not convinced that this scheme satisfied these objectives.

#### Design Detail

The panel was generally unhappy with the proportions of the new elevation. The design replicates the approved Regent Street entrance treatment which was felt would be inappropriate at the High Street entrance.

Removing the arch and cutting through the base columns to introduce a double height glazed screen, whilst retaining the upper floor and pedimented attic, is very crude and results in an unbalanced composition of building elements.

The glazed doors leading to the arcade appear out of scale with the adjoining shopfronts and as a result diminish the value of what should be an arcade entrance of some importance.

If the intention is to retain the classical language of the existing architecture the changes should be in line with classical proportions and details. The possibility of introducing a giant order, for example, might be worth exploring, or other such techniques to form the larger glazed frontage, which is presumed to be the main purpose of the scheme.

Alternatively consider remodelling the whole façade in a more contemporary design. Whatever approach is taken it will be important that the new façade sits comfortably next to adjacent buildings.

Recommendation

Not supported

**Environmental Health**

*13th April 2018*

In regards to the above application, there are no comments from the health and safety team.

**GCC Highways Development Management**

*16th April 2018*

The proposal of installing Individual internally illuminated lettering reading 'Regent Arcade' with supporting 'Shopping | Dining | Leisure' sign and installation of two projecting glass banner signs is set suitably back from the highway, displayed within the premises of Regent Arcade resulting in no reduction to existing inter-visibility along the adjacent Regent Street. The proposed signs are out of the direct line of sight for road users and would therefore not result in any undue distraction.

The applicant/agent proposes no changes to the existing vehicular access to the highway and pedestrian access to remain as existing. The proposed demolition and reconstruction of the Regent Arcade High Street entrance would not be regarded as severe, or impact on the highway network.

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

Construction Method Statement

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

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

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

Statement of Due Regard

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

It is considered that the following protected groups will not be affected by the transport impacts of the proposed development: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation,

other groups (such as long term unemployed), social-economically deprived groups, community cohesion, and human rights.

### 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Given the nature of the site and the proposals, individual letters of notification were not sent out on this occasion; however, a site notice was posted and an advert published in the Gloucestershire Echo. One objection has been received in response to the publicity, which has been circulated in full to Members.

### 6. OFFICER COMMENTS

#### 18/00681/FUL

- 6.1 The main consideration when determining the application for planning permission relates to design and its impact on the historic environment.
- 6.2 Paragraph 56 of the NPPF states that *“Good design is a key aspect of sustainable development”* and *“is indivisible from good planning”*. Paragraphs 59 and 60 go on to state that design policies should not attempt to impose architectural styles or particular tastes
- 6.3 Adopted JCS policy SD4 sets out the local 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.
- 6.4 With particular regard to development within the historic environment, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.5 The application proposes the demolition and removal of the existing entrance façade at ground and first floor and the installation of new automatic fully glazed entrance doors with a new single glazed façade with bronze anodised aluminium framework over; it is to all intents and purposes, a new shopfront.
- 6.6 Early on in the application process, the proposals were reviewed by the Architects’ Panel who, whilst raising no objection to the principle of replacing the existing High Street entrance, do not support the scheme suggesting that *“Removing the arch and cutting through the base columns to introduce a double height glazed screen, whilst retaining the upper floor and pedimented attic, is very crude and results in an unbalanced composition of building elements”* and that *“The glazed doors leading to the arcade appear out of scale with the adjoining shopfronts”*. They go on to suggest that *“If the intention is to retain the classical language of the existing architecture the changes should be in line with classical proportions and details”* or that alternatively, the applicant should consider *“remodelling the whole façade in a more contemporary design”*. The comments can be viewed in full at Section 4 above.
- 6.7 Officers do not agree with the Architects’ Panel comments, other than those in respect of the entrance doors; and whilst the architect was requested to make various revisions to scheme, on reflection, officers feel that the original scheme was generally acceptable. Notwithstanding this, revisions have been secured to increase the height of the entrance doors to match those of the adjacent shopfronts, and increase the extent of glazing within the doors. Additionally, a more contemporary form of glazing at the upper level has been agreed, with the small panels with spider fixings originally proposed replaced by three

large panels with silicone joints, which results in a simpler overall design. It is acknowledged that others may have adopted an entirely different design approach in upgrading the existing frontage; however, the application must be determined on the merits of the submitted scheme.

- 6.8 Additionally, with particular regard to the impact on the historic environment, although the proposals might not necessarily be considered an enhancement by all, they will, at the very least, preserve the character and appearance of the wider conservation area. It is important to acknowledge that the entire frontage was rebuilt only a few years ago and no historic fabric remains.
- 6.9 Should the proposals be considered harmful to the conservation area, any such harm could only be identified as being 'less than substantial', and paragraph 134 of the NPPF advises that *"Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal"* which can be anything that delivers economic, social or environmental progress.
- 6.10 In this regard, the submitted Design and Access Statement sets out that the proposals seek to upgrade the current aesthetic of the shopping centre, to project its retail identity, in line with other recent retail developments on the High Street, and that *"The success or failure of the Shopping Centre is absolutely critical to the current and future viability of Cheltenham [town] centre"* highlighting that *"In essence, Regent Arcade and the rest of Cheltenham town centre are interdependent and any improvement to Regent Arcade will have a beneficial impact on other retailers outside the shopping mall"*. Additionally it reasonably suggests that *"The development of the High Street entrance is key to maintaining this visual and pedestrian link to other retail areas surrounding the shopping centre"*. As such, officers consider that should the proposals be considered harmful, the harm would almost certainly be outweighed by the socio-economic benefits of the scheme.

### 18/00700/ADV

- 6.11 In considering the application for advertisement consent, the only matters that can be taken into account are visual amenity and public safety.
- 6.12 Overall, the proposed signage is considered to be acceptable. The content has been kept to a minimum and the new lettering applied to the glazing at first floor is appropriately located, centrally, above the arcade entrance. Additionally, whilst the proposed projecting signs are quite large, they are visually lightweight, and it is important to remember that this is an unlisted building within the heart of the town centre. As such, given the nature of the entrance, which serves the shopping arcade and the individual merits of the case, it is not considered that the signage would cause harm in terms of visual amenity. It should however be noted that, undoubtedly, similar sized projecting signs on individual shopfronts would not be acceptable.
- 6.13 With regard to public safety, the signage will not result in any harm to safety of highway users. The method and level of illumination proposed for the signs is considered to be acceptable in this town centre location. The site is located on the main High Street within the Core Commercial Area and Central Shopping Area, and no objection has been raised by the Local Highway Authority as the signs would not reduce inter-visibility along Regent Street and *"The proposed signs are out of the direct line of sight for road users and would therefore not result in any undue distraction"*. The bottom of the projecting signs would also be some 5m from the footpath, well in excess of the minimum clearance requirement.

**Recommendation**

6.14 With all of the above in mind, the recommendation is to grant both planning permission and advertisement consent subject to the following conditions:

**7. CONDITIONS**

**18/00681/FUL**

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

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

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

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

- 3 Prior to the commencement of development, including any works of demolition or site clearance, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be adhered to throughout the development process and shall, where necessary:

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

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 4 Notwithstanding the approved plans, prior to the commencement of development, a detailed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter be implemented in accordance with the approved scheme and shall be retained as such at all times.

Reason: In the interests of the character and appearance of the locality, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Approval is required upfront because the lighting scheme is integral to the overall design.

**18/00700/ADV**

- 1 This consent shall expire after a period of five years from the date of this decision.

Reason: This condition is specified by Section 14 (7) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2 a) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

b) No advertisement shall be sited or displayed so as to—

- (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: These conditions are required by Section 14(1) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

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

**INFORMATIVE**

**18/00681/FUL**

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

<b>APPLICATION NO:</b> 18/00681/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 7th April 2018		<b>DATE OF EXPIRY :</b> 2nd June 2018	
<b>WARD:</b> College		<b>PARISH:</b>	
<b>APPLICANT:</b>	Canada Life		
<b>LOCATION:</b>	Regent Arcade, Regent Street, Cheltenham		
<b>PROPOSAL:</b>	Demolition and reconstruction of the Regent Arcade High Street entrance		

**REPRESENTATIONS**

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

Flat C  
 All Saints Villas Road  
 GL52 2HB

**Comments:** 15th May 2018  
 Letter attached

**OBJECTION to application number 18/00681/FUL | Demolition and reconstruction of the Regent Arcade High Street entrance | Regent Arcade Regent Street Cheltenham Gloucestershire**

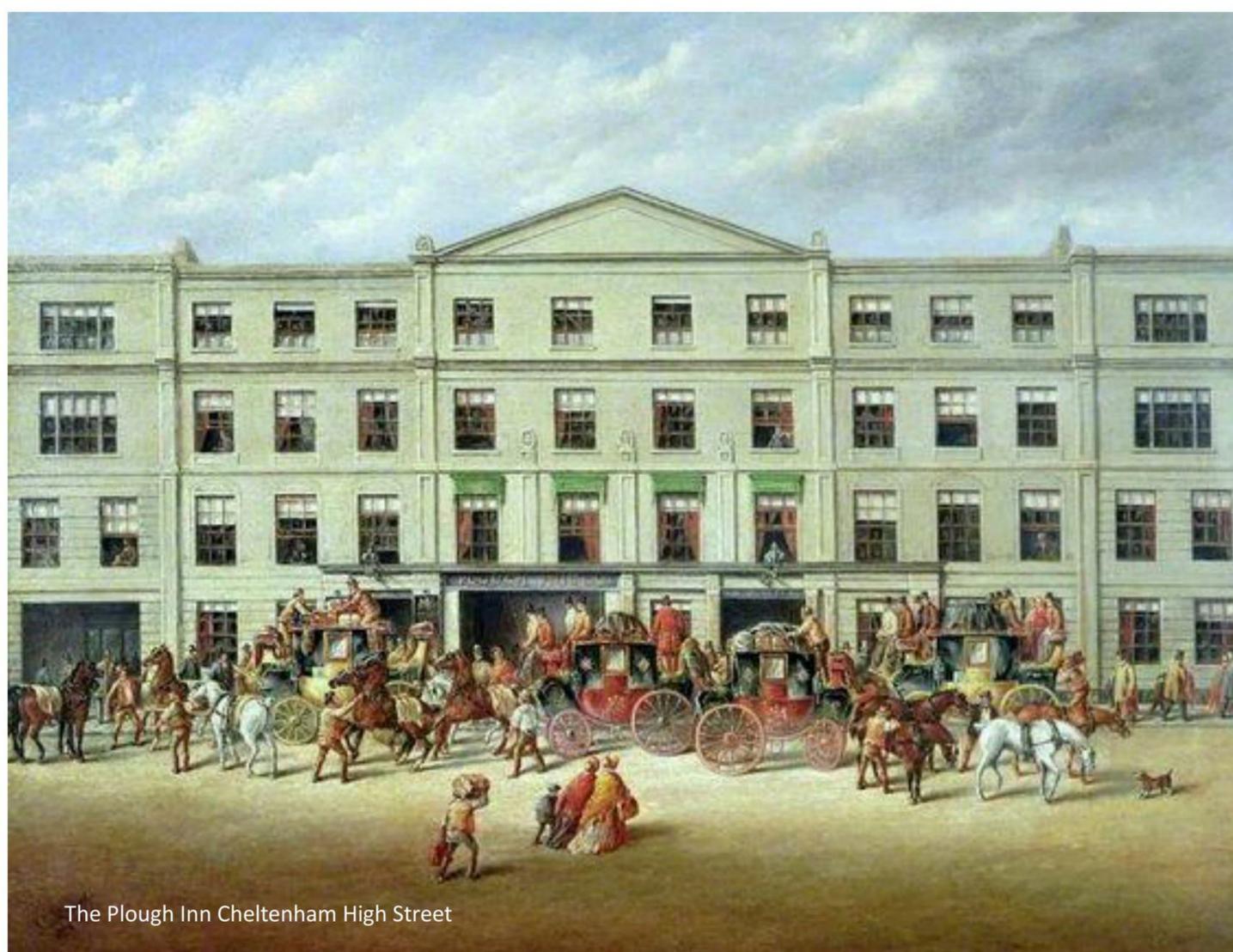
It seems as though there is little hope left for Cheltenham. The blatant disregard for the history of this site by this application is systematic of people with little understanding or care for the true nature of the town. Such schemes as those below are commonly seen all over the country in towns and cities that have little or no heritage.

The current Arcade frontage at least pays respect to the Plough Coaching Inn that used to be on the site but the new proposal destroys any link, not even giving the site any historical importance in the Design and Access Statement. Comparison of this scheme with the new John Lewis façade has only little relevance.

If design is now led by retailers wanting to open up frontages then so be it but as a planning department you should at least show respect to the towns history and insist that the developers do likewise. At present Cheltenham is becoming another Chelmsford and, although I have nothing against that town, this design has as much relevance there as it has here.

Even a rudimentary understanding of proportions and aesthetics should be enough to refuse this proposal. Look glancingly at the two images below, you will note the two modern facades are like two big mouths hoping to swallow up the passing public. How this is even considered acceptable as architecture in an historic Regency town is beyond logic.

Please give the scheme the status it deserves.

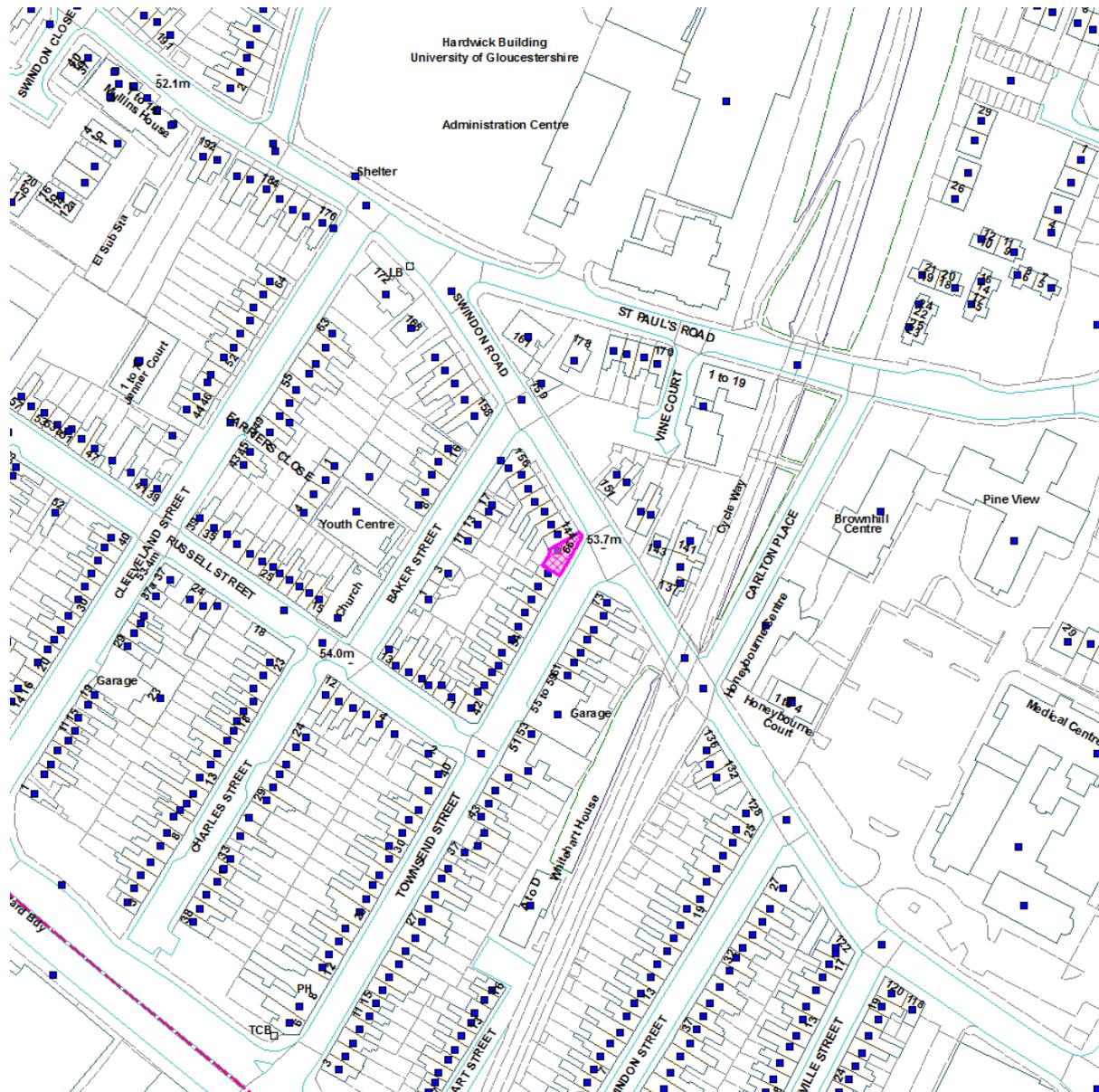




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<b>APPLICATION NO:</b> 18/00846/FUL		<b>OFFICER:</b> Mr Gary Dickens
<b>DATE REGISTERED:</b> 2nd May 2018		<b>DATE OF EXPIRY:</b> 27th June 2018
<b>WARD:</b> St Pauls		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Samra	
<b>AGENT:</b>	H A Planning Ltd	
<b>LOCATION:</b>	66 Townsend Street, Cheltenham	
<b>PROPOSAL:</b>	Two storey side extension (revised scheme ref: 17/01303/FUL)	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 66 Townsend Street. The site is a two storey end terraced property located on a residential road in St Pauls.
- 1.2 The application proposes a two storey side extension in order to provide a garage at ground floor and first floor bedroom.
- 1.3 The application is before committee at the request of Cllr Karl Hobley due to concerns raised by local residents. Members will visit the site on planning view. This is a revised scheme to an application which was refused by Members in November 2017 (ref: 17/01303/FUL).

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport safeguarding over 90m  
Honeybourne Line  
Smoke Control Order

### **Relevant Planning History:**

**17/01303/FUL 21st November 2017 REF**  
Two storey side extension

## 3. POLICIES AND GUIDANCE

### Joint Core Strategy

SD 4 Design Requirements  
SD 14 Health and Environmental Quality  
INF 1 Transport Network

### Adopted Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (February 2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

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

*15th May 2018 - Biodiversity report received.*

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>10</b>
Total comments received	<b>2</b>
Number of objections	<b>2</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

- 5.1** Ten letters have been sent to neighbouring properties and two objections have been raised.
- 5.2** Representations have been circulated in full to Members but, in brief, the main objections relate to:
- Parking provision and impact on the highway
  - Potential noise and disturbance caused through multiple occupancy

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2** The main considerations for this particular application are the impact of the works on the character of the existing building and surrounding area, together with the potential impact on neighbouring amenity. The potential impact on highway safety will also need to be considered.

### 6.3 The site and its context

- 6.4** The application site is located at the corner of Townsend Street and Swindon Road in St Paul's. The vast majority of properties in the vicinity are terraced dwellings and, although separated from 64 Townsend Street, this building adjoins 144 Swindon Road. The space between 66 and 64 Townsend Street currently functions as an off road parking space / outside amenity area.

- 6.5** A previous application was before Members in November 2017 proposing a two storey side extension which consisted of a bedroom at ground floor and at first floor. The plans indicated the property would be used as a six bedroom House in Multiple Occupancy (HMO). Planning permission is not required for a dwelling house (Use Class C3) to become a HMO (Use Class C4) if used by 3 – 6 residents. More than 6 residents would require a change of use planning application.

- 6.6** The previous application was refused for the following reasons:

*The application site is situated in St. Paul's ward which has a high proportion of houses in multiple occupation (HMO). The intensive nature of this residential use brings with it evidence of environmental and social problems and also puts significant pressure on on-street car parking and in light of this, the Council is actively considering interventions in the form of article 4 directions to restrict permitted changes in use.*

*The proposed two storey side extension, which would result in the existing 4 bedroom HMO being enlarged to a 6 bedroom HMO, will add to this intensive use and would result in the loss of a much needed off road parking space. Furthermore, the design of the proposed extension will result in cramped living accommodation that fails to pay due regard to incoming occupants.*

*It is a core planning principle that development should secure a good level of amenity for all existing and future occupants of land and buildings and paragraph 56 of the NPPF states that good*

*design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The proposed extension will fail to do this, exacerbating an existing problem, and is therefore contrary to local plan policies CP4 (safe and sustainable living) and CP7 (design).*

### **6.7 Design and layout**

**6.8** Policy SD4 of the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (JCS) states how new development *“should respond positively to, and respect the character of, the site and its surroundings”*. Furthermore, paragraph 4.5.5 notes how *“development at any scale and location should make a positive contribution to providing better places for communities”*.

**6.9** This is reinforced through Local Plan Policy CP7 which advises in paragraph 4.18 that *‘Extensions to existing buildings need to be carefully designed to respect the character and the scale of the existing building or group of buildings....The most important consideration is that an extension should not detract from the original.’*

**6.10** The Local Authority has sought to provide advice to developers through its Supplementary Planning Document: Residential Alterations and Extensions (SPD). One of the five basic design principles set out within this document relates to subservience. Here the document advises that *“an extension should not dominate or detract from the original building, but play a supporting role”*.

**6.11** The proposed two storey extension would ‘fill the space’ between the application site and the adjacent property. The extension will have a one metre set back from the front elevation of the existing building and a small rear courtyard remains in order to store refuse and recycling bins. The ridge height of the extension is approximately 15cm lower than the existing roof height whilst the window fenestrations, design and materials match that of the existing building.

**6.12** In officer opinion the proposed two storey extension will not dominate or detract from the existing building and will play a supporting role. This proposal also appears to address the previous refusal reason relating to cramped living accommodation, providing an appropriate level of space for existing and future occupants. It is also noted that the previous application was not refused due to the proposed design and the impact of this on the existing building.

**6.13** As such, the proposed extension is considered to be in accordance with JCS Policy SD4 and Local Plan Policy CP7.

### **6.14 Impact on neighbouring property**

**6.15** Policy SD14 of the JCS and Local Plan Policy CP4 relate to potential impact on neighbouring amenity. Both policies state that no unacceptable harm should be caused as a result of new development. The potential loss of sunlight and / or daylight, loss of outlook and loss of privacy is taken into account when assessing the impact on the amenity. The potential disturbance from noise should also be a consideration.

**6.16** Two objections to the application have been received. The concerns raised centre on the use of the property as a HMO and the implications this has on the area, primarily noise disturbances and impact on parking. Whilst officers sympathise with residents over the intensive presence of HMOs in St Paul’s, this application must be judged on whether a two storey side extension is appropriate and not whether the property should be used as a HMO. At present time no local policy exists to restrict the levels of HMOs present within St Paul’s however this is being actively considered by the Local Authority through the draft Local Plan and future Article 4 directives.

**6.17** The proposal will not adversely affect parking levels within the area as one off road parking space will be retained. A condition is included preventing the garage from being converted into residential space at a later date.

**6.18** There are no issues with regards to loss of privacy or loss of light, neither will the proposal have an overbearing impact on neighbouring properties. The proposal is therefore considered to be in accordance with JCS Policy SD14 and Local Plan Policy CP4.

### **6.19 Environmental Impact**

**6.20** Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed small scale development will have any impact on these species.

## **7. CONCLUSION AND RECOMMENDATION**

**7.1** The proposal has sought to address the previous refusal reason by providing improved internal space for occupiers and retaining off road parking. It is acknowledged that with some minor internal reconfiguration the property could easily become a six bedroom HMO, however planning permission would not be required for this. With this in mind, the officer recommendation is to permit the application subject to the conditions below.

## **8. CONDITIONS**

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without the prior written permission of the Local Planning Authority.

Reason: To retain the garage/car parking space(s) for parking purposes in accordance with Policy INF1 of the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury relating to development and highway safety.

- 4 Notwithstanding the approved plans, the garage door(s) shall be of a rolling or sliding door design, and shall not project beyond the front face of the garage or over the highway at any time.

Reason: To ensure that the garage door(s) do not encroach over the highway whilst being opened and closed in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

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

<b>APPLICATION NO: 18/00846/FUL</b>		<b>OFFICER: Mr Gary Dickens</b>	
<b>DATE REGISTERED:</b> 2nd May 2018		<b>DATE OF EXPIRY :</b> 27th June 2018	
<b>WARD:</b> St Pauls		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr Samra		
<b>LOCATION:</b>	66 Townsend Street, Cheltenham		
<b>PROPOSAL:</b>	Two storey side extension (revised scheme ref: 17/01303/FUL)		

### REPRESENTATIONS

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

71 Townsend Street  
Cheltenham  
Gloucestershire  
GL51 9HA

**Comments:** 23rd May 2018

The road is already jammed with cars and u have just speant thousands on resurfacing the road which has already been spoint by cars parking on our side of the road.. check out the mess

And the garage messing oil everywhete from the transporter regularly dropping and picking cars on the yelow lines opposite.

The present tennants also sit out inthe road drinking and this was 9.30 on Sunday morning

The street overcrowded and this would b a danger if any fireor accident n emergency vehicles could get to any house because of the overcrowding and parking

The area would also b a building site of more mess and noise for sevetal months.

**Comments:** 23rd May 2018

This must b prevented please as they already make mess and there is no sufficient parking

The area will b a building site for several months

Their current rubbish and parking would akso end up on the pavement

They have already made considerable mess and noise and the overcrowding would push the rubbish and car parked there into the road.

Attached are pictures of the mess already damaged to newly surfaced road at the end of townsend street (PHOTOS available to view in Documents tab).

There is no parking faculty and very busy main road

**Comments:** 4th June 2018

(Photos available to view in Documents tab.)

Please look and see the mess of oil and chewing gum from people in tge property concerned parking their cars on already crowded road.

You have only just spent thousands resurfacing this road extra people from that property would cause more. Mess

I think my neighbour has sent u pics of the drains flooding over the pavements just from recent decorating on the house a few doors up

Everytime any work is done the waste is put down the drains

It is also dangereous if the emergency services need to get to any property there are no spaces as it is

73 Townsend Street  
Cheltenham  
Gloucestershire  
GL51 9HA

**Comments:** 29th May 2018

Letter attached.















PLANNING Department  
 MR GARY DICKENS  
 CHELTENHAM BOROUGH COUNCIL  
 THE PROMENADE  
 CHELTENHAM

Dear MR DICKENS

I am objecting to the planning application Reference Number:  
 18/00846/FUL.

ON the grounds of ①

- ① Noise of multi occupantance. People going to work at all times of the day.
- ② Car Noise from multi occupantance
- ③ Over 50 houses in Townsend Street are multi occupantance. That is 50 houses out of 70 houses.
- ④ Noise of students and of workers going to work. Continuous noise throughout the night and day.
- ⑤ Parking is a huge problem because of multi occupantance street is not long enough for all the cars to

park.

- ⑥ I park in Russell Place, Marsh Lane, Russell street, Baker st, Charles st, Cleveland st. ~~Stonehaven St.~~ Stonemille st.
- ⑦ Dense of population in the street causes social problems.

Yours Sincerely



P.S. The 2 Guest houses. 1 in Townsend st No 33 and 1 on Sulindon Road regular park in Townsend st.

<b>APPLICATION NO:</b> 18/00934/FUL	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 14th May 2018	<b>DATE OF EXPIRY:</b> 9th July 2018
<b>WARD:</b> Charlton Park	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr Chris Gough
<b>AGENT:</b>	Build Design
<b>LOCATION:</b>	68 Sandy Lane, Charlton Kings, Cheltenham
<b>PROPOSAL:</b>	First floor front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL, changes to include an increase in the overall height of the first floor addition by approx. 400mm, removal of fascia/guttering detail and removal of first floor side elevation cladding) Part-retrospective.

**RECOMMENDATION:** Permit



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached residential property located on the corner of Sandy Lane and Hartley Close.
- 1.2 The applicant is seeking planning permission for changes to an already permitted application 17/01984/FUL. The proposal includes a first floor front extension, single storey rear extension, first floor side extension, application of render and cladding to the existing dwelling and replacement windows and doors. These works are part-retrospective as works have started; the first floor front extension has been erected at the increased height.
- 1.3 The changes to be considered as part of this application are an increase in height of the first floor front extension by approximately 400mm, the removal of the fascia/guttering detail and the removal of the cladding from side elevation of this extension.
- 1.4 The application is before members in the interests of transparency, due to a senior member of Cheltenham Borough Council staff living in close proximity to the application site.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Smoke Control Order

### Relevant Planning History:

**16/02197/FUL 31st May 2017 PER**

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

**17/01984/FUL 13th November 2017 PER**

Single storey front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors. (Revised scheme to 16/02197/FUL)

**18/00302/AMEND 16th February 2018 PAMEND**

Nonmaterial amendment to planning permission 17/01984/FUL - to move position of kitchen window by 1281mm. Reduce the amount of cladding. Change rear to have bifold/patio/french door

**18/00303/DISCON 16th February 2018 DISCHA**

Discharge of condition 3) Cladding and Render and condition 4) Windows and external Doors, of Planning Permission 17/01984/FUL.

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

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

Adopted Joint Core Strategy Policies  
SD4 Design Requirements  
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents  
Residential Alterations and Extensions (2008)

National Guidance  
National Planning Policy Framework

#### 4. CONSULTATIONS

**Gloucestershire Centre For Environmental Records**  
*30th May 2018*

Biodiversity report received.

**Wales And West Utilities**  
*29th May 2018*

Letter and Plan available to view on line.

#### 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	7
Number of objections	3
Number of supporting	0
General comment	1

- 5.1 Four letters were sent to neighbouring properties, Seven letters of representation have been received - six letters of objection and one general comment.
- 5.2 The concerns raised within the letters of objection relate to but are not limited to the following:
- Unacceptable design
  - Increase in height of the front extension will be out of keeping with surroundings
  - Increased visual impact
  - Increased prominence of the extended and remodelled property
  - Impact on neighbouring amenity – loss of light and overbearing impact
- 5.3 One letter of representation has been received which doesn't object to the application and suggests that the changes seeking consent should not warrant the refusal of planning permission

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

**6.2** The considerations of this application are the changes seeking part-retrospective consent which include an increase in the height of the first floor extension by approximately 400mm, the removal of the fascia/guttering detail and the removal of the cladding from the side elevation of the new first floor addition.

### **6.3 History**

**6.4** Planning permission was granted by application number 16/02197/FUL for a two storey side extension, single storey front and rear extension, application of render and timber cladding and replacement windows and doors.

**6.5** A further application 17/01984/FUL was later submitted and approved for a revised application on the site. Changes within this scheme included the retention of the garage in its existing position and the removal of some of the single storey extensions to the rear of the site.

**6.6** An amendment application (18/00302/AMEND) has also been submitted and approved which included minor changes to the window and door openings and a reduction in the amount of cladding.

### **6.7 Reasons for the changes to the scheme**

**6.8** As set out in the applicants covering letter received on the 11<sup>th</sup> May 2018, the increase in the height of the proposed first floor front extension is due to an oversight in the preparation of the original plans when considering the finished floor levels within the new extension. As approved, this would result in a stepped and lowered ceiling height half way through the first floor extension, the lower ceiling height being 2 metres.

### **6.9 Design**

**6.10** When considering the proposed design, the judgement officers have been required to make is whether an increase in the height of the proposed first floor front extension would result in an unacceptable design that would harm the character of the surrounding area.

**6.11** The increase in height which is needed to accommodate a suitable head height within the new extension would result in the new extension protruding above the eaves height of the existing property. This will in turn, result in a junction whereby the side elevation wall will run into the roof slope of the main dwelling. Whilst officers agree that this will create a relatively awkward junction, it is unlikely that this will be fully appreciated once the extension and remodelling works of the existing building have been completed and the alterations are viewed collectively.

**6.12** Officers are disappointed that the increase in height was not discussed with the planning department prior to the works starting; however, it is the collective view of officers that this change will not result in any unacceptable harm to the overall design or appearance of the extended and remodelled property.

**6.13** The removal of the fascia/guttering detail on the first floor front extension would result in a cleaner and more crisp finish to the contemporary design and would generally create a more aesthetically pleasing finished project.

**6.14** The proposed extensions and alterations to the building will undoubtedly be noticeable in the street scene. It is, however, the view of officers that the impact resulting from this

additional height would not result in unacceptable harm to the surroundings and would therefore not tip the balance towards recommending refusal of this application.

**6.15** It is the view of officers that the proposal is of an acceptable design and is compliant with the requirements of local plan policy CP7, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).

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

**6.17** At the request of the neighbouring land user, a further site visit was made, where officers were able to view the already increased front extension from the kitchen, bathroom and rear garden of number 70 Sandy Lane. By visiting the site again officers were able to fully understand the implications of the increase in height on this particular property and allowed a full understanding of the objections raised.

**6.18** With regard to a loss of light to number 70 Sandy Lane, Paragraph 6.18 of the officer report for the original application (16/02197/FUL), states:

*'The outlook of the habitable rooms for number 70 Sandy Lane is to the front and rear of the property. Given the location of the proposed extensions there will be no unacceptable loss of light to this neighbouring property. It is noted that the side elevation windows in number 70 are obscurely glazed and serve bathrooms to the property and therefore are not afforded any protection in terms of light.'*

The situation and relationship between these properties has not changed since the granting of permission for the original application. Whilst there may be an increased impact on the obscurely glazed ground floor side elevation window which serves the kitchen, this window is a secondary light source to this room, with a larger clear glazed opening to the rear. Officers' opinion remains, that the impact of this proposal would not result in any unacceptable loss of light to this neighbouring property.

**6.19** Given the relationship of the application site and the adjacent property whereby no clear glazed windows would look towards the application site and the land between these properties is only used for access and not private amenity space, it is not considered that the development in its revised form will result in any unacceptable or overbearing impact.

**6.20** Whilst the comments and concerns raised by neighbouring land owners have been duly noted, the proposal is considered to be compliant with Local Plan policy CP4 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

### **6.21 Other points to consider**

**6.22** With regards to the reduction in the amount of first floor cladding, officers have already considered this as part of the amendment application (18/00302/AMEND) which was previously granted. This part of the revised scheme is therefore considered to be acceptable.

### **6.23 Environmental Impact**

**6.24** Records show that important species have been sighted near the application site in the past and in particular bats recorded in 2003, the sighting was recorded as 105 metres from the site. Given the length of time that has passed and the nature of the proposed works, it is not considered that this development would have any impact on these species.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Whilst it is regrettable that these changes are required and that consent was not sought prior to the works taking place, officers do not consider that the changes proposed would warrant the refusal of planning permission. With this in mind, officer recommendation is that planning permission should be granted subject to the conditions set out below:

## 8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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 planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

- 3 The external cladding and render shall be applied in accordance with the submitted and approved details within the discharge of condition application 18/00303/DISCON.

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

- 4 The windows and external doors shall be installed in accordance with the submitted and approved details within the discharge of condition application 18/00303/DISCON.

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

## INFORMATIVES

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

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

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

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

<b>APPLICATION NO: 18/00934/FUL</b>		<b>OFFICER: Mr Ben Hawkes</b>	
<b>DATE REGISTERED:</b> 14th May 2018		<b>DATE OF EXPIRY :</b> 9th July 2018	
<b>WARD:</b> Charlton Park		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Mr Chris Gough		
<b>LOCATION:</b>	68 Sandy Lane, Charlton Kings, Cheltenham		
<b>PROPOSAL:</b>	First floor front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL, changes to include an increase in the overall height of the first floor addition by approx. 400mm, removal of fascia/guttering detail and removal of first floor side elevation cladding) Part-retrospective.		

### REPRESENTATIONS

Number of contributors	<b>7</b>
Number of objections	<b>5</b>
Number of representations	<b>2</b>
Number of supporting	<b>0</b>

70 Sandy Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 9DH

**Comments:** 8th June 2018  
Letter attached.

1 Hartley Close  
Cheltenham  
Gloucestershire  
GL53 9DN

**Comments:** 10th June 2018

I have reviewed the revised planning application and proposed changes -

- a) The increase in height of the flat roof extension
- b) The removal of the guttering and fascia boards

Increase in height

Having read the covering explanation letter as to the reasons for the increase, I can fully appreciate the need for the roof level to increase. I do not believe anyone would want a significant difference in ceiling height in the middle of a bedroom / bathroom.

While I recognise that this is a retrospective application, the permission for a flat roof two storey extension was previously judged to be in accordance with local policies and permission granted. The real issue to consider is whether this modest increase in external height has really created detrimental impact and divergence from local policies CP7 and CP4.

## Page 138

The change does not detract from what No. 68 originally proposed and had approved. I, therefore, do not believe that the external increase in height to accommodate the internal ceiling height is significant enough to warrant this application being rejected.

Removal of the guttering / fascia boards

I can also understand the request to remove the guttering from the front of the property. This will give the build a more crisp and clean final appearance. Once again, I do not think that this should warrant the plans being rejected.

74 Sandy Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 9DH

**Comments:** 6th June 2018

The proposed increase in the overall height of the flat roof first floor extension will, in our view, be even more out of keeping with other property in the immediate area and will have a larger visual impact on this prominent site at the top end of Sandy Lane than originally submitted and approved. We also wonder why planning officers have not suggested a pitched roof approach similar to that approved for other recent developments.

76 Sandy Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 9DH

**Comments:** 7th June 2018

I did not object to the original application but now that I have seen the structure that has been built I wish I had. The house is in a prominent corner position travelling south up Sandy Lane. The box constructed has an overbearing mass and shape which is out of keeping with the vernacular. I did not appreciate quite the effect it now has from the application drawings. The additional height requested by this modification may seem modest but, in fact, emphasises the discordant appearance. This is caused, not merely by the additional height, but also by the awkward joining of the flat roof with the existing ridge roof above the gutter line.

I would have some sympathy with the owner if I believed this to be an honest mistake but I think this contention defies credibility. If the height of the existing bedroom ceiling, due to its slope, is at a certain height at the front of the house it is obvious an extension added at this point will have a ceiling at the same height. I may be cynical but I think it's likely they decided to go ahead in the belief they will get relief for this 'minor' modification after construction. Should the planning committee or officer decide to allow this change I question at what height would they come to a different decision? If you do allow it, I believe the discordant effect of this extension could be ameliorated if it incorporated a ridged roof in line with all other two story extensions in the immediate vicinity.

2 Bafford Lane  
Cheltenham  
Gloucestershire  
GL53 8DL

**Comments:** 11th June 2018

We wish to object to the proposed amendment for the enlarged and already constructed two storey front extension at 68 Sandy Lane.

We would not normally comment on individual domestic proposals, but as regular walkers up Sandy Lane to Leckampton Hill Area of Outstanding Natural Beauty, we have watched this extension continue to get bigger and bigger over the recent months. This is an attractive and prominent corner site is a sensitive location - the surroundings enjoyed by thousands of walkers, cyclists and residents. The impact this has, is clearly wider than the immediate neighboring properties. In such circumstances are site notices required - if so the response to this scheme would be greater.

We found it difficult to understand how such an extension could have been granted planning permission, when usually the council have strict guidelines and policies about good design and respecting the character of the surroundings. We now realise that this has been built higher than the planning consent originally granted.

It is completely out of character with the surroundings interferes with residents' enjoyment of this attractive location. It over-dominates the house original house, now being the main focal point of this prominent corner. It now breaks into the roofline of the existing house. Its shape, size, massing and overall design, do not comply with any rule or principle of good architectural design.

Having viewed the plans - they do not seem reflect what has been built. As with other comments made in response to this scheme the front extension totally dominates the original house, most of which can no longer be seen.

The scheme does not meet council's adopted local plan policy CP7 which requires high standards of design and for development to compliment and respect the surroundings. The structure now extends into the roofline, over dominating the existing house. There is also Supplementary Planning Guidance which also requires extensions to be sympathetic and subservient. The scheme clearly fails to meet this test. When viewed from the highway, the roof of the original dwelling cannot be seen. The changes do not improve the scheme, they make it materially worse and policy CP7 should be applied appropriately and permission refused.

Having reviewed other comments, we understand that when this scheme was granted permission, the planning committee was advised that this contemporary proposal required careful execution and attention to detail to be successful. This has clearly not been delivered.

The fact that this has now been built - does not make it acceptable, particularly in this attractive and prominent location. The scheme that has been built is completely out of character with surroundings, causes considerable harm to the street scene and is clearly not subservient to the original house.

We believe the council has a duty to determine all applications on their own merits. This scheme is in clear conflict with Local Plan Policy CP7 and the council's adopted supplementary planning guidance and should be refused.

Fairways  
62 Sandy Lane  
Cheltenham  
GL53 9DQ

**Comments:** 5th June 2018  
Letter attached.

56 Sandy Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 9DQ

**Comments:** 29th May 2018

I have received Ref 18/00934/FUL. I have read the comments by [name supplied] at 70 Sandy Lane in the Meeting of Planning Committee Thursday 23 March 2017 and I agree with her comments %100 - it appears that she had valid objections and that the present modification do not adhere to the original plans to which she had valid objections - but I am unaware of the correct procedure to comment. Would you please accept my support of her observations?

In addition, I consider that when building applications are made and approved, they should be accepted. If modifications arise, they should be settled BEFORE any building work commences. Retrospective applications submitted after building has commenced should not be considered.

Planners have local knowledge and experience, their authority should not be undermined.



Your ref: 18/00934/FUL  
 Our ref: MD/sb  
 DD: 07747 564122  
 E: Mike.derbyshire@bidwells.co.uk  
 Date: 07/06/2018

Cheltenham Borough Council  
 Municipal Offices  
 Promenade  
 Cheltenham  
 GL50 9SA

Dear Ms Crews

**PLANNING APPLICATION – 68 SANDY LANE, CHARLTON KINGS, CHELTENHAM, GL53 9DH  
 REFERENCE 18/00934/FUL**

I have been asked to provide an independent professional opinion on the merits of the proposal ref 18/00934 having regard to the planning history, relevant policies and the guidance in the Framework and PPG. I am retained by [REDACTED] the freeholder and occupier of [REDACTED] the immediate and most affected neighbour.

**Consultation and description**

I start with what appears to be a procedural point as it usefully highlights the lack of clarity in the way this development has been handled. The initial description of development was:

“Single storey front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL)”.

This was amended on or about the 1 June to:

“Single storey front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously application ref. 17/01984/FUL, changes to include an increase in the overall height of the first-floor addition by approx. 400mm. removal of fascia/guttering detail and removal of the first-floor side elevation cladding (part retrospective)”.

Neither the original description nor, or in my view, the drawings, capture what is clearly the key element of the new proposal, namely the increase in height of the front addition and that fact that it is retrospective. It is still described as single storey; which is still incorrect; it is a first-floor extension. The retrospective element has now been amended (which immediately drew an objection to be submitted on this point, showing why accurate descriptions are important).

The submitted drawings do not properly portray the impact of the increase in height of the first-floor addition and this can only be properly appreciated on site. If the structure is viewed from the highway, it is not possible to see any part of the roof due to the scale of the extension, this is not reflected in the

25 Old Burlington Street, London W1S 3AN  
 T: 020 7493 3043 E: info@bidwells.co.uk W: bidwells.co.uk

drawings submitted. I assume members of the committee will carry out a site visit before they make their decision.

On a point of accuracy the application states the increase in height is 20inches. This is 500mm or 0.5m, not approx. 400mm as now described in the consultation letter, there should no approximations of height in descriptions of planning applications as that is simply a recipe for uncertainty when constructed.

### **Planning Issues & Impact**

The NPPG makes clear that if an authority does invite a retrospective application (which this has now been correctly described as) it cannot be assumed that permission will be granted and “the local authority should take care not to fetter its discretion prior to the determination of an application for planning permission – such an application must be considered in the normal way” I would be grateful if you can provide evidence or comfort that your discretion has not been fettered and that the applicant is aware of the risk associated with building without permission.

### **Planning History**

Before dealing with the policy issues, it is important to refer to the rather complex and involved planning history of the site as it must inform the final decision. Reference needs to be made to the reports prepared for the planning committee that influenced the determination of the original scheme. In the first report, dealing with the originally submitted scheme that was radically amended, the two storey front extension was deemed unacceptable; Para 6.8 stated:

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

The point being that here officers felt a large two storey front extension in this prominent location was neither sympathetic nor subservient to the existing house and caused ‘unacceptable harm to the character of the existing street scene’. The forward projecting two storey structure now being considered is significantly larger and incongruous than the original proposal that was deemed to be unacceptable.

In the revised report titled ‘officer update’ this dealt with amended plans as a response to the discussion at the previous planning committee. These amended plans re-introduced a two storey forward extension (the principle of which had been previously deemed unacceptable), but with a ‘box’ design, based on design at 1 Albermere Gate. This example in my view is a more coherent timber framed structure which is well executed and sits well with the parent building, critically, it projects forward from under the existing eaves. Whilst I understand the purpose of using examples of schemes elsewhere in the town this does raise expectations from members and neighbours over the quality of the finished scheme. In para 1.5 the report goes onto to say:

“In light of the changes, the mass, scale and impact on neighbouring amenity is now considered to be acceptable, and a successful response to debate at planning committee. The revised scheme now includes a recessed balcony and a contemporary first floor flat roof form, which if executed successfully, will lift the proposal architecturally. The proposed void to achieve this balcony will prevent the proposal reading as a flat roofed ‘box’; it gives the scheme a degree of drama and is a form of development that has been successfully executed at a different site in the borough (1 Arbemarle Gate).”

The conclusions and the advice given to the Committee was the new structure would not read as a ‘box’, and would add ‘drama’ if executed successfully and would lift the proposal architecturally.

When using such flowery language for proposals which introduce radical departures from the accepted policy and guidance on extensions to houses it is essential that the scheme is managed and controlled carefully thereafter. The application and enlarged structure now partially constructed has in my view failed to deliver this promise. It dominates the existing property and when viewed from the street the existing roof and ridge line of majority of the house cannot be seen and has failed to overcome what officers originally agreed would cause unacceptable harm to the street scene.

## Policy Considerations

There are two elements that I do not believe comply with your planning policies, these are the design of the front extension and the impact of the occupiers of 70 Sandy Lane.

## Design

The development is in clear conflict with the relevant Local Plan policy CP7 which requires development to be of high quality design, it states:

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

Extensions or alterations of existing buildings will be required to avoid:

- (d) causing harm to the architectural integrity of the building or group of buildings; and
- (e) the unacceptable erosion of open space around the existing building.

As I stated at the beginning of this section, the determination of this application should be informed in part by the discussion of what was originally considered as acceptable, in relation to the level quality promised. Unauthorised works, undertaken entirely at the owner's risk, must be treated in the same manner. If they were unacceptable previously they must be refused, if the quality promised has not been delivered (or executed), it must be refused.

Dealing with the specifics of Policy CP7:

**(a) a high standard of design of architectural design.** The scheme that was eventually approved was subject to much discussion, amendment and assessment relating to detailing and careful execution. It is therefore reasonable to assume that further increases to the mass and bulk take it beyond that tipping point; that the current scheme would not have been approved had it been presented to members in May 2017 in this enlarged form. I have explained the background earlier.

**(b) adequately reflects the principle of urban design and (c) complements and respects the neighbouring development and character of the locality.** The scheme by its very nature achieves neither, it is a completely and deliberately discordant element, which can be successful in certain circumstances (see above), This is major addition to the front of the property with no parallel in the street. Its impact has been compounded by the interruption of the eaves and roof of the existing building by this enlarged front extension. The interruption of the existing house's roof and eaves was never planned and is a consequence of the applicant's wish to have improved ceiling heights internally and for a balcony after planning consent had been granted. The result has now totally changed the relationship of the extension with the existing building.

The Council's SPD Residential Alterations and Extension (2008) requires extension to be subservient. Considerable emphasis was placed on the fact this was a prominent and attractive location in the first report to the planning committee for the approved scheme 16/02197/FUL (see para 6.8 and 6.9 of this report). The original proposal for a two storey forward projecting extension was deemed unacceptable as it did not 'read as a sympathetic or subservient addition'.

This structure is now considerable larger and more dominant and visually harmful than the scheme deemed unacceptable. It now clearly fails to meet the policy and design requirements.

**(d) causing harm to the architectural integrity of the building or group of buildings.** It is evident on our submissions above that the scheme fails to achieve this.

*(e) an unacceptable erosion of space around the existing building.* The previous report acknowledged that the scheme had a generous width, I think that was slightly coded language for large, but there is no material change with this application.

Clearly my client accepts that permission was granted for the previous scheme, but legally, this should not be used as the baseline for the new submission. The owner has at their own risk proceeded to build a scheme that does not comply with the approved permission; the new application should be looked at afresh and on its merits. Clearly regard needs to be given to the earlier grant of permission, but the starting point should be with the development plan and I would suggest of particular relevance is Policy CP7 which requires a high standard of design. The changes do not improve the scheme, they make it materially worse and you should apply your policy CP7 appropriately and refuse permission. This decision should not be unduly influenced by the fact that enforcement action would follow, that is entirely due to the fact that the scheme was not built in accordance with the approved plans.

### **The impact on the amenities of the occupiers of 70 Sandy Lane**

The current application fails to comply with policy CP4 for the following reasons:

#### *The poor design*

This has a direct impact on the visual amenities of my client.

#### *Loss of sunlight and daylight*

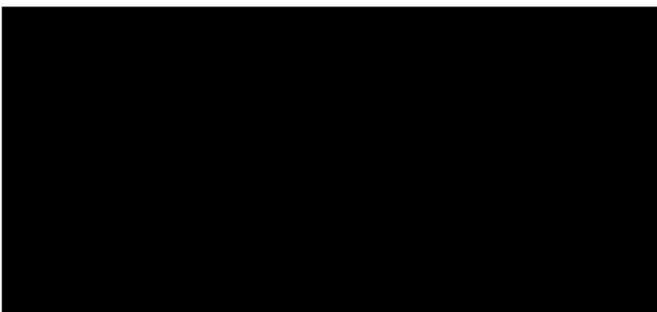
The increase in size impacts on the light entering the windows to the three rooms to the side of number 70 Sandy Lane. The ground floor kitchen window is particularly affected, detrimentally impacted upon the light in this room. A kitchen is one of the principal rooms that should be protected with adequate sun light and daylight. As a result of the extension being built, this room is now considerably darker. (BRE report 'site layout planning for daylight and sunlight – a guide to good practice 2<sup>nd</sup> edition 2011). The authority should satisfy themselves that the scheme does not compromise either the VSC or ADF standards applicable, this is a requirement of CP4.

#### *Massing / over-bearing nature*

The increase in height and resultant massing of the structure is clearly overbearing on my client's property for the reasons expressed earlier.

I hope this letter is clear. In my professional opinion, the scheme does not represent a high standard of design as required by planning policy CP7, the key policy here, and as such is not in accordance with the development plan and should be refused. The impact on my client's property and the failure to comply with Policy CP4 compounds the fact that this is not a well-designed extension and amplifies the failure to comply with the development plan.

Yours sincerely



**Mike Derbyshire BA (Hons) MRTPI**  
Head of Planning

Telephone 

3 June 2018

Mr Ben Hawkes  
Cheltenham Borough Council  
PO Box 12  
Municipal Offices  
Promenade  
Cheltenham GL50 1PP



Dear Mr Hawkes

**18/00934/FUL**

It appears that once plans have been approved, quite a number of owners/developers take liberties to do as they wish instead of getting any new modifications approved before work commences.

This extension will have a visual impact on the area due to its height and size and there will be changes to the roof shape as well to accommodate what has been built without planning consent .

This has already happened in this vicinity a few years ago, where, once planning permission was granted, additions were made to the original plans (without consent) and Health and Safety laws were also ignored.

More properties are going to be developed in this locality very soon, so hopefully owners/developers will heed planning regulations from the outset.

Yours sincerely



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<b>APPLICATION NO:</b> 18/00934/FUL	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 14th May 2018	<b>DATE OF EXPIRY:</b> 9th July 2018
<b>WARD:</b> Charlton Park	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr Chris Gough
<b>AGENT:</b>	Mr Alan Buckley
<b>LOCATION:</b>	68 Sandy Lane, Charlton Kings, Cheltenham
<b>PROPOSAL:</b>	First floor front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL, changes to include an increase in the overall height of the first floor addition by approx. 400mm, removal of fascia/guttering detail and removal of first floor side elevation cladding) Part-retrospective.

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1. Members attention is brought to a supporting statement received from the applicant. Please see attached.
- 1.2. In addition, the below objection from the Parish Council has been received since the publication of the officer report:

*'Further to the CKPC Planning Committee meeting of 11/06/18, and the review of this application with the Bidewells report added to the documents, we object to the above application with the following comments:*

*The original application (determined before the property became part of the Parish) is overbearing and detrimental to the streetscape. The increase in height of the front extension makes it more so.*

*However, this would be at least in part be ameliorated if the front extension had a pitched roof rather than the proposed flat roof, making it much more in keeping with the surrounding properties.'*

- 1.3. There are no new issues raised within this objection and therefore no further comments for officers to make.

### 2. CONCLUSION AND RECOMMENDATION

Officer recommendation remains to permit the application, subject to the conditions set out below:

### 3. CONDITIONS

- i. The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.

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.

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

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

- iii. The external cladding and render shall be applied in accordance with the submitted and approved details within the discharge of condition application 18/00303/DISCON.

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

- iv. The windows and external doors shall be installed in accordance with the submitted and approved details within the discharge of condition application 18/00303/DISCON.

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

#### INFORMATIVES :-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) 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, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

Ben,

We are obviously very disappointed by the number of objections which have been submitted which has resulted in the need for us to try and offer some mitigation below. Throughout this process, we have listened, adhered to advice, redesigned and fully taken onboard the recommendations given by the planning office and the committee.

A couple of the objections refer directly to the process of 'retrospective' planning, but the majority focus on the overall look and size of the build, some question the 'poor design' – as recommended and approved by the committee, citing that it 'is not in keeping with the surrounding properties' and the fact that it is 'causing harm to the architectural integrity of the building or group of buildings'. There were also questions around the decision to approve planning for a flat roof structure in the first place, and the 'flowery language' used by the committee. All of the properties along Sandy Lane vary in design style, shape and structure from contemporary designed homes to bungalows. As you can see from the pictures below, the properties in the vicinity at the top end of Sandy Lane also vary significantly in style and appearance.

No.76



No.74



No.72



No.70



No.64



No.62



I agree with the comments that at the moment it does look 'boxey' however once the cladding and render has been applied and the recessed glass balcony added, the current 'box' appearance will be negated. A 2d black and white drawing does not give a fair representation of the eventual look.

The concerns raised about the flat roof being slightly higher than the adjoining roof line....Again I agree that at the moment it looks odd, however the work is unfinished as there is currently a gap between the tiled roof and the flat roof, and once correctly joined it will look completely different and seamless.

With regards to the build being 'overbearing'. We have not gone forward any further that was initially approved. The rise in height was only to accommodate the issue with regard to the roof joists and ceiling height as already outlined in covering letter submission. The scaffolding surrounding the building also makes things look bigger than they actually are.

Everyone focusses on it as being in a prominent position however the house and extension is not in anyone else's permanent line of vision, and the only people who would briefly see it, above the trees and bushes already established on the property would be the people turning into Hartley Close, or those travelling past to gain access to the few properties past us up Sandy Lane or those heading for the hills.

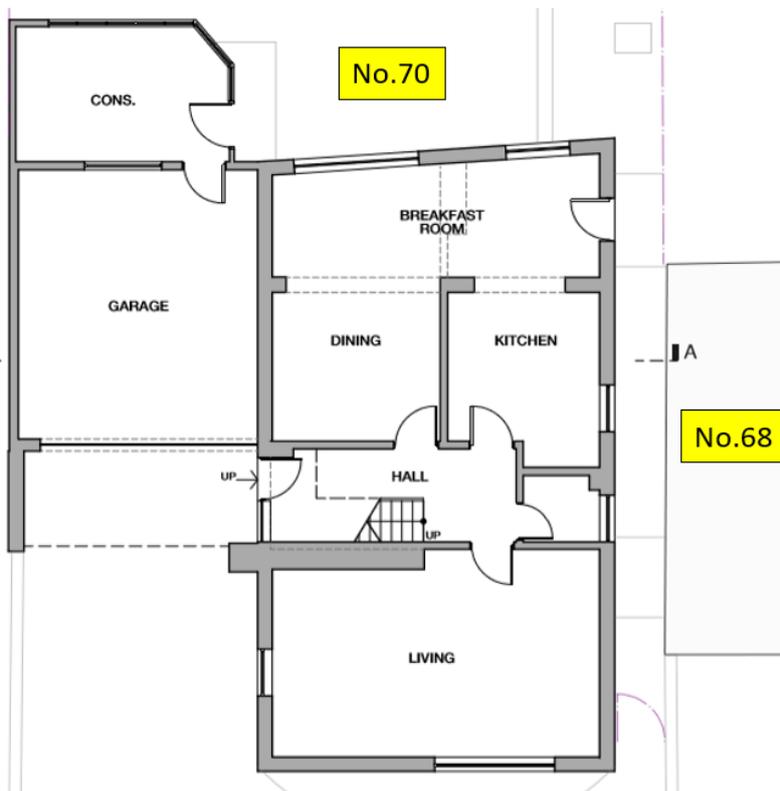
The house cannot even be seen as you look down Sandy Lane from even from a short distance from No. 76 as it is obscured by No 70.



I appreciate that it may currently look unsightly, however like anything in transition the finished article always looks better.

On the issue of loss of light. The report submitted by No.70 states that the increase in size impacts on the light entering the windows to the three windows to the side of No.70. The report also focusses on the kitchen being 'one of the principal rooms that should be protected with adequate sunlight and daylight. I couldn't agree more however the kitchen window (comprising obscured glass) originally received very little light due to the wall running along the boundary on No70's property. The extension is still below this wall level.

Before the extension



After the extension



I don't believe that the increase in elevation from the bottom pitch of the roof to accommodate the flat roof forward has any detrimental impact on the light entering these windows.

I hope that you recommend that the plans for the slight increase in height be approved and that the committee support your recommendation.

Many Thanks

Chris Gough

<b>APPLICATION NO:</b> 18/00934/FUL		<b>OFFICER:</b> Mr Ben Hawkes	
<b>DATE REGISTERED:</b> 14th May 2018		<b>DATE OF EXPIRY :</b> 9th July 2018	
<b>WARD:</b> Charlton Park		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Mr Chris Gough		
<b>LOCATION:</b>	68 Sandy Lane, Charlton Kings, Cheltenham		
<b>PROPOSAL:</b>	First floor front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL, changes to include an increase in the overall height of the first floor addition by approx. 400mm, removal of fascia/guttering detail and removal of first floor side elevation cladding) Part-retrospective.		

### ADDITIONAL REPRESENTATIONS

Number of contributors	<b>7</b>
Number of objections	<b>5</b>
Number of representations	<b>2</b>
Number of supporting	<b>0</b>

70 Sandy Lane  
 Charlton Kings  
 Cheltenham  
 Gloucestershire  
 GL53 9DH

**Comments:** 18th June 2018  
 Letter attached.

**Comments:** 18th June 2018  
 Letter attached.

70 Sandy Lane

Charlton Kings

GL53 9DH

Dear Councillor,

You will be visiting **68 Sandy Lane** for a site visit on Tuesday. We live at the neighbouring property and are most affected by this retrospective planning application. We have made formal representations objecting to the proposal along with 6 other residents, including the Parish Council. When visiting the site we would respectfully request that you give careful consideration to the following points:

**Increase in height and massing.** The top two courses of blockwork and coping stone adds 20 inches or 0.5m to the height to this already large extension. This can be best visualised by following the mortar line under these two courses and following it back to the existing eaves at the back of the building. This can be clearly viewed from the rear of No. 70. These two additional courses of blockwork do make a considerable difference to the overall size, appearance and impact of the extension.

**Visual Impact:** The plans provided do not accurately reflect the impact and massing this structure has on the surroundings. This can only be truly appreciated when standing in front of it from the highway. The resultant structure now completely over dominates the original building and is no longer subservient or in keeping with the surroundings. This is a prominent and attractive location enjoyed by many walkers and residents additionally.

**Design:** Attention should be given to the design of the enlarged structure, particularly where the flat roof and the existing pitched roof join. The 'box' now projects into the roofspace, through the eaves. The officer's report accepts that this relationship is '**awkward**'. The council's policy CP7 requires high standards of design, not 'awkward' ones. The scheme falls short of that requirement. The supplementary design guidance states that extensions should be '**subservient**' 'an extension should not dominate or detract from the original building, but play a supporting role'. If one stands in front of this building it is clear that the enlarged forward box extension is not 'subservient', so the policy requirement is clearly not met in this case. This point is not addressed in the report.

**Loss of daylight:** We would ask that you come into our property to assess the impact on the light entering our kitchen. It has only one direct light source through the side obscure glazed window. Light is also provided from 'through light' from the original breakfast room (currently being reconstructed). This would be 5-6m away from the top end of the kitchen. Officers initially reported this as a bathroom window; which it is not. The extra two courses of blockwork do have a further detrimental impact on light entering this room. A detailed light calculation has not been undertaken. Only a subjective assumption has been made. The policy requirement is to protect an 'existing amenity'. The increase in height detracts from that amenity, thus not meeting CP4's policy requirement.

**Justification:** The increase in height is described as an 'oversight'. However, in February, the applicant made a non-material minor amendment for changes to windows and other minor details. This demonstrates a clear understanding that consent is required for deviations from the approval. The majority of the structure is a balcony with a very generous internal height. Achieving consistent internal ceiling heights through to a balcony is not adequate justification to override compliance with adopted planning policy.

**Conclusion:** You will probably be advised that this addition in height is marginal. It is not. The additional two courses of blockwork change the design and appearance of the extension; pushing into the roof, breaking all normal design principles and causing additional impact to us, the only neighbours, as stated above. This is a fresh application and should be dealt with on its own merits and we consider the application to be in clear conflict with the council's adopted policies.

Yours sincerely





Your ref: 18/00934/FUL  
Our ref: MD/sb

Date: 18/06/2018

Ms Tracey Crews  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

Dear Ms Crews

**PLANNING APPLICATION – 68 SANDY LANE, CHARLTON KINGS, CHELTENHAM, GL53 9DH  
REFERENCE 18/00934/FUL**

I refer to the committee report which was published on your website at 5.00pm on Wednesday 13<sup>th</sup> June prior to the end of the stated consultation period. Subsequent updates were also uploaded on Friday, including a submission from the Parish Council.

It is quite clear the item needs to be deferred from the meeting on the 21<sup>st</sup> June for three substantive reasons:

1. The change in description.

Following our representations, the original consultation letter was re-issued dated 30<sup>th</sup> May for a period of 14 days seeking comments to be made 'no later than 13<sup>th</sup> June 2018'. The letter to residents and the website was uploaded with the amended description below:

"Single storey front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously application ref. 17/01984/FUL, changes to include an increase in the overall height of the first-floor addition by approx. 400mm. removal of fascia/guttering detail and removal of the first-floor side elevation cladding (part retrospective)".

The description now within the committee report contains the following:

First floor front extension, single storey extension to the rear of the garage, first floor side extension, application of render and timber cladding and replacement windows and doors (revised scheme to previously approved application ref. 17/01984/FUL, changes to include an increase in the overall height of the first floor addition by approx. 400mm, removal of fascia/guttering detail and removal of first floor side elevation cladding) Part-retrospective.

Clearly there has been material change in the description of development which I made clear was in error in my earlier letter, yet this was not made as part of the consultation process. Therefore it must follow that you will consult on the amended description to ensure that it is accurate and that representations are made on the proper description.

25 Old Burlington Street, London W1S 3AN  
T: 020 7493 3043 E: [info@bidwells.co.uk](mailto:info@bidwells.co.uk) W: [bidwells.co.uk](http://bidwells.co.uk)

2. The lack of clear drawings upon which members can base their decision.

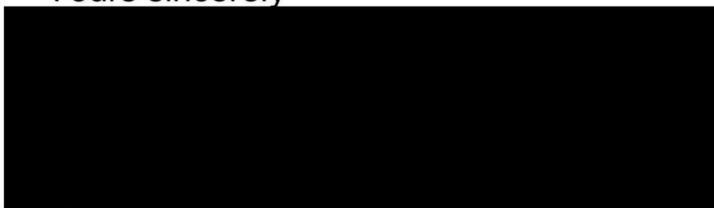
The applicants have been very candid in their supplemental statement saying the current scheme does look “boxy” but the key phrase here is the following sentence which says “A 2d black and white drawing does not give a fair representation of the eventual look”. Unfortunately, that is all your members have to go by and it is not in my view acceptable to expect them to make decisions on drawings that do not give a “fair representation of the eventual look”. This is fair to both parties I would argue. This is particularly salient in this case where the scheme relies on the execution of the detail to be successful. If you proceed as is, you are asking members to approve a scheme without a clear representation of the final appearance.

I would strongly recommend that some form of visual is prepared and consulted on.

3. You have still not required the applicant to demonstrate compliance with the BRE guidelines as is required by the SPD (your para 6.18 and 6.19). This is a new application and your guidance requires clear evidence that there will be no adverse loss of sunlight and daylight. The fact that you did not comply with your own guidance with the previous application is not reason not to require it now.

I would be grateful if you would confirm by return that the application will be deferred to allow clear plans to be provided, further consultation on the correct description of development and for confirmation on the sunlight and daylight point which I mention in this and my earlier letter.

Yours sincerely



Head of Planning