



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 20 September 2018
6.00 pm**

Membership	
Councillors:	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 - 14)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **18/01050/FUL 28 The Avenue** (Pages 15 - 22)
 - b) **18/01326/FUL Ashford Court Cottage, 44 Ashford
Road** (Pages 23 - 30)
 - c) **18/01332/COU Renault, Mackenzie Way** (Pages 31 - 42)
 - d) **18/01403/FUL 8 Horsefair Street** (Pages 43 - 64)
 - e) **18/01626/COU 29 Gloucester Road** (Pages 65 - 70)

- f) **18/01646/FUL Blenheim Villa, The Reddings** (Pages 71 - 134)
- g) **18/00934/LBC Municipal Offices, Promenade** (Pages 135 - 142)

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

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
Email: builtenvironment@cheltenham.gov.uk

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Planning Committee

16th August 2018

Present:

Members (11)

Councillors Barnes, Chair (GB); Baker, Vice-Chair (PB); Barrell (DB); Cooke (SC); Fisher (BF); Flynn (WF); McCloskey (PM); Oliver (TO); Payne (JP); Seacome (DS); Wheeler (SW).

Officers

Emma Pickernell, Senior Planning Officer (EP)

Nick Jonathan, Legal Officer (NJ)

1. Apologies

Councillors Hobley, Hegenbarth and Collins.

2. Declarations of interest

18/01129/FUL 6 Wards Road

All members of the LibDem group declared a personal but not prejudicial interest – the applicant's wife is known to them, as treasurer of the LibDem Group in Cheltenham.

3. Declarations of independent site visits

18/01129/FUL 6 Wards Road

Councillors Fisher, Payne, Flynn, Cooke, Barrell and McCloskey all visited the site independently (there was no Planning View this month, due to the single-item agenda). Councillor Barnes is familiar with the site from the previous application in 2016.

4. Public Questions

There were none.

5. Minutes of last meeting

Resolved, that the minutes of the meeting held on 19th July 2018 be approved and signed as a correct record *with the following corrections:*

i. Page 20, last line of paragraph 3

'MC: ... Notes the comments of the Environment Agency – worked ~~there~~ with the EA for ten years, and isn't sure what they are supposed to do.'

ii. Page 27, before item 18/01216/FUL Pittville Recreation Centre

Insert: Councillor Hobley left the meeting at this point and amend subsequent vote accordingly to 13 in support, not 14.

In addition, Councillor McCloskey made the following points:

- wasn't present at the July meeting, but was particularly concerned to read about the application at Cotswold View, The Reddings, to make three 3-bedroomed houses into three 4-bedroomed houses by way of permitted development, and the way in which this is presumed to happen and being used by developers. Feels this is a worrying trend, and some discussion between members and officers is needed;
- at the June meeting, under AOB, made the point that most of the applications on the agenda had history and several of the sites had been considered at Planning Committee before; suggested it would be helpful if the paperwork were to be more reflective of this. Officers agreed to look into this. Wonders what practical action may have been taken between the June meeting and tonight, when another application with recent history is being considered.

Before the start of the evening's business, Councillor Barnes thanked Councillors Hobley and Baker for chairing the last two meetings in his absence – they clearly did an excellent job.

6. Planning applications

Application Number:	18/01129/FUL
Location:	6 Wards Road, Cheltenham
Proposal:	Construction of an extension to the front of the house to accommodate a wheelchair lift to give access to the 3 floor levels of the house (revised scheme ref: 16/01597/FUL)
View:	(independent site visits, and site visited for previous application)
Officer	Refuse
Recommendation:	
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

EP introduced the application to construct a lift shaft on the front elevation of the house, to allow access to the second floor for the disabled occupant of the house. Officers have strong concerns about the design and appearance of the proposal, which they do not consider to be outweighed by the circumstances of the applicant. A similar application for a smaller lift shaft was approved in 2016; officers recommended refusal but this was overturned at Committee and permitted with the addition of an S106 agreement to remove the lift extension when it is no longer needed. In view of the background of this application, officers felt it should come to Committee for a final decision.

Public Speaking:

Councillor McKinlay, in support

Trusts that Members have read the submission from the agent, setting out the justification for this application. The medical requirements of the applicant are outlined, but will not repeat the detail here, as it is not a matter for public discussion. The officer report states that there have been no responses from local residents in objection; the agent states that all local residents are supportive of the proposal. The reason why the lift has to be external and not internal is that there is not sufficient space inside for a lift to accommodate a large wheelchair and allow any moving space. The officer report and Members' own experience confirm that this is a very similar application to the one considered in October 2016 – that received unanimous support from Members, and the principle of an external lift shaft is therefore approved. This application presents some minor changes – the officer report states at Para. 6.8 that this proposal is *slightly larger than the approved scheme in each dimension and will be finished with a different material*. This increase is due solely to the fact that the size of the lift has increased marginally and wouldn't fit the previously approved dimensions. The increase is 30cm-50cm.

Is slightly confused that the officer report refers to 'different material' being proposed, as in May 2018 an application was submitted to amend the previously approved materials to the black rock panel cladding which is proposed in this application, and this was approved. There is no change in material, so assumes this is a typing error?

Is not disputing there is a clash with JCS Policy SD4 and Local Plan Policy CP7 - this was known two years ago, when the previous permission was granted, but Members felt that the special circumstances overrode this. There has also been no objection from local residents. At Para. 6.12 of the report, the officer states that his recommendation to refuse is very much 'on balance' – takes this to mean that the proposal is outside policy, so officers cannot approve it – it is beyond their pay grade, so to speak. However Members can make a decision; their previous decision was the right one, and it is only logical that if the 2016 decision was correct, the correct decision tonight is to permit.

Member debate:

SW: As AM has said, the only thing to look at here is the difference in size, which is very minimal. Officers have suggested that the proposal will harm the street scene, but his rule of thumb is to consider what if every house in the street did the same thing – he wouldn't mind, and for him, this is not an issue. The last time the application was at Committee, a condition was added to remove the lift shaft as and when it was no longer needed. At the time, Councillor Savage made the point that we don't have enough houses of this kind in this town for the people that need them. Agrees with this, and is very much against any condition for its removal when no longer needed this time. For that reason, if any members are considering asking for a condition of this kind, would suggest they shouldn't. Would like to go against the officer recommendation – although fully understands that they can't do anything else, and have to consider applications by the book. Is in favour of permitting the scheme, without a condition for an S106 agreement.

BF: endorses SW's comments regarding any future removal, for the same reasons as last time. This is a very minor change, as AM has said. We should be encouraging people to stay in their own

properties with whatever ailments they may have, and not have to move. The trouble is that equipment changes all the time, and the lift shaft clearly has to be of certain proportions in order to accommodate the wheelchair. Supported the scheme last time. It is very important and necessary, and will give the applicant mobility.

DB: notes that the road has a great variety of architecture, as a result of which this proposal won't look out of place. Would prefer it not to be as tall as it is proposed, but understands that it has to be. Would also prefer it to be in stone cladding, as suggested by the architect. Is in favour of the proposal – it is important to have properties that can be used by people with disabilities – and would be sorry to have to remove it in the future when it might be appropriate for others.

JP: this is a real head and heart application. Fully understands the constraints on officers, and the policy guidance they have to use. Planning Committee is in a more fortunate position, and can use some discretion which, in this case, is quite appropriate. Making an alteration to a property to allow a disabled person to lead a fuller life is enough justification. Doesn't think it necessary to require the applicant to remove the lift when it is no longer needed. It may be an attractive feature for another family. Supports the proposal.

SC: this proposal is really important for the resident who lives here, and there have been no objections from neighbours. Therefore supports the application. Thinks what is proposed is nicer than what was previously approved – it has the look of an ecclesiastical 'bell tower'. The houses along this road are quite higgledy-piggledy, and the modifications to this house will not look out of place. In addition, it could technically be taken down when no longer needed. Regarding the facing material, presumes the architect takes a pride in his work and would want to install something which he would like to live opposite. Would prefer to retain the condition to take the lift shaft down – that way it will be executed in such a sympathetic way that no one could object to it being left there, and this will encourage the architect to make it as elegant as possible. This scheme should be supported. We need more properties to allow people to live their own lives without having to go into nursing homes.

PM: raised the question at the beginning of the meeting about relevant planning history; looked back at this case and noted that the decision was issued for the previous application on 31st July 2017 – yet the planning committee at which it was decided took place in October 2016. The reason why it took nine months to issue the decision was the S106 agreement. The applicant has a pressing medical need; had he known how long it would take to negotiate the S106, would not have voted for it. We should scrub the S106. Re. the facing material, agrees with SC – we should let the architect decide. In view of the applicant's pressing need for the lift and the delay to date, he should just go out and get on with it. Will vote in favour.

EP, in response:

- paragraph 1.2 of the report sets out the date when the previous application was considered. The delay in issuing the decision was due to the legal agreement. If a similar agreement is included with this application, it won't take as long this time – it will be a simple case of changing the reference number;
- regarding the need for a 106 agreement, the previous Committee voted for it because they felt it was necessary. The reason for this was that in granting permission for this proposal, the

authority is making an exception to all policy guidelines for a specific set of circumstances, relating to one person. The 106 agreement allows some flexibility – if a future occupant needed the lift, they could apply to remove the 106. This way, the local authority retains an element of control;

- without a condition and an S106, the lift shaft will be there for ever. The authority loses control and flexibility. The same advice applies to this application;
- regarding the facing material, there have been a series of amendments since the original application – first for aluminium, then for black cladding. The architect has now suggested stone cladding, which would lessen the impact of the lift shaft. This can be dealt with through a condition if Members want to pursue it;

SW: to clarify, is still of the same opinion, and doesn't feel that there is any great value in an S106 agreement. Would like to see stone cladding, but the architect has designed the lift shaft as he sees fit and would probably like to see it left as it is. If the applicant decides he would prefer to see it in stone, then would like the choice left to the architect and applicant.

GB: will take vote at this point.

Vote on officer recommendation to refuse

0 in support

11 in objection

NOT CARRIED

GB: Members can either vote on SW's move to permit as is, or do Members want to vote separately on whether or not to include an S106 agreement to remove the lift shaft when it is no longer needed.

SC: is there a way to have an S106 which carries the assumption that it will stay, but if neighbours find it an eyesore, it can be removed – allowing some flexibility? Would hope the lift shaft can be built and stay – would expect it not to be a problem – but can there be some flexibility and discretion here?

BF: if we remove the S106, when the current occupant no longer requires the house, whoever moves into the house would have to apply to remove it; it cleans the job up, and the applicant can get on and build the lift shaft, and when it changes hands, the new owners can take it down should they wish.

GB: the officer has said that holding on to the S106 gives the local author some control. If someone wants to retain the lift, they would need to apply to remove the S106.

EP, in response:

- if an S106 is included, and future occupants want to retain the lift shaft, they would have to apply for the S106 to be removed; if they don't want to retain the lift shaft, they can simply remove it;
- if there is no S106 and a future occupant wants to demolish the lift shaft, no planning permission will be required for that;

- to SC, no – if an S106 is included, a further condition to modify its application cannot be included.

GB: will take vote on whether to include a condition requiring an S106 agreement for the removal of the lift shaft.

Vote on officer recommendation to include an S106 agreement

2 in support

8 in objection

1 abstention

S106 agreement not included

GB: members can now vote on SW's move to permit, without a condition for an S106 agreement to remove the lift shaft when it is no longer needed. Do Members want to vote on the stone cladding option?

SW: regarding a vote on this, is it a straight either/or decision, or a decision on whether we allow what was in the original design or insist on stone cladding? Does the applicant have a choice?

EP, in response:

- Members will be voting on whether to attach a condition, notwithstanding the drawings, for stone cladding to match the house. If they vote on the application as it stands, the cladding will be black.

SC: though black cladding was the original intention, this was amended to matte aluminium. It would be better to leave the decision to the client.

EP, in response:

- The original application was for black glass; the first amendment was for aluminium cladding and the second amendment and current application for matte black cladding.

SC: is the cladding anything like that used in the building that caught fire? It appears to have polyurethane backing.

EP, in response:

- It not an expert, but doesn't think this is the type of cladding used at Grenfell Tower.

JP: if we approve the proposal as is, with a recommendation for stone cladding, and the applicant then decides he doesn't like it, he would have to put in an application for an amendment. What is the timescale on this? Would not be happy for it to go on for weeks and months.

EP, in response:

- Yes, if a condition is included for the lift shaft to be clad in stone or to be clad in another material, the applicant would have to apply to vary that condition if he were to change his mind. It would have to go out to consultation, but this is not usually a lengthy process – probably taking 4-5 weeks altogether.

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GB: so Members need to vote on whether it should be the original facing material or stone cladding.

Vote to approve facing material as proposed in application (black rock panel cladding)

7 in support

2 in objection

2 abstentions

CARRIED – proposed facing material to be used

GB: And now Members need to vote on SW's move to approve, with the cladding as set out in the application, and no S106 agreement.

Vote on SW's move to permit, as above

11 in support – unanimous

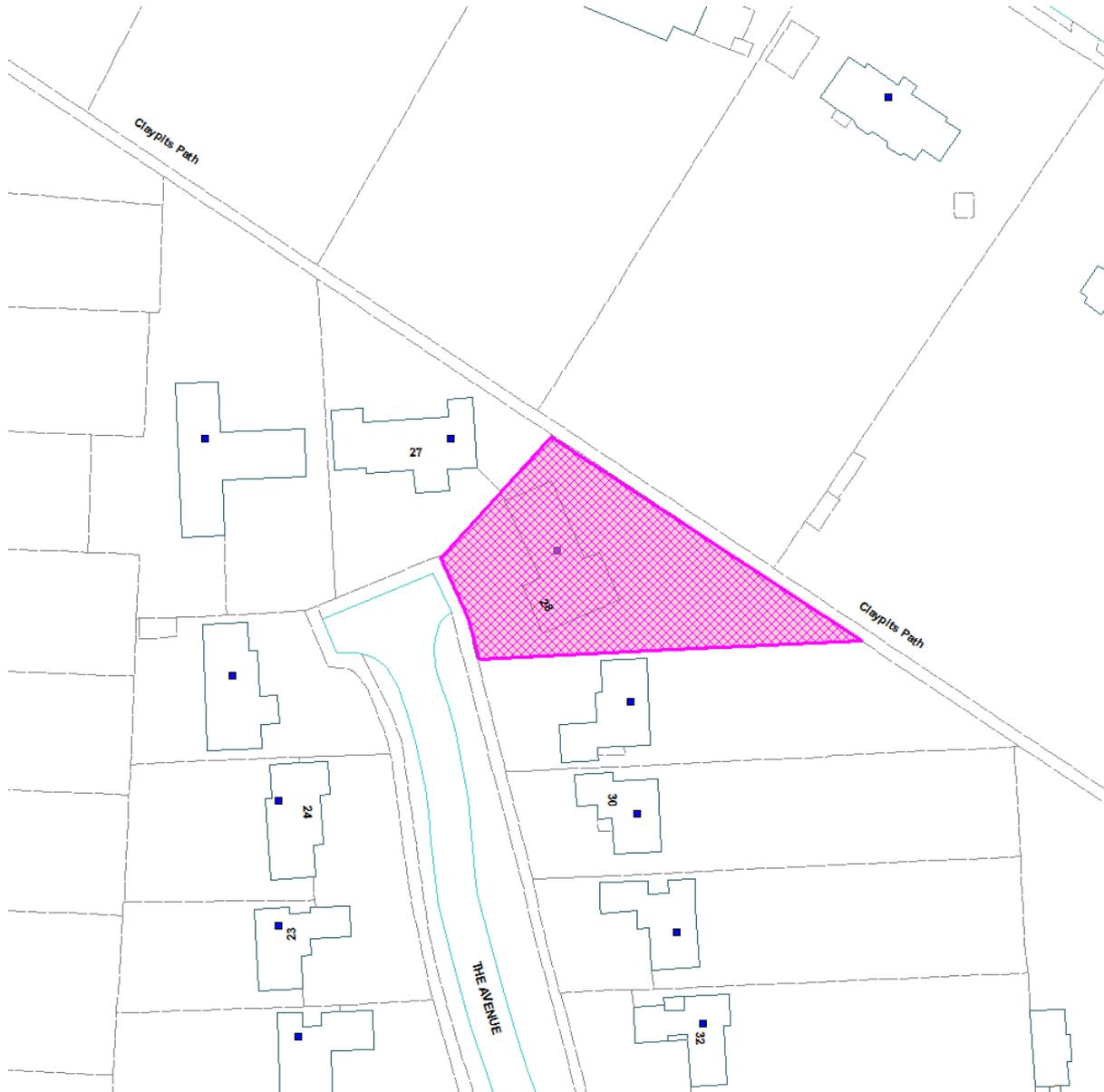
PERMIT

The meeting ended at 6.50pm.

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APPLICATION NO: 18/01050/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 26th May 2018		DATE OF EXPIRY: 21st July 2018	
WARD: Charlton Park		PARISH:	
APPLICANT:	Mrs L Cresswell		
AGENT:	Clint Jones Building Design Services		
LOCATION:	28 The Avenue, Cheltenham		
PROPOSAL:	Proposed ground and first floor extensions and increase to existing roof height, together with remodelling and alterations to dwelling		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 28 The Avenue. The site is a single storey detached dwelling located to the end of a residential cul-de-sac in the Charlton Park ward.
- 1.2 The application proposes the following works:
- Increasing the existing roof height to create first floor accommodation containing five bedrooms;
 - Ground and first floor extensions to front and rear; and
 - Remodelling and general modernisation
- 1.3 The application is before Committee at the request of Cllr Paul Baker due to neighbour concerns over the impact on amenity.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Smoke Control Order

Relevant Planning History:

18/00877/PREAPP 10th May 2018 ALLOC

Front and Rear extension, raising the ridge height, etc, total renovation - fast track application required if suitable

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 (2008)

National Guidance

National Planning Policy Framework (2018)

4. CONSULTATIONS

Parish Council

29th August 2018 - No objection

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	5
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Five letters were sent to neighbouring properties and one response has been received objecting to the proposal.
- 5.2 Representations have been circulated in full to Members but, in brief, the main objections relates to:
- The loss of a bungalow and the design approach not being in keeping with the character of the area; and
 - Potential loss of light and loss of privacy.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The considerations for this particular application are the impact of the proposed works on the character of the area and the potential impact on neighbouring amenity. As part of the process a site visit was conducted and the neighbouring property, 27 The Avenue, was also visited at the owner's request.

6.3 The site and its context

6.4 There are approximately 37 dwellings along The Avenue of different ages with no set uniformity in design and form of dwelling. According to the historical maps the development of this section of The Avenue would appear to have taken place in the 1970s. The design and style of property is reflective of this.

6.5 The property is one of four bungalows at the end of the cul-de-sac that presumably were built around the same time with the rest mainly two storeys. The property is not listed and lies outside of the conservation area. A small number have undergone substantial renovation in the recent past, most notably 29 The Avenue (ref: 16/00861/FUL).

6.6 Design and layout

6.7 The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (JCS) highlights in Policy SD4 how development should positively respond to and respect the character of the area. Furthermore, this should be of a scale, type, density and materials that are appropriate to the site. This is supported through Policy CP7 of the Local Plan.

6.8 The National Planning Policy Framework (NPPF) states in paragraph 130 that "*where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development*".

6.9 The application is for a relatively comprehensive re-modelling of the existing building together with an additional floor of living accommodation. The proposed roof extension will increase the ridge height of the building by approximately 1.8m to approximately 7.3m. Two gable elevations are proposed to the front and rear of the property at first floor level, the largest of which will measure approximately 8.1m in height and positioned to the

southern side of the property. The second gable is more central and sits slightly below the increased ridge height of the property. The application also introduces two gable dormers to the front and rear elevations.

- 6.10** The principle of increasing the height of the existing property is considered to be acceptable. The property is situated between a two storey and a single storey dwelling therefore increasing the height will not unduly disrupt the street scene to an unsatisfactorily level.
- 6.11** The proposed materials will not match the existing property but, due to the nature and scale of the overall alterations, the proposed materials are considered acceptable. There is some variety of property style, in terms of materials used and design approach, and therefore the proposed alterations are not deemed to cause harm to the visual amenity of the area. Particularly in light of the alterations which have taken place to other properties in the immediate vicinity. Because the proposal is a complete remodelling of the property it is not necessary to be prescriptive about materials and the subservience of various elements provided the overall appearance is acceptable.
- 6.12** Whilst the cumulative impact of the various elements of the proposal will undoubtedly alter the character and the appearance of the existing property, the resultant building is considered to be acceptable in appearance and to sit comfortably within the street scene. It is considered that the proposed scheme represents a high quality design which is in accordance with the general design advice set out within the NPPF and on this basis is deemed acceptable.
- 6.13 Impact on neighbouring property**
- 6.14** Policy SD14 of the JCS and Local Plan Policy CP4 both require development to not harm the amenity of adjoining neighbours. The potential loss of light, loss of outlook and loss of privacy is taken into account when assessing the impact on amenity.
- 6.15** The SPD includes maintaining privacy and ensuring adequate daylight as two of the five basic design principles when contemplating residential alterations and extensions.
- 6.16** One objection has been received from the neighbouring property, 27 The Avenue, and this property was also visited as part of the process. The objection raised concerns over the loss of a bungalow, as well as the potential impact on light levels and a resulting loss of privacy.
- 6.17** There are no specific policies relating to the protection of bungalows within the JCS or the Local Plan. Proposals which involve an increase in roof height are assessed in terms of their impact on the street scene and the character of the area. This has been discussed above in the 'Design and Layout' section above.
- 6.18** Due to the cranked nature of the plot the proposed front dormer window will turn away from the neighbouring property. The proposal will not introduce any windows which face directly opposite windows or amenity areas of neighbouring properties. It is officer's opinion therefore that no additional overlooking will be created through this application.
- 6.19** The standard daylight test was conducted and the proposal passes this test. It is not considered therefore that light levels will be unduly affected by this application nor will it be oppressively overbearing.
- 6.20** The proposal will be visible from and have an impact on neighbouring properties, particularly 27 The Avenue. However it is not considered that this will be to a level which would warrant refusal. As a result, the application is considered to be in accordance with Policy SD4 of the JCS and Local Plan Policy CP4.

7. CONCLUSION AND RECOMMENDATION

- 7.1 In conclusion, the application is considered to be in accordance with the policy requirements of the JCS, Cheltenham Local Plan and advice contained within the NPPF. The recommendation to Members is 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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APPLICATION NO: 18/01050/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 26th May 2018		DATE OF EXPIRY : 21st July 2018	
WARD: Charlton Park		PARISH: CHARLK	
APPLICANT:	Mrs L Cresswell		
LOCATION:	28 The Avenue, Cheltenham		
PROPOSAL:	Proposed ground and first floor extensions and increase to existing roof height, together with remodelling and alterations to dwelling		

REPRESENTATIONS

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

27 The Avenue
Cheltenham
Gloucestershire
GL53 9BL

Comments: 18th June 2018

We wish to express our concerns and make observations and comments relating to the above planning proposal.

We do not believe changing the type of property is in keeping with the area. The Avenue is mainly houses with only 4 bungalows sited at the end of the road. By changing the structure of one bungalow effectively reduces the number of detached bungalows in the area when such properties are extremely difficult to find in Charlton Kings and the surrounding districts.

On a personal level we have concerns over the reduced level of privacy and lighting to our property. The roof line is planned to increase by 1.8 metres and the ground floor extended out at the front by approximately 1.5 metres. We would request a site visit please by one of your officers to view the intended structure from our property and give their opinion on these observations and concerns.

The extension to the rear is similar (1.5 metres) but we appreciate this has little impact on our privacy and can be managed with fencing height at ground level but we would also like your officer's opinion on any impact the proposed dormer window at the increased roof height of 1.8 metres would have on our property.

Comments: 13th August 2018

We acknowledge receipt of your email regarding the planning application of 28 The Avenue.

From your earlier responses to our observations and now stating that your recommendation will be 'to permit' the application there seems little purpose in our continuing with objection to this proposal.

We also contend that changing the property from a bungalow to a house is not in keeping with this part of The Avenue thereby reducing the limited number of bungalows in the area. However, with no support from our councillor on this matter, who refers to other construction work in the road, which is not relevant to our observation, and this application is inconsistent with previous

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applications in the road, then we see no point in applying to attend the committee meeting to reiterate our observations.

We continue to have reservations on our loss of amenity but based on your office's contentions that our observations are not considered relevant to the planning application we see little point in continuing with the matter as the planning committee will no doubt be following the recommendations by your office.

APPLICATION NO: 18/01326/FUL		OFFICER: Mr Gary Dickens
DATE REGISTERED: 4th July 2018		DATE OF EXPIRY: 29th August 2018
WARD: Park		PARISH:
APPLICANT:	Ms E Canham	
AGENT:	Integrated Architecture	
LOCATION:	Ashford Court Cottage, 4A Ashford Road, Cheltenham	
PROPOSAL:	Construction of first floor to existing bungalow	

RECOMMENDATION: Recommendation at Committee



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to Ashford Court Cottage, Ashford Road. The site is a single storey detached dwelling located to the rear of 4 Ashford Road in The Park Character Area of the Central Conservation Area.
- 1.2 The application proposes an additional floor of accommodation and general remodelling. Planning permission was granted earlier this year for a single storey side extension and this element is incorporated into this proposal.
- 1.3 The application is brought to Committee at the request of Councillors Harman and Barrell due to concerns raised by neighbouring properties.
- 1.4 Whilst officers are looking to support the application a recommendation will be made after the consultation period for the revised plans has expired. An officer update will follow after this.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area

Relevant Planning History:

78/00337/PF 8th September 1978 REF
Erection Of A Four Bedroomed Dwelling And Garage

82/00248/PO 1st July 1982 PER
Erection Of 1 No. 2 Bedroom Bungalow

82/00488/PF 1st July 1982 PER
Erection Of 2 Bedroom Bungalow

84/00039/PF 1st July 1982 PER
Revised Plot Boundaries

84/00256/PF 28th June 1984 WDN
Change Of Use From Residential Dwelling To Part Residential and Part Dental Consulting Rooms

13/00309/FUL 24th May 2013 PER
Removal of existing pitched roof and construction of additional floor of accommodation with flat roof

18/00865/FUL 21st June 2018 PER
Erection of single storey side 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 (2008)

Central conservation area: The Park Character Area and Management Plan (July 2008)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

St Phillips and St James Area Residents Association

30th July 2018

I am submitting these comments on behalf of the St Philip and St James Residents Association regarding the proposal at Ashford Court Cottage, 4A Ashford Road, Cheltenham, GL50 2QZ.

We objected to the previous proposal (13/00309 FUL) for Ashford Court Cottage in 2013 on the grounds that a two storey structure was inappropriate for such a cramped site and that it would overlook neighbouring properties. We considered that the building would be: "too large for this small site; very intrusive on the amenities of those living around it in the streets around (Park Place, Andover Walk and Ashford Road); and an inappropriate development in a Conservation Area".

Sadly our objections did not prevail and the scheme was permitted.

Now that it has been resubmitted, with only modest changes, we wish to object again.

While we maintain our objections for the reasons set out in our comments five years ago, we realise that permission can only be reasonably withheld now if conditions have materially changed since the original application was considered.

We believe that this is the case since the council has recently granted permission to build two two-storey houses alongside this site in Andover Walk (18/01011/FUL). At the time when this case was being considered the original permission given for Ashford Court Cottage in 2013 had lapsed (in 2016). So the assumption in the Andover Walk application and permission must have been that the existing bungalow at Ashford Court Cottage would remain.

We are aware of the concerns of several neighbours who adjoin the site. Like them we consider that the building would interfere unacceptably with their privacy by overlooking them and reducing their access to light and sunlight. But to approve now a new two storey structure at Ashford Court Cottage would also mean a direct intrusion on the privacy of the two recently approved two-storey buildings in Andover Walk. We note too that the elevations that form part of the application for Ashford Court Cottage show a bungalow in Andover Walk, not the new buildings as recently approved by the Council.

So we repeat our earlier objections to the proposal for a two storey building on this site, and believe that if allowed it would also seriously intrude upon the adjoining newly approved properties in Andover Walk. We therefore ask the Council to refuse planning permission.

In 2013, we said that we would however have supported a scheme to replace the existing bungalow with a contemporary, single storey structure built to high environmental standards. That remains our view.

5. PUBLICITY AND REPRESENTATIONS

To follow.

6. OFFICER COMMENTS

To follow.

7. CONCLUSION AND RECOMMENDATION

To follow.

8. CONDITIONS

To follow.

APPLICATION NO: 18/01326/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 4th July 2018		DATE OF EXPIRY : 29th August 2018	
WARD: Park		PARISH:	
APPLICANT:	Ms E Canham		
LOCATION:	Ashford Court Cottage 4A Ashford Road Cheltenham		
PROPOSAL:	Construction of first floor to existing bungalow		

REPRESENTATIONS

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

17 Park Place
Cheltenham
Gloucestershire
GL50 2QU

Comments: 10th September 2018

We have no objections to the original application as submitted in July. However we object to the revised plans submitted at the beginning of September (i.e. New first floor extension to the north east) for the following reasons:

- loss of privacy in neighbouring gardens - the proposed first floor extension as now proposed would overlook various properties (e.g. 19 park place, 3 Andover road and 17 park place) and come right up to the border of those properties
- loss of light for those properties
- the first floor extension would be out of keeping with the conservation area and neighbouring listed properties - it would become visible to a number of other properties while the previous plans sat further back in its own plot
- the proposal now extends far beyond the plan for which previous planning was given (which we understand was already at the limit of what the council could accept following various objections)
- the design and access statement is now incorrect in stating the size proposal is comparable to the previous application; the proposal is now materially larger
- consent for the ground floor extension was granted as recently as May 2018 on the basis of it being limited a ground floor extension - the material amendments outlined in the revised plans appear to be an attempt to amend approved plans from an earlier application on the basis that they would have been too contentious if raised at the time. This seems like an attempt to shortcut the planning process to hide real plans. The two planning applications should have been submitted together so that the full plans could be seen in context

First Floor Flat
19 Park Place
Cheltenham
Gloucestershire
GL50 2QU

Comments: 6th August 2018
Letter attached.

Nethercourt
19C Park Place
Cheltenham
Gloucestershire
GL50 2QU

Comments: 26th July 2018

This property is out of line with all of the other properties in the vicinity. Consequently it is uncomfortably close to 19 Park Place and squeezed on to a small plot. This is presumably why it was built as a small bungalow in the first place.

A 2 storey building will intrude on the privacy of many surrounding properties and particularly on the 3 properties at number 19 Park Place. It will also be out of keeping with the listed buildings neighbouring it.

please deny permission for any further expansion and overcrowding.

19A Park Place
Cheltenham
Gloucestershire
GL50 2QU

Comments: 30th July 2018

I am alarmed by the proposals to add a further level to the current bungalow, as the style of building will be completely unsympathetic to the buildings around it. Not only will it be an ugly sight from my kitchen and bedroom windows, but it will overshadow my garden and give direct views from the property into my home, thus affecting my privacy.

25 Park Place
Cheltenham
Gloucestershire
GL50 2QU

Comments: 14th July 2018

We purchased our house as it provided privacy to the rear garden. Even the windows of no. 19 Park Place (next door) overlooking the garden had been bricked in - clearly to provide no 25 Park Place with this privacy. To add another story as proposed to the height of Ashford Court Cottage would mean that our privacy would no longer be present. Ashford Court Cottage as a single story building does not impose itself but adding the additional level as proposed is not acceptable for a cottage originally built in the rear gardens of nearby houses and most likely built to the height it now stands to avoid the loss of privacy for house such as ours.

Planning Department
 Chert. Borough Council
 PO Box 12
 Municipal Offices
 Chert. Glos. GL50 1PP

[REDACTED]
 First Floor Flat
 19 Park Place
 Chert. Glos. GL50 2QU

30 July 2018

Dear Mr Dickens

RE: 18/01326/FUL - Ashford Court Cottage 4A Alterations

Having looked at the proposed plans carefully and had the opportunity to meet the Planning Officer Gary Dickens, I still feel the planned alterations inappropriate for the site.

All surrounding properties whether of recent build or age have pitched roofs. The proposed is modern, flat roof build, which I feel does not enhance or compliment surrounding properties.

Of main concern is also privacy, the first floor flat looks directly onto 4A property and during winter all surrounding trees are bare of greenery.

Looking at the north west elevation of the proposed extension there are three narrow hinged windows. Since they are hinged from the top I would like a restricted opening. The two larger windows on the single storey dwelling on the side, one hopes will also have restricted openings.

Two photographs will be included to hopefully show my and my neighbours concern with the proposed alterations.

Yours sincerely

[REDACTED]
 cc Mr. Tim Harman

PLANNING

Rec'd 30 JUL 2018

SERVICES

VIEW OF REAR TO 19A KITCHEN
& FIRST FLOOR FLAT - LOOKING
DIRECTLY TO 4A ASHFORD COURT COTTAGE

FIRST FLOOR FLAT



FRONT ENTRANCE TO FIRST FLOOR FLAT | KITCHEN WINDOW FOR 19A GROUND FLOOR

VIEW FROM KITCHEN WINDOW

COACH HOUSE ANDOVER WALK

REAR VIEW OF HOUSES TIVOLI ROAD

MEWS, COTTAGES ANDOVER WALK



VIEW FROM KITCHEN WINDOW
LINE ALONG NO 3 ANDOVER WALK
No 3

4A ASHFORD COURT COTTAGE
SHOWING UTILITY & BEDROOM
WINDOWS

APPLICATION NO: 18/01332/COU	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 5th July 2018	DATE OF EXPIRY: 30th August 2018
WARD: Swindon Village	PARISH: Swindon
APPLICANT:	George Bence And Sons Ltd
AGENT:	SF Planning Limited
LOCATION:	Renault, Mackenzie Way, Cheltenham
PROPOSAL:	Change of use to builders/roofers merchant and installation of steel palisade fencing and gates and external storage racking

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a vacant motor car dealership located within Kingsditch industrial estate on the junction between Manor Road and MacKenzie Way. The site is within the Swindon Village Conservation Area.
- 1.2 Planning permission is sought for the change of use from a motor car dealership to a builders/roofers merchant (sui generis). The installation of steel palisade fencing, gates and external storage racking is also proposed.
- 1.3 The application is at committee as an objection has been received from the Parish Council

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area

Relevant Planning History:

17/01310/FUL 15th November 2017 PER
To construct 20 space car park and access ramp

10/00896/PREAPP CLO
Flying an advertising Blimp

91/00332/PF 25th April 1991 PER
Erection Of Car Showroom And Extension To Existing Building

92/00454/AI 25th June 1992 PER
Erection Of Internally Illuminated Pylon Sign (Formally Known As Mazda Arlington)

93/00014/AI 25th February 1993 PER
Display Of Fascia Signs, Directional Sign And Pylon. Sign In Accordance With The Revised Plans Received On 13 Jan 93 (Formally Arlington Garage)

93/00231/PF 29th April 1993 PER
Installation Of Satellite Dish Aerial (Formally Arlington Motor Co. Ltd)

93/00981/AI 18th November 1993 PER
Two Illuminated Projecting Signs Mounted On 4.5 Metre Steel Pole (Formally Lex)

93/01068/AI 28th April 1994 PER
Illuminated Logo Sign

96/00049/PF 22nd February 1996 PER
Erection Of Pre-Fabricated Double Garage

97/00378/AI 26th June 1997 PER
Illuminated Pylon Sign

05/00325/ADV 21st April 2005 SPLIT
Fascia, direction signs, entrance and wall signs. Pylon sign and flags

09/01087/ADV 18th September 2009 GRANT

Installation of fascia signage to front elevation which consists of louvre back panel with 3 no. applied internally illuminated signs, freestanding entrance panel, 3no. 8 metre high flagpoles on Southern boundary, monument sign to Southern entrance and 5no. non-illuminated freestanding internal site locational signs

80/00652/PF 31st December 1980 PER

Outline application for erection of warehouse units on approx 6.54ha of land and construction of vehicular access. Allowed on appeal

82/00586/PF 10th August 1982 PER

Erection 10 light industrial units with associated offices. Construction of new vehicular access.

11/01660/ADV 4th January 2012 GRANT

Display of a new 4.8m high Nissan pylon sign (in the position currently held by a Renault pylon) and relocate the Renault pylon sign

12/01170/ADV 25th September 2012 GRANT

Erection of various illuminated and non illuminated signs

87/01693/PF 13th May 1987 PER

Erection of a light industrial unit for use as car repair workshop and showroom for the sale of private vehicles. Provision for parking spaces

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design

Adopted Joint Core Strategy Policies

SD1 Employment - Except Retail Development
SD4 Design Requirements
SD8 Historic Environment

Supplementary Planning Guidance/Documents

Swindon Village Conservation Area Character Appraisal & Management Plan (February 2007)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Parish Council

3rd August 2018

Swindon Parish Council objects to the proposals for the following reasons.

(1) The OS map provided as the Site Layout Plan is too small scale and lacks sufficient detail to be able to determine if it is possible for the vehicles to access and manoeuvre within the curtilage of the site or to be satisfied that adequate parking will be available for both the Roofing Merchant (applicant) and the retained car sales facility.

(2) The Planning Statement states that the existing site has 100 parking spaces available although it does not provide a layout plan to show them and the statement also fails to mention that a large percentage of these will be lost beneath their proposed racking system.

As parking will be extremely important to both organisations occupying the site and the way in which they operate a plan should be provided illustrating the number and the allocation of spaces to prove that the on-site parking will be adequate.

The two areas of parking indicated on the Site Layout Plan do not appear to fulfil the required needs. Scaling the plans on the Borough Council website the single orange line is 23.5m long but as can be seen in the aerial photograph on the first page of the Planning Statement this also includes the access into the sales counter which will be retained. Therefore the maximum number of cars that can be parked in this length is the 6 that are shown in the aerial photograph.

The 'L' shape contains an unusable corner but the lengths of the two arms ignoring the corner are 10m and 15.4m. Therefore if the spaces are 2.4m wide (although this will be inadequate for some vehicles) this would provide a further 10 spaces. We however note that there appear to be 13 cars in the aerial photograph plus one in the corner. As a car sales space the one in the corner is feasible but as a customer space it is not. As the parking is unallocated we do not think that the corner space can be included. Therefore it appears that the total parking provision will be between 16 and 19 spaces.

The applicant will employ 12 people. A figure has not been given for the retained car sales showroom but there are unlikely to be more than 2 or 3.

We believe that the parking provision will be inadequate both in the numbers of spaces available and in the size of spaces required to accommodate the larger vehicles of building and roofing contractors visiting the site to pick up items.

The previous car sales frequently used the green highway verge to display vehicles for sale which the Parish Council have complained about on a number of occasions. Any new approval should state that any vehicles visiting or being retained on the site should be accommodated totally within the red boundary of ownership and within the curtilage of the site. No parking of vehicles should be permitted on verges or planting areas.

Mackenzie Way is frequently full of cars which also park around radii at the junction of Mackenzie Way with Manor Road. A lack of adequate on-site parking will result in an escalation of the problem particularly if the larger vehicles of roofing contractors are unable to access the site. It could also result in fork lift trucks loading roofing materials onto vehicles parked on the roads because they are unable to park on the site.

(3) We believe there is inadequate space for vehicles including articulated HGVs, contractors vehicles (customers), car transporters, etc. to visit and off-load within the curtilage of the site. The Planning Statement paragraph 3.20 ' states that 'access will be required for articulated HGVs to the site'. It then goes on to state 'This is not an uncommon occurrence across the industrial estate and the previous operations will have been serviced by articulated car transporters.'

As the planning office and Borough Councillors are aware that the Parish Council on a number of occasions over a number of years have complained that the car showrooms in the area have been guilty of parking their transporters in the roads and off-loading vehicles in the road and then driving them on to the site. Whilst this may have been a common occurrence it is certainly not an acceptable or safe operational practice. It results in traffic chaos as it blocks one of the two narrow lanes of the road, there has been damage to the

footpath and pedestrians including parents with buggies and elderly people with walking difficulties have had to walk in the road to pass by the transporters that are parked on the footpath. We should certainly wish to receive reassurance that this practice will cease.

We have concerns that there could be a number of occasions when roofing contractors will be forced to park in the road whilst they are loading materials. As stated above the scale and lack of detail contained within the OS plan provided as the Site Layout Plan is inadequate to determine if it is possible for the vehicles to access and manoeuvre within the curtilage of the site.

The level difference between Mackenzie Way and the site is not considerable but it is sufficient to create a difficulty for some larger vehicles.

Prior to the application being determined the applicant should provide tracking for vehicles in and out of the site and illustrate the method and area for loading and offloading vehicles within the site. This should take into account all sizes of vehicles for both facilities.

All loading and offloading of vehicles is to be managed completely within the curtilage of the site.

(4) The boundary should be screened and planted with shrubs and trees. This is quite an important route and we believe that this is necessary to screen what will otherwise be quite an ugly racking facility and fencing system. A similar treatment has been provided to the boundary of the George Bence and Son site in the centre of Cheltenham.

(5) No advertising is to be permitted on the verge area.

(6) We note that this application does not contain details of signage or lighting which we assume will be the subject of separate applications.

GCC Highways Planning Liaison Officer

3rd August 2018

The proposed change of use would be considered to be less intensive according to a TRICS analysis and trips generated. Therefore the proposed change of use of the existing building is accepted and I recommend no highway objection.

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.

10th September 2018

I provide the following further response to the Parish Council comments;

I expand on my previous response a TRICS (Trip Rate Information Computer

System) analysis comparing the proposed site use as a Builders Merchant with the permitted use as Car Sales showroom. The analysis demonstrates that total daily vehicle trips for the proposed use as a Builders Merchant (which would not be restricted to the applicant without condition) of 171 daily two-way vehicle trips compared to 188 for a Car Sales showroom (which also would not be restricted to in terms of end user without condition). The AM two-way network peak hour (8am-9am) movements would be 15 trips and PM (5pm-6pm) would be 4 trips compared to 16 AM and 12 PM trips for the Car Sales showroom. Therefore on this basis it considered the potential estimated trip generation and highway impact for a builder's merchant use on the site compared to a car sales use would be less intensive during network peak hours and total daily trips.

Regarding parking provision on site the Parish Council's comments regarding existing parking spaces it is noted that initial plans submitted were not detailed in terms of parking and manoeuvring space dimensions as well as rear existing parking and turning space being illustrated to be partially covered by racking. However the peak parking demand for the proposed use as a builder's merchant has been calculated using arriving and departing trips per hour from the TRICS database surveys of other sites using the existing proposed floorspace of the application site builders/roofing merchant and found to be 14 spaces occupied at a time. This would be less than the calculated parking demand for a Car Showroom use of 21 spaces, which would obviously not include the additional space used for car sales which from the Parish Council comments and previous site use appears to have resulted in an overflow of showroom cars onto the highway verge. The Parish Council mentions the application planning statement describes 100 parking spaces of which the rear spaces will be lost by racking and some frontage areas not being accessible spaces, however the planning statement is actually describing the existing arrangement. The application form however states there are 20 proposed spaces which would be sufficient to accommodate maximum estimated parking demand of 14 spaces for a general Builders Merchant use based on a TRICS analysis. The latest site layout plan appears to illustrate only 17 parking spaces, however this would still be sufficient to meet the demand according to the TRICS analysis and it is noted there appears to be additional space available on site which could accommodate further spaces.

Servicing concerns raised by the Parish Council are noted, however as above based on the TRICS analysis it is expected the builder's merchant will result in a decrease in vehicles accessing the site. The Parish Council has provided no evidence to demonstrate the average peak number of vehicles and their dimensions could not be accommodated either within the existing car park fronting the site or within the rear yard alongside racking. The applicant has submitted a tracking plan (03751 002) demonstrating an articulated HGV can access and egress the site in forward gear. The tracking oversails the central parking spaces, however it is accepted as stated in the planning statement this can be managed by a servicing arrangement. The existing Car Showroom can and does have servicing by large car transporter expected to be similar in size to those serving a builders merchants. The Highway Authority would therefore not be able to sustain an objection to proposed servicing which would not be considered to be worse than can or does occur under the existing permitted site use.

In order to provide sufficient disabled parking based a minimum of 3 parking spaces should be provided for disabled users which can be provided adjacent to the building front entrance where it appears one space is already demarcated and would be sought by condition.

Following the recent release of the new DfT Inclusive Transport Strategy and National Planning Policy Framework (NPPF) a direct segregated pedestrian pathway

will be sought from the existing footway to the building front entrance. It is considered this can be provided within site and highways land and will be sought to be secured via condition.

Therefore in conclusion I maintain my recommendation of no objection, however in light of the new NPPF and Inclusive Transport Strategy released by the DfT I recommend the following conditions:

The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in general accordance with the submitted plan 1321-05 except providing 3 disabled parking spaces 6m x 3.6m, 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework and the Joint Core Strategy policy INF1.

The building(s) hereby permitted shall not be occupied until the vehicular a segregated footway at least 1.2m in width is provided connecting from the existing footway to the front entrance and parking spaces 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework and the Joint Core Strategy policy INF1.

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

Number of letters sent	22
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 22 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. No letters of representation have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The key considerations with this application are the principle of the loss of a B2 use, design, and any subsequent impact upon the amenity of occupiers of adjacent properties, parking and highway safety issues.

6.3 Principle

- 6.4 Policy EM2 of the Local Plan seeks to retain land that is currently or was last in use for employment purposes unless there are exceptions. Policy EM2 of the Local Plan states, in part, that:-

“A change of use of land and buildings in existing employment use, or if unoccupied to a use outside Use Classes B1, B2 or B8 inclusive will not be permitted, except where:

- a) buildings on the land were constructed and first occupied for residential use; or...*
- b) the retention of the site for employment purposes has been fully explored without success; or*
- c) the proposed use is sui generic but exhibits characteristics of B1, B2 or B8 employment uses and which should appropriately be located on employment land (note 2); or*
- d) development of the site for appropriate uses other than B1, B2 or B8 and criteria (c) will facilitate the relocation of an existing firm to a more suitable site within the borough; or*
- e) employment use creates unacceptable environmental or traffic problems which cannot be satisfactorily resolved.”*

- 6.5 The applicant is relying on criterion (c) above. Note 2 attached to criterion (c) states that *‘Sui generis uses which may require an employment site location include; Car sales, builder’s yard; vehicle or tool hire business.’*

- 6.6 The application proposes the change of use from a vehicle dealership, under use class B2 to a builder’s merchant Sui Generis use. The proposed use as a builder’s merchant will provide employment to 12 full time employees, requires an employment site location and in is accordance with Policy EM2.

- 6.7 The site is located within the Principal Urban Area, forms part of an existing, large industrial estate and is well served by public transport and cycling routes to the town centre. The site is also within walking distance of many retail outlets and the local services of the Kingsditch retail park. The application site must therefore be considered a highly sustainable location.

- 6.8 In light of the above the proposed development is considered policy compliant and acceptable in principle.

6.9 Design and layout

- 6.10 No external alterations are proposed to the existing building.

6.11 3m high palisade fencing is proposed along the northern boundary and along a section of the western boundary fronting Manor Road. Steel palisade gates are proposed to the side of the existing building and all will provide a secure storage space. 4m high racking is proposed to the western boundary behind the fencing and 3m high racking is proposed along Manor Road.

6.12 The fencing is not an uncommon feature within the Industrial estate and given the nature of the use and character of the locality, the fencing and racking is broadly acceptable.

6.13 For the reasons outlined above, the proposed development is considered acceptable in design, and appearance. As such, the proposals adhere to the policy objectives of CP7 of the Local Plan.

6.14 Impact on neighbouring property

6.15 Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.

6.16 The site is within the Kingsditch Trading Estate and there are no residential properties within close proximity of the site. There will be no unacceptable impact on neighbouring amenity.

6.17 Access and highway issues

6.18 The National Planning Policy Framework states *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

6.19 The application does not propose a change to the vehicular access but parking will be reduced to 17 spaces in front of the building.

6.20 Due to the nature of the application, the County’s Highways Planning Liaison Officer has been consulted and has raised no objection from a highways perspective. The Parish Council have objected on the basis of inadequate parking arrangements. The County’s Highways Planning Liaison Officer has provided a further response to the Parish Council comments.

6.21 The applicant has provided a more detailed site plan showing the location and number of parking spaces. A tracking plan has been submitted demonstrating that a HGV can access and egress the site in forward gear.

6.22 The potential estimated trip generation and highway impact for a builder’s merchant use on the site compared to a car sales use would be less intensive during network peak hours and total daily trips. A HGV vehicle can access and egress the site in forward gear and adequate parking is proposed.

6.23 The applicant has demonstrated that the proposal would not have an unacceptable impact on highway safety and the development would not be severe.

6.24 As such the proposal complies with Policy INF1 of the adopted Joint Core Strategy and there are no sound highway reasons to withhold consent

7. CONCLUSION AND RECOMMENDATION

7.1 The proposed development both retains and improves the employment use of this site, making efficient use of brownfield land.

- 7.2 The design and layout of the proposal is acceptable; the new fencing is appropriate in the context of surrounding development and the proposal would not have an unacceptable impact on highway safety.
- 7.3 In considering the planning balance with regard to economic, social and environmental matters, officers are of the view that the planning balance is firmly in favour of the proposal. As such it is recommended that planning permission be granted subject to the below conditions.

8. CONDITIONS/REFUSAL REASONS

- 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 change of use hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in general accordance with the submitted plan 1321-05 except providing 3 disabled parking spaces 6m x 3.6m, 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework and the Joint Core Strategy policy INF1.

- 4 The change of use hereby permitted shall not be occupied until a segregated footway at least 1.2m in width is provided connecting from the existing footway to the front entrance and parking spaces 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 scope for conflict between traffic and cyclists and pedestrians is provided in accordance with the paragraphs 108 and 110 of the National Planning Policy Framework and the Joint Core Strategy policy INF1.

- 5 The racking along Manor Road should be no higher than 4 metres in accordance with DWG NO Fil1498/MM.

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

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when dealing with a planning application with the aim of fostering the delivery of sustainable development.

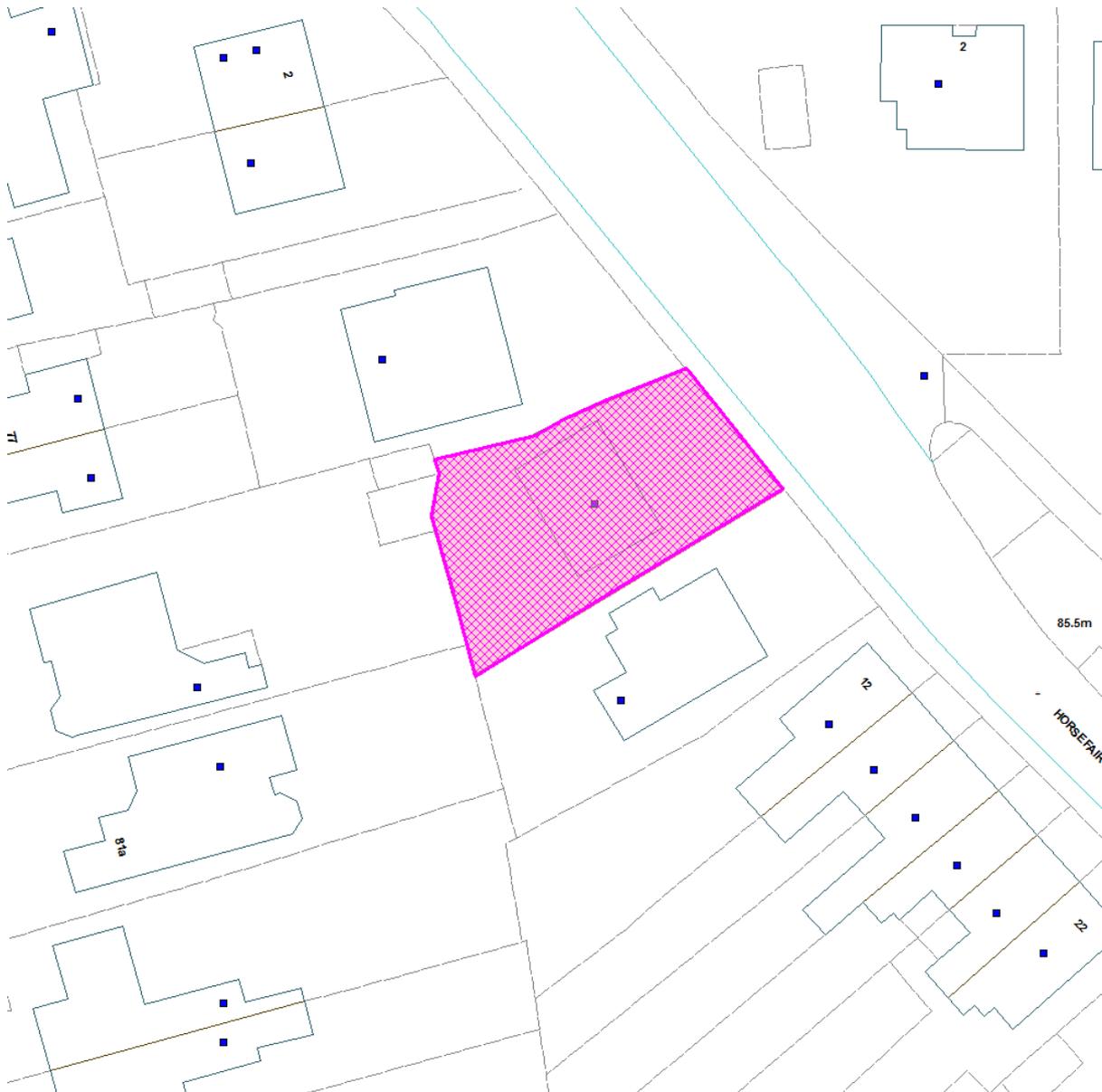
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in 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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APPLICATION NO: 18/01403/FUL		OFFICER: Mr Joe Seymour	
DATE REGISTERED: 13th July 2018		DATE OF EXPIRY: 7th September 2018	
WARD: Charlton Kings		PARISH: Charlton Kings	
APPLICANT:	Mr Scott		
AGENT:	RRA Architects Ltd		
LOCATION:	8 Horsefair Street, Charlton Kings, Cheltenham		
PROPOSAL:	Alterations and extensions including the creation of first floor accommodation		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 8 Horsefair Street is a bungalow located in the Charlton Kings area of Cheltenham. The bungalow was built in the early 1970s and is located just outside of the St Mary's (Charlton Kings) Conservation Area.
- 1.2 The proposed development involves building extensions to the bungalow as part of a general remodelling of the building to create a two-storey dwelling. The proposal also involves the creation of an off-street parking area in front of the property.
- 1.3 Cllr Paul McCloskey has requested that this application is determined by the planning committee for the following reason: *"After due consideration, I would still like this application to come to committee so that the Planning Committee can see the particular characteristics of this site. I'd also like them to have an opportunity to question the tree officer."*

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Smoke Control Order

Relevant Planning History:

N/A

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and Replacement of Trees
GE 6 Trees and Development

Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements
SD10 Residential Development
SD14 Health and Environmental Quality

Supplementary Planning Document (SPD)

Residential Alterations and Extensions (2008)

National Guidance

National Planning Policy Framework (NPPF)

4. CONSULTATIONS

Parish Council

25th July 2018

No objection

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	4
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

5.1 Comments Received

Two neighbouring residents have expressed concerns about the proposed development. In particular, two main issues have been raised:

- Overlooking from rear dormer windows
- Impact the foundations of the extended dwelling would have on nearby trees

6. OFFICER COMMENTS

6.1 Design

- 6.2** The existing 1970s bungalow on site is considered not to be of any particular architectural merit, hence no objection is raised the proposed remodelling of the property. The proposed alterations to the bungalow consist of a single storey extension to the rear measuring 2.8 metres in length and an increasing of the roof height by 2 metres to allow a second storey to be created. Two dormer windows are proposed for the rear roof slope. The eaves height of the property would remain 2.5 metres but the pitch of the roof would become steeper changing from 30 degrees to 40 degrees.
- 6.3** Horsefair Street contains dwellings that vary in their age, size and architectural styles. The neighbouring properties either side of number 8 (number 6 and 10) are both bungalows but they are significantly different. Number 6 was built in the style of a chalet bungalow with a wide gable facing the road underneath which there are two symmetrical bay windows and pillars either side of the front door. Number 10 is similar to number 8 but it has been built with a hipped roof. The Conservation Area starts at the terrace of red brick two storey houses (12-22 Horsefair Street) which first appears on the 1903 Ordnance Survey.
- 6.4** The variation in the street scene creates an environment for the proposed modernisation of the bungalow to take place without being harmful to its surroundings. The increase in the roof height would not appear dominating in the street because the maximum roof height would still be roughly equal to the bungalows on either side. The increase in roof height is mitigated by the eaves height remaining the same, which helps to keep the scale and massing of the building to a modest level.
- 6.5** Four roof lights on the front roof slope add interest to this elevation and help to break up the roof. The two dormers on the rear roof slope achieve the same objective. Both the roof lights and dormers are contemporary in their design to match the style of the remodelling of the bungalow.
- 6.6** The floor area of the bungalow would be increased by extending 2.8 metres to the rear across the full width of the building (9.5 metres). This is considered to be a proportional enlargement of the building which would be permitted development if the roof height was not being raised.

- 6.7** For these reasons, the overall design of the alterations and extensions to the dwelling is considered to be appropriate for this particular context. The proposal complies with the design guidance outlined in the Local Plan, JCS and NPPF.
- 6.8 Impact on neighbouring living conditions**
- 6.9** Concerns have been raised regarding loss of privacy and overlooking that would result from the proposed development and, in particular, from the two dormer windows proposed for the rear west-facing roof slope of the dwelling. The bungalow backs on to the houses along the eastern side of Cirencester Road; the rear boundary of the bungalow is a common boundary with 81 and 81a Cirencester Road.
- 6.10** The dormer windows would face west towards the rear gardens of 81 and 81a Cirencester Road. The approximate distance between the enlarged dwelling at 8 Horsefair Street and the rear elevations of 81 and 81a Cirencester would be 21 metres. It is accepted it would be possible for residents of 8 Horsefair Street to see the rear gardens of their rear neighbours (and vice versa), but 21 metres is considered to be an acceptable rear-to-rear distance in order to retain mutual privacy for neighbouring properties that back onto each other, as advocated in paragraph 2.4 of the Council's Residential Alterations and Extensions SPD.
- 6.11** The SPD also recommends that there should be a minimum 10.5-metre space from the window to the boundary. This is based on the premise that each dwelling would have a rear garden at least 10.5 metres in length meaning a total separation distance of 21 metres would be created ($10.5+10.5=21$). However, houses and their garden sizes differ and it is rarely practical to maintain this equal ratio.
- 6.12** In this case, the rearmost window of 81 Cirencester Road is 15 metres from its rear boundary. The rear windows of the enlarged dwelling at 8 Horsefair Street would be between 5 and 6.5 metres from the rear boundary (depending on which window because the boundary is at an angle). The fact that one window-to-boundary distance is less than 10.5 metres and the other is more than 10.5 metres does not automatically constitute an unacceptable relationship. The overall 21-metre separation distance is more important and this proposal would maintain this relationship. In an urban environment the ability to see a neighbour's garden is to be expected and this in itself does not constitute unacceptable privacy loss.
- 6.13** In any case, it is noteworthy to highlight that the bungalow has not yet been extended, which means a 4-metre single storey extension and rear dormer windows could be added to this property under permitted development. Planning permission is required because the ridge height of the dwelling is being raised, which gives the local planning authority more control over the design of the proposal, but the principle of the enlargement of the floor area and the insertion of dormer windows are already established through the alterations that can be made under permitted development.
- 6.14** In all other respects, the proposal would not cause any other harm to neighbouring living conditions in terms of loss of light or by having an overbearing impact. For these reasons, it is considered the proposal would be acceptable as it would not compromise residential amenity in the locality pursuant to Local Plan Policy CP4, JCS policies SD4 and SD14 and NPPF paragraph 127 f).
- 6.15 Impact on trees**
- 6.16** A neighbouring resident has raised concerns about the potential impact the construction of new foundations would have on the roots of the trees at the end of their garden.
- 6.17** The trees in question are not protected by virtue of a Tree Protection Order (TPO) or by Section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas).

The trees are not visible from the public domain and they would therefore not typically be worthy of a TPO.

- 6.18** While there is a possibility that new foundations could disturb the roots of trees on neighbouring sites, this is considered not to be a reason to prevent development. In this particular case, as noted above, the applicant could build an extension under permitted development that protrudes further to the rear, and therefore closer, to the tree in question. This fall-back position is a significant material consideration in terms of the potential impact on neighbouring trees and in terms of the impact of the development more generally.
- 6.19** The Council's Tree Officer has inspected the tree in question and by their calculations, the foundations of the proposed development would only reach the very edge of the tree's root system (also known as the Root Protection Area or RPA). In the professional opinion of the Tree Officer, the minimal incursion into the RPA is unlikely to cause any significant damage to the tree's roots that would compromise its health.
- 6.20** Nevertheless, a condition has been added stating that any works taking place in the root protection area of the tree in question shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer. By observing this condition the applicant should avoid any potential situation in which they compromise the root system to the extent that the tree becomes unsafe, falls and causes property damage.
- 6.21 Access and highway issues**
- 6.22** The topography of the site is such that the bungalow is situated above the level of Horsefair Street and the front garden is separated from the street by a drystone retaining wall approximately 1.7 metres in height. The proposal involves the removal of the retaining wall and the excavation of a large section of the front garden to create two off street parking spaces. A new retaining wall would be constructed as the main dwelling would still be on higher ground compared to the proposed parking area. 10 Horsefair Street already benefits from a similar parking arrangement.
- 6.23** The residents at 8 Horsefair Street currently rely on parking their cars on the street. Whilst there are no parking restrictions in force on this street and on-street parking can act as a traffic-calming measure, the proposed driveway would ultimately take cars off the road. This is considered to be an improvement on Horsefair Street which is narrow in places.
- 6.24** No on-site turning area would be possible meaning that cars would have to reverse off the drive onto the street. That is not a problem in this case because Horsefair Street is not a classified highway, so there is no need to require vehicles to exit the site in a forward gear.
- 6.25** The proposed creation of a driveway is considered not to be a risk to highway safety on Horsefair Street.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposed development is considered to be acceptable for the reasons outlined in this report.
- 7.2** The recommendation is therefore to permit the application, subject to the following conditions.

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

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

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

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

APPLICATION NO: 18/01403/FUL		OFFICER: Mr Joe Seymour
DATE REGISTERED: 13th July 2018		DATE OF EXPIRY : 7th September 2018
WARD: Charlton Kings		PARISH: CHARLK
APPLICANT:	Mr Scott	
LOCATION:	8 Horsefair Street, Charlton Kings, Cheltenham	
PROPOSAL:	Alterations and extensions including the creation of first floor accommodation	

REPRESENTATIONS

Number of contributors	2
Number of objections	2
Number of representations	0
Number of supporting	0

81 Cirencester Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 8DB

Comments: 24th July 2018

Thank you for your letter of the 16th July notifying us of the above planning application.

This relates to a dwelling immediately behind our house at 81 Cirencester Road, GL53 8DB.

Kindly note that there are errors in the application:

- 1) Plans have incorrectly titled elevations (East & West).
- 2) On the application, it incorrectly states that the subject building is not within falling distance of a tree. There are two trees at the rear boundary of our property with number 8, Horsefair Street.
- 3) The application states that the proposal is for alterations and extensions. It is clearly intended to be a complete redevelopment.

Our objections to the application are on the following grounds.

A major quality specimen tree (Lawson's Cypress) is located at the rear of the garden of 81 Cirencester Road which is immediately behind 8 Horsefair Street. It is over 15 metres tall and would be approximately 4 metres from the rear of the proposed building. Adjacent to this tree is a Cherry tree, approximately 6 metres high. An issue of safety arises and concern that the extended development will damage the trees' roots, causing a safety risk by destabilising the trees. We request that the Tree Officer of Cheltenham Borough Council be consulted.

The proposal greatly raises the height of the building and changes it from a bungalow to a house. Furthermore, it enlarges the footprint of the existing dwelling significantly and moves the rear wall closer to 81 Cirencester Road by approximately 3 metres. This complete redevelopment will create oppressive overlooking. It includes two large windows in the upper rear elevation. These windows will directly overlook into the gardens and house at 81 Cirencester Road, including a kitchen-diner, bathroom and bedroom. The plans show a building to the rear of 81 Cirencester Road, which was a garage demolished approximately 18 years ago. This is now a recreational

Page 50

space, including a seating area and barbeque, which would also be overlooked. The detrimental effect on our privacy and visual impact would also be exacerbated in the winter without foliage. This over intensive development will adversely affect the amenity enjoyed by ourselves.

Despite the fact that we believe the proposal is a complete redevelopment, the current plans would be contrary to the guidance stated in Cheltenham Borough Council's Supplementary Planning Document on residential alterations and extensions. Section 2.4 titled Maintain Privacy states that facing windows to habitable rooms should be a minimum of 21 metres apart, with at least 10.5 metres from overlooking windows to boundary. This proposal will not comply as the overlooking windows of the new development will be approximately 5 metres from the rear boundary at their closest point.

Number 81 Cirencester Road has the benefit, in its title of a restrictive covenant, on the subject property for the purpose of preventing this type of development and encroachment and detrimental impact on Number 81 Cirencester Road.

This application is tabled for delegated decision by a Planning Officer. We request that this application is decided at Planning Committee if it is not withdrawn prior, given the circumstances surrounding the trees and our privacy.

Comments: 15th August 2018

Letter attached.

Chosen House
81A Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 27th July 2018

Thank you for your letter of 16th July notifying me of the above planning application. The proposal relates to the redevelopment of a bungalow into a two-storey house very close to my house at 81a Cirencester Road.

I have seen the letter of objection issued by the owners of 81 Cirencester Road.

I concur with the comments made and support that objection.

I do not have the benefit of any masking by the trees they mention and so in respect of overlooking and the view into my garden and living space windows from the proposed two large rear windows in the upper rear elevation of the proposed development, I am even more vulnerable. I would regard that as an intrusion on my privacy and amenity.

Comments: 6th August 2018

Letter attached.

Comments: 16th August 2018

Letter attached.

[REDACTED]
14th August 2018

[REDACTED]
81 Cirencester Road
Cheltenham
GL53 8DB

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

By Post & Email

Dear Sirs

**PLANNING APPLICATION AT 8 HORSEFAIR STREET, CHARLTON KINGS, CHELTENHAM
PLANNING REFERENCE 18/01403/FUL**

We have considered further the detail of this planning application since our letter of objection of 25th July and wish to amplify various of the points made in that letter

The proposal is not an alteration and extension to an existing bungalow.

It is a redevelopment to create a house of over twice the size of the existing (floor area).

It will increase the roof ridge height by approximately 2.5 metres. The estimated increase in floor area from c. 80 sq m to c. 180 sq m results in an increase of 125%.

The red line and colouring on the attached denotes the extent of enlargement from the existing bungalow. The proposal also creates two large first floor windows overlooking nos. 79, 81, 81A and 83 Cirencester road constituting a loss of privacy and amenity. Further visuals attached illustrate this

The development will cut the roots of the specimen Lawson's Cypress tree (approx. 15 m plus high) virtually at the boundary between 8 Horsefair Street and 81 Cirencester Road.

Not only will this harm the valuable tree it will endanger it and significantly increase the risk of fall. The visuals attached also illustrate the scale and proximity of the tree in relation to 8 Horsefair Street.

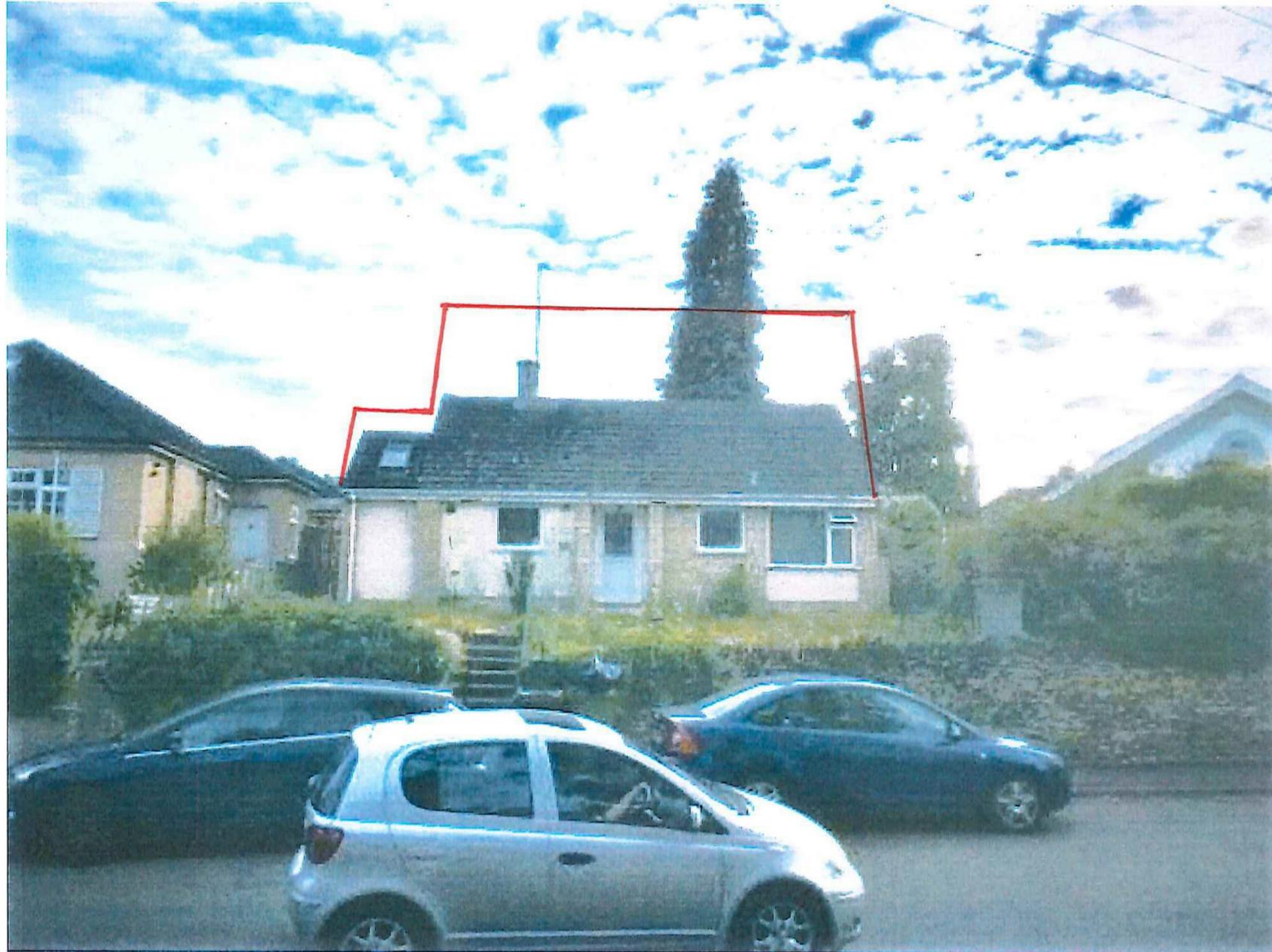
We re-iterate our request that this application be determined by Committee and would welcome a site visit from the Planning Officer and Councillors.

Yours faithfully,

A large black rectangular redaction box covering the signature area.A smaller black rectangular redaction box covering the name of the sender.

cc by email to cllr.paul.mccloskey@cheltenham.gov.uk





8 HORSEFAIR STREET & NEARBY HOUSES IN CIRENCESTER ROAD
CHARLTON KINGS
CHELTENHAM



Ordnance Survey © Crown Copyright 2018. All rights reserved. Licence number 100022432. Plotted Scale - 1:500

Promap
LANDMARK INFORMATION GROUP

AS EXISTING WITH ADDED LINE SHOWING ESTIMATED NEW GROUND FLOOR OUTLINE.
1 DENOTES LAWSON'S CYPRESS. 2 DENOTES CHERRY.
SITE LINES FROM 2 FIRST FLOOR WINDOWS INTO REAR OF CIRENCESTER ROAD HOUSES



VIEW OF 8 HORSEFAIR STREET
FROM 81 CIRENCESTER ROAD –
GARDEN
Blue indicates the existing roof ridge
Red indicates estimated proposed
roof ridge

View taken from Google Earth
Showing 81 Cirencester Road,
8 Horsefair Street
& top of the Lawson's Cypress tree
View from the South



Tree at Rear of 81 Cirencester Road adjacent to boundary with 8 Horsefair

Cirencester Rd

8 Horsefair Street

81 Cirencester Road

© 2018 Google

Google Earth

1945

51°53'01.31" N 2°03'20.38" W elev 97 m eye a

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View taken from Google Earth
Showing Lawson's Cypress
Between 8 Horsefair Street &
81 Cirencester Road &
Indicating how 81, 81A
79 & 83 Cirencester Road
will be overlooked from the proposed
new first floor rear windows at
8 Horsefair Street
View from the East

81 Cirencester Road

Untitled Placemark

8 Horsefair Street

Cirencester Rd

© 2018 Google

Google Earth

1945

51°53'02.36" N - 2°03'19.87" W elev 84 m eye a

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27 July 2018


81a Cirencester Road
Cheltenham
GL53 8DB

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

By Post & Email

Dear Sirs

**PLANNING APPLICATION AT 8 HORSEFAIR STREET, CHARLTON KINGS, CHELTENHAM
PLANNING REFERENCE 18/01403/FUL**

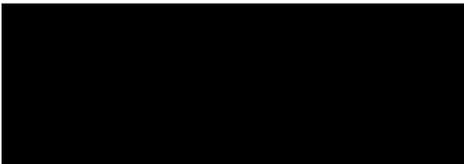
Thank you for your letter of 16th July notifying me of the above planning application. The proposal relates to the redevelopment of a bungalow into a two-storey house very close to my house at 81a Cirencester Road.

I have seen the letter of objection issued by  of 81 Cirencester Road.

I concur with the comments made and support that objection.

I do not have the benefit of any masking by the trees they mention and so in respect of overlooking and the view into my garden and living space windows from the proposed two large rear windows in the upper rear elevation of the proposed development, I am even more vulnerable. I would regard that as an intrusion on my privacy and amenity.

Yours faithfully



cc by email to cllr.paul.mccloskey@cheltenham.gov.uk

14th August 2018




81a Cirencester Road
Cheltenham
GL53 8DB

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

By Post & Email

Dear Sirs

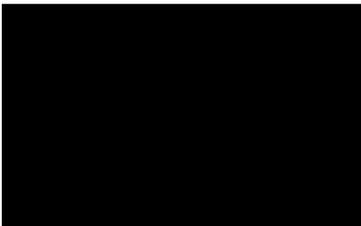
**PLANNING APPLICATION AT 8 HORSEFAIR STREET, CHARLTON KINGS, CHELTENHAM
PLANNING REFERENCE 18/01403/FUL**

Further to my letter of 27th July I wish to emphasise how much the rear of my property would be overlooked should this re-development take place.

I attach a photo from my rear garden showing the roof of 8 Horsefair Street. Increasing the roof height by an estimated 2.5 meters with the installation of two large windows at first floor level would, in my view, be an unacceptable intrusion in to my privacy.

The planning officer and Committee members are welcome to inspect.

Yours faithfully





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APPLICATION NO: 18/01403/FUL		OFFICER: Mr Joe Seymour
DATE REGISTERED: 13th July 2018		DATE OF EXPIRY : 7th September 2018
WARD: Charlton Kings		PARISH: CHARLK
APPLICANT:	Mr Scott	
LOCATION:	8 Horsefair Street, Charlton Kings, Cheltenham	
PROPOSAL:	Alterations and extensions including the creation of first floor accommodation	

ADDITIONAL REPRESENTATION

The following representation was omitted in error from the documents circulated on Wednesday 12th September. It was sent to the case officer on 21st August. The letters of objection referred to below (dated 25th July and 14th August) have already been circulated.

81 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8DB

Comments: 21st August 2018 (added 13th September)

We refer to our letters of objection dated 25 July and 14 August.

In our first letter we pointed out that in the application the applicant states there is no tree within falling distance. This is clearly an error and an incorrect statement as there is a 15 m high tree within 5.5 m of the proposed building.

The Arboricultural Association, and the Borough Council's website ('Trees on development site' leaflet) clearly state that for any work requiring planning consent all trees which could be potentially affected by the development including those on adjoining property should be assessed by an arboricultural consultant in accordance with the BS5837:2012 recommendations.

According to our telephone conversation with the Tree Officer on 20 August, you have not authorised an inspection by the Tree Officer. We request that you do so, because it is clear that the Arboricultural Association's assessment has not been undertaken by the applicant.

We consider that the trees affected should be assessed in accordance with that advice before any decision on the application can be considered. We would like to affirm that assessment is not limited to TPO/ conservation area status and all trees, including those on adjoining properties, must be assessed. The Council has a statutory duty to protect all trees and they must be taken into account as a material consideration.

You made reference in our conversation on 20th August to the enlargement of the footplate of the proposed building at the rear as being within, 'permitted development'.

We wish to reiterate that the proposal is a redevelopment not an extension. It changes a bungalow to a two storey house and under permitted development it is our understanding that the maximum eaves and ridge height of an 'extension' is to be no higher than the existing house, and that extensions of more than one storey must be within 7 metres of any boundary opposite the rear wall. This application fails on both counts and as previously mentioned in former letters the

enlargement of the existing bungalow is approx. 125% and the ridge height is increased by 2.5 metres. Reference to what might have been allowable under permitted development is therefore, as far as we can ascertain, not relevant.

This is clearly an application that would involve total re-development not merely extension/alteration. What might have been allowable under permitted development is of no consequence here. If this was a permitted development, planning permission would not be required.

Given the inaccuracies, mis-statements and errors in the planning application, proposed overdevelopment, intrusion in to privacy and loss of amenity of neighbours and apparent lack of concern regarding a 15 metre high tree in close proximity to the proposed development, (which was in existence before the existing bungalow was constructed) I would like to formally confirm it is my intention to address The Planning Committee at the meeting.

We feel we should also notify you, at this stage, of reserving our position about potentially challenging, under judicial review, a decision by the planning committee that permits the proposed development, in the event due process is not followed.

We also note our first letter has not been uploaded to documents associated with the application.

We look forward to hearing from you.

APPLICATION NO: 18/01626/COU		OFFICER: Mr Ben Hawkes
DATE REGISTERED: 13th August 2018		DATE OF EXPIRY: 8th October 2018
WARD: St Peters		PARISH:
APPLICANT:	Mr Graham Aguirre	
AGENT:	Drawing Services	
LOCATION:	29 Gloucester Road, Cheltenham	
PROPOSAL:	Change of use of part of an existing storage building to create a new residential studio flat	

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to an end of terrace property located on the corner of Gloucester Road and Arle Road.
- 1.2 The applicant is seeking planning permission for a change of use of an existing storage building located at the rear of the site to create a new residential studio flat.
- 1.3 The application is at planning committee at the request of Councillor Willingham who considers the proposal to represent unsuitable development, resulting in inadequately sized accommodation, overdevelopment of the site and parking implications.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m

Relevant Planning History:

No relevant planning history

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

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

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

24th August 2018

I refer to the above application received on the 13th August 2018 submitted with application form, existing and proposed plans and site location plan.

The proposal to change of use of part of an existing storage building to create a new residential studio flat at 29 Gloucester Road Cheltenham the site is considered accessible with access to high quality public transport services and within reasonable cycling and walking distances of facilities. There is no on-site parking associated with the development proposal, however it is within a residence parking area where permits are available.

Recommendation:

The highway authority recommends that no highway objection be raised subject to the following conditions being attached to any permission granted.

The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 2 no. bicycles has been made available 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 108 of the National Planning Policy Framework.

The development hereby permitted shall not be occupied until the existing vehicular cross over Arle Road has been fully stopped up with the adjacent footway reinstated to full height and with full height kerbing at the carriageway edge.

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.

Informative

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

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

Number of letters sent	12
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 12 letters were sent to neighbouring properties, no letters of representation have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations of this application are the principle of the change of use, impact on neighbouring amenity, design and highway/parking implications.

6.3 The site and its context

6.4 The application site is located within a predominantly residential location. The existing property fronts on to Gloucester Road, however the existing outbuilding to which this application relates is located to the rear of the site and is proposed to be accessed via Arle Road.

6.5 The existing storage building appears to have originally been constructed as a garage associated with the original dwelling of 29 Gloucester Road, at some point the garage door facing onto Arle Road has been removed and blocked up, as well as kitchen and bathroom facilities having been installed. The history of the site suggests that this already converted storage area provided staff room facilities for the existing shop/retail unit located within the ground floor of the existing property.

6.6 The existing building consists of a retail/shop and one residential flat at ground floor and one further residential flat at first floor. Each residential unit has its own allocated amenity space at the rear of the site.

6.7 The principle of development

6.8 The site is located within a primarily residential and highly sustainable location, with direct bus and cycle routes to and from the town centre and to other local amenities. The principle of a change of use to create a new residential unit in this location is therefore considered to be acceptable.

6.9 Officers duly note the concerns raised by Councillor Willingham with regards to the level of accommodation that would be achieved in this application. The internal floor area of the proposed unit is approximately 20 Square Metres, whilst officers acknowledge that the amount of space is limited, Cheltenham does not have any adopted space standards that can be applied. As shown on the plans, the building provides a separate bathroom and kitchen area, as well as a bedroom/living area. In addition there is the provision of private outdoor amenity space for use by any future occupant. The outside amenity space will also provide adequate space for bin and cycle storage as demonstrated on the plans. It is the view of officers, that whilst offering a limited level of accommodation the use of this outbuilding as a new residential unit is acceptable.

6.10 Policy SD10, Part 3 and Part 5 state; 'on sites that are not allocated, housing development and conversions to dwellings will be permitted on previously-developed land in the Principal Urban Area of Cheltenham' and 'Proposals involving the sensitive, adaptive re-use of vacant or redundant building will be encouraged, subject to the requirements of other policies including SD1, INF4 and SD8'. Officers consider the proposal to accord with this policy.

6.11 Design and layout

6.12 The proposal does not involve any external alterations or extensions to the existing outbuilding to facilitate the change of use. The proposal does include minor changes to the site which includes a change in fence position to allow for private amenity space for each residential unit and also the formation of a pedestrian access point in the existing boundary wall on Arle Road. These proposed changes are considered to be acceptable.

6.13 Officers do not consider that the proposed works will result in any unacceptable impact on the design or character of its surroundings and is therefore considered to be compliant with local plan policy CP7 and adopted JCS policy SD4.

6.14 Impact on neighbouring amenity

6.15 The proposed change of use, works to alter the fence layout and the provision of a new pedestrian access point will not result in any unacceptable harm to the amenity of any adjoining land users. In addition, no objection has been raised in response to the neighbour consultation process. The proposal is therefore considered to be compliant with local plan policy CP7 and adopted JCS policy SD14.

6.16 Other considerations

6.17 The requirement for off street parking for a proposal of this nature and in this sustainable location is not considered to be necessary. The highways authority has provided a comment on this application, no objection is raised. A condition has been suggested to ensure the provision of suitable bicycle storage is provided.

6.18 The highways officer has also suggested a further condition regarding the stopping up of the existing vehicle cross over on Arle Road. Given that the former garage building has already been converted, with no garage door and therefore no vehicular access, officers do not consider this condition to be necessary for the development to take place and has therefore not been suggested as a condition.

7. CONCLUSION AND RECOMMENDATION

7.1 Having considered all of the above, 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 development shall not be occupied until the refuse storage area has been provided in accordance with the approved plans and shall be retained as such at all times.

Reason: To ensure adequate provision of refuse storage, having regard to Policy W36 of the Gloucestershire Waste Local Plan.

- 4 The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 2 no. bicycles has been made available 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 108 of the National Planning Policy Framework.

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

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

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.

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Members will recall that in July 2018 the Planning Committee determined to refuse planning permission for the erection of two dwellings in the rear garden to Blenheim Villa. The previous application (18/00704/FUL) was refused for the following reason:-

The proposed access, due to its position off a busy road, over a foot/cycle way and in close proximity to a roundabout, and also due to the requirement to carry out on-going works to a hedge which is off the site in order to achieve the required visibility, fails to secure safe and suitable access. Therefore the proposal is contrary to INF1 of the JCS and paragraphs 108 and 109 of the NPPF.

- 1.2 The applicant has subsequently submitted a planning application for two dwellings in the rear garden to Blenheim Villa and the formation of a new vehicular access from Grovefield Way. There are no changes to the proposal in terms of built form, design, layout scale or materials. However, the vehicular access has been widened from 4.1m to 5.2m and on either side a 1.2m wide footpath is proposed providing pedestrian access to each dwelling.
- 1.3 The applicant has also provided updated additional information in support of the application including a revised Transport Technical Note and a Unilateral Undertaking (UU).
- 1.4 For ease of reference, the Officer report relating to the previous refused application is attached as an appendix, including all third party representations. It provides the background and detail of officers' consideration of the proposed development and should be read in conjunction with this report.
- 1.5 The application has been called to committee by Councillor Nigel Britter and an objection has been received from the residents association.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m

Relevant Planning History:

01/01244/OUT 26th April 2002 REF

Land To Rear And Side Of Hollyacre - Erection of 5 additional dwellings at Blenheim Villa and land to rear of Hollyacre

02/00558/OUT 23rd May 2002 REF

Residential development (outline) comprising 2 additional dwellings to the rear of existing dwelling (Blenheim Villa)

82/01010/PF 21st July 1982 PER

Alterations and extension to existing dwelling house to provide an enlarged living accomodation on 1st floor. Raise the level of the roof

18/00704/FUL 27th July 2018 REF

The erection of two dwellings, and formation of new vehicular access

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 2 Private green space
GE 5 Protection and replacement of trees
GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD10 Residential Development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

30th August 2018

Biodiversity report available to view.

GCC Highways Planning Liaison Officer

24th August 2018

I refer to the above planning application received on the 15th August 2018, submitted with application form, Transport Technical Note, Design & Access Statement and drawing refs. 001 Revision B and 002.

Access

The development will be served by a simple vehicular cross over junction served from Grovefield Way. The required Sight Stopping Distances commensurate with sign posted speed limit (40mph) would require visibility splays of 120m in both directions from a 2.4m setback along the centre line of the site access. 120m can be achieved to the right and 83m up to the roundabout to the left can be achieved within land under applicants control/highway verge, however; the visibility splays would need to be maintained clear of obstruction - this can be secured by condition.

Following the issue raised within the Road Safety Audit whereby a concern was raised that, in the absence of swept path assessment drawings being provided, there could potentially be an increased risk of accidents involving vehicles reversing onto Grovefield Way across the footway/cycleway into the path of pedestrians, cyclists or vehicles. A designer's response addressed this concern with drawing ref. SP01 which demonstrated that two cars can simultaneously pass at the site access.

Layout

The internal layout consists of a two connecting pedestrian footways to serve both plots. The internal vehicle turning area is sufficient to allow cars to enter, manoeuvre within and egress the site in forward gear.

Parking

A total of 8 parking spaces (2 garages and 2 drive ways each) are proposed to serve both dwellings on site. This is deemed adequate to serve the expected number of vehicles.

Recommendation

The Highway Authority recommends that no highway objection be raised subject to the following conditions being attached to any permission granted:

1. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m to the right and 83m to the left (the Y points) as shown on drawing no. SK01 Revision A. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
2. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

Reason:- To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
3. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level for 20m in both directions.

Reason:- To reduce potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.
4. The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 1 no. bicycles per dwelling has been made available.

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 108 of the National Planning Policy Framework.
5. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with drawing no. 001 Revision B, and those facilities shall be maintained available for those purposes thereafter.

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

6. 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 110 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

Number of letters sent	42
Total comments received	42
Number of objections	21
Number of supporting	0
General comment	0

The application was publicised by way of letters to 42 neighbouring properties. At the time of the report 42 objections and an objection from the residents association have been received.

The comments received relate primarily to the following matters (albeit comments received in respect of the previous application should also be considered, given that the two proposals are identical in terms of built form)

- Proposal will result in highway danger
- Loss of hedge and impact on habitats
- No provision for waste collection
- Loss of amenity to neighbours

- Site not identified in JCS

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations when determining this application relate to the principle of development, design and layout, impact on neighbouring amenity, trees and landscaping and access and highways safety. All of these matters were duly considered in the officer report to committee in July, and members will note that the recent refusal reason relates only to highway safety. As such, given the similarities between the scheme now proposed and the former scheme, this report will concentrate on highway matters.

6.3 Access and highway issues

6.4 The National Planning Policy Framework states “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”

6.5 The revised application proposes a wider vehicular access of 5.2m and on either side a 1.2m wide footpath is proposed providing pedestrian access to each dwelling. The agent confirms that “*the overall aperture for the access is widened slightly to deliver a further ‘buffer’ on the provision of visibility along the cycleway. Any overgrowing vegetation would directly impede users of the footway, rather than just restricting visibility for cyclists, and this is therefore likely to be carefully maintained by occupiers.*”

6.6 A revised transport technical note has been submitted detailing how the required visibility splays for the new access have been calculated.

6.7 Part of the existing highway hedge along Grovefield Way will require cutting back to form the visibility sight lines to provide the required visibility splays for the cycleway, namely the provision of a 2.4m x 20m visibility splay to either side of the centre of the access to the inner edge of the public footpath/cycleway.

6.8 The required vehicular visibility to Grovefield Way, namely 2.4m x 120m (north) and 2.4m x 83m (south) is achievable without any work to the hedge set within the highway verge. The vehicular visibility sight lines are thus not impeded by the existing hedge, the visibility sight lines cross over the pavement/cycleway and grass verge.

6.9 Concerns have been raised about how the hedgerow will be cut back and carefully pruned given that the hedgerow is not within the ownership of the applicant or future occupiers. The agent has confirmed that this can be achieved by the applicant and or future occupiers securing a Section 142 Notice of the 1980 Highway Act from the County Council. The highway authority for a highway may by a licence granted under a section 142 notice permit the occupier or the owner of any premises adjoining the highway to plant and maintain, or to retain and maintain, trees, shrubs, plants or grass in such part of the highway as may be specified in the licence. The 142 Notice will allow the applicant and any future landowner to cut back the existing hedge to accommodate the required visibility.

6.10 Officers have expressed concern that future occupiers would not necessarily be made aware of a planning condition requiring the long-term maintenance of the visibility splays. A Unilateral Undertaking has been submitted to accompany this application. This obligation, entered into under S106 of the Act, makes provision for the applicant to enter into an agreement with the Highways Authority under S142 of the Highways Act 1980 to secure a right in perpetuity to undertake works to the hedgerow. The agent confirms “*This*

'belt-and-braces' approach will ensure that the legal mechanism for private individuals to maintain hedgerow on highways land is enshrined within any planning permission so that occupiers will be immediately able to execute the required visibility. It will also comprise a part of the legal pack upon the purchase of the properties by all future owners and thus ensure that they are fully aware of their responsibilities to maintain an appropriate level of visibility through the maintenance of the hedgerow."

- 6.11** The Highways Officer has assessed the revised access and does not object to the development, comments are above. The required visibility splays in this location are achieved and can be maintained clear of obstruction by planning conditions and Unilateral Undertaking. Two cars can simultaneously pass at the site access, which addresses the potential of increased risk of accidents involving vehicles reversing onto Grovefield Way across the footway/cycleway into the path of pedestrians, cyclists or vehicles. The internal vehicle turning area is sufficient to allow cars to enter, manoeuvre within and egress the site in forward gear and adequate parking for each dwelling is proposed.
- 6.12** It is appreciated that there are concerns about highway safety along Grovefield Way, however the applicant has demonstrated that the revised proposal has been designed to ensure the new access would not have an unacceptable impact on highway safety and the additional volume of traffic generated by the development would not be severe.
- 6.13** As such the proposal complies with Policy INF1 of the adopted Joint Core Strategy and there are no sound highway reasons to withhold consent.

6.14 CONCLUSION AND RECOMMENDATION

- 6.15** Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.16** The proposal would provide for 2no. additional dwellings within a highly sustainable location, and would make a positive, if limited, contribution to the supply of housing in the Borough. Additionally, the proposal would also bring about economic benefits through the construction process and from the occupation of the proposed dwellings.
- 6.17** The principle of development, design and layout, impact on neighbouring amenity and trees and landscaping has previously been deemed to be acceptable. With regard to access and highways safety, officers continue to consider the access would not have an unacceptable impact on highway safety but welcome the revisions to the scheme which would provide an improved wider access and new footpaths on either side providing pedestrian access to each dwelling.
- 6.18** In considering the planning balance with regard to economic, social and environmental matters, officers are of the view that the planning balance is firmly in favour of the proposal. As such it is recommended that planning permission be granted subject to a 106 Obligation to secure a mechanism for the retention of adequate cycle visibility splays.

7. 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.

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

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

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

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

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

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the side first floor en-suite window of plot 2 shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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

- 6 No works shall commence on site unless a detailed Ecological Mitigation and Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the approved details.

Reason: To safeguard ecological species, having regard to Policy SD9 of the adopted Joint Core Strategy 2017.

- 7 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m to the right and 83m to the left (the Y points) as shown on drawing no. SK01 Revision B. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

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

- 8 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

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

- 9 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level for 20m in both directions.

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

- 10 The development hereby permitted shall not be occupied until secure and covered cycle storage facilities for a minimum of 1 no. bicycles per dwelling has been made available.

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 108 of the National Planning Policy Framework.

- 11 The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with drawing no. 001 Revision B, and those facilities shall be maintained available for those purposes thereafter.

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

12 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 110 of the National Planning Policy Framework.

APPLICATION NO: 18/01646/FUL		OFFICER: Mrs Victoria Harris	
DATE REGISTERED: 15th August 2018		DATE OF EXPIRY : 10th October 2018	
WARD: Benhall/The Reddings		PARISH:	
APPLICANT:	Arlo Homes Ltd		
LOCATION:	Blenheim Villa, The Reddings, Cheltenham		
PROPOSAL:	The erection of two dwellings, and formation of new vehicular access		

REPRESENTATIONS

Number of contributors	44
Number of objections	44
Number of representations	0
Number of supporting	0

Little Elms
The Reddings
Cheltenham
Gloucestershire
GL51 6RY

Comments: 17th August 2018

There are real road and pedestrian safety issues with this proposed development. Access either via the Reddings or Grovefield Way in such close proximity to the roundabout is an accident waiting to happen.

20 Holmer Crescent
Up Hatherley
Cheltenham
Gloucestershire
GL51 3LR

Comments: 4th September 2018

I just want to submit my objection to this proposal. I do not object to development of the site, but the vehicular access onto Grovefield Way, essentially a "ring road" is illogical and unsafe.

This is a very busy main road with 40mph limit, slowing to 30mph for the roundabout. We frequently use the footpath and cycleway. Cyclists would be in danger if this development was permitted as there would not enough vision to see any cars exiting the property.

It could also cause car accidents with any vehicles entering the property if they are approaching from the bmw development they would indicate left and cars behind them may simply think that they are indicating to turn left at the roundabout shortly ahead and not expect them to brake and turn so soon.

Hedgerows are important to maintain for wildlife and to counteract pollution. Allowing the resident to maintain the hedgerow puts them in a difficult position of needing to keep the hedge maintained, but not too much.

In view of the above this proposal does not provide suitable safe access.

7 The Grange
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 5th September 2018

This application is almost identical to the one submitted previously. None of the issues raised have been satisfactorily addressed. Large vehicles stopping to service the proposed houses would cause a serious hazard to users of Grovefield Way as well as the danger to pedestrians and especially cyclists using the pavement and cycle path caused by vehicles entering and leaving the proposed houses.

When Grovefield way was built I believe that there was a clear understanding that access to it would not be permitted which is why the end of North Rd. East is closed.

The application should be refused.

6 Frampton Mews
The Reddings
Cheltenham
Gloucestershire
GL51 6UG

Comments: 5th September 2018

I strongly object to the plans (which are exactly the same as the plans previously objected!).

Removal of the hedge will take away the buffer to residents for sound and pollution from the Grovefield Way distributor road.

We have already lost a significant amount of habitat for wildlife due to the BMW development.

Traffic levels are extremely high, and with cars not adhering to 40mph it is extremely dangerous for this vehicle access.

Changes will be unsafe for pedestrians, drivers, and cyclists.

Wolvercote
Old Reddings Road
Cheltenham
Gloucestershire
GL51 6SA

Comments: 5th September 2018

This proposal is inappropriate because of safety and because it reduces the utility of the cycle path.

Given that the current hedge along there (particularly near the junction of Grovefield Way and The Reddings) is almost completely over the cycle path, causing cyclists and pedestrians to occupy the same space, and that the hedge has grown out by more than the width of the large traffic sign near that junction; given that, the idea of "Retained hedgerow to be carefully pruned to ensure visibility splays are achievable" is simply not credible.

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Without a proper legally binding and policed instrument to ensure the hedge is trimmed, I believe it won't happen. It already isn't for stretches of that very same hedge which is already not safe!

It will also result in yet another stop/start hazard in the cycle path, one reason so many cyclists just use the road. Let's not forget this is not just any cycle path, it's route 41. "National Route 41 of the National Cycle Network is a long distance route that when complete will connect Bristol, Gloucester, Stratford-upon-Avon and Rugby". One would interrupt the flow of the M5 with a roundabout just for a couple of houses. This is cyclist motorway.

Lynwood
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 25th August 2018

I object to this development for the following reasons:

- 1) The proposed access onto Grovefield Way would be dangerous. It is a very busy 40mph road and the driveway access would be very close to the roundabout. Grovefield Way and the housing on the east side of it were designed so there are no access points for the safety of all road and footpath users. Allowing access onto Grovefield Way would be a disturbing precedent for other proposals.
- 2) The access would cut across the cycle path, which is supposed to encourage cyclists. With the investment to improve the cycle path on Up Hatherley Way (going towards Morrison's), why would you place obstacles in the way here to discourage cyclists. Again, allowing access onto Grovefield Way would be a disturbing precedent for other proposals, which would completely negate the cycle path.
- 3) The hedgerow on Grovefield Way is a haven for wildlife and it would be a disadvantage to remove it - the same issue for the removal of trees on the plot to build the houses.
- 4) I do not feel that the proposal is consistent with the Cheltenham local plan, as it a 'garden grab' and removes green space and trees from the environment. This plan has required a huge effort from the Planning Department, and it should be adhered to. The new homes quota is already met in the plan.
- 5) I believe the proposal would exacerbate flooding risk, as I have noticed standing water on the ground in the plot.

This application seems substantially the same as the previous one, which was refused. Why are developers allowed to waste the council's time by asking for substantially the same thing again?

4 Pinewood Walk
Pinewood Drive
Cheltenham
Gloucestershire
GL51 0GJ

Comments: 4th September 2018

I am opposed to this planning application for reasons of public and highways safety. This development will set a dangerous precedent on Grovefield way to allow access on to this congested, fast road. The entrance to this development is too close to the roundabout, meaning that vehicles will assume that cars indicating left are going to use the approaching roundabout,

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instead of turning to enter the property, potentially causing an accident. The hedgerow that will be effected by the access is imperative for wildlife, pollution management and traffic noise reduction in the Reddings, also requiring the new occupier to maintain the hedgerow in unenforceable and therefore unrealistic to expect. The cycle path on Grovefield way is in regular use and I fail to see how allowing vehicle access across the path is a reasonable and a safe option for both motorists and cyclists. This is an accident waiting to happen and I strongly urge to planning committee to reject the application again.

Maison Des Femme
North Road East
The Reddings Cheltenham
Gloucestershire
GL51 6RE

Comments: 6th September 2018

I object to this planning application for all the reasons given in the Reddings Residents Association document. This application does not address the reasons for which it was previously rejected so how can it stand up to any further consideration? and surely all previous objections should be re-considered as they equally apply to what appears to be an identical re-application?

4 Frampton Mews
The Reddings
Cheltenham
Gloucestershire
GL51 6UG

Comments: 8th September 2018

I think the erection of two dwellings accessing directly onto Grovefield Way less than a 100 yards from a busy round-a-bout is dangerous. It's in a 40 mile an hour section of the road and the access to the road would be across a dual walking and cycling pathway with limited visibility because of the hedging along that section of road.

The thought of vehicles reversing onto their drive or reversing off their drive across the path onto this busy road does not bear thinking about. This is what makes this proposal so dangerous because any vehicles accessing the site will have to reverse in one of the directions and the traffic is usually up around the speed limit at this point and with the bends in the road the visibility is not good.

There are no other dwellings on Grovefield Way, Cold Pool Lane or Up Hatherley Way which have direct access to this road apart from two dwellings on Cold Pool Lane which were there when it was just a quite country lane, however, their location is in a 30 mile an hour zone with very good visability.

6 Tylea Close
The Reddings
Cheltenham
Gloucestershire
GL51 6RB

Comments: 5th September 2018

I wish to object to this application on the following grounds:

This application is almost identical to the application that has already been rejected by CBC.

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Grovefield Way is very busy at peak times and this application would be unsafe due to access being so close to a roundabout and crossing a busy cycle/foot path.

This application would also require removal of the hedge which serves as a buffer zone for noise/pollution from Grovefield Way to neighbouring properties.

6 Tibberton Grove
The Reddings
Cheltenham
Gloucestershire
GL51 6UH

Comments: 7th September 2018

I feel the application is basically the same as the previous application that was refused. I can see no evidence the applicant has addressed the reasons councillors refused it. I feel it should therefore be refused again

I am very concerned about the danger posed by having a concealed entrance so close to a roundabout. Accidents will be caused by cars indicating to turn into Blenheim Villas being mistaken for cars indicating to use the roundabout. There is a danger cars will be hit by others assuming they will be turning later for the roundabout.

I do not feel there will be suitable visibility given how close the turning is to a very busy roundabout, particularly given that cars do not always indicate.

I am concerned the loss of hedgerow will negatively impact nearby houses as it will reduce noise and pollution absorption.

Given the busy road I feel the houses may suffer from pollution in excess of EU levels and do not feel permission should be given for additional homes where pollution exceeds safe levels

Woodways
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 5th September 2018

I wish to object most strongly to the above application. My previous objections still remain valid and any amendments by the developer do not alter these.

I am particularly concerned about access to the properties which will involve crossing a footpath and a cycle path. The location of the entrance to the properties is so close to the Reddings roundabout as to present a real traffic hazard for anyone wishing to enter or leave the dwellings. I feel that this application has not been well considered and I foresee accidents happening especially at peak times.

I urge the Borough Council to reject the application on the grounds of common sense.

8 Old Reddings Close
The Reddings
Cheltenham
Gloucestershire
GL51 6SD

Comments: 5th September 2018

We totally object to the proposal to allow a new vehicular access onto Grovefield Way close to The Reddings Roundabout.

We have passed the area shortly after several accidents whereby vehicles have collided with other vehicles and also simply run out of road, ending up in gardens and hedgerows. Motorists for some reason believe that drivers on Grovefield Way have the right of way over Reddings Road and approach the roundabout at speed and do not slow or indeed stop at the roundabout. To open up such an access so close to the roundabout, would without doubt, introduce a further hazardous situation to the vicinity.

Accessing from the proposed driveway will have restricted visibility to both residents, people using the pathway and cycle track and motorists. Motorists approaching the roundabout already have restricted vision on other approaching traffic and do not expect a further input of vehicles so close to a busy roundabout.

As long time residents of the Reddings, we ourselves have suffered badly from an indiscriminate and badly thought out example of garden grabbing with an inappropriate means of access.

We urge CBC to totally reject this bad, dangerous and inappropriate development.

Tarnica
North Road East
The Reddings Cheltenham
Gloucestershire
GL51 6RE

Comments: 3rd September 2018

I am appalled that the developer has made a further application, after the Council had wholeheartedly rejected it on the grounds of safety.

I use this route to cycle to work and after encountering the dangers of North Road West due to inconsiderate parking, I cannot believe that the future safety of cyclists, such as myself, as well as pedestrians and parents with children, will be compromised following the development of an exit onto Grovefield Way.

While I understand that a representative from the Highways Agency suggested at the last planning meeting that oncoming motorists would be happy to give way to cars exiting directly onto Grovefield Way, I feel this is naive.

Grovefield Way is either congested bumper to bumper at rush hour times or subject to careless drivers exceeding the speed limit outside these periods. In either scenario this places cyclists and other path users at risk.

It is an accident waiting to happen and I hope that the Council will see sense at this stage and reject it again. Safety should never be compromised for the sake of a quick perceived profit.

29 Barrington Avenue
The Reddings
Cheltenham
Gloucestershire
GL51 6TY

Comments: 6th September 2018

The application is almost identical to a recent one and should be firmly rejected for the same reasons. The main reasons for my objection are the increase in the risks to pedestrians, cyclists and motorists by the proposed access, an increase in air and noise pollution by removal of the hedgerow ... as well as having a detrimental effect on wildlife in the area.

Iona
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 22nd August 2018

The previous application for this site was almost identical to this one.

The previous application 18/00704/FUL was refused by the planning committee on the grounds of safety, the entrance to the site crossed the grass verge, the cycle path and the pavement and was too close to the roundabout.

There is insufficient room for a refuse vehicle to get off the road and turn around when emptying the bins. The vehicle would have to reverse onto or off the site into 40mph traffic.

As these conditions still exist the application should be refused. It should not even get to the planning committee stage.

When Grovefield Way was built it was on the understanding that it was a distributor road which should not have accesses to private homes.

Flowerdale House
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 4th September 2018

I see this application as a repeat of the application submitted in April 2018. The changes appear to be restricted to the further decimation of the amenity hedge, designed to shield properties in the area from the traffic noise and fumes from the Grovefield Way Distributor Route.

My objections remain unchanged and are repeated below for ease of reference:

Whilst I can see the sense in the infilling of this garden scheme which will have enormous economic benefit to the landowner I have reservations on 3 counts which leads me to object:

1. This development is directly opposite Green Belt land which has been subject to speculative applications by a large local company and a housing development company, plus, I suspect, the owner of Chesnut Farm is watching this application closely. Close control needs to be maintained in this area to prevent inappropriate development and maintain the Green Belt barrier between Cheltenham, Churchdown and Gloucester.

2. The required removal of the hedgerow to allow the suggested access will have an impact on local wildlife which has already been significantly impacted by another local but major development (BMW). The street scene along Grovefield Way would be significantly impacted by a break in a continuous hedgerow from the nearby roundabout to the B&Q development save for a small gap to allow pedestrian access to North Road West.
3. Grovefield Way is a designated Distributor route which is severely congested at peak times, carries cars at 40mph (and often significantly higher speeds) and is on a quite significant curve. What is more the access is across a well used cycle track which helps the sustainable transport policy of the local authority which has been quoted in support for local employers GCHQ, B&Q, Asda and BMW. Another break in this cycle path is dangerous for cyclists and may well encourage cyclists to use the main carriageway as they will have one less break in the cycle path to cope with.

Whilst previous applications on this site have been rejected with access off The Reddings down the side of Blenheim Villa I think access here would be significantly better than that which is now proposed for the above reasons.

I therefore object to this planning application in this format

4 The Grange
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 30th August 2018

I am writing to object again to this proposal that has changed little since the last one and still will impact on:

- Safety of cyclists crossing the driveway.
- Destruction of the character of Grovefield way.
- Destruction of important wildlife habitat.
- Destruction of traffic noise screening.
- Lack of respect of local residents who have had to once again object to a land grabbing development.
- A junction too close to The Reddings roundabout is dangerous and would be contrary to the intention of the road when it was built as a link road i.e. there are no private dwelling access off it.
- Safety of traffic approaching the roundabout on Grovefield Way
- The design of the proposed dwellings is of insufficient quality to justify the loss of Local Green Space and therefore against policy.
- No site notice has been displayed despite wider interest, particularly amongst users of the shared path who may not live locally.

- Access should be via the existing property to prevent the destruction of a large stretch of important hedgerow for wildlife and residents sanity. I.e. blocking off of road noise already an issue with the destruction of screening on the A40 after BMW arrived.

Please respect the opinions of the majority of local residents and refuse this application again.

Carobs
The Reddings
Cheltenham
GL51 6RL

Comments: 27th August 2018

We vehemently object to this planning application and endorse statements made at the original planning committee stage. A comment by JP at the meeting Thursday 19th July 2018 item 311 quote that :- In 2002 a similar proposal on this site was refused and nothing has happened since to change the view of that site. In fact the volume of traffic on Grovefield Way has increased enormously since 1992 when it was constructed endorsing the comment made by councilor Britter who stated that this development will place further strain on traffic infrastructure. Mr David Jones in support of the application stated there is no justifiable reason to withhold consent even though the planning meeting voted 10 to 4 against permission. SC at the same meeting stated that the hedge is an issue and who will be responsible for its supervision and enforcing its maintenance.

In his covering letter for the latest application dated 14th August 2018 page 3 Mr David Jones states "This belt and braces approach will ensure that the legal mechanism for private individuals to maintain hedgerow on highways land is enshrined within any planning permission so that occupiers will be immediately able to execute the required visibility. It will also comprise a part of the legal pack upon the purchase of the properties by all future owners and thus ensure that they are fully aware of their responsibilities to maintain an appropriate level of visibility through the maintenance of the hedgerow".

Does this in fact mean that the owners/occupiers of the houses have carte blanche to maintain the size and structure or removal of the hedges to suit their own requirements which might adversely affect the well being of any wildlife?

This second application has been ill conceived and should be dismissed.

22 Barrington Avenue
The Reddings
Cheltenham
Gloucestershire
GL51 6TY

Comments: 17th August 2018

I had thought that once planning was refused that meant that planning was refused but clearly this is not how this works. You keep proposing until everyone gets too bored of complaining anymore.

So my objections (like the plans) haven't changed since last week when the first plans were submitted.

However, I note that there is a measurement from my house to the new house (seemingly in millimetres to make it seem further) but this measurement does not take account of the 4 metres (or 40,000 mm) for the conservatory. (I know its glass so is transparent and difficult to see)

it also seems a bit disrespectful to the poor councillors who have worked hard to speak at the planning meeting where I believe the plans were refused.

is it all a dream?

Object - Road, dangerous, cycle path , wildlife etc.....

24 Barrington Avenue
The Reddings
Cheltenham
Gloucestershire
GL51 6TY

Comments: 5th September 2018

I would like to reinforce the concerns that we have already detailed previously, there is very little change to this application compared to the application that was recently refused by the CBC planning committee.

I strongly object to this application for two dwellings to be build on the garden within Blenheim Villa,The Reddings, Cheltenham for the following reasons:

1 - Approval of new housing under the JCS

There are already enough houses that have now been approved by CBC within the Joint Core strategy until 2031 to meet current and future requirements for Cheltenham. In the short term the very large developments currently underway in Leckhampton and Bentham to name a few, both of which are within 3 miles from this proposed development provide opportunity to purchase houses in the area. As at 06/05/18 there are currently 20 4 bedroom detached houses within a 1 mile radius of the applicants address for sale of which 6 of these have been reduced in price providing plenty of opportunity for people to move into the area in already establishes homes.

2 - Comprised Highway Safety

The location of the proposed access to this development couldn't be in a more dangerous position. Grovefield Way is part of a sensitive Highway Network and is a local distributor road and subject to congestion at peak times. The proposed access to the development is on a substantial curve and within the hardest braking zone of the approach to the Redding's roundabout and the fastest acceleration zone in the opposite direction. At rush hour AM and PM this would be an incredibly difficult exit to join the busy road. Any of the proposed vehicles trying to gain access to the site or leave the site would be significantly blocking the cycle/pedestrian path upon leaving the site and the road upon entering.

There is no provision for visitors parking or delivery vehicles, if vehicles/vans drive onto the site and into the central point allocated as the turning area especially when all of the 4 allocated parking spaces are utilised there would be no option but for them to reverse out of the site onto Grovefield way or the cycle path and pavement in an attempt to re-join Grovefield way. This is incredibly dangerous for pedestrians, cyclists and other vehicle users of Grovefield Way and goes against the Highways Agencies recommendations for safe access to and from the site.

The applicant has stated on their application for planning permission form dated 05/04/18 in section 7 that the plans 'incorporate areas to store and aid in waste collection' and that waste and recycling is 'as per CBC waste collection and recycling standard policy'. The CBC document 'Requirements for refuse and recycling provision at new developments' along with the Gloucestershire County Councils planning document 'Manual for Gloucestershire Streets has clear guidance on the type of roads that are suitable for refuse and service vehicles in new developments including those where a turning area is included. The proposed plans do not meet guidelines set out in either of these documents for safe access to development.

If the area is not suitable for refuse and service vehicles etc then the householders at these proposed new homes would have to place their waste at the kerb side which would be on the pavement/cycle path and the collection lorries would have to park up on Grovefield Way in order to collect their waste. As CBC operates a kerb side recycling scheme whereby the refuse collectors sort the recycling into the relevant areas of the collection lorry at the point of collection this could be for a substantial period of time and would surely lead to health and safety concerns for the CBC refuse workers and members of the public.

The same principle to the lack of safe access to this site would apply to other every day vehicles such as delivery vans, postal vans, utilities vehicles and more importantly emergency services vehicles such as fire engines or ambulances. If they drove into the development there would be no suitable parking for vehicles this size and this would result in vehicles either driving in and being forced to reverse back out onto Grovefield way or reverse onto the pavement and cycle path in an attempt to rejoin Grovefield Way or vehicles parking on Grovefield way and walking into the development. On such a busy 40mph road this is a disaster waiting to happen.

I also fail to see how large construction lorries/ cranes/ delivery vehicles and the workers associated with the development of the site will safely access the site to park and carry out the necessary deliveries of materials during the development stage without causing mass disruption on a very busy road at a poorly placed wholly unsuitable access point.

3 - Loss of wildlife

There would be a substantial detriment to long established wildlife should the suggested access point be approved. There are squirrels and I believe possibly bats present (evidence to follow) in the area around Tree T11 (Arboricultural Survey) and T4 (Ecological Appraisal) and a large area of hedgerow would be removed solely for the purpose of allowing access to the site. The Preliminary Ecological appraisal report provided by Focus Ecology - dated Feb 18 provided as part of the developers documents notes that:

Page 7 3.2 Protected/notable habitats

Hedgerows: Hedgerow 1 and Hedgerow 2 meet the criteria to be defined as 'species rich' as they both contain five or more native woody species (Defra, 2007). All of the hedgerows on site meet the environmental criteria (BRIG (ed. Ant Maddock), 2008) to be listed as a 'habitat of principal importance for the purpose of conserving biodiversity in England as listed under S.41 of the NERC Act 2006.

A large section of hedgerow 2 will be removed for the sole purpose of allowing access to this propose development.

Page 8 3.3 Protected/Notable Species

Birds: House sparrow and dunnock were recorded on site. The house sparrow is a red listed bird of conservation concern owing to significant decline in population of over 50% since recording began in 1969 (Eaton et alii, 2015). The house sparrow is listed as a 'species of principal importance in England under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The Dunnock is amber listed due to longer term declines in breeding populations of more than 20% but less than 50% since 1969 (Eaton et alii, 2015). The report concludes that 'It is likely that both the house sparrow and the dunnock utilise the hedgerow and scrub on site for both nesting and foraging and they are therefore likely to be directly impacted by any future development of the site.

4 - Highways agency

The highways agency have quoted very specific measurements that the visibility splays would need to be cut back and maintained, the developer putting the liability onto the owners of these proposed new homes to carry out the works to the required standards on a very quickly growing hedgerow is both impractical and unjustifiable with potentially very serious consequences.

5 - Detrimental impact for residents of Barrington Avenue

The positioning of the houses would have a detrimental impact on our privacy, the new houses would directly overlook our garden, rear bedrooms and conservatory. The amount of trees that would need to be removed to make way for this development would be a substantial loss to the environment, our privacy and our current outlook. It is anticipated that we would also experience a significant increase in both noise and more importantly pollution from the traffic using Grovefield Way which is already a concern as well as light pollution without the large trees and hedgerow to block it. The purpose of the hedgerows is to buffer the impacts of the above for the nearby residents and the greater community, removal of an even greater section of this hedge is against this principal.

Innisfree
The Reddings
Cheltenham
Gloucestershire
GL51 6RT

Comments: 5th September 2018

Letter attached.

Fayrecroft
North Road East
The Reddings Cheltenham
Gloucestershire
GL51 6RE

Comments: 16th August 2018

I was very surprised to see that the developers have made a further application to build two houses on the Blenheim Villa site, with access directly onto the distributor road Grovefield Way. The first application was firmly rejected at the last planning meeting.

If any development was agreed in future then surely the access should be onto Reddings Road, not onto a busy and congested distributor road? This should be examined further rather than even contemplate the Grovefield Way access, which is an accident waiting to happen.

(Having dealt with the impacts of road fatalities, both personally and professionally, I would ask one simple question to anyone supporting this application:

What would you say to the members of the family of the bereaved?

I professionally dealt with one family whose parents were instantly killed by an HGV lorry slicing through their car as they pulled out of a hedge obscured exit onto a busy distributor road. The layout was virtually identical to the proposed Grovefield exit.

We also need to remember that road accidents may also lead to life changing conditions that severely impact on the individual and their families for the rest of their lives.)

While the desktop report may talk of "visibility splays" and quote dry statistics on traffic patterns, it raises a number of questions:

a) The size of the hedge precludes an amateur trying to do the work with a hedge trimmer and an extension lead. There is no mention of the likely cost of hiring professional contractors to do the work.

b) Would there be a need for future house owners to take out professional indemnity insurance to cover cost of any claims because of any failure to maintain the hedge?

c) How would any maintenance actually be enforced? (Ignoring the times when the hedge cannot be cut anyway due to Wildlife and Countryside Act.)

d) How would any cost be shared between the 2 houses? I assume all the work would be done at the same time and costs apportioned equally, but having lived in a flat years ago when service charges were equally apportioned there were always problems with non payment and ill feeling amongst residents who paid.

e) Surely removal of any part of the hedge would be contrary to Local Plan?

14 .Health and Environmental Quality 14.4 In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lighting, hours of operation, and traffic / travel patterns.

Any removal of part of the hedge would have a significant impact on the well being of the residents of Barrington Avenue through increased noise and pollution.

Furthermore the removal or alteration of the hedge would be against the Green Infrastructure section of the Local Plan:

16.6 In addition to its visual importance, green space contributes to an urban environment in other ways. By creating lower densities of development, it can reduce levels of activity in an area, thereby contributing to a more peaceful and relaxed ambience, a benefit equally important in commercial and residential areas.

16.7 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.

I feel that the hedge is a community asset that benefits the whole area and its wildlife. It is completely selfish to destroy part of it just to boost the profits of the developer.

f) The transport plan seems to suggest ignoring the shared space idea until further guidance is issued. Surely any plans should be placed on hold, not initiated, until guidance is issued?

It is ludicrous that this second proposal is even being considered. It is wasting very valuable Council time and resources that could be better used on more beneficial projects.

Comments: 3rd September 2018

I have been looking at the statement of regard by the Highway Agency on the consultee comments, which reads:

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.

This is a wide ranging quote that seems to cover all the angles and seems very encouraging.

However it fails to address the question of the impact of increasing pollution on vulnerable people such as the elderly, the infirm and in particular pregnant women.

I found this article on the British Medical Journal dated 5 December 2017:

The conditions that a developing baby is exposed to in the womb can affect its growth and development, with lifelong implications for health.¹ Exposure to environmental chemicals and stress in utero can lead to functional changes in tissues, and predispose the child to diseases that manifest later in life. Being born small is the most well studied marker of such future ill health, with birthweight inversely correlated with cardiovascular and metabolic diseases.¹

In this issue, Smith and colleagues (doi:10.1136/bmj.j5299) report that air pollution from road traffic, but not traffic noise, is associated with low birth weight at term.² The inference is that reducing exposure to air pollution from road traffic will not only improve the health of current adult populations, but has the potential to reduce the burden of non-communicable diseases in future generations too.

The association between air pollution, pregnancy complications, and childhood illness is not new. Small particle pollution exposure in pregnancy has previously been linked to fetal growth,³ as well as preterm birth,⁴ stillbirth,⁵ and respiratory morbidity in children.

The proposed exit from the development will involve a large hole in a substantial hedge, which currently serves not only as an acoustic barrier, but as a baffle against pollution.

The article quoted by the Reddings Resident's Association on their website indicates the increasing recognition of the importance of hedges in reducing pollution.

It has become recognised that stationary cars running their engines is a major source of air pollution. If one looks at Grovefield Way in the rush hours the level of pollution is so thick it can be tasted.

The community hedge and hence valuable pollution baffle should not be destroyed or amended in any way just to benefit the developer for 2 houses.

The JCS has already identified areas to cover the house building target set by the government and these 2 houses do not make a significant contribution enough to justify the reduction in the hedge.

If the development is to be considered then the existing exit onto Reddings Road needs to be assessed for safety first, before even contemplating exiting onto Grovefield Way.

Lynwood
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 17th August 2018

I cannot believe that this proposal has come before the planning committee again after being previously rejected. On no account should permission be granted for any more accesses onto Grovefield Way particularly so close to a roundabout. Access would cut across the cycle lane which is there for the safety of cyclists. This should not be compromised by allowing this plan to proceed. The hedge bounding the property is a natural wildlife amenity and should not be removed. We have already lost valuable wildlife amenity with the construction of BMW. I would urge the committee to reject this proposal again.

27 Chalford Avenue
The Reddings
Cheltenham
Gloucestershire
GL51 6UF

Comments: 30th August 2018

Once again, this application does not seem to have made any significant changes to its submission.

Grovefield Way was constructed as a by pass to The Reddings, providing a way to minimize noise to Reddings residents with the planting of hedging and trees, and provide good cycle paths and pedestrianization around the area. Each of these factors will be compromised by the proposed access for these houses. Not to mention the already crowded amount of traffic which uses the road, and does not stick to the 40 mile an hour speed limit, and this traffic will increase with more development on the BMW garage site. Joined up thinking is needed here. Given that there is already vehicular access on to Reddings Road, this is no real problem with continuing this.

The cycle path and footpaths are insufficient in this area anyway, so cutting them in two will only exacerbate this problem.

I strongly object to the access point on to Grovefield Way.

Springfield
The Reddings
Cheltenham
Gloucestershire
GL51 6RY

Comments: 4th September 2018

Here we are again with a developer trying to push through an application after it has been rejected, by just adding minor tweaks.

The fact remains that a) vehicles still need to straddle/block a cyclepath and footpath in order to wait for a gap in traffic on a 40mph road and b) a large section of the hedge will have to be removed. In fact, extraordinarily, this second application has increased the opening in the hedge still further.

Following Gloucestershire Highway's embarrassing representation at the last planning committee meeting considering development on this site, it is obvious that committee members have more commonsense than the department. Their representative seemed to think it acceptable for drivers exiting the site to wait for oncoming drivers to flash their headlights to allow them to join traffic!! This is contrary to the Highway Code and shows the level of understanding that Gloucestershire Highways has of the area.

The hedge is an important community amenity, providing a buffer for noise and pollution for the health benefit of local residents. Poor air quality and noise have already resulted from the huge increase in traffic in the area. Pollution is something that affects all residents, as was recognised by the designers of Grovefield Way, and was why the hedge was planted in the first place. This application also involves the reduction and removal of further trees and vegetation on the site. Anything that we have to mitigate pollution should be protected not ripped down to service 2 houses.

Once again we have a developer who believes that it is acceptable for the serious question of visibility splays to be waved through by use of a weak Highways department and loopholes in the

local plan. We have all seen from BMW's travel plan that conditions are woeful and unenforceable and residents suffer as a result. The Section 142 of the Highways Act 1980 referred to by the applicant as a "solution", identifies that the "licensee" (in this case the owners of the properties) can just choose to surrender the licence or indeed cut the hedge down completely. There is no mechanism to "secure right in perpetuity" that the applicant suggests. In the "real world" how many people will go to the effort and cost of maintaining a 5m high hedge? In order to maintain it safely, the hire and use of mechanical plant is required - not just someone on a step ladder, so the Health and Safety CDM Regulations are also being breached by the designers. It is more plausible that the householder will just surrender the licence to save the £5 million public liability insurance premium they will be obliged to take out. Alternatively, they will let the hedge grow unchecked and rely on "edging out" their vehicles onto the cycle path. They will also be at liberty to drastically reduce the full height of the hedge. This would create an eyesore on the gateway to The Reddings, not to mention impact further on the already beleaguered wildlife of the area. This is contrary to many of the retained planning policies and is entirely contrary to the emerging local plan.

There is currently only limited access onto Grovefield Way for good reason; it is a 40mph major distributor road, not a minor estate road. None of the nearby houses or caravan parks have access onto Grovefield Way. To grant direct access onto it for what is, essentially, a garden grab for 2 private houses is totally unacceptable, particularly as the Cheltenham housing quota is assigned, filled and exceeded through to 2031.

This application should be refused so as not to endanger or inconvenience cyclists, pedestrians, babies in pushchairs, mobility scooters and young children, or tear down a large chunk of the vital hedge. Approval will be to the further detriment of the health and safety of local residents and road users, and will only benefit the developer. It will also benefit other future developers seeking to justify inappropriate development, using this as a precedent. This application is madness and must be refused.

7 Chalford Avenue
The Reddings
Cheltenham
Gloucestershire
GL51 6UF

Comments: 5th September 2018

I object to this because I believe the access required from Grovefield Way is inappropriate. The roundabout is dangerous enough as it is without having another access immediately in front of the roundabout from Grovefield Way. It also seems inappropriate to assume that access can be granted across a Council owned buffer zone that provides a noise and pollution buffer to homes as well as promoting wildlife. Such an access would also have a health and safety issue for users of the footpath/cycle path. Grovefield Way originally was supposed to NOT have any additional access on to it and that is why North Road East was closed off at the junction with Grovefield Way. Why is this any different.

I am also surprised that a planning application that is to all intents and purpose the same as the one rejected a few weeks ago. If this home owner is really intent on having properties in their back garden then they should be compelled to use the existing entry/exit to the property (which is also dangerous because cars are often parked immediately on the roundabout. Please reject this application as you did before.

March House
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 24th August 2018

This application is virtually identical to 18/00704/FUL which was considered by the Council Planning Committee Meeting on 19 July 2018 where permission was REFUSED.

As far as I can see, the only difference between the current application and 18/00704/FUL is that the opening in (and shape of) the hedge between the site and Grovefield Way has been increased in width by about 1.2 meters, (requiring further parts of this mature hedge to be destroyed). This makes no material difference to the reasons for refusal agreed by the Planning Committee, set out in the refusal notice.

Grovefield Way was designed as a DISTRIBUTOR ROAD, with a 40mph limit. In its first 19 years of existence access from it to individual properties has never been permitted. The hazards associated with the provision of a vehicular access to a single pair of properties across a cycle way are obvious. When you consider also the hazards that would result from vehicles waiting in the middle of this busy road to turn right into the proposed access, or delivery vehicles obstructing the carriageway, it is crystal clear why the proposed access should not be permitted.

Should this access be permitted, this could be then be used as a PRECEDENT for other developments on land adjacent to Grovefield Way. Grovefield Way would then cease to be a distributor road becoming a housing estate access road. Thus the primary function of this important traffic artery would be lost.

Finally, the proposed access on to Grovefield Way is totally unnecessary anyway since the proposed layout of the Blenheim Villa site could almost certainly be amended to provide a vehicular access to the two new properties via the existing access to the 'original' Blenheim Villa from The Reddings. Thus the two new houses could still be built without destroying the hedge and avoiding the dangers to the rest of the public that access direct on to Grovefield Way would cause

For all of the above reasons this application should be REFUSED.

The Hedgerows
The Reddings
Cheltenham
Gloucestershire
GL51 6RL

Comments: 21st August 2018

This proposal seems to be fundamentally the same as the application submitted previously (Ref: 18/00704/FUL). An application that was resoundingly rejected.

The cover letter submitted with the current application claims that this revised scheme addresses the objections to the previous scheme, when it clearly does not. The fundamental objection being that of safety. The secondary objection being harm to the environment and the character of the area.

Therefore my objections to the previous application apply equally to the current proposal, namely:

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1) There are very serious safety issues with the proposed location of the vehicular access to the site. An access intended to serve two very sizeable family houses, yet located on a very busy 40 MPH distributor road, positioned adjacent to a roundabout and traversing a well-used cycle path.

Also, there does not appear to be sufficient provision for the accommodation of refuse bin and recycling lorries and other service vehicles delivering to/collecting from the site. Such vehicles will inevitably park-up on the distributor road, adjacent to the roundabout, creating a very serious safety issue in this location.

2) The development of this garden land with the consequent loss of yet more valuable green space, trees and hedgerows would be detrimental to wildlife, the environment and to the character of the location.

I urge you to refuse permission for what is essentially the re-submission of a scheme previously rejected by the committee.

5 Springfield Close
The Reddings
Cheltenham
Gloucestershire
GL51 6SE

Comments: 6th September 2018

Yet again there is a "server problem", so I can't make comments directly on the Planning Department's council website, hence this email.

I would like to object to this repeat application for two houses on land behind Blenheim Villa.

As before, the question of access to and from the site is the key issue.

Destroying a hedge, which I understand is not owned by the applicant, to allow access is a problem. Is this allowed?

Grovefield Way has a speed limit of 40 mph, not always adhered to by drivers, so getting out of the site turning left, could well be difficult at busy times and turning right positively dangerous. The road curves, so visibility is an issue.

As there is a footpath and cycle lane, vehicles entering the site could well have problems if pedestrians and/or cyclists are using the footpath and would be responsible interrupting the natural traffic flow as they waited to enter the site.

Similarly vehicles leaving the site would have to take into account the curve in the road and the speed at which cyclists use the cycle lane.

Of course pedestrians and cyclists would have to wait while vehicles attempt to join Grovefield Way at busy times.

I understood that when Grovefield Way was planned, no side turnings were permitted apart from those for agricultural vehicles into fields. If this application is allowed, a precedent will have been set, other applications will surely follow and the notion of a feeder road with only roundabouts to local areas will no longer apply. Of course the developers of Cotswold BMW have been allowed to do this, so in fact a precedent has been set already.

The issue of access for bin collection is a serious one. Would the large vehicles have to stop on Grovefield Way? Or should there be access along side Blenheim Villa? In which case why not re orientate the whole plan 180degrees and have access to and from the houses via The Reddings?

4 Shakespeare Cottage
North Road West
The Reddings
Cheltenham
Gloucestershire
GL51 6RF

Comments: 26th August 2018

Why has this application even been registered? It is virtually indistinguishable from the previously refused application. Have CBC not learnt anything from their handling of the Grovefield Way applications?

The addition of pavements on the "revised" proposal only increases the width of the hole to be made in the existing hedgerow.

The promised undertakings regarding maintenance of the Highways owned hedgerows are unrealistic and unenforceable. False promises in order to gain an approval which are then reliant on an enforcement regime which has been shown to be toothless and ineffective on all issues in the area recently.

As such our objections remain:

1. The application site indicated by the red line still does not include land where works are required to achieve the visibility splays indicated in the Highways Technical Note. This land should be included in the application and a notice served upon the owner (presumably GCC Highways). At present it gives a false impression of the works required.

2. A site notice has yet again not been displayed despite wider interest, particularly amongst users of the shared path who may not live locally.

3. The design of the proposed dwellings is of insufficient quality to justify the loss of Local Green Space and therefore against policy.

4. Highways issues:

- The visibility splays shown cannot be achieved without significant cutting of existing hedgerow and removal of a large traffic sign. The drawings do not accurately reflect the current situation where hedgerow steps out and covers half of the shared cyclepath as you approach the roundabout.

- The creation of a junction so close to The Reddings roundabout is dangerous and would be an aberration on Grovefield Way and contrary to the intention of the road when it was built as a link road i.e. there are no private dwelling accesses off it.

- Cars exiting the roundabout towards Arle Court may immediately be confronted by vehicles waiting to turn right into the development.

- It is not clear who will have to give way where the proposed access crosses the cyclepath. It appears as though exiting cars will have to make a two stage departure but it is still likely that cars will end up straddling the cyclepath at times. Users of the cyclepath will not be expecting a junction of this nature.

- Cars exiting the roundabout towards Arle Court have the possibility of being faced immediately with stationary vehicles waiting to turn right into the new properties.

- The crossover point would effectively become a shared space and contrary to the Inclusive Transport Strategy.

5. All but one tree appears to be proposed to be removed from the site with limited new planting. Hedgerow will have to be severely cut as above and this would represent an unacceptable puncturing of the green buffer zone along Grovefield Way.

2 Tylea Close
The Reddings
Cheltenham
Gloucestershire
GL51 6RB

Comments: 5th September 2018

This proposal is almost identical to one that has already been refused for very good reason.

Grovefield Way is already overloaded with traffic and when it was built there was a deliberate policy not to have access to it from properties. This was because it would be unsafe. This has not changed, in fact with the huge increase in traffic it would be even more unsafe.

Balquhidden
The Reddings
Cheltenham
Gloucestershire
GL51 6RY

Comments: 11th September 2018

As a long time resident of The Reddings, a car user, and cyclist using the cycle path on Grovefield Way I object to the planning application to build two houses on this site. Motorists coming off Grovefield Way are travelling at speeds which make it extremely dangerous if vehicles are entering and leaving these premises. When Grovefield Way was planned the aim, I remember was to keep to the flow of traffic to the maximum without too many access roads!!! This planned drive to these two houses will interrupt this flow and be extremely dangerous because it is so close to the busy roundabout. I agree with all the other objections and am very surprised having been refused on safety grounds, that another application is being made. Again I think this application should be refused on safety grounds and fail to see why another application has been made....

15 Appleton Avenue
Cheltenham
Gloucestershire
GL51 6TS

Comments: 5th September 2018

We object to the proposed development, and implore the planning committee to refuse the application.

Crossing The Reddings on the corner next to this roundabout is already hazardous for pedestrians, runners and cyclists due to the speed at which vehicles approach the roundabout, and frequent lack of signals. There are frequently vehicles parked on the road adjacent to the roundabout, which also need to be negotiated. Crossing the road safely with small children is already challenging.

Adding another access onto Grovefield Way will add an additional hazard within this short stretch of busy road. Vehicles crossing the mini-roundabout then turning right into this new access will cause traffic to queue onto the roundabout. Other vehicles then approaching the roundabout via The Reddings or Grovefield Way will have to wait until they can clear the roundabout. It is

reasonable to assume a clear exit from this roundabout, not having to then come to a further stop within a few feet. This feels like an accident waiting to happen.

Grovefield Way is an increasingly busy road. Joining this road from the proposed new access is likely to require vehicles waiting a minute or two before the road is clear. Waiting vehicles will be obstructing the existing footpath and cycleway. Vehicles will then need to join Grovefield Way at speed when there is a lull in the traffic. The whole manoeuvre would put both pedestrians, cyclists and existing road users in danger.

As others have commented, the access described is insufficient to allow for refuse collection vehicles to access the new properties. Similar concerns exist with delivery vehicles, and vehicles involved with the construction activities themselves. It is likely that vehicles will end up parked on the verge or cycleway.

The hedge that will need to be destroyed in order to facilitate this unnecessary development is clearly mature. Removal of this will take away the habitat of various animals, together with a necessary sound and pollution buffer from the busy Grovefield Way.

On this basis CBC should refuse this unnecessary and inappropriate development immediately. This also needs to avoid establishing a precedent that developers can chop additional accesses onto Grovefield Way whenever they see fit.

11 Barrington Avenue
The Reddings
Cheltenham
Gloucestershire
GL51 6TY

Comments: 17th August 2018

I object to this proposal, there is a serious health and safety risk to pedestrians, cyclists and cars. The traffic speeds along Groviefield Way as it is, and for an entrance to be put along that road and so close to the roundabout is a definite accident scenario. I live off north road east, we have no direct access to Grovefield way, and wouldnt want it. The path is for pedestrians and cyclists, has been for over 20 years, this proposal was rejected, so what on earth has changed that it has been re submitted.

18 Barrington Avenue
The Reddings
Cheltenham
Gloucestershire
GL51 6TY

Comments: 26th August 2018

My wife and I have lived in Barrington Avenue for over 20 years and witnessed a huge increase in traffic along Grovefield Way, even more so since the BMW showroom was built. Access off this road to a new development which would also be very close to the Reddings Road roundabout would be a ridiculous and very dangerous thing to do. This should not be allowed and it is very disappointing that a planning appeal has been lodged so soon after the last one was overwhelmingly rejected. The developer obviously hopes he can railroad this through the planning committee despite virtually no change to the original application. I have spoken to many of my neighbours and locally based residents all of whom think that it is far too dangerous to proceed with this application. An accident is waiting to happen should it go ahead. It must be refused again

1 Barrington Mews
Barrington Avenue
The Reddings Cheltenham
Gloucestershire
GL51 6TZ

Comments: 5th September 2018

I primarily object to the 'pruning', more likely will be wholesale removal, of the well established and substantial hedgerow that benefits many many homes in The Reddings as a baffle for noise and pollution from the ever increasingly used distributor road (Grovefield Way).

The speed which vehicles approach and leave the close-by roundabout will make getting in and out of the proposed driveway dangerous for all road users.

The footpath and cycleway are fairly well used, and I would fear occupiers whizzing across it to get out of the way of Grovefield traffic, putting those users in unnecessary danger.

7 Roxton Drive
Hatherley
Cheltenham
Gloucestershire
GL51 6SQ

Comments: 5th September 2018

I object to this application for so many obvious reasons, but the traffic along Grovefield Way is already gridlocked at peak times and very fast moving at off peak times. Having vehicles now trying to exit and enter this proposed entrance is only going to make things worse but very dangerous as well, not only for vehicles but cyclists and pedestrians alike.

Removal of the hedgerow will not only impact on wildlife in general but especially the bat population we have in the area.

When will developers realise that the area in and around the Reddings is at saturation point now, and try and make their "fast buck" somewhere else.

42 Fernleigh Crescent
Cheltenham
GL51 3QL

Comments: 5th September 2018

This is not simply a matter of Road safety, though I believe there to be an issue here as raised by the CBC planning committee in their rejection of the previous application. Positioning an entrance from Grovefield Way, just to access two residential properties is surely a significant misuse of a distributor road.

Were there to be a proliferation of such entrance there were be significant added congestion on the this road. Even as it is, a vehicle on this busy road, waiting to turn right into the new property from The Reddings direction in peak hours, could become the source of a traffic build up which blocks the roundabout at Grovefield Way/The Reddings. Such a build up could itself be a hazard.

The whole reason for having a distributor road is to allow traffic to flow freely and safely, at reasonable speed, and adding a residential access is a negation of that principle.

9 Frampton Mews
The Reddings
Cheltenham
Gloucestershire
GL51 6UG

Comments: 22nd August 2018

I strongly object to this application on the grounds of:

1. The entrance/exit to the site still crosses a cycle-path and footpath in order to reach/exit a 40mph road, very close to a roundabout. It is simply going to be too dangerous to pedestrians, cyclists, and other road users! There are existing problems with drivers speeding along Grovefield Way . I can only see increased risk of a serious accident if this proposal goes ahead.

2.A large portion of hedge will need to be removed in order to facilitate the development.

In the first place, this hedge was provided as a community amenity as a buffer to residents for sound and pollution from the Grovefield Way distributor road.

Secondly, the hedge provides cover, habitat, and protection for wildlife in the area. We have already lost a significant amount of habitat for wildlife due to the BMW development. We cannot keep losing habitat to the increasing detriment of the local wildlife as well as the risk of helping to increase pollution levels in the area.

3. There seems to be no provision in the plans as to who will be responsible for any maintenance of the remaining hedge if the development goes ahead, which leads back to my initial statement regarding road and traffic safety around the entrance/exit to Grovefield Way if there is insufficient maintenance resulting in reduced visibility to road/path users.

4. It is likely that large vehicles (delivery vehicles) will end up parking on the path and/or road of Grovefield Way further adding to traffic problems in the area which have increased significantly following the development of the BMW, B&Q, and ASDA sites. We have significant gridlocks especially in the morning and early evening with cars queuing to access the A40 from the surrounding roads. We do not need to exacerbate that problem even further!

9 Chalford Avenue
The Reddings
Cheltenham
Gloucestershire
GL51 6UF

Comments: 5th September 2018

Grovefield way is a very busy road and would not be safe for a driveway to open onto it. Also, there is now more reason to keep the buffer zone, trees etc., the pollution must be an issue and it also keeps road noise down.

Niamey
North Road East
The Reddings
Cheltenham
Gloucestershire
GL51 6RA

Comments: 17th August 2018

I am most concerned to see that a "revised" application has been submitted.

I object to this application on serious concerns over access and risk to life and limb near this busy road junction.

Having regularly seen the speeding traffic approaching the junction an access here is an accident waiting to happen.

The pathway is for both pedestrians and cyclists and traversing this would present real danger to users.

I would ask that once again this application is rejected.

24 Appleton Avenue
Cheltenham
Gloucestershire
GL51 6TS

Comments: 5th September 2018

This will yet further damage the cycle way that has been badly weakened (and it's safety reduced already) to a weak and short version of itself. Why spend eight weeks sorting out the next section and then damage the original?

To reduce the safety of a very busy road as you approach a roundabout is really not sensible. The opening of one entrance where there has been a policy so far to ensure only the minimum and existing fields and houses have access will be broken. This will result in an inability to refuse others to be granted access in the future.

There is ample room for access to the side of the existing house (Blenheim Villa) sharing the same access (or for safety moving it away from the roundabout by 6m or so) onto The Reddings, there is no need for any access onto Grovefield Way

Fernleigh
The Reddings
Cheltenham
Gloucestershire
GL51 6RY

Comments: 11th September 2018

As far as I can see, there are two strong reasons for refusal:

Safety: The visibility splays - altered for this latest application - require hedgerow maintenance in order to be achieved. It seems to me that planning conditions, attached to successful applications, are very rarely enforced and it is therefore fanciful of Glos Highways to assume this requirement will be adhered to. Hedges will almost certainly grow out, and the splays will not be achieved.

Traffic on Grovefield Way has hugely increased in latter years, and speeds often exceed the 40mph limit. It seems movements off the proposed site would be unsafe. I believe the application would lead to refuse lorries and other delivery vehicles pulling up on the side of the road (Grovefield Way). This would cause danger and delays.

The proposed access is across a cycleway, increasing danger.

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If this application goes through, an onslaught of applications to have access off Grovefield Way will be forthcoming, as developers try to build on local fields/submit more garden-grabs. This sets an unhelpful precedent.

When Grovefield Way was built, it is my understanding, additional access points were not acceptable - for good reason.

Hedgerow: Significant amounts of the hedgerow will need to be removed. These hedges are a wildlife habitat (as are the trees on the site). The hedgerow also acts as a barrier for noise and pollution.

I additionally stand by the comments made by others here and I believe the local residents association has made a full case against the application, which I endorse.

I object.



Innisfree,
The Reddings,
Cheltenham,
Glos
GL51 6RT

1st September 2018

Your ref: 18/01646/FUL

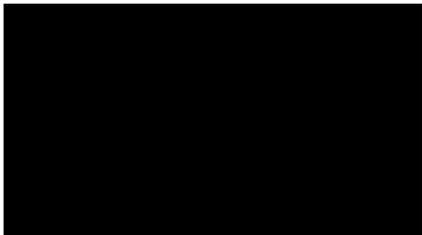
Dear Madam,

Proposal: The erection of two dwellings and formation of new vehicular access to Blenheim Villa, The Reddings, Cheltenham

I feel very strongly that the proposal for two dwellings and vehicular access should not be allowed for the following reasons.

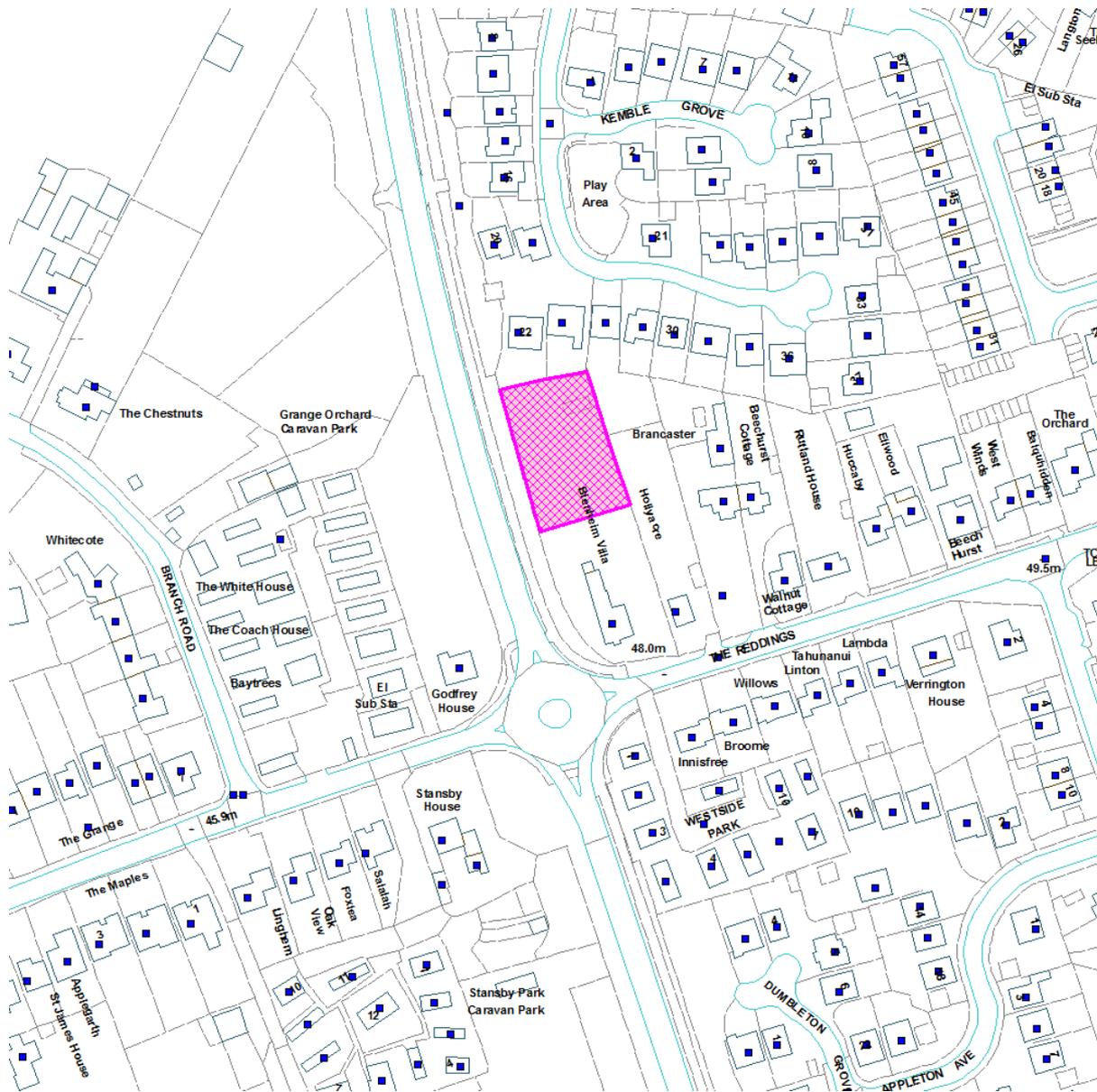
1. The building of two more dwellings with vehicular access in close proximity to the already very busy roundabout will have a major impact on all the other residents who live close to the roundabout.
2. There is a high volume of traffic on Reddings Road and having even more cars will certainly add to it.
3. There is a safety issue for pedestrians and cyclists as the access to the proposed development, which is close to the roundabout, crosses the footpath and cycle path.
4. Buses and refuse collectors already can cause problems when turning into The Reddings at the roundabout. It would be dangerous and hazardous for the refuse collectors to park their vehicle outside the proposed dwellings in order to collect the refuse.
5. There will be an increase in pollution and noise from Grovefield Way distributor road when a considerable amount of the hedge has to be removed in order for the development of the dwellings.

Yours faithfully,



APPLICATION NO: 18/00704/FUL		OFFICER: Mrs Victoria Harris	
DATE REGISTERED: 11th April 2018		DATE OF EXPIRY: 6th June 2018	
WARD: Benhall/The Reddings		PARISH:	
APPLICANT:	Arlo Homes Ltd		
AGENT:	Evans Jones Ltd		
LOCATION:	Blenheim Villa, The Reddings, Cheltenham		
PROPOSAL:	The erection of two dwellings, and formation of new vehicular access.		

RECOMMENDATION: Permit subject to a 106 Obligation



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises part of the rear garden to Blenheim Villa, which is located at the junction of Grovefield Way and the Reddings. The application site is rectangular in shape and has an approximate area of 0.136ha.
- 1.2 Planning permission is sought for the erection of 2no. detached four bedroom dwellings each with a double garage and parking for 4no. vehicles.
- 1.3 The application has been called to committee by Councillor Nigel Britter and an objection has been received from the residents association.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m

Relevant Planning History:

01/01244/OUT 26th April 2002 REF

Land To Rear And Side Of Hollyacre - Erection of 5 additional dwellings at Blenheim Villa and land to rear of Hollyacre

02/00558/OUT 23rd May 2002 REF

Residential development (outline) comprising 2 additional dwellings to the rear of existing dwelling (Blenheim Villa)

82/01010/PF 21st July 1982 PER

Alterations and extension to existing dwelling house to provide an enlarged living accommodation on 1st floor. Raise the level of the roof

3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 2 Private green space
GE 5 Protection and replacement of trees
GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD10 Residential Development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Architects Panel

11th May 2018

Design Concept

The panel had no objection to the principle of this development.

Design Detail

The design was generally liked and considered of suitable scale and character for this location.

Recommendation

Support

Trees Officer

14th May 2018

The Tree Section in principal does not object to this application following clarification of certain details. Please could the following information be submitted and agreed before determination:

- Tree retention and removals plan,
- Tree protection plan for retained trees,
- Landscaping plan detailing proposals for replacement planting to mitigate for trees proposed to be removed.

12th June 2018

The Tree Section appreciates the additional information submitted and has no further objections to this application.

GCC Highways Planning Liaison Officer

17th May 2018

Grovefield Way is a Class 3 highway that is used as a local distributor road for the South West of Cheltenham, linking the A46 and A40. There are a few access junctions serving large developments and a few private accesses serving small residential developments. Grovefield Way is part of a sensitive Highway Network and subject to congestion at peak times. The carriageway is 2 way working with a posted speed limit of 30mph, the area has street lighting and a footway on the side of the proposed development.

I have noted the comments on the LPA web-site.

The site has pre-application advice from Highways Development Management, and the issues raised have been addressed.

The proposed dwellings would generate 10 two way vehicle trips with 2 of these likely to be in the am peak.

The proposed access's can provide visibility splays commensurate with the recorded 85th percentile speeds on the highway. The site can provide turning to prevent vehicles entering the highway in a reverse gear. The proposed access as shown on drawing no. 001 is substandard in width, however it would not be unreasonable for a condition to ensure the access is constructed in accordance with the design guidance in MfGS Figure 8.4.

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I refer to the above planning application received on 17th April 2018 with Plan(s) Nos: 001.I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

Condition 1

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m to the right and 83m to the left (the Y points) as shown on drawing no. 001. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

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

Condition 2

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level.

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

Condition 3

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level for 20m in both directions.

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

Condition 4

Notwithstanding the submitted plans prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with Figure 8.4 of Manual for Gloucestershire Streets, with the area of driveway within at least 10.0m of the carriageway edge of the public road surfaced in bound material], and shall be maintained thereafter.

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

Condition 5

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 [drawing no. 001, 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.

Condition 6

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.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	17
Total comments received	26
Number of objections	24
Number of supporting	2
General comment	0

5.1 The application was publicised by way of letters to 17 neighbouring properties. 24 objections and an objection from the residents association have been received which relate to the following matters:

- Proposal will result in highway danger
- Loss of hedge and impact on habitats
- No provision for waste collection
- Site not identified in JCS
- Loss of amenity to neighbours

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) principle of development, (ii) design and layout, (iii) impact on neighbouring property, (iv) Trees and landscaping, (v) access and highways issues.

6.3 The site and its context

6.4 The application site is within the Principal Urban Area (PUA) of Cheltenham and is currently part of the rear garden to Blenheim Villa. Therefore the principle of development in this location is acceptable.

6.5 Paragraph 14 of the NPPF (2012) 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.

6.6 Adopted JCS policy SD10 advises that in Cheltenham, outside of allocated sites and previously developed land in the existing built-up area, housing development will only be permitted where it is infilling within the PUA.

6.7 In this instance, the site is located within the PUA in a sustainable location. As such, there is no fundamental reason to suggest that the principle of developing this site for 2no. dwellings are unacceptable, subject to other material considerations set out below.

6.8 Design and layout

6.9 Para 56 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning. Para 60 states that decisions should not attempt to impose architectural styles or particular tastes, it is however proper to seek to promote or reinforce local distinctiveness.

6.10 The adopted Joint Core Strategy (JCS) for Gloucester, Cheltenham and Tewkesbury highlights in Policy SD4 how high quality and well thought out design is a key element in producing sustainable places. This is reflected with the current Local Plan, where policy CP7 requires development to complement and respect neighbouring development.

6.11 The Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document states that proposals for development on garden land should be based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.

6.12 Both dwellings are 2 storeys, set back within the site with parking, a double garage and vehicle turning. Plot 1 has a frontage that directly faces Grovefield Way and Plot 2 sits perpendicular to Grovefield Way.

6.13 The Reddings and Barrington Avenue is primarily made up of detached and semi-detached houses of two storeys in height. There is a mixture of brick and render in the locality. As such the general form of development is in keeping with the surrounding development. The footprints of the proposed dwellings are similar to those of surrounding properties. There is a good level of spacing between the buildings and boundaries of the site which is also very similar to those of surrounding dwellings.

6.14 The eaves and ridge heights of the proposed dwellings are similar to the adjoining properties. The design of both dwellings takes the lead from the surrounding development and therefore ensuring the scheme sits comfortably within the street scene.

6.15 For these reasons it is considered that the proposal takes on board the advice of the SPD and shows an appreciation of the character and layout of the neighbourhood. The

proposed layout and design are therefore considered to be acceptable. This conclusion is endorsed by the Architects Panel.

6.16 Impact on neighbouring property

6.17 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”.

6.18 The rear of plot 1 is approximately 10m from its rear boundary. There are no first floor windows in the north side elevation and there would be 16.3m between the two storey side elevation and 22 Barrington Avenue.

6.19 Plot 2 has a first floor en-suite window in the side elevation facing Hollyacre. To prevent overlooking, it is considered appropriate to attach a condition which requires this window to be obscure glazed.

6.20 Both dwellings sit sufficiently far away within the plot to not give rise to any issues of overlooking, loss of privacy and loss of daylight. Although the dwellings will be visible from neighbouring properties both will not result in unacceptable overbearing or oppressive impact.

6.21 Objections have been received raising concerns that the loss of the hedge will destroy an acoustic barrier increasing noise to neighbouring properties. A small part of the hedge will be removed to accommodate the vehicle access, and given the size of the new dwellings any increase in noise should be mitigated by the new dwellings.

6.22 The proposal is considered to have an acceptable impact upon the neighbouring properties and is in line with advice contained within the SPD and Local Plan policy CP4.

6.23 Access and highway issues

6.24 The application proposes the formation of an access point from Grovesfield Way with a vehicle turning area and private parking for 4 spaces per property.

6.25 A transport technical note has been submitted detailing how the required visibility splays for the new access have been calculated.

6.26 Part of the existing highway hedge along Grovesfield Way will require cutting back to form the visibility sight lines to provide the required visibility splays for the cycleway, namely the provision of a 2.4m x 20m visibility splay to either side of the centre of the access to the inner edge of the public footpath/cycleway.

6.27 The required vehicular visibility to Grovesfield Way, namely 2.4m x 120m (north) and 2.4m x 83m (south) is achievable without any work to the hedge set within the highway verge. The vehicular visibility sight lines are thus not impeded by the existing hedge, the visibility sight lines cross over the pavement/cycleway and grass verge.

6.28 Concerns have been raised about how the hedgerow will be cut back and carefully pruned given that the hedgerow is not within the ownership of the applicant or future occupiers. The agent has confirmed that this can be achieved by the applicant and or future occupiers securing a Section 142 Notice of the 1980 Highway Act from the County Council. The highway authority for a highway may by a licence granted under a section 142 notice permit the occupier or the owner of any premises adjoining the highway to plant and maintain, or to retain and maintain, trees, shrubs, plants or grass in such part of

the highway as may be specified in the licence. The 142 Notice will allow the applicant and any future landowner to cut back the existing hedge to accommodate the required visibility.

- 6.29** Officers have expressed concern that future occupiers would not necessarily be made aware of a planning condition requiring the long-term maintenance of the visibility splays. The applicant has therefore agreed the requirement to maintain the cycle visibility can be engrossed within a unilateral undertaking. This would register as a land charge and thus would clearly be brought to the attention of all future property owners.
- 6.30** The Highways Officer has verbally confirmed that the wrong speed limit was recorded in the highway response, however as a speed survey was submitted the visibility splay requirements are in accordance with the 85th percentile speeds of the vehicles on the highway.
- 6.31** A number of concerns have been raised on highway safety grounds and the Highways Officer has had sight of these. It is appreciated that there are concerns about highway safety along Grovefield Way, however this proposal has been designed to provide adequate parking for each dwelling and has demonstrated that visibility splays can be achieved.
- 6.32** As such the proposal complies with Policy INF1 of the adopted Joint Core Strategy and there are no sound highway reasons to withhold consent.

6.33 Trees

- 6.34** There are a number of trees within the site that will be removed as part of the proposal. The existing hedgerow around the boundaries and one tree to the rear of the site will be retained. To mitigate the impact of the loss of these trees, 11 new trees are proposed in the Tree Replacement plan.
- 6.35** The Trees officer has no objection to the proposal. Subject to a condition requiring the provision of suitable landscaping in line with the tree replacement plan, the tree and landscaping implications are considered to have been adequately addressed.

6.36 Ecological impact

- 6.37** A preliminary ecological appraisal has been submitted as part of this application. The site was surveyed by an ecological consultant on 19 February 2018. The appraisal recommended a detailed Ecological Mitigation and Enhancement Strategy after the proposal has been confirmed. The strategy will ensure that the future development of the site retains existing features and habitats of ecological value (e.g hedgerows) and minimises the impact upon protected species (e.g nesting birds).
- 6.38** This strategy can be conditioned and subject to this the ecological impact is considered to have been adequately addressed.

6.39 CONCLUSION AND RECOMMENDATION

- 6.40** As discussed above the principle of the development is supported and the proposed development has clearly been designed to address all of the relevant design, amenity and highways criteria which are applicable.
- 6.41** The concerns of the residents have been duly noted however based on a thorough analysis of the site, its surroundings and the proposals it is apparent that there are no sound planning reasons to withhold planning permission in this instance.

6.42 As such it is recommended that planning permission be granted subject to a 106 Obligation to secure a mechanism for the retention of adequate cycle visibility spays.

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

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

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

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

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

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order), the side first floor en-suite window of plot 2 shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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

- 6 No works shall commence on site unless a detailed Ecological Mitigation and Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the approved details.

Reason: To safeguard ecological species, having regard to Policy SD9 of the adopted Joint Core Strategy 2017.

- 7 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 120m to the right and 83m to the left (the Y points) as shown on drawing no. 001. The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

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

- 8 The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 4.5m back along each edge of the access, measured from the carriageway edge, extending at an angle of 45 degrees to the footway, and the area between those splays and the footway shall be reduced in level and thereafter maintained so as to provide clear visibility at a height of 600mm above the adjacent footway level for 20m in both directions.

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

- 9 Notwithstanding the submitted plans prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with Figure 8.3 of Manual for Gloucestershire Streets, with the area of driveway within at least 10.0m of the carriageway edge of the public road surfaced in bound material], and shall be maintained thereafter.

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

- 10 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 001 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.

- 11 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.

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 This planning permission is subject to a S106 legal agreement which requires a secure mechanism for the retention of adequate cycle visibility spays
- 3 The applicant is reminded of the need to also obtain approval for the vehicle crossing from Amey Gloucestershire before any works commence; you can contact them on 08000 514 514 or alternatively email: GCCHighways@Amey.co.uk.

INFORMATIVES :-

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

APPLICATION NO: 18/01646/FUL	OFFICER: Mrs Victoria Harris
DATE REGISTERED: 15th August 2018	DATE OF EXPIRY : 10th October 2018
WARD: Benhall/The Reddings	PARISH:
APPLICANT:	Arlo Homes Ltd
LOCATION:	Blenheim Villa The Reddings Cheltenham
PROPOSAL:	The erection of two dwellings, and formation of new vehicular access

CONSULTATIONS

The Reddings Residents Association

5th September 2018

Letter attached.

Ward Councillors - Councillor Britter

13th September 2018

As ward councillor I have received many concerns / objections from local residents regarding this new application and have waited until now to gain as much feedback as possible.

I would like to reinforce the objections raised by residents and confirm my objection to this almost identical submission to application 18/00704/FUL which was considered by the Planning Committee in July where it was refused on the grounds that the proposed access, due to its position off a busy road, over a foot/cycle way and in close proximity to a roundabout, and also due to the requirement to carry out on-going works to a hedge which is off the site in order to achieve the required visibility, fails to secure safe and suitable access. Therefore the proposal is contrary to INF1 of the JCS and paragraphs 108 and 109 of the NPPF.

It will not surprise you to learn that local residents are asking 'what has changed' the proposal does not address the concerns raised by not only them but also the planning committee when it made its decision. Residents also point out that their original objections lodged with Cheltenham Borough Council (CBC) to the first application are still very valid.

Residents take the view that this application is a garden grab and should be treated as such and refused.

Because of the site location, this is an inappropriate development; therefore it is contrary to the emerging Local Plan in relation to garden grab. The local authority has set out policies to resist such applications where proposals would not only harm but impacts adversely on the overall local environment. Secondly this proposal is also contrary to NPPF paragraph 53 in relation to garden grab

Road Safety concerns

Many residents have continually reported excessive speeds for vehicles travelling on Grovefield Way, the introduction of a new private opening, close to the roundabout, would constitute a "change in road layout" and greatly increase significantly the potential road hazards. Vehicles accessing and egressing the development will, of necessity, have to cross both the pavement and cycle path. Those wishing to turn right into the development or, to turn left into the development ahead of the roundabout would create queues of traffic.

There is currently only limited access onto Grovefield Way for good reason; it is a 40mph major Link road, not a minor estate road. None of the nearby houses or caravan parks has access onto Grovefield Way. The proposal will in fact create a "shared access" scheme in relation to the public pavement and national cycle way, contrary to the current Department for Transport (DFT) directive and as a result it will be incredibly dangerous for pedestrians, cyclists and other vehicle users of Grovefield Way and goes against the Highways Agencies recommendations for safe access to and from the site.

It should also be noted that when the southwest link road (Grovefield Way) was constructed, there were Highway design statements to the effect that no individual property access would be permitted onto the road. At the time that permission was granted, there was great emphasis that it was a link road and not a local distributor road.

Positioning an entrance from Grovefield Way, just to access two residential properties is surely a significant misuse of a link road. The whole reason for having a link road is to allow traffic to flow freely and safely, at reasonable speed, and adding a residential access is a negation of that principle.

The visibility splays shown cannot be achieved without significant cutting of the existing hedgerow which was planted as an important noise and pollution screen for the residents, when Grovefield Way was constructed.

To maintain the visibility splays required, a Section 142 agreement is being proposed to manage hedge, no account is taken of the Wildlife & Countryside Act, which will prevent any hedge trimming work being undertaken for much of the growing season, in order to protect the interests of wildlife.

Section 142 agreements are a "Licence to plant trees, shrubs, etc., in a highway". They do not deal with removal and maintenance and are not intended for this type of circumstance. The owners of the proposed properties will need to maintain a £5million public liability policy (each) and will need specialist equipment to maintain a hedge that is now at least 5m in height.

The developer is side-stepping the problem by passing the liability onto the owners of these proposed new homes who will have to carry out the works to the required standards on a very quickly growing hedgerow which is both impractical and unjustifiable with potentially very serious consequences.

Also the licence can be surrendered at any time without any reason. Therefore this is not an enforceable agreement. This I feel this is a ploy to dupe the planners and planning committee. So again the proposal is contrary to NPPF paragraphs 108- 110, inclusive.

Substantial loss of the trees and wildlife

The loss of the trees and wildlife would be substantial, the developers are trying to say it is a small -holding, it is simply a large garden. As previously stated in order to create the entrance, it would be necessary to fell a significant length of mature hedgerow, As can be seen in the applicant's own biodiversity report, this hedgerow is a "habitat of principal importance for the purpose of conserving biodiversity in England". Residents have also identify bats, sparrows which I believe are protected species

Community Asset

The hedge is also an important community amenity, providing a buffer for noise and pollution for the health benefit of local residents. Poor air quality and noise have already resulted from the huge increase in traffic in the area. Pollution is something that affects all residents, as was recognised by the designers of Grovefield Way, which is why the hedge was planted in the first place.

The JCS And Local Plan

The JCS has already identified sites to fulfil housing needs until 2031. The houses in this application are therefore not needed, they are purely to make money for the developer. To grant permission will make a mockery of the JCS.

Finally the applicant seeks to avoid the Emerging Local Plan by arguing that it is at the consultation stage, this is not the case The Local Plan has been through its final public consultation ahead of submission to the inspector. Having previously undergone 3 consultations over a number of years. The Local Plan is considered to be a much better guide to emerging policy than retained policies CP4 and CP7. Notwithstanding, CP4 states that permission should not be granted where it will cause harm to adjoining landowners, or if it causes traffic to reach environmentally unacceptable levels. The proposal breaches CP4 as the removal of the hedge to create an access to the site will have profound implications for other local dwellings in removing the designed sound and pollution baffle associated with the link road permission. The NPPF requires refusal where the residual effects on traffic will be severe. This proposal is contrary to paragraph 32 which specifically requires safe and sustainable access for all. The application is not in accordance with section 7 of the NPPF and does not contribute positively to making the area better for people. Rather, it will place a further strain on an already strained transport infrastructure, foul and storm water drainage arrangements.

In conclusion I believe this proposed development would have profound detrimental and devastating effects for the local community and for all of the reasons outlined should be refused

The Reddings Residents' Association (TRRA) object.

The application is almost identical to the previous submission and does not address the principle concerns of the planning committee, Councillors and residents in respect of the previous submission in respect of the safety of traffic, pedestrians, young children, pedestrians, disabled users of the footpath and users of the national cycleway. **We therefore request that it be rejected by the officers or otherwise referred back to the planning committee.**

1. The Emerging Local Plan has specific guidelines to moderate and control garden grabs such as this. The refusal for the previous application identified breach of JCS policy INF1 and paragraphs 108 and 109 of the NPPF. These paragraphs state that:

“108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The applicant discusses these in response to the planning committee determinations. However, he does not note paragraph 110, which we consider to be crucial:

“110. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;***
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;***
- c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;***
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and***
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”***

Almost none of these issues are addressed by the applicant and those that we have emphasised in bold underlining have actually been breached, in particular paragraphs 110a, c and d.

The proposal will create a “shared access” scheme in relation to the public pavement and national cycle way, contrary to the current Department for Transport (DfT) injunction. In response to the injunction, GCC Highways has disregarded its own Manual for Street Design and will now only strictly follow DfT advice.

2. The applicant now identifies that hedge H1, is under the care and ownership of Gloucestershire County Council/Highways. The hedge was planted as an important noise and pollution screen for the residents, when the south west distributor road (Grovefield Way) severed the historic village when it was constructed between 1988 and 1992.

3. Pursuant to NPPF paragraph 110d -the applicant indicates that provisions for refuse collection have been made, but we are unable to identify them. The turning space provided on the site is identified by the applicant as being only as suitable for cars. No identification of how refuse or recycling vehicles are to enter the site and leave the site in a forward gear is provided. These vehicles and any supermarket delivery, postal delivery or vehicles larger than a car will either need to enter the site by reversing onto it through live traffic, or reversing off it into live traffic, or parking (close to a busy roundabout) on Grovefield Way, whilst the delivery/collection is made. Similar issues will arise for any emergency vehicles that need to access the site and vehicles approaching the roundabout will be forced onto the other side of the road.

4. Vehicles accessing and egressing the houses both during and post construction, will, of necessity, have to cross both the pavement and cycle path. Assuming that the visibility splays conform to minimum design standards and will have been maintained, so that the vehicle can emerge onto the cycleway and footpath safely (as is claimed), these vehicles will be blocking the cycle path, whilst awaiting gaps in traffic thus forcing cyclists to use the pavement. The safety of users (including young children, pushchairs, mobility scooters, cyclists and pedestrians) will be jeopardised by this. This at a time when cycling is being promoted in the area, with the new cycle path being created further along the same link road (Up Hatherley Way). The proposal is contrary to NPPF paragraphs 110a, b and c.

5. The application form indicates 8 car parking spaces provided. This is not in accordance with the Local Plan, second review table for dwellings outside of the core commercial area.

6. The applicant indicates that stormwater will be disposed of to a soakaway, but the geology of the area is a heavy, impermeable clay where a very high number of trees and hedges are being proposed for removal. Significant ground heave problems will occur as the clays rehydrate at differing rates. Use of soakaways will further exacerbate very uneven ground recoveries, and pipes will fracture or develop backfalls. Lightweight attenuation/soakaway crates will become displaced and ineffective and pipes will fracture or develop backfalls. The design statement is ill advised and retrospective connection to mains will be required placing further strain on local infra-structure is therefore thought inappropriate and not capable of acceptance in respect of surface water treatment and will encourage local flooding.

7. The site is presently used as a smallholding/agricultural use, rather than a garden. CBC should clarify whether the land is actually designated as garden rather than agricultural under Section 65 (8) of the Town and Country Planning Act 1990.

8. The applicant at 13b of the application says that no important habitats, trees or hedges are to be removed. This is entirely untrue, as his own arboriculturalist and conservation reports detail. We are at loss to understand the GNER report when so many residents are now reporting local wildlife to them.

A sobering new report from the Lancet Commission on Pollution and Health cites pollution as the largest environmental cause of disease and premature deaths, responsible for 16% of all deaths worldwide and in Britain, for 50,000 deaths a year. Air pollution contributes significantly to this health crisis, estimated by the Royal College of Physicians and the Royal College of Paediatrics and Child Health to cost more than £20 billion per annum, for business from illness and the cost to the health service.

There is an intense debate around the urgent action needed to tackle the sources of pollution at source, including encouragement of financial incentives towards cleaner vehicles, setting up a ‘clean air fund’ to support local authority action on pollution and changing individual’s attitudes to cars.

Preventative action is essential, and there are different approaches to urban design. Use of simple and low-cost design features in new development, and planting new habitat features close to highways and other pollution hotspots, has direct beneficial effects on air quality, but this proposal will result in a considerable reduction of existing trees and hedges.

Different ecological features offer different effects on pollution levels, and the strategy should therefore be tailored to the specifics of each scheme. **Research published by iSCAPE in May 2017, for example, shows that low hedges reduce exposure to harmful pollutants from vehicle emissions by trapping exhaust releases at ground level. This simple urban design approach is far more effective than taller street trees which, like tall buildings, can create a canyon effect that prevents dispersal of pollutants.**

The *London Infrastructure Plan 2050* is one of the few in the UK which acknowledges that green infrastructure must be considered as an integral part of the city’s vital systems, as essential as the city’s transport, energy, water, waste and digital infrastructure. The London Plan specifically acknowledges the role of vegetation, and especially trees and hedges, to improve air quality by trapping particulate matter (PM) and absorbing polluting gases, such as nitrogen dioxide (NO₂). Consequently, removal of these hedges will prejudice the health and wellbeing of many existing residents and the new owners of these properties.

9. Section 142 agreements is being proposed to manage the GCC Highways hedge and the visibility splays. No account is taken of the Wildlife & Countryside Act, which will prevent any hedge trimming work being undertaken for much of the growing season, in order to protect the interests of wildlife.

Section 142 agreements are a “*Licence to plant trees, shrubs, etc., in a highway*”. They do not deal with removal and maintenance and are not intended for this situation. The licensee(s) (the 2 new owners of the proposed properties) must maintain £5million public liability policy (each) and will need specialist equipment to maintain a hedge that is now 5m to 6m tall. There is no indication of how they will avoid all of the road signs that are now embedded in the hedge and which will continue to block the visibility splay (because there is not enough room outside of the splays to relocate them). The licence will grant the power to remove the hedge altogether and/or, to surrender the licence at any time without any reason. This is not an enforceable agreement, nor one made in perpetuity, it is a completely inappropriate developer “get around” in order to pass the problems onto future owners to the further detriment of residents and to hoodwink the planners and planning committee.

It is an entirely unsafe proposal because one neighbour will be always be dependent on the other neighbour to maintain the hedge. This visibility splay and the safety of the road, pavement and cycleway users can only effectively be regularly and properly maintained by GCC Highways, with a charge being made to the developer/property owner in perpetuity. Any other proposal amounts to reckless endangerment. **The applicant’s proposals therefore remain unsatisfactory and contrary to NPPF paragraphs 108- 110, inclusive.**

10. For the reasons above, we believe that the application should continue to be refused. Notwithstanding, we will set out in further detail below why this application must again be **refused in accordance with NPPF – Section 7 and paragraphs 53, 108, 109 and 110; JCS policy SD4B and SD4C, JCS – INF1.; Emerging local plan policy D3, G12 and G13; current local policy CP4 and CP7. The proposal is also contrary to DEFRA 2007 “habitation of principal importance”:**

Transport

11. The applicant refers to the pre-application advice from Gloucester County Council (GCC) and states that the conditions have been met. However, the applicant relies solely upon his own traffic survey along a section of Grovefield Way between Tuesday 9 January 2018 and Monday 15 January 2018. Department of Transport TAG Unit M.12 "Data Sources and Surveys" identifies that surveys must only be carried out during neutral months. Neutral months are March, April (excluding Easter), May (excluding Bank Holiday weeks), June, September (excluding return to school weeks), October and November. Neutral months are ones which avoid main and local holiday periods, local school holidays, half terms and other abnormal traffic periods. January is not a neutral month and observations of the Highway Network Operation gathered cannot be considered representative and must not be used to assess the impact of this development proposal. No account is taken of known future traffic increases for the development of the land adjacent to BMW where there is a current application and appeal. Similar account needs to be taken of the proposed doubling of the Park and Ride facility to support the new Cyber Park.

12. GCC identify that Grovefield Way is a local southwest distributor road, with few private entrances, and that GCC will require robust justification of why a new access is required and why it should be regarded as acceptable. There is no robust justification set out by the applicant. This is a small development on "agricultural" ground. Despite speculation by the applicant that an agricultural smallholding is inappropriate in the area, the whole area historically was market garden and it is only extensive development and other local garden grab applications that have changed the nature of the area. The Reddings has a history dating back to 1560 and is not an estate development with its roots in the 1960's/1970's, as the applicant suggests. The development will provide 2 substantial four-bedroomed dwellings with garages. There is no shortage of houses of this type in the area, nor within the Borough. As such, we do not find robust justification here.

13. Although the applicant has considered crossover provisions for 2 estate cars passing, the estate car dimensions used are adopted from 2006. This is not considered typical of larger current estate car models.

14. In addition to the analysis for 2 estate cars, GCC require consideration of a refuse vehicle and an estate car passing in the entrance. The applicant does not do so, nor do they provide swept circle analysis for the refuse vehicle turning onto the road, nor do they provide analysis of turning circle for the refuse vehicle once on site, nor do they identify where the bins are to be stored. Requirements for a refuse vehicle access are 5m wide, plus 0.5m clearance either side. The access must also be a minimum of 0.5m from the nearest tree. The refuse vehicle will therefore require a minimum of 6.5m, and the estate car adjacent to it will require a further 2.05m, meaning that the gap in the hedge which the applicant seeks to show as 5.2m for vehicles will in fact need to be a minimum of 8.55m for a refuse vehicle (or similar) and a car to pass. Where the applicant now seeks to provide a pedestrian pathway pursuant to the "shared spaces" regulations and NPPF paragraph 110, the footpaths add a further 1.7m to the required width, making a minimum total of 10.25m of hedge that will need to be removed. This would remove the hedge completely back to the line of the proposed driveways on either side and the subsequent cutting of the visibility splays would then extend almost to the boundaries of the site, so road signs cannot be relocated without blocking the visibility splay.



It would not therefore be acceptable, or safe, for refuse vehicles to be parking on Grovefield Way, and adequate turning provision must be considered and shown on the applicant's drawings and layouts, together with details of bin stores. A 23m swept circle must be shown for the refuse vehicle's right and left turns into the development and the drawings must be drawn accurately to scale so that they comply with NPPF paragraph 110.

15. The applicant states that the visibility splays can be achieved by trimming the hedge which overgrows a cycleway and the signage for the roundabout. The tenant does not identify the signage location, which will block the visibility splay. The ecological and planning statements, and the arboricultural survey and constraints report, all anticipate a low maintenance hedge with light trimming in the autumn. Hedge H1 contains many fast-growing species. Following cutting-back, the tree/hedge species will rapidly re-grow and when they do, the visibility splay will be compromised within a matter of days/weeks. The owners of the property and the local authority could also be found liable for the cause of any accident because they have failed to adequately maintain the visibility splay. The Wildlife and Countryside Act will prevent trimming of the hedges through the critical growth periods March to August and thus, the visibility will be compromised. The applicant's proposal is, therefore, not sustainable. The height of the hedge is also such that tower scaffold or similar would be required to maintain the hedges safely, unless a mechanical flail is used. These are likely to be beyond the budget of the domestic owners of the property. Indeed, currently, only the front is trimmed, and the top has not been cut for some time. The design proposal is not therefore in accordance with the Construction Design and Management Regulations 2015 in that it introduces a significant hazard in respect of working at heights to maintain the visibility splay. The cutting of the hedges will also, at least partially, obstruct the cycleway, or the road if a tractor mounted flail is used and the licence will require the owners to maintain public liability insurance of £5,000,000, until they surrender the licence. At that point, no-one will be liable to maintain the visibility splay. This situation is entirely foreseeable and to approve this proposal would be negligent.

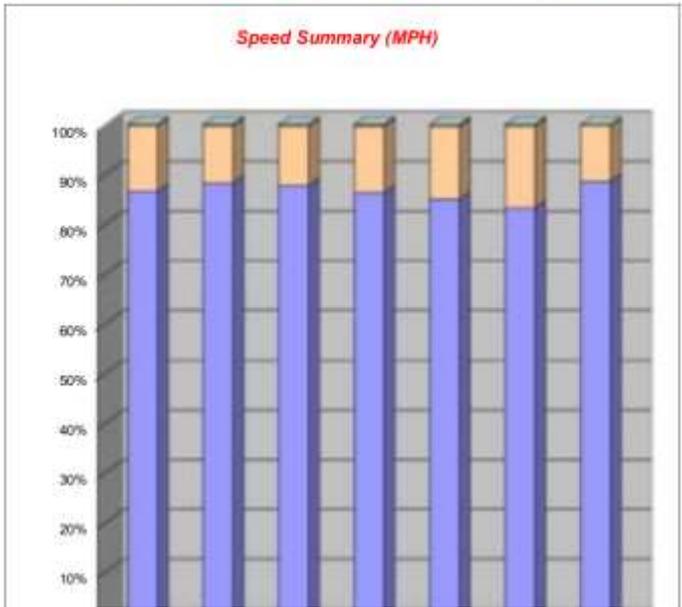
16. Whilst a small area of tactile pavement to warn pedestrians/cyclists has been introduced by the side of the proposed hedge opening, it would not be clear what hazard is being advised, and entry of vehicles out of the site and across the cycleway would not be expected. Pushchairs would be a risk from emerging vehicles. The applicant does not make any clear statements with regard to priority. The DfT current guidelines to accord with NPPF paragraph 110, state that tactile paving is not an acceptable solution.

17. The applicant does not detail the number of anticipated vehicle movements per day, which may reach 30 or more movements per day, given that parking for 8 cars is being provided.

18. Many residents have recently reported excessive speeds for vehicles travelling south on Grovefield Way, approaching The Reddings roundabout, as vision is now partially obscured by the hedge, which also obscures the signage. The introduction of a new private opening, close to the roundabout, would constitute a "change in road layout" as the many drivers that use Grovefield Way each day, and those that have used the road since 1992, would not be expecting vehicles to stop the traffic to turn right into the development or, to turn left into the development ahead of the roundabout where drivers would be expecting that the vehicle would be indicating to turn at the roundabout. The applicants survey data is too small to read in his report, we have enlarged the traffic speed survey portions of the report below:

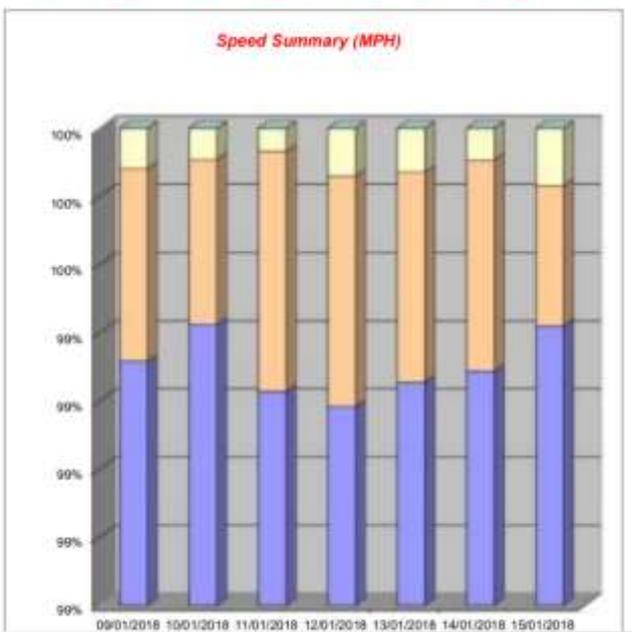
Grovefield Way – note on all days there are several vehicles travelling at in excess of 46mph and many seem to exceed the speed limit of 40mph.

Channel 1 - Northbound		Speed Summary							Week 1
Speed (MPH)	09/01/2018 Tuesday	10/01/2018 Wednesday	11/01/2018 Thursday	12/01/2018 Friday	13/01/2018 Saturday	14/01/2018 Sunday	15/01/2018 Monday		
0-30	3672	4051	3671	4080	3327	2610	3678		
31-45	524	528	548	626	579	697	502		
46-55	5	3	7	0	11	0	5		
56+	0	0	0	0	0	0	0		
TOTAL	4477	4587	4528	4726	3888	3317	4485		



The Reddings – several are exceeding the 30mph speed limit, despite the proximity to the road traffic island, some are exceeding the speed limit by between 50% to 100%.

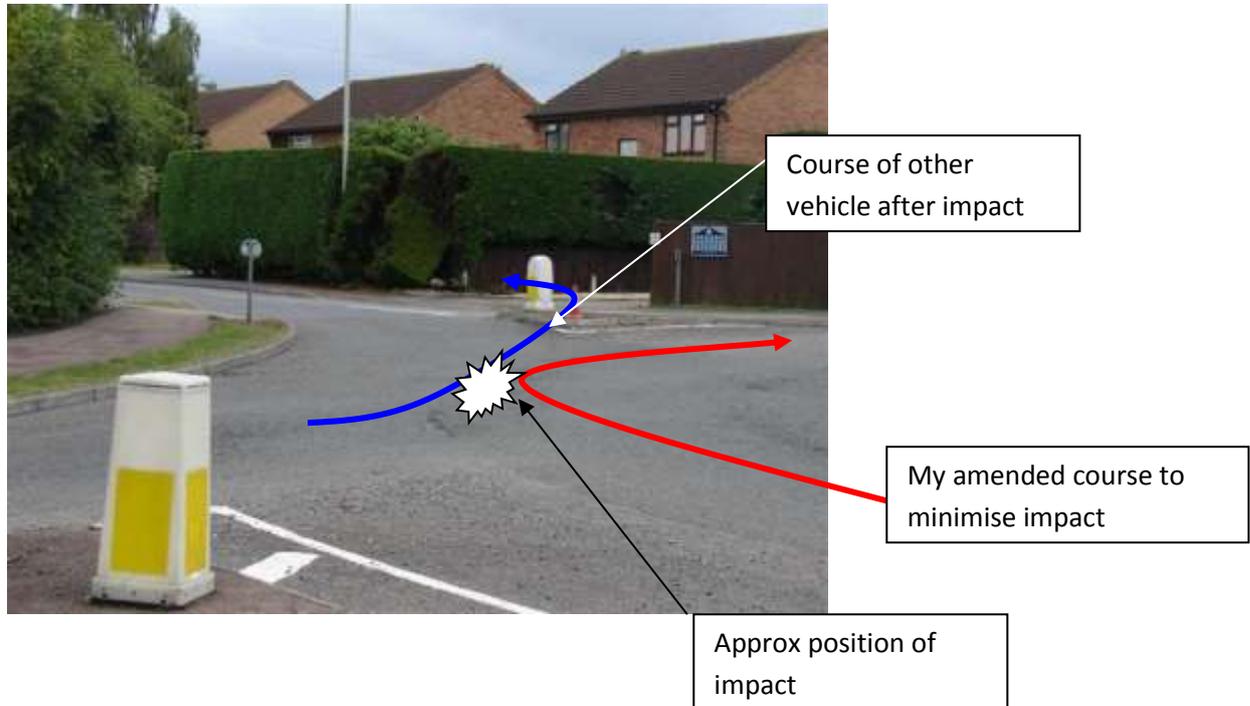
Speed (MPH)	09/01/2018 Tuesday	10/01/2018 Wednesday	11/01/2018 Thursday	12/01/2018 Friday	13/01/2018 Saturday	14/01/2018 Sunday	15/01/2018 Monday
0-30	4213	4264	4371	4208	3883	3697	4118
31-45	34	21	31	29	34	26	12
46-55	5	3	3	0	5	3	7
56+	0	0	0	0	0	0	0
TOTAL	4247	4288	4405	4237	3922	3726	4137



The Reddings Residents object – refuse in accordance with: NPPF – Section 7 and paragraphs 53, 108, 109 and 110; JCS policy SD4B and SD4C, JCS – INF1; Emerging local plan policy D3, G12 and G13; current local policy CP4 and CP7. The proposal is also contrary to DEFRA 2007 “habitation of principal importance”

Evidence of what has happened at this roundabout in the past follows:.

A resident was involved in an accident there. She was on the roundabout when a car coming from the BMW direction failed to give way at the roundabout. It was travelling so fast it ended up in the hedge at entrance to the caravan site in The Reddings opposite the exiting entrance to Blenheim Villas. Photos that were used to support the resident's insurance claim are attached below:



View of roundabout in my direction of travel



View of roundabout in other driver's direction of travel - (approximately where the new entrance and visibility splay is proposed for this application)





19. Significant road hazards could result in the event that a delivery vehicle was parked in the hammerhead simultaneously with the arrival of refuse, recycling trucks, or similar. The applicant makes no provision for this in his design.

20. Grovefield way was constructed as the southwest distributor link road. Relevant applications which should be listed in the Related Cases/Constraints tab are :

- CBC 88/01459/KZ - approval of reserved matters - outstanding
- CBC 89/00765/PM - construction of new road
- CBC 89/01826/PF - road layout and drainage
- CBC 92/00919/PF (Alt ref: CB 18844/01) - road section Golden Valley roundabout to B&Q roundabout
- GCC 92/00011/County (cross ref: CB 18844/1) - link road rail bridge
- GCC 92/00012/County (cross ref: 93/8436/0143/FUL) - link road rail bridge.

21. When the southwest distributor road was constructed, there were Highway design statements to the effect that no individual property access would be permitted onto the road, or similar. Indeed, dwellings constructed on North Road East since the time that Grovefield Way was built have a warranty that says that no entrance between North Road East and Grovefield Way will ever be reopened. At the time that permission was granted, there was great emphasis that Grovefield Way was to be a link road and not a local distributor road. In general, the link road principle has been upheld since 1992 as recent accesses onto Grovefield Way have been in the form of roads serving multi properties such as the Symphony Way housing development and most recently, the Cotswold BMW development (which has had a hugely negative effect upon traffic flows in the area since it opened in August 2017). No individual access has been created, save for the Coldpool Lane playing field which, it could be argued, is more akin to a multi access, further it can also be argued that it has not yet been brought into use. The drop kerbs along Grovefield Way (where BMW staff currently park their cars and obstruct visibility along Grovefield Way) were for historic access to the farm fields. GCC conceded that these could remain in order to avoid delay in construction of the road. At no time during the conception or construction of the Grovefield Way link road has there been any suggestion that these farm accesses would ever be used for anything other than field access, because the greenbelt was then assessed as being highly valuable as the buffer to Gloucester, and there were no proposals at all to extend the PUA into it; or that access for BMW and the employment site E3 adjacent to it; or for the Symphony Way development; or, for the Coldpool Lane field, would ever be created. There are no accesses to caravan parks anywhere off Grovefield way, only off The Reddings. The caravan park accesses are all historic and pre-existed the construction of Grovefield Way.

The applicant's Design and Access statement does not suggest to us that there have been any significant discussions with GCC, rather, an in-principle decision has been requested, and the applicant has then not acted upon all of the matters raised.

The drawings and reports submitted by the applicant in support of the transport policy are all marked "preliminary". GCC are effectively "marking their own homework" in their comments and propose conditions in lieu of proper design. This is negligent and dangerous.

If this application were to be permitted, the applicant would need to revert to the officers/planning committee for an amendment. It is therefore considered to be completely unacceptable to contemplate planning permission approval for the development, with a condition regarding transport, as the proposal by the applicant is completely misleading and the developer would be unjustly rewarded. At worst, it is misleading because the applicant recognises that approval would not be granted for the access that will actually be required. The hedgerow is much valued in the local character of the area. It was designed to act as a sound attenuation buffer for traffic and to ease pollution. As we have set out, the applicant will require a much larger hole in the hedge than has been indicated. The site is also located at the point where vehicles will be braking on the approach to the roundabout, and accelerating having left the roundabout. There will be considerable noise and associated fume pollution too many nearby properties if the attenuating effect of the hedge is lost.

This is clearly measurable following the additional noise from the A40 which is now present within The Reddings area following the drastic removal of trees and hedges around the Cotswold BMW site at the bottom of Grovefield Way. Many residents within Leyson Road and along Grovefield Way are now raising significant concern with regard to pollution levels along Grovefield Way as a result of the vast increase in traffic, and in particular, periods of slow moving/stationary traffic from 07:30 to 08:30 and 16:00 to 18:30 hours each weekday. As we have reported, the traffic analysis supporting the application is fatally flawed as it has not been undertaken during a neutral month.

Notwithstanding, the applicant has taken no account of the almost certain future increase in traffic flows: along Grovefield Way which will result from the development of the remaining site adjacent to Cotswold BMW (extent outline permission for B1 offices); nor the development of employment site E2 for B1 offices (adjacent to Pure Office/Asda); nor for the proposed offices adjacent Asda; nor for the 80 bedroom care home facility being constructed in the former woodland behind Cheltenham Film Studios; nor for the increased traffic which JCS identify will be flowing into the park and ride where the spaces are to be more than doubled to more than a 1000 vehicle capacity; nor does it account for the additional bus traffic servicing the Churchdown housing developments on the Gloucester Cheltenham link; nor does it account for the new school and dwellings to be constructed in Leckhampton which will be accessing via the Grovefield Way "link road". All of this traffic will pass through The Reddings and along Grovefield Way in particular. Similarly, the use of Grovefield Way as a "rat run" to avoid the congested A40 and Hatherley Lane is not accounted for. This additional traffic will cause significant increase in local pollution (the residents' association are now undertaking their own pollution monitoring on Grovefield Way where acrid fumes linger for many hours of the day and are thought to be breaching, or close to breaching, the national thresholds). With an 10m plus gap in the hedge for access and significant reduction in the hedge volume for visibility splays, the fume pollution to the residents of the new properties and to nearby existing residents, will rise significantly, and unacceptably, contrary to local and national policy.

22. TRRA suggest that a headlight path analysis should be carried out to determine the nuisance that will result to neighbours due to the light pollution caused from headlights travelling into and out of the development, as well as the background lighting.

Previous applications

23. The planning history is noted, as is the inspector's report. The applications are now over 16 years old, during this time, local and government policies in respect of garden grabbing, vehicles, pollution, etc. have varied significantly, and there has been a great deal of very local commercial and residential development.

The applicant seeks to avoid the Emerging Local Plan by arguing that it is at the consultation stage and too early to give any weight to it, although we understand that it will shortly be submitted to the inspector, un-amended from the last consultation. The Local Plan was most recently advised as being the final consultation ahead of submission to the inspector circa August 2018, having undertaken 3 prior consultations over a number of years. The Local Plan is considered to be a much better guide to emerging policy than retained policies CP4 and CP7. Notwithstanding, **CP4 states that permission should not be granted where it will cause harm to adjoining landowners, or if it causes traffic to reach environmentally unacceptable levels.** TRRA consider that the proposal breaches CP4 as the removal of the hedge to create an access for the 2 dwellings will have profound implications for many local dwellings in removing the designed sound and pollution baffle associated with the link road permission. The access will benefit only 2 dwellings. The Local Plan advises that the current 5 year housing land supply is robust. Once again, we can find no robust reason to permit a development of 2 houses, when it will have a significant negative impact on many more local dwellings and their amenity through noise and fume pollution, whilst to the much wider area, the additional disruption that it will cause to traffic will have a significant negative effect, particularly in respect of deliveries to the new dwellings from supermarkets, online retailers, post and refuse and recycling collections in being undertaken, as well as during the construction period when heavy plant will need to access and leave the site.

24. The site is not considered sustainable, as the adverse impacts will significantly and demonstrably outweigh any benefits for these 2 houses, when assessed against the policies of the NPPF as a whole.

25. Whilst the NPPF requires the planning authority to look for solutions. However, previous applications and appeals for vehicular access off The Reddings have already been considered and rejected in 2002. That leaves only the possibility of access off Grovefield Way and this is contrary to its designation as a link road, where harm caused will outweigh the benefit. This application and other access points onto, or off Grovefield Way must fail because it is neither sustainable, nor safe.

26. The NPPF requires refusal where the residual effects on traffic will be severe. This proposal is contrary to paragraph 32 which specifically requires safe and sustainable access for all.

27. The **application is not in accordance with section 7 of the NPPF** and does not contribute positively to making the area better for people. Rather, it will place a further strain on an already strained transport infrastructure, foul and storm water drainage infrastructure, health infrastructure (there are no doctors or dental surgeries, or similar within The Reddings area). We note that in previous applications there was mention of the applicant being willing to negotiate section 106/CIL levies for playing areas etc., but these are not repeated within this application. As such, the application does not in any way contribute positively to making the places better for people. However, it will significantly disrupt the local scene by introducing a gap into a hedge which is almost continuous from The Reddings roundabout down to the park and ride roundabout/B&Q, save for a gap on North Road East.

28. There are no precedents to break the hedge in the visual street scene to provide access for two properties.

29. The application is contrary to NPPF paragraph 53 in relation to garden grab. The paragraph states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens where development would harm the local area. The Emerging Local Plan makes it clear that the proposal cannot be approved.

30. The landscaping sensitivity is high. Development will "cause harm to the architectural integrity, townscape and environmental quality of the area by eroding open space around the existing buildings" **contrary to the JCS criteria set out in SD4B and SD4C.**

31. No consultations have been made with regard to biodiversity and geodiversity. However, neighbours identify bats, sparrows and buntings as protected species. The site is clearly in use by hedgehogs. This was proven recently, as a hedgehog was run over opposite the proposed entrance to the site on 3 May 2018 (photographic evidence available).

32. The application of previous policies to the application is not equitable. The applications in 2002 and the inspector's rulings cannot be considered as relevant because, since that time, close to the site, Cotswold BMW, B&Q, Pets at Home, Home Bargains, the Nuffield Hospital, Symphony Way housing estate, Asda, Pure Officers, Harvester, KFC and Travelodge have all been built. Presently, there is a large care home under construction, site E3 on Grovefield Way (over 4 acres of employment land) and E2 on Hatherley Lane for B1 offices and a further 27 houses have also been granted permission and/or are under construction.

33. The **proposal is contrary to Emerging Local Plan policy D3** because it removes open private space that makes a significant contribution to environmental quality. The trees that are proposed to be removed have a minimum 10 years life expectancy by the applicant's own analysis.

34. The project does not enhance ecology, landscape or biodiversity in any sense; it simply provides a significantly reduced environment to that which presently exists. Proper consultation and surveys are required. The application proposes felling large areas of hedge and subsequent trimming and maintenance of a hedge that is not under the ownership or control of the applicant, for the benefit of the two private dwellings and the pecuniary gain of the applicant. Such maintenance would be at public expense if the project is allowed, and is not acceptable.

35. The application does not meet the requirements of INF1 of the JCS.

36. The contribution to the economy is negligible. The cost to the public purse of maintaining the crossover and the hedges and the loss to the environment and local character is far more significant.

37. The applicant assesses the hedgerows as being in accordance with the DEFRA 2007 criteria to be listed as "habitat of principle importance for the purpose of conserving biodiversity in England" section 41 of the NERC Act 2006. A much greater portion of the hedge than the applicant shows will need to be removed in order to comply with the requirement for an estate car and refuse vehicle to cross and to keep treelines and hedge lines out of the visibility splays.

38. The applicant does not show the views from Grovefield Way of the continuous hedge and the significant biodiversity that it affords as an intact hedgerow in his submission. Rather, the view is only included from within the applicant's garden. It is also noted that applicant's hedges H2 and H3 are also listed as intact hedgerows which are species-rich and also compliant with the DEFRA 2007 "criteria to be habitat of principle importance".

39. Policy G12 requires preservation of trees and not to allow them to be felled simply for relatively low value development purposes.

40. Policy G13 states that development causing harm to trees will not be permitted. This application will cause very significant harm to multiple trees.

41. It is of great concern to us that the applicant, Arlo Homes, state on their website that they are looking for "large rear or side gardens" and "corner plots". The nature of the developer's business is clear and seems to have little or no regard to the appropriateness of such a development or the environmental or aesthetic impact it would have on a community. The granting of such an approval will encourage, and reward, such thinking and set further precedents for inappropriate development in The Reddings area.

42. For all of the reasons listed above, the application must be refused.

APPLICATION NO: 18/00936/LBC	OFFICER: Mr Chris Morris
DATE REGISTERED: 17th July 2018	DATE OF EXPIRY: 11th September 2018
WARD: Lansdown	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	Cheltenham Borough Council
LOCATION:	Municipal Offices Cheltenham Borough Council Promenade
PROPOSAL:	Remove modern stud partitions to the Urban Room and Agile Area on ground floor (part retrospective)

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Municipal Office is a grade II* listed building, listed for its interest as an outstanding example of a Regency terrace. The list description quoting an architectural historian stating it is equal to any terrace in Europe and going on to state it is an excellent overall design which, outwardly, is the most impressive manifestation in Cheltenham of the style adopted in Nash's grand regent's Park terraces.
- 1.2 The proposed works are to remove modern stud partitions to the Urban Room and Agile Area on the ground floor. Notably the works to removal the wall within the Agile Area have already been undertaken

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Core Commercial Area
Flood Zone 2
Flood Zone 3
Listed Buildings Grade 2star
Smoke Control Order

Relevant Planning History:

15/00608/PREAPP 28th April 2015 CLO

Listed building works to enable Room G17 to be used as police point

00/01282/LBC 4th December 2000 WDN

Awning over front entrance door to tourist information centre

00/01698/LBC 6th March 2001 GRANT

Alterations to Tourist Information offices

01/00657/LBC 13th August 2001 GRANT

New parapet wall and door to rear elevation, access lift and new signs to front elevation

03/01032/LBC 14th October 2003 GRANT

Internal alterations to part of ground floor to create an open space to be used as a reception and customer service area and office space

86/00715/PF 28th August 1986 PER

Installation Of Civil Defence Radio Aerial

86/00719/LS 28th August 1986 PER

Municipal Offices Cheltenham Gloucestershire - Erection Of Civil Defence Radio Aerial

86/01084/LA 27th November 1986 PER

Alterations To Provide 2 Security Doors And 1 Screen At Basement And Ground Floor Levels

88/01536/PF 15th December 1988 PER

Alterations And Extension

88/01550/LA 15th December 1988 PER

Alterations And Extension

88/01762/LA 19th January 1989 PER

Installation Of E.M.U. 24 Hour Visual Display Unit Information System Behind Central Front Window In Portico Of The Building

88/01782/LA 19th January 1989 PER

Erection Of A Temporary Sign

89/00567/LA 25th May 1989 PER

The Erection Of Individual 150mm High Bronze Lettering To Read:
Tourist Information Centre

89/01378/LA 22nd February 1990 PER

Installation Of Satellite Dish On The Flat Roof Of The Municipal Offices Behind Parapet

90/00260/PF 24th May 1990 PER

Proposed New Wall And Motor Cycle Shelter

90/00267/LA 24th May 1990 PER

Proposed New Wall To Enclose A Proposed New Motor Cycle Shelter

91/00831/LA 26th September 1991 PER

Alterations To Existing Reception Area At Ground Floor Level

92/00131/PC 26th March 1992 PER

Proposed Change Of Use Of A Flat Into Offices

92/00137/LA 26th March 1992 WDN

Change Of Use From A Flat Into Offices And Alterations To Create Offices

92/00174/PF 17th December 1992 PER

Municipal Offices Cheltenham Gloucestershire - Extension To The Rear Of The Building

92/00175/LA 17th December 1992 PER

Extension To The Rear Of The Building, Proposed Internal Alterations (Department Of The Environment Decision - No Cbc Decision Notice)

92/00808/AN 22nd October 1992 REF

Erection Of 6 Additional Flag Poles To First Floor Balcony

92/00809/LA 22nd October 1992 REF

Erection Of 6 Additional Flag Poles To First Floor Balcony

92/01028/PF 21st January 1993 PER

Formation Of Access Ramp To Front To Assist The Disabled ***Note - Application Not Determined***

92/01031/LA 21st January 1993 PER

Formation Of Access Ramp To Front To Assist The Disabled

94/00807/LA 20th October 1994 PER

Alterations To Reception Area ***Application To Be Determined By Doe***

95/00093/LA 27th April 1995 PER

Structural Opening Between Landing And Office On The Second Floor
Approved By D.O.E. 18 May 95 - Hbmc 19 May 95

96/00224/LA 8th May 1996 PER

Install Wrought Iron Handrails On Access Steps To Tourist Information, Cash Hall And Main Entrance, Plus Replacement Of Existing Lamp On Main Entrance

98/00773/LA 15th October 1998 WDN

Installation Of 2 Cctv Cameras (Retrospective) On Rear Elevation Of Building

98/00775/PF 15th October 1998 WDN

Installation Of 2 Cctv Cameras On Rear Elevation Of Building (Retrospective)

98/00979/PF 12th January 1999 GRANT

Disabled Access And Improvements To Rear Of Municipal Offices. *Hold Decision - Referred To G.O.S.W.*

98/00985/LA 12th November 1998 PER

Disabled Access And Improvements To Rear Of Municipal Offices.

98/01023/NZ 14th December 1998 GRANT

Removal Of Existing Brass Handrails And Installation Of New Brass Handrail To Main Entrance, Cash Hall, Tourist Info. and Council Chamber Entrance*Referred To G.O.S.W.*

98/01052/LA 14th May 2002 UNDET

Refurbishment Of Interior To Tourist Information Centre

99/50199/LBC 22nd October 1999 NOOBJ

Removal of existing 2 No. CCTV cameras to rear elevation and replacement with 2 No. new cameras

99/50200/FUL 22nd October 1999 NOOBJ

Removal of 2 No. CCTV cameras to rear elevation and replacement with 2 No. new cameras

99/50386/LBC 22nd December 1999 GRANT

Removal of 1no. window bars, installation of lattice grilles to six windows

04/01124/LBC 29th July 2004 REFCSS

Amendments to previously approved scheme - Ref. 03/01032/LBC; insertion of new doors to new reception area and relocation of internal entrance doors with external handrail

82/01000/PF 29th July 1982 PER

Safety barrier to flag pole

82/01001/LA 29th July 1982 GRANT

Safety barrier to flag pole

16/00337/CLBW 14th March 2016 CERTPU

To overcover existing felt roof and re bed existing coping stones

16/01497/CLBW 5th September 2016 CERTPU

Service of sash windows

16/02132/FUL 17th February 2017 PER

Erection of war memorial interpretation board

16/02273/CLBW 10th January 2017 CERTPU

Repairs to corona mould

17/00268/LBC 21st April 2017 GRANT
Replacement of some of the fire doors in the Municipal Offices

17/01873/LBC PCO
To replace plastic window with aluminium item to match existing adjacent windows

17/01983/LBC 3rd May 2018 WDN
Removal of existing modern partition stud wall separating rooms 8 & 9B

18/00795/CLBW 11th June 2018 WDN
Alterations to reception to accommodate the relocation of the Housing Service HOS.

3. POLICIES AND GUIDANCE

Adopted Joint Core Strategy Policies
SD8 Historic Environment

National Guidance
National Planning Policy Framework

4. PUBLICITY AND REPRESENTATIONS

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

4.1 An advertisement was placed in the Gloucestershire Echo and a site notice was erected near the site.

4.2 No comments were received.

5. OFFICER COMMENTS

5.1 In determining this application the impact of the works on the heritage significance of the grade II* listed building needs to be carefully considered.

5.2 Paragraph 192 of the National planning Policy Framework 2018 states, "In determining applications, local planning authorities should take account of... the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation..." Paragraph 193 of the National planning Policy Framework 2018 goes on to state, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

5.3 The proposed works removed modern studwork walls and create more open plan spaces. Typically open plan spaces within listed buildings would be unacceptable because the harm it would cause to historic fabric and to the understanding of the layout of the building. However, in this instance the walls affected by the works are modern and have no historic interest, and the layout in these two areas has been altered previously to the extent their heritage significance has been compromised. The loss of these modern walls

and the creation of more open plan spaces are therefore not considered to be of concern in this instance. Notably there is a re-used historic door and architrave within the existing modern wall that is proposed to be re-used within the newly constructed partition wall.

- 5.4 No objection is raised to the proposed works as they do not affect historic fabric and do not undermine the historic layout of the listed building.

6. CONCLUSION AND RECOMMENDATION

- 6.1 It is recommended the application be granted with conditions.

7. CONDITIONS / INFORMATIVES / REFUSAL REASONS

- 1 The listed building consent 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The listed building 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.

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

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to saved policy CP3 of the Cheltenham Borough Local Plan (2006), adopted policy SD8 of the Joint Core Strategy (2017), Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

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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