



## Notice of a meeting of Planning Committee

**Thursday, 22 November 2018  
6.00 pm**

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

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

## Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 7 - 22)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS –  
SEE MAIN SCHEDULE**
  - a) **18/01620/FUL Wellesbourne, Oakfield Street** (Pages 23 - 38)
  - b) **18/00872/FUL Kingsditch Retail Park** (Pages 39 - 66)
  - c) **18/01555/FUL 76 Hales Road** (Pages 67 - 80)
  - d) **18/01776/FUL Cromwell Court, Greenway Lane** (Pages 81 - 98)
  - e) **18/01940/FUL Garages rear of Mercian Court** (Pages 99 - 116)

- f) 18/01947/FUL & LBC 61 Pittville Lawn (Pages 117 - 124)
- g) 18/01962/FUL 1 Finchcroft Lane (Pages 125 - 132)
- h) 18/02055/FUL 31 Copt Elm Close (Pages 133 - 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](mailto:builtenvironment@cheltenham.gov.uk)







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## Planning Committee

6.00 pm, 18 October 2018

### Present at the meeting

Councillor Garth Barnes (Chair)  
Councillor Paul Baker (Vice-Chair)  
Councillor Stephen Cooke  
Councillor Diggory Seacome  
Councillor Dilys Barrell  
Councillor Mike Collins

Councillor Alex Hegenbarth  
Councillor Karl Hobley  
Councillor Tony Oliver  
Councillor Simon Wheeler  
Councillor John Payne  
Councillor Dennis Parsons (Reserve)

### In attendance:

Councillor Sudbury and Britter (as speakers)

### Officers in attendance

Tracey Crews, Director of Planning  
Michelle Payne, Planning Officer  
Emma Pickernell, Senior Planning Officer  
Simeon Manley, Head of Planning  
Gary Dickens, Planning Officer  
Joe Seymour, Senior Planning Officer

### 1. Apologies

Apologies were received from Councillors Atherstone, Flynn and McCloskey. Councillor Parsons was acting as substitute for Councillor McCloskey.

### 2. Declarations of Interest

#### 18/01004/FUL : Land at North Road West and Grovefield Way Cheltenham

Councillor Collins declared an interest in agenda item 6a as he had attended a meeting with the residents association with a representative of the developer.

#### 18/01318/FUL: Little Priory, Mill Street

Councillor Payne declared an interest in agenda item 6b as he intended to speak in support the application. He would therefore withdraw from the chamber and not participate in the vote on this application.

### 3. Declarations of independent site visits

Councillor Oliver visited Oakfield Street, Regent Arcade and Little Priory.

### 4. Public Questions

There were none.

### 5. Minutes of last meeting

#### RESOLVED THAT

The minutes of the meeting held on 20 September were approved and signed as a correct record.

### 6. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

## 7. 18/01004/FUL Land at North Road West and Grovefield Way

Application Number: **18/01004/FUL**  
 Location: **Land At North Road West And Grovefield Way Cheltenham**  
 Proposal: **Hybrid application seeking detailed planning permission for 5,914 sq.m of commercial office space (Use Class B1), 502 sq.m day nursery (use Class D1), 1,742 sq.m food retail unit (use Class A1), with associate parking, landscaping and infrastructure works. Outline planning permission sought for the erection of 8,034 sq.m of commercial office space (use Class B1), together with associated car parking, landscaping and infrastructure works, with all matters reserved – except access (resubmission)**  
 View: **Yes**  
 Officer Recommendation: **Permit subject to a 106 Obligation**  
 Letters of Rep: **355** Update Report: **i. Officer update report applicant letter to Members**  
**ii. Applicant representations**  
**iii. Letter of Representation**

**JS** introduced the application as above, with a recommendation to approve for reasons set out in the report and report update. It is at Committee at the request of Councillor Britter.

### Public Speaking:

#### **Mr Martin Zwart, Vice-Chairman of The Reddings Residents Association, in objection**

His key concerns were largely around the proposed A1 use which would generate considerably increased traffic low 7 days a week as opposed to the B1 office development which would likely be confined to operating at capacity 5 days per week. A1 use would result in increased noise and air pollution at the weekends and the evenings and prevent residents being able to spend time in their gardens, open windows, cause issues for children sleeping and inhibit their ability to participate in recreational activities such as cycling. He noted that the 3m high louvered panels designed to screen the roof heating and cooling plant would be extremely unsightly and the 2m deep embankment would only seek to exacerbate these negative effects. The development would be contrary to the JCS with regards to its adverse impact on residents in terms of emissions, noise, odour and visual amenity and non-compliant with the NPPF as a result of its negative effects on noise, air and light pollution. As the development contravenes the national and local policies, he requested that the application either be refused or at the least deferred until proper consultation had taken place.

**Paul Fong, local businessman** addressed the committee. He endorsed the officer report but wished to raise the following points with Members. He was a local businessman and this proposal affected the development of his business. He expressed concern at the lack of any land and buildings available for business needs in the town and as a result businesses were leaving the town in order to find suitable accommodation. He believed this situation would destroy the economic prosperity of the town. He stated that the original application had been granted in 2007 and nothing had



changed since then despite the JCS being in place. He highlighted that there was extremely limited office space, just 5000 sq.m in total in the town which was insufficient. He acknowledged that strategic sites at West Cheltenham and North West Cheltenham would create space but this was some way off and would require large infrastructure projects. He welcomed the Grovefield Way proposal as it would create 13,000 sq.m office space for local businesses. Businesses needed to expand desperately. His business had been in the town for 25 years and employed 20 people but now it required double the amount of space. He wished to stay in the town and had spent a year looking for suitable accommodation but had found nothing suitable. Without this development, he would sadly have no other option but to leave the town. This development would provide prestigious office space and the proposal was policy compliant. He therefore urged the Committee to support the application to enable local businesses to expand on to this site.

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

He confirmed that the B1 element of the development is in keeping with 2007 permission and is supported; but there are no exceptional circumstances that would have supported A and D class development in the greenbelt site as there is no local need for them. His key concerns were that retail traffic to the development on the Grovefield Way distributor road would be seven days a week, 7AM to 10PM with up to 282 vehicle movements per hour throughout each day. Whereas B1 use of the site would be five days a week, 7.00am-7.00pm, leaving residents in peace at evenings and weekends. This hybrid proposal is incompatible with a residential area and, is very different in nature from the existing outline permission. Despite requests, he noted that no impact assessment had been carried out on small business in the area, including the playgroup in the adjacent community centre, existing child carers and nurseries, or top up shops; in the locality. Many of whom are within 5 minutes' walk, or drive of the site and may not be viable if this proposal is permitted. He noted that the NPPF states that new developments shouldn't pass on flooding to neighbouring sites and whilst BMW experts said it wouldn't, it has. The experts and LLFA consultee identify a problem with the phase 3 water disposal and suggest a condition, however, it has still not been resolved. Roads in the area are already congested and whilst B1 traffic for the proposed scheme may be neutral because of the existing outline permission, but HGVs, retail and nursery traffic, will make it much worse than B1 alone. He advised that the constant hourly flow of retail traffic will have serious implications for The Reddings and surrounding area, and the implementation of the JCS traffic strategy for the Cyber Park extension to the Park & Ride. He explained that no study had been made and no comments received by the officer's, or Highways. He felt that the Aldi carpark would be too small and 141 cars per hour would not fit into the 104 spaces provided. He queried why the Aldi would be located on the site, where it will have the greatest adverse impact on residents and the greatest risk to users of the nursery. Given the significant evidence of the damaging effect of traffic fumes on young children, he questioned why developers would place a day nursery in the middle of the park which is flanked by Grovefield Way the A40, the M5, the Arle Court roundabout, the Park and Ride, BMW garage and a busy Aldi carpark. Combining the Aldi and nursery car parks will also cause health and safety problems for parents and children trying to find a parking space, then crossing a busy car park. All contrary to good health and safety design and NPPF paragraph 110. Whilst he welcomed the increased landscape proposals, he reported that they did not offer "glimpses" as the inspector intended in 2007. He reported that light spillage and pollution from buildings and carparks would pollute the residential area and the problem would be exacerbated by reducing the hedge screening along North Road West from 5m to 2m. He felt that the proposal offers nothing back to the community and their objections have not been recognised, or addressed by the applicant, or the officer's report. The developer had gone against the clear indications of the Inspector in 2007 and except for omitting Costa, had not listened to, or acted upon the member comments in the planning committee debate in December 2017. The application does not comply with JCS policy

INF1 and SD2, SD14, nor with NPPF paragraph 110 in respect of the Aldi/nursery carpark. The policy case for Aldi on this site is tenuous and there was no policy case for the nursery. Post approval variation applications for BMW has led to significant parking and congestion problems for residents and the Park & Ride. He requested that the application be refused, or at least deferred until after the inspectors hearing in January 2019.

**Member debate:**

**SW:** Welcomed the increased office space which was in considerable short supply in the town. However, he shared the Reddings Resident Association's concerns regarding the proposed supermarket and on site nursery. Grovefield Way was currently gridlocked for much of the day, particularly around Arle Court roundabout, and this would only be exasperated by the development. The fact the Aldi traffic would be consistent and not concentrated to working hours was also a key concern. He noted that there had been considerable issues with flooding since the BMW development, as the water course had been filled by the developers of the BMW site. He advised that the road had been resurfaced last year and now needed doing again, an issue which needed addressing by the developers. He advised that he would be supporting if the application were for purely B1 use but disapproves of the scheme in its current form.

**PB:** Also shared members of the Reddings Residents Association concerns regarding the potential retail use. He acknowledged that unfortunately the local planning authority did not have sole discretion for such developments but were constrained by government policy and the NPPF. He felt it extremely unnecessary to have two supermarkets so close together and noted the lack of support from Gloucestershire Highways and Highways England. He was cautious that any decision they made could be subject to appeal. Defending the current B1 use was key as there was a considerable shortage of office space in the town. He reported that they had lost 3000 sq.ft of office space to residential in the town as developers were more concerned with residential developments. He did not feel however that the luxury apartments and bespoke residential developments catered for the residents of Cheltenham. Office space was becoming increasingly more expensive with rates now as high as £30 per sq.ft. Grovefield had been allocated employment use in the emerging plan, and as such, the land should remain for B1 use. As office use had been granted in 2007 he failed to understand why the developer had put in a controversial hybrid application for retail use. He noted that at EM2 of the Local Plan, changes away from job-generating uses are only allowed in certain circumstances, and he could not see how the development would add value or benefit the local community. The site was the best B1 office space in the whole of the town, largely as a result of its strategic location off the M5. He summarised that the town needed office space, not retail and the development would not create sufficient jobs. Would be refusing on the grounds of lack of B1 use.

**MC:** Noted that the late amendments contained a lot of information and he had identified a series of issues with the report. Suggested deferring until all the anomalies were in order. He was surprised to see that no highways officers were in attendance given the significant impact on highways. He noted that office space was needed to stop businesses leaving the town and the supermarket was unnecessary. He felt that the developer was seeking to maximise profit at the expense of the community and the environment. There were a number of policies that the scheme was in contravention of that could be used as grounds for refusal, particularly SD4 of the JCS. He disagreed with the officer's comments that there would be negligible impact, given that the area was often heavily congested with traffic. He noted that Arle Court was already at 180% capacity and failed to see how any further developments could be permitted in light of this. He had serious environmental concerns and queried where the last air quality data had been taken from, as it appeared to have been recorded at the south east corner, which is the furthest possible location away from the site. Deliveries to the supermarket

were also a major concern and he feared for people's safety if large arctic lorries were being reversed whilst people were parking in the supermarket. Councillor Collins found it ridiculous that a nursery be located in the centre of a car park considering all the harmful fumes it was also impractical for example if there was an emergency and the nursery needed to be evacuated. He acknowledged the 32 conditions and questioned how many of these were actually enforceable. Following questioning from the Chair, Councillor Collins advised that he wished to hear the other Members comments before formally proposing a deferral.

**DS:** He explained that the planning committee had spent a lot of time deliberating an application at Grovefield Way for 2 houses, which had subsequently be refused, partly due to the increased traffic, he acknowledged that this application was considerably greater. He queried how the traffic flow would work for those turning right into the site as they would hold up the oncoming traffic.

**JP:** Shared the previous Members concerns. Whilst he accepted that in some instances the use of Green Belt sites was necessary, he felt that maximum benefit should be gained from such sites. He acknowledged that there was a desperate need for office space in the town and reported that 80% of office space was less than 500sqm which was inadequate for the majority of companies. He advised that in the JCS there had been a requirement to create 15,000 new jobs and they would need to make the necessary provisions to support these jobs. The site was ideal for a business park, particularly considering the good transport links from the M5 and M40. He was pleased to see that the members of the Redding's Residents Association were accepting of the B1 use. He was alarmed that the extant permission for B1 development did not include a condition removing permitted development rights and was concerned that each building on site could be changed to a B8 use which would cause increased traffic and reduce the number of jobs created. In any circumstance, he hoped to see the removal of development rights from the site. Whilst he was not opposed to the nursery, he agreed that it was in the wrong location and should be relocated to a more environmentally friendly site close by.

**SC:** Shared Members points about the need for office space in the town. He could not understand why a new supermarket was required given that there were already two in close proximity to the site. He believed that the nursery could be a positive asset as it would benefit those working on the site. He also shared concerns about the traffic and feared that increased traffic would deter people from using the park and ride. He felt that even a small increase in traffic could be extremely detrimental and agreed that retail use would prolong the traffic over a greater number of hours.

**JS, in response:**

- It was an employment led development and that whilst 14% of the site allocation was non B1, the non B1 uses also provided employment. He noted that the preference for B1 was because more jobs were created per sq.m. He advised that A1 retail on average creates 100 jobs per 17,000 sq.m which was the equivalent to 150 office jobs. So, if the whole site were to be purely B1 use, it would only generate an additional 50 jobs. He advised that the site in total was predicted to create 1000 jobs and reminded Members that if they were minded to refuse zero jobs would be created. He reported that the site had been granted B1 use for 11 years.
- With regards to the flooding issue, refusing would actually prolong the problem as developers were currently unable to get on site and rectify the situation.

**EP in response:**

- If Members were minded to refuse they would need to use the 3 reasons for which the previous applications had been refused as a basis.

- The applicant had made attempts to address concerns by improving the balance of B1 use. She reiterated that non B1 use would still generate employment and that 100% B1 may actually have a greater impact on the highways as the level of traffic during office peak hours would be increased, whilst retail traffic would be spread out throughout the course of the day. The scheme was considered to be a better balance.
- Permission had been granted for the last 10 years, yet it hadn't come forward, this was an opportunity to deliver key office space for the town.
- In response to Councillor Payne, the site had already been taken out of the Green Belt.
- The nursery was a common feature of modern day business parks.

**SW:** The issue of flooding was as a result of BMW dumping spoil in the water course and so this needed rectifying irrelevant of what happened with the site in question. The reason that the site was taken out of the Green Belt was because there was not enough office space across the town.

**PB:** Felt it wasn't the Council's fault that the site had not been developed over the last 10 years. Noted that the nature of the jobs would be different for office compared with retail and if the offices were to be 2 storey an increasing number of jobs would be created.

**MC:** Didn't agree that zero jobs would be created as there was already permission for B1 use. Questioned whether retail jobs were as valuable to the economy as B1 jobs.

**SC:** Questioned whether officers felt that if the site were a supermarket instead of purely office it would make the traffic better rather than worse.

**JS in response:**

- In theory, B1 may create better high end jobs but supermarkets would also create managerial and supply chain jobs and mixed jobs were necessary to help the economy grow.
- From the trip generation analysis conducted, they had concluded that the difference in number of trips would be negligible if the site had a supermarket compared with 100% B1 use.

**PB:** Felt it important to define the exact number of jobs that would be created as 100% B1 use would create considerably more jobs than the officer's had predicted.

**MC:** Now all Members concerns had been heard he was withdrawing his proposal to defer.

**MC:** As it had been suggested the committee were bound by the previous reasons for refusal, he questioned what the previous reasons for refusal were.

**JS in response:**

The application was refused as it was considered to be contrary to policy SD1 of the JCS, policy EM2 of the adopted Local Plan and policy EM3 of the Cheltenham Local Plan.

**MC:** Queried whether they could, therefore, refuse on those 3 policies if they were minded to.

**SM:** The previous application had been refused, partly as a result of a coffee shop to the front of the development which the committee believed impacted on the overall appearance of the site. He proceeded to read the previous reasons for refusal. If Members were minded to refuse, the reason for refusal would need to be amended to

omit the section about the visual impact of the coffee shop.

Members agreed that the previous reasons for refusal still applied, although the section about the coffee shop be omitted.

**Vote of officer recommendation to permit**

4 in support

8 in objection

**NOT CARRIED**

**MC:** Proposes refusal on the grounds previously stated as application is considered to be contrary to policy SD1 of the JCS, policy EM2 of the adopted Local Plan and policy EM3 of the Cheltenham Local Plan.

**Vote on MC's move to refuse on SD1, EM2 and EM3**

9 in support

3 abstentions

**REFUSE**

**8. 18/01318/FUL & LBC Little Priory, Mill Street**

Application Number: **18/01318/FUL&LBC**  
 Location: **Little Priory, Mill Street, Cheltenham**  
 Proposal: **Blocking up of existing vehicular access and creation of new gated vehicular access within boundary wall**  
 View: **Yes**  
 Officer Recommendation: **Refuse**  
 Committee Decision: **Permit**

Letters of Rep: **2**      Update Report: **0**

**EP** introduced the application and explained that the property was a grade II listed dwelling on Mill Street. It was also located within the Prestbury Conservation Area. The applicant was seeking both planning permission and listed building consent to block up an existing access and create a new, wider vehicular access onto the highway. This address had a similar application for a new access refused in 2015, as it was considered to have a harmful impact on the heritage of the dwelling and highway safety. Refusal on the basis of conservation grounds remained. The application was being brought to planning committee at the request of Councillor John Payne.

**Public Speaking:**

**Susan Blair, applicant**

The property was purchased in 2004 and she was well aware of the property's historical and conservation significance. They had invested significantly in the property in terms of its restoration, working closely with the conservation officer. This included replacing the poor extension. She had engaged experts in order to respect the high standards commensurate with the listed status of the property and the conservation area. She informed Members that the existing access to the property was not safe. By changing the location of the access and the size this would be more safe and useable in terms of being

able to drive in forward to the new parking area. It would also be to the benefit of the neighbourhood by removing cars off Mill Street. In addition, it would improve the visual character of the existing boundary wall which had changed over time as this would be repointed with lime mortar replacing the current cement. The access would not be glaringly noticeable from the road and cars would access via sliding gates, similar to those at neighbouring properties. She cared very much about the conservation of the property and making these changes would make it fit for daily use.

### **Councillor John Payne**

#### **Speaking in support of application**

He believed it provided a satisfactory solution to enable off street parking but also recognised the considerable efforts the applicant had gone to when extending the grade II listed Little Priory. As Members would have seen on planning view the extension was not only of exemplary design but had been executed with consummate skill. He explained that the application represented the final phase of the development of the application site, i.e. the provision of an entrance. At the start of this development advice was sought from Gloucestershire Highways as to the viability of the new vehicle entrance, subject to a planning application highways had no objections and so the extension to the main house was designed, which included the demolition of the garage. Councillor Payne explained that the first application was refused following objections from Gloucestershire Highways. The applicant had worked with their architect and highways to produce a plan as lay before Members which now had the full support of Gloucestershire Highways.

He then referred to the recommendation to refuse the application based on the concerns expressed by the conservation officer, who was primarily concerned with the loss of historic material, and its impact on the setting of the heritage asset. The Conservation Officer had concluded that the harm would be less than substantial, and in accordance with the NPPF it was necessary to balance the harm against the benefits.

Councillor Payne then outlined the benefits of the proposal:

1. The removal of the unsightly gates, which following the completion of the extension would be redundant.
2. As seen on planning view the street side of the wall was in desperate need of repair and restoration, not to mention the substantial inclination and the inappropriate cement pointing. The proposal included the provision to rebuild the entire length of the wall from the house to the new entrance in traditional style in keeping the extension and by the same craftsman, resulting in an enhancement to the street scene, and in keeping with vernacular style of Mill Street and the Prestbury Conservation Area.
3. The proposal would also allow the applicant to remove their vehicles from the street, where they have been subject to repeated minor damage.

In requesting that this application be brought before the committee he had cited the existence of precedents. He explained that Prestbury and Mill Street had a number of Grade II buildings and houses of historic interest and as a comparison with the application under consideration he explained that the following had been granted without any objection on conservation grounds:

- Home Farm-demolition of stable block and forming an opening in stone wall to

access garden.

- Prior's Piece (next door to the application site) erection of extension and formation of new vehicular entrance (now has electric wooden gates as proposed in the current application)
- Grey Gables in The Burgage created a vehicular entrance off Mill Street to access a car park.

He explained that none of these applications included any element of restoration which was central to the current application. Councillor Payne explained that change was a constant feature even in conservation areas. Practically every historic house in Mill Street had undergone change. They had not diminished the character of Mill Street; in fact many had enhanced its character as he believed this proposal would. He urged Members to take a pragmatic approach in their deliberations in order to bring an end to a journey the applicants have been on for a number of years, a journey fully supported by the Conservation Officer, to extend and enhance the Little Priory. The proposal would provide much needed off street parking, and would restore with traditional materials and craftsmanship a boundary wall, which would demonstrably enhance the street scene. Having declared an interest in the item Councillor Payne then withdrew from the Chamber and therefore did not participate in the debate or vote.

#### **Member debate:**

**DS:** Supported the application; the wall would be rebuilt in the same style, preferably with the same stones displaced from the existing gate. He was reassured that the gates would be electric and therefore remotely controlled. He endorsed the points raised by Councillor Payne.

**DB:** Supported the application. Having the wall rebuilt would be an enhancement. There would be public benefit in having off street parking.

**SW:** It became apparent on planning view that the current quality of the wall was appalling. It was badly pointed and did not appear to be safe. Rebuilding and restoring the wall would bring enormous benefit. He believed the conservation officer should have no qualms in reversing his opinion.

**DP:** Supported the application. The wall was currently listing so rebuilding it would be a great improvement.

**SC:** From a purist point of view he would support the conservation officer's advice, however, the approach proposed was pragmatic and would vastly improve the situation. He would, therefore, support the application.

**MC:** This was a sensible application. He acknowledged that a build-up of traffic in the area could be problematic so this proposal would help with parking off street. The applicant had been sensible in her proposal to enhance the area. He was therefore in favour of the application.

**PB:** He acknowledged the important role of the conservation officer in providing sound advice which was in line with policy. He was surprised that the applicant had taken down the existing garage without the security of knowing that an entrance could be secured via the planning process although the conservation officer was not against the new access.

He suggested that in future Planning View should look at schemes where permission had been granted for something similar as this may be helpful.

**SM, in response:**

Made reference to Councillor Payne's reference to how the conservation assessment was carried out on this significant heritage asset. The conservation officer had acknowledged that the application would cause harm as knocking down the wall does affect the fabric of the structure. The conservation officer had deemed this harm to be less than substantial and he explained that as part of any assessment this was a balancing exercise as to whether the public benefit associated with the application outweighed the harm. The Head of Planning noted that Members were minded to oppose the conservation officer's recommendation and referred to Councillor Barrell's reason that off street parking represented a benefit associated with the application and thus of wider benefit to the public. He referred to the experience of the conservation officer's experience and the fact that any works to a listed building did affect its fabric as it would be changing it. The conservation officer's assessment was that the proposal would lead to less than substantial harm to the significance of the building and conservation area but he did not believe that the benefits outweighed the harm.

**Vote on officer recommendation to refuse**

0 in support  
10 in objection  
1 abstention

**NOT CARRIED**

**PB:** Going against officer recommendation for refusal. Being considered as not harmful.

**NJ:** Conservation Officer had undertaken a balancing exercise. Members should consider the benefit which from the debate appeared to be the provision of off street parking.

**DB:** The reasons for going against the officer recommendation should be the public benefit of off street parking and also the public benefit of restoring the wall but was not certain what planning grounds could be given in respect of the latter. It was suggested that officers had a look at what other conditions were necessary and that these be considered by the Chair and Vice Chair to see what appropriate conditions could be applied.

**SW:** Supported the fact that the off street parking and the restoration of the wall was of public benefit

**GB:** Conditions could be imposed regarding using the original stone for the purposes of the restoration of the wall.

**DB:** Move to permit on the ground of providing benefit to the area in terms of reduction of off street parking



Vote on DB's move to permit on the ground of providing benefit to the area in terms of reduction of off street parking

10 in support

0 in objection

1 abstention

## PERMIT

### 9. 18/01620/FUL Wellesbourne, Oakfield Street

Application Number:	18/01620/FUL
Location:	Wellesbourne, Oakfield Street
Proposal	Single storey rear extension (part Retrospective)
:	
View:	Yes
Officer	Permit
Recommendation:	
Committee Decision:	Defer
Letters of Rep:	5
Update Report:	

**GD** introduced the application as above with a recommendation to approve for reasons set out in the report. It is at Committee at the request of Councillor Harman.

#### Public Speaking:

##### Miss Vincent, neighbour in objection

She reported that when she had come back off holiday in July, she discovered that the extension had been built. The applicant had not submitted any plans, nor afforded her the opportunity to consider the design before the work commenced. The neighbours to the right had also not been served with a Party Wall Agreement. The objector was shocked by the speed and size of the building which was very invasive. She advised that once the applicant did retrospectively submit plans, they did not reflect what had been built and the extension was 300mm higher and so revised plans had to be submitted. She questioned the applicant's credibility given the fact he had been a Building Contractor for over 20 years. Miss Vincent explained that she had no problem with the applicant wanting to build an extension but had issues with the design; she noted Local Plan policy CP4 which seeks to ensure that new developments do not have an unacceptable impact on neighbouring amenity. Her issue was with the side elevation, which is around 3.5m and has bi-fold doors that face her property.

The side elevation is also less than a metre from the boundary of her property. She felt that the glass being used was irrelevant and that during the summer months the doors will be open, encroaching on her own home. She reported that the recent extensions in the immediate vicinity all have solid wall side elevations. Whilst she accepted that Tivoli is a dense and compacted grid of terraced houses she still felt residents were entitled to reasonable privacy. She urged the Committee to not allow the applicant's plan to be the new blueprint for this special Conservation area and requested that at the very least the committee instruct the applicant to brick up the side elevation as a fair compromise.

**MC:** Found it difficult to see how the applicant believed the extension to fall under permitted development, particularly given that by trade he was an experienced building contractor. He queried whether officers would have permitted the extension if it had come before them as a new application.

**DB:** Also very unhappy about the retrospective planning permission. She felt that the extension had an unsightly chunk of roof and was unhappy about the glass side elevation.

**PB:** Sympathised with the neighbour and agreed that the large opening doors on the side elevation infringed on her property and would be a particular problem during the summer months when they would likely be open. Suggested that the application be deferred and a conversation be had with the applicant, neighbour and officers to find a satisfactory solution for the neighbour.

**SC:** Also failed to see how the applicant believed the extension to be within the permitted development rights given its size. Agreed that the bi-folding doors to the side would impact upon the neighbour and cause noise disturbance, would have no problem with the development if the bi-folding doors opened out towards the garden.

**SW:** Failed to see the issue until the Councillors went on the planning view and now sympathised with the neighbour, particularly as the extension was within 1 meter from the boundary. Whilst he did not find the flat roof particularly aesthetically pleasing, he did not see this as a reason to object. Agreed with Councillors Cooke that if the doors were facing on to the garden there would be less of a problem, however, in its current state, he would find it difficult to approve the application.

**JP:** Agreed that it was a very inconsiderate development and had been alarmed at the depth of the extension which he deemed overpowering and unnecessary. Agreed that deferral may be a sensible to allow all interest parties to come to a sensible solution.

**DS:** Felt that the extension was too large for the area given that it was 30cm too deep, the side was a meter wider than the house and the height was also unsatisfactory.

**KH:** Agreed with Councillor Cooke that the problem was exclusively with the side part of the extension. Sympathised with the objector as he noted in areas of such housing density you could often hear your neighbours, which can make living in such areas extremely challenging. He acknowledged that it was not the committee's duty to re-design the scheme but queried whether they could ask the applicant to reconsider the side part of the extension.

**GD, in response:**

- The applicant believed the extension to be within permitted development and once the enforcement team had become involved and invited an application, works to the extension ceased.
- If the application was to come before officers as a new application they would look to support it.
- Officers had proposed that the applicant remove the doors to the side elevation from the scheme, however, they wished for the committee to determine the application as it currently stands.
- The application was compliant with policy SD4 of the JCS with regards to noise disturbance.
- The extension was 50cm deeper than permitted development but compliant in terms of its height.

**PB:** Wished to pursue his suggestion of deferral as the development would be more acceptable if something was done with the side elevation.

**SM, in response:**

- Whilst it was within the committee's gift to defer, they needed to be mindful that they risked the applicant appealing on the grounds of non-determination.

**MC:** Deferral would be the sensible way forward as would vote to refuse if not deferred. If they permitted the development people would lose faith in the planning system as the correct process had not been followed.

**DP:** It was clear that the applicant and the objecting neighbour were not on good terms. Did not see the benefit of deferral. It was clear given the applicants jobs that he knew the development was not within permitted rights.

**Vote on proposal to defer:**

6 in support  
5 in objection  
2 abstention

**Deferred**

**10. 18/01630/FUL Unit 30, Regent Arcade**

Application Number: **18/01630/FUL**

Location: **Regent Arcade**

Proposal: **Alterations to, and conversion of, Unit 30 to create 3no. ground floor restaurants (Class A3), 1no. ground floor retail unit (Class A1), and 1no. basement leisure operation unit (Class D2). Demolition of existing rooftop conservatory and erection of 1no. two storey rooftop restaurant (Class A3) with a new street level entrance from Regent Street. Installation of rooftop plant. New repurposed entrance to the car park with vertical access and new passenger lift. Alterations to the Ormond Place entrance together with works to the public realm along part of Regent Street and Ormond Place to include resurfacing works and raising the carriageway to provide a shared surface for vehicles and pedestrians and installation of associated street furniture.**

View: **Yes**

Officer Recommendation: **Permit**

Committee Decision: **Permit**

Letters of Rep: **4** Update Report: **Officer Update Report**

**MP** introduced the application as above. It is at the committee as the request of Councillor Sudbury and the recommendation is to permit.

**Public Speaking:**

**Mr Bell, Architect, in support**

Provided an overview of the proposed development on behalf of the Regent Arcade Trust and landlords of the shopping centre. He advised that the property had been vacant since July 2016 following the demise of BHS. He acknowledged the problems being experienced by traditional High Street retailers and the strategic shift in the shopping habits of potential customers. Thus, he explained that Town centres needed to develop a broader mix of uses to continue to be attractive to customers. The proposal

comprises three elements, namely the sub-division of the BHS premises, a new entrance feature to Regent Arcade and a new public realm design to improve pedestrian access along Ormond Place and Regent Street. The division of Unit 30 would provide 3 restaurants facing Regent Street, a part ground floors and basement 6 screen cinema and a rooftop restaurant together with a circa 80000 sq ft A1 retail unit within regent Arcade shopping mall. The elevation facing Regent Street would provide an attractive, open and lively façade with external seating and planting on the pavement. He explained that the new Ormond Place entrance would have a stone portico framing a double height glazed window feature. This would provide a focal point from the Promenade and improve customer flow to the existing Ormond Place and Regent Street retailers. The new public realm works would also provide a pedestrian level access from the Promenade to Ormond Place which would vastly improve accessibility. Mr Bell advised that they had worked closely with Cheltenham planners and Gloucester Highways in developing the application and confirmed that they agreed with all the proposed conditions, except for Condition 7 which referred to opening hours. He explained that restricting closing hours to 11:00pm would inhibit his client's ability to attract tenants to the newly created unit, and prevent legal tenancy agreements being completed. This would be particularly evident in the case of the cinema who may wish to do late screenings. He, therefore, requested that consideration be given to removing the restriction and instead require the applicant to obtain permission for specific opening hours on a unit by unit basis. The proposal, if approved, would enhance the townscape of Cheltenham, add to its vitality and provide an estimated 200 full and part-time jobs.

#### **Councillor Sudbury, in support**

She confirmed that she had asked for the application to come before the committee as it had been requested by a member of the public. She explained that she welcomed the development to the Regent Arcade which she believed would give a new lease of life to the currently vacant space. The new cinema, in particular, would diversify the leisure offer. She hoped that the licensing decision to renew the Flower man's licence would not affect the developers desire to occupy the space. She requested that a condition be applied which states that all public realm improvements must be completed before the new businesses open to the public.

**GB:** Had been approached by the applicant to attend a meeting, however, had declined due to his role on the committee. Reminded the committee that the officer's recommendation was to permit.

**MC:** Advised that at a recent meeting of the licensing sub-committee they had granted the Flower Man the right to stay at his current location on Ormond Place. Similarly, Aqua Vitae had been granted permission to place table and chairs on the highway outside their premises during the day. He queried what the implications of the two licensing decisions were on planning?

**GB:** Welcomed the development as the wall down the side of Regent Arcade was unsightly. He queried how wide the pavement was as he believed it to be narrower than that shown on the artist impressions.

**DP:** Thanked regent Arcade for the welcome development which was contributing to the Council's place making strategy. He hoped a compromise was reached on condition 7 in relation to opening hours as he believed the restaurant/cinema offer were a valuable contribution to the night time economy.

**DS:** Queried whether the construction and demolition period of the development would impact on the customers of Aqua Vitae who had recently been granted permission to put table and chairs in the area immediately outside the Regent Arcade.

**SC:** Hoped that if the widening of the pavement was to take away cycling provisions more would be reinstated elsewhere.

**MP in response:**

- Licensing was a separate entity and as set out in the update report the location of seating and planters had not yet been finalised.
- The applicant could apply to vary the opening hours condition in the future once the end users are known
- Whilst part of the entrance to the Arcade may need to be closed during the construction and demolition process it is likely there would still be a route through.
- The width of pavement not obstructed by tables and chairs would be 2.1 metres.
- The same numbers of cycling spaces were being proposed.

**DP:** Noted that the applicants were still unhappy with condition 7 and requested that this condition be deferred for further discussion between the Arcade and officers.

**SM in response:**

- Suggested that the wording of condition 7 be amended to say that the pre-occupation condition would be agreed and dealt with by officers.

**Vote on officer recommendation to amend the condition**

12 in support – unanimous

**Vote on officer recommendation to permit**

12 in support – unanimous

**PERMIT**

**11. 18/01770/FUL & LBC St Mary's Mission, High Street**

Application Number:	18/01770/FUL
Location:	St Mary's Mission, High Street
Proposal:	Installation of a roof mounted flagpole to the front elevation of St Marys Mission to display the recently awarded 2018 Green Flag for Winston Churchill Memorial Garden
View:	Yes
Officer Recommendation:	Permit & Grant
Committee Decision:	Permit
Letters of Rep:	1
Update Report:	

**EP** introduced the application as above. The application is at planning committee as Cheltenham Borough Council is the applicant and the recommendation is to permit.

**Vote on officer recommendation to permit**

12 in support – unanimous

**PERMIT**

**12. Any other items the Chairman determines urgent and requires a decision**

Chairman

The meeting concluded at 9.00 pm

<b>APPLICATION NO: 18/01620/FUL</b>		<b>OFFICER: Mr Gary Dickens</b>
<b>DATE REGISTERED: 23rd August 2018</b>		<b>DATE OF EXPIRY: 18th October 2018</b>
<b>WARD: Park</b>		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Remo Potente	
<b>AGENT:</b>	No agent used	
<b>LOCATION:</b>	Wellesbourne, Oakfield Street, Cheltenham	
<b>PROPOSAL:</b>	Single storey rear extension (part retrospective)	

## Update to Officer Report

*(October report attached as Appendix 1)*

### 1. OFFICER COMMENTS

- 1.1. Members voted to defer a decision on this application at the October committee due to reservations they had with the scheme and allow an opportunity for discussions to be held. This report should be read in conjunction with the previous officer report which is appended to this report.
- 1.2. The overall design and form of the extension has not changed however the applicant has revised the scheme so the bi-fold doors to the side elevation will be replaced with non-opening glazing. A condition has been included to ensure this glazing will be fixed shut.
- 1.3. Whilst this does not overcome the concerns raised by the adjoining neighbour, who has objected to this revision, it is officer's opinion that the amendment to the original scheme is acceptable. This would avoid potential noise disturbance caused by doors being fully open and would in effect be a large window, having the same level of impact which a conservatory would for example. The extension is not considered to cause an unacceptable level of overlooking nor will it be overbearing or oppressive. It would appear therefore to be in accordance with JCS Policy SD14 and Local Plan Policy CP4.

### 2. CONCLUSION AND RECOMMENDATION

- 2.1 The officer recommendation is still to permit planning permission as the proposal is considered to accord with relevant local and national policies. The following conditions are suggested if permission were to be granted.

### 3. CONDITIONS

- 1 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.
- 2 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the proposed glazing shown to the side (north) elevation shall be fixed shut and non-opening at all times.

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

### INFORMATIVES :-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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



<b>APPLICATION NO:</b> 18/01620/FUL		<b>OFFICER:</b> Mr Gary Dickens
<b>DATE REGISTERED:</b> 23rd August 2018		<b>DATE OF EXPIRY:</b> 18th October 2018
<b>WARD:</b> Park		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Remo Potente	
<b>AGENT:</b>		
<b>LOCATION:</b>	Wellesbourne, Oakfield Street, Cheltenham	
<b>PROPOSAL:</b>	Single storey rear extension (part retrospective)	

**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 relates to Wellesbourne, Oakfield Street. The site is a two storey semi-detached dwelling located on a residential road in the Tivoli character area of the central conservation area.
- 1.2 The application proposes a single storey rear extension in order to provide a garden room. Works have already commenced on site as the applicant believed this to fall under permitted development. Subsequently a request was made by the Local Authority for a part retrospective planning permission application to be submitted.
- 1.3 The application is before committee at the request of Cllr Harman due to concern over the potential impact on neighbouring properties. Members will visit the site as part of planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area

### Relevant Planning History:

None

## 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: Tivoli Character Area and Management Plan (July 2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

None

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	5
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

- 5.1** Five letters have been sent to neighbouring properties, a site notice displayed and an advert published in the Gloucestershire Echo. Two responses have been received objecting to the proposal.
- 5.2** Representations have been circulated in full to Members but, in brief, the main objections relate to:
- Unacceptable design which is not subservient and harmful to the character of the existing property and wider conservation area.
  - Impact on neighbouring amenity, primarily a loss of privacy and unacceptable level of noise and disturbance.

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

- 6.2** The main considerations for this application are the impact of the works on the existing building and wider conservation area, together with the potential impact on neighbouring amenity.

### **6.3 The site and its context**

- 6.4** The application site lies within the Tivoli character area of the central conservation area. Unlike other character areas, Tivoli has a uniformity of houses which provides a unique and distinctive character. The historic maps show the application site and Oakfield Street as a whole to have been constructed by 1902. The character appraisal states how *“Tivoli is clearly visible in plan form as a compact grid of terraced houses”*. Although the site is semi-detached, it clearly forms part of this dense and compact character.

### **6.5 Design and layout**

- 6.6** The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (JCS) notes in Policy SD4 how well thought out design is crucial in producing sustainable places to live. The JCS states how development should *“respect the character of the site and its surroundings”* and *“should be of a scale, type, density and materials appropriate to the site and its setting”*.
- 6.7** This is reinforced through Local Plan Policy CP7 which calls on development to be of a high standard of architectural design. Paragraph 4.18 of the Local Plan advises that *‘Extensions to existing buildings need to be carefully designed to respect the character and the scale of the existing building or group of buildings....The most important consideration is that an extension should not detract from the original.’*
- 6.8** The Local Planning Authority has adopted design guidance relating to residential alterations and extensions through a Supplementary Planning Document (SPD). One of the five basic design principles set out within this document relates to subservience. Here the document advises that *“an extension should not dominate or detract from the original building, but play a supporting role”*.
- 6.9** The proposed single storey extension would extend beyond the rear elevation of the existing two storey rear wing by approximately 3.5m and measure approximately 4.7m in width. The extension will be constructed from blockwork with a painted render finish, and aluminium bi-fold doors to the side (north) and rear (east) elevations. The extension will have a flat roof finish which has an overall height of approximately 3.1m.

- 6.10** The proposed extension is considered to be subservient to the existing building and will play a supporting role. 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”*. A relatively modern design approach has been taken but this will not be to the detriment of the existing building or the wider conservation area. The application has been informally discussed with a conservation officer who is satisfied that the impact on the public realm is minimal.
- 6.11** The proposed single storey extension is deemed to accord with JCS Policy SD4 and Local Plan Policy CP7, as well as design advice contained within the SPD and NPPF.
- 6.12 Impact on neighbouring property**
- 6.13** The JCS stipulates in Policy SD14 that development must not cause unacceptable harm to the amenity of neighbouring properties and this is supported through Local Plan Policy CP4. Two of the five basic design principles within the SPD relate to neighbouring amenity - maintaining privacy and ensuring adequate daylight.
- 6.14** Two letters of objections have been received from adjoining neighbours and the concerns raised are noted in section 5.2 above. The concerns relating to the design aspect of the application have been discussed as part of the ‘Design and Layout’ section above. As well as the application site the neighbouring property 1 Oakfield Street was also visited. Planning permission was granted for a single storey extension to no. 1 in 2017 (ref: 17/00790/FUL) and this has also been considered when determining this application.
- 6.15** Concerns over an unacceptable level of noise and disturbance have also been raised. This is primarily due to two sets of bi-fold doors being proposed, one of which faces towards and is in close proximity to the boundary of 1 Oakfield Street. It is acknowledged that this is perhaps an unusual arrangement as bi-fold doors tend to be positioned opening onto a larger area of amenity space. However, it is not considered that this will result in an unacceptable level of noise or disturbance compared to what would be the case if a standard window or door were in this position.
- 6.16** The proposal passes the standard daylight test and is not considered to have any significant overbearing on neighbouring properties. The levels of overlooking from this single storey extension would not cause an unacceptable loss of privacy in what is already a built up and tightly compacted urban area.
- 6.17** Based on the above, the proposal would appear 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, the Cheltenham Local Plan and advice contained within the SPD and the NPPF. The recommendation is therefore to approve this application subject to the conditions below.

## 8. CONDITIONS

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

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

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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

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<b>APPLICATION NO:</b> 18/01620/FUL		<b>OFFICER:</b> Mr Gary Dickens	
<b>DATE REGISTERED:</b> 23rd August 2018		<b>DATE OF EXPIRY :</b> 18th October 2018	
<b>WARD:</b> Park		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr Remo Potente		
<b>LOCATION:</b>	Wellesbourne, Oakfield Street, Cheltenham		
<b>PROPOSAL:</b>	Single storey rear extension (part retrospective)		

## REPRESENTATIONS

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

Bevington  
1 Oakfield Street  
Cheltenham  
Gloucestershire  
GL50 2UJ

**Comments:** 23rd August 2018  
Letter attached.

**Comments:** 15th October 2018

Further to my previous objections and the applicant's letter of 11 October 2018, CBC Enforcement Officer visited the site on 7 August 2018 and advised the applicant planning permission was required. An application was received on 8 August 2018 however, work did not cease at the point and did in fact continue at the property (including electrician, plasterer and roofing contractor) up until 31 August 2018 when the planning officer visited the site. Photograph evidence can be provided of this.

If the applicant did believe that the work was within permitted development, neighbours should have still been shown plans and been given the opportunity to discuss the design before the work commenced so that we can all continue to benefit from the invaluable accommodation and amenity the applicant refers to in his letter . Sadly, we were not afforded this opportunity.

Despite this, a gesture of goodwill was made to the applicant via the case officer to change the design but was refused.

My neighbours at Hanley Villa were not consulted about the work on the joint boundary wall and were only alerted when the applicants roofing contractors were on their roof on 13 August 2018 without permission removing their felt.

The other extensions referred to in the applicant's letter in the immediate vicinity, do not support the applicant's view and actually undermine it.

**Comments:** 10th November 2018

My understanding of the decision to defer at the last meeting was an 'olive branch' extended by Members to the applicant to listen to his neighbour concerns and reach some form of

compromise and reconciliation. I received one email, exacerbating the unneighbourliness of this retrospective application.

Sadly, rather than listening to our concerns and taking on board the comments of Members at the last meeting, the applicant has submitted a proposal which is not revised at all, other than with a condition that the bifold doors will not be opened. We would be naïve to believe that anyone who lives in that property, either now or in the future, will not want to open those doors or any windows. Our enforcement officers are already overstretched and it would be incredulous to expect them to police or enforce such a situation. History will only repeat itself again.

Therefore, my previous comments on this proposal still stand. I consider the nature of the development overbearing, the design intrusive, the overall height, overhang and thickness of the roof a detrimental impact and makes an already dense and compacted area more cramped.

The proposal of bifold doors fixed shut in a 3.5m side elevation a metre from the boundary is contrived and would significantly compromise the amenity of my property.

For all these reasons, the application should now be refused.

Hanley Villa  
Oakfield Street  
Cheltenham  
Gloucestershire  
GL50 2UJ

**Comments:** 10th September 2018

We are writing to object to the planning application, submitted retrospectively, for a rear extension to Wellesbourne, Oakfield Street.

Wellesbourne is semi-detached with our house and shares our northern boundary. On the other side of its lot, a passage-way separates Wellesbourne from 1 Oakfield Street.

Wellesbourne previously had a small extension that was in poor repair. We are not surprised that the new owner wanted to replace this, but we are shocked by the unneighbourly way in which he has approached this, and by the overwhelming impact of the new building.

The owner of Wellesbourne did not submit a planning application prior to starting work. His neighbours were not alerted to the nature of his plans prior to the work starting (he says he knocked on our door when we were on holiday). The speed with which the work took place, much of which happened while we and the neighbour at 1 Oakfield Street were on holiday, has meant that the main structural elements were erected before anyone had a chance to comment.

We consider this to be underhand behaviour, with the effect that there has been no opportunity to discuss the proposed design of the extension and to suggest alterations that would have less impact on the neighbourhood. The owner of Wellesbourne also did not serve a Party Wall Notice, thus failing to give us the opportunity to review the proposals.

Oakfield Street is in a Conservation area, characterised by small lots with mainly terraced housing, separated at the rear by mature gardens. This distinctive character is threatened by the erection of large extensions which not only disrupt the appearance and scale of the existing buildings, but also impinge upon the gardens.

In our view, the extension at Wellesbourne has not been designed to "respect the character and scale of the existing buildings or group of buildings", as required by Paragraph 4.18 of the Local Plan. The new building extends across almost the entire width of the property, leaving only a small gap with the property wall to the north (adjoining 1 Oakfield Street). It also extends out



considerably further than the previous extension. As a consequence, the area of garden has been considerably reduced; although not visible from the street, this has an impact on the overall character of the area and its enjoyment by its residents.

The height of the extension contributes to its overbearing effect. The height is at its maximum on our boundary because a parapet has been added to the roof line; the necessity for this is not clear from the plans submitted.

The impact of the height is keenly felt by the neighbour in 1 Oakfield Street since the extension casts significant shadow on her property, to a degree that will cause unacceptable harm to her enjoyment of her house and garden. The amenity value of her property is further damaged by the fact that the new side elevation, now significantly closer to the property line, has been designed with bifolding doors. It appears from the plans that the existing back door of Wellesbourne will be turned into a window, so it must be assumed that the bifold doors, either to the side or the rear, will be used as the new back door. With large bifold doors on both the side and rear extensions we can expect an increase in noise levels that could affect several neighbours, as well as a reduction in privacy for 1 Oakfield Street.

While recognising that there has been a shift in policy towards more leniency in approving proposals, we believe that this should be considered an important test case for the acceptable limits to development within a conservation area, and within a neighbourhood built to a scale where neighbours' use of their own property can have a significant impact on the amenity of others. We are aware that there has been significant turnover and 'improvement' of properties in Tivoli in recent years, some no doubt with a view to quick resale. We have also observed some common features to recent 'improvements' that constitute a shift in the character of the area; increases to floorspace don't just have a visual impact but also increase property prices and thus exclude less affluent households. It would be sad if a neighbourhood with such a special character was altered by builders who know that, by constructing too quickly for anyone to object, they will be allowed to push through developments that are out of keeping and affect the lives of their neighbours. And once a few are allowed to do this, we can only expect more to follow suit.

Wellesbourne  
Oakfield Street  
Cheltenham  
Gloucestershire  
GL50 2UJ

**Comments:** 12th October 2018  
Letter attached.

1 Oakfield Street  
Cheltenham  
GL50 2UJ

23 August 2018

Dear Sirs

**Re. Planning Application 18/01620/FUL**

I am writing to strongly object to the retrospective planning application at Wellesbourne, Oakfield Street on the following grounds.

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

Paragraph 4.18 of the Local Plan advises that '*Extensions to existing buildings need to be carefully designed to respect the character and scale of the existing building or group of buildings. The most important consideration is that an extension should not detract from the original*'. Further design guidance in the Council's adopted Supplementary Planning Document: Residential Alterations and Extensions (February 2008) advises one of the five basic design principles is that, '*an extension should not dominate or detract from the original building but play a supporting role*'.

The benefit of a retrospective planning application is that the design can now clearly be seen. The extension has an unacceptable level of overbearing and not in character with the surrounding area. It extends beyond the rear of the property by approximately 3.8m and measures almost the full width of the property. The plans submitted do not allow for the roof and the overhang which when taken into account increases the overall size and height to an unacceptable level. The side elevation extends beyond the rear of the property by approximately 4.3m. This is excessive, has an overbearing effect and dominates the original building. It is out of keeping with the scale and design of the original house and is harmful to its original character.

In addition, the side wall of the extension and roof overhang is not parallel to the original house and extends beyond the line of the neighbouring extension on the opposite side which conflicts with the submitted plans. It is also out of proportion to the attached neighbouring extension and unbalances the symmetry of the semi-detached properties.

Furthermore, the property is in a Conservation area. Whilst the extension may not be visible from the road, an extension of this size does not preserve or enhance the special character and appearance of the area.

2. Local Plan Policy CP4 refers to development not causing 'unacceptable harm to the amenity of adjoining land users'.

The extension has bifolding doors in the side elevation. The open plan nature of this design will mean that sound will carry a lot easier when the doors are open compared to a solid brick wall. This will result in an unacceptable level of noise and disturbance adversely affecting my property and amenities. There is less than 1m between the side elevation with the bifold doors and the seating area in my garden and approximately 3m to my kitchen window. The design, position and size of these doors also creates overlooking into all the rooms at the rear of my property. This will cause significant harm to the enjoyment and privacy of my garden and habitable rooms at the rear of my property.

This should be avoided by only placing doors in the rear wall of the extension in line with other extensions in the area.

Please see the attached photos in support of my objections.

Yours faithfully





Wellesbourne  
Oakfield St  
Cheltenham  
GL50 2UJ

The Planning Team  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

11th October 2018

Dear Mr Dickens,

**Ref: Wellesbourne, Oakfield St – Proposed Rear Extension**

Further to my application for part retrospective planning permission for my single storey extension I would like to make the following points;

1. I apologise for the premature commencement of building work. This was solely due to innacurate advice and my mistaken belief that my extension comprised permitted development. As you will be aware, as soon as I was notified of the exemption from permitted development for properties in a conservation area, I ceased all work and submitted my application.
2. I have and continue to address my neighbours concerns regarding our joint boundary. The wall and roof were constructed in their present form to rectify what would have otherwise been a water ingress hazard. The parapet and roof have been designed to provide; i, structural integrity and a clear junction, ii, drainage and diversion of rainwater for both properties, iii, aesthetics and proportion.
3. I note that both objections oppose my application on the grounds of loss of amenity to 1 Oakfield Street due to alleged; i, loss of privacy and ii, noise and disturbance. In these respects the double glazing in the North and East elevation are more than compliant with FENSA acoustic and thermal specification and have a value of 1.4 UV. If I did not replace the previous elevation with the proposed extension there would have been no acoustic protection from the same area of external space.
4. With regard to the character of the conservation area, I am aware of numerous extensions similar to mine which provide invaluable accommodation and amenity. My extension is only as visible as my garden from the upper floor of a few neighbouring properties, not from the road. To the South, at Zlin House, there is a double extension. I am sure that I don't need to draw your attention to my neighbours extension to the South, nor the permission granted to my neighbour at 1 Oakfield Street (17/00790/FUL).

I look forward to hearing from you in due course.

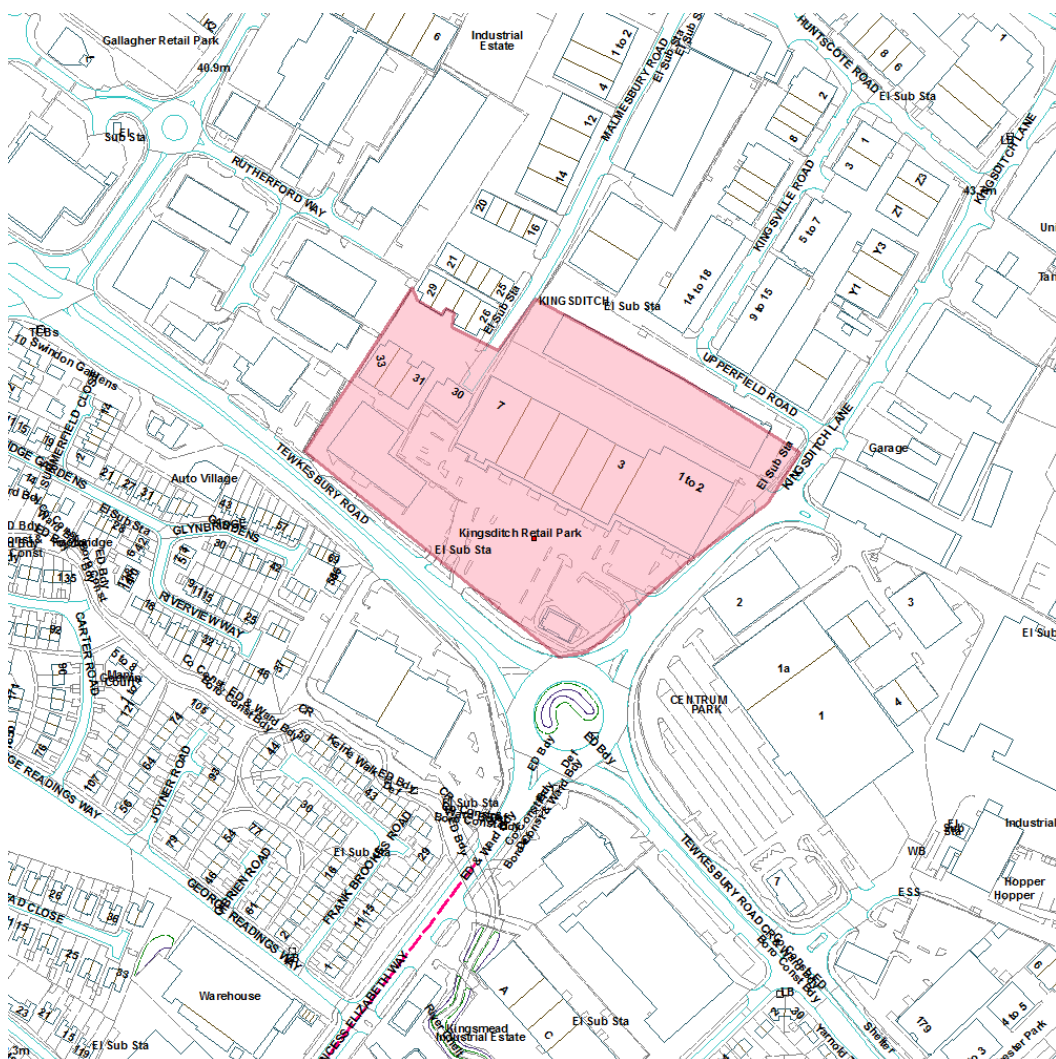
Yours sincerely



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<b>APPLICATION NO:</b> 18/00872/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 9th May 2018		<b>DATE OF EXPIRY:</b> 8th August 2018 (extended until 30th November 2018 by agreement with the applicant)
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon
<b>APPLICANT:</b>	Glasgow City Council	
<b>AGENT:</b>	Savills (UK) Limited	
<b>LOCATION:</b>	Kingsditch Retail Park, Kingsditch Lane, Cheltenham	
<b>PROPOSAL:</b>	Erection of two new retail units (Class A1) and associated works	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to the Kingsditch Retail Park at the junction of Kingsditch Lane and Tewkesbury Road; the application site also includes part of the Kingsditch Industrial Estate at Malmesbury Road which is also largely within the applicant's ownership.
- 1.2 The application proposes the erection of two new retail units (Class A1) following the demolition of a vacant industrial building which backs onto the retail park and sits between M&S Home and M&S Foodhall. The new retail units would provide for a total of 2,138 square metres of new retail floor space.
- 1.3 The application has been submitted alongside two other applications; one for the erection of an A1/A3 drive-thru within the retail park car park (18/00869/OUT), and one for external alterations to the existing retail units and associated works (18/00870/FUL). A site-wide masterplan has accompanied the application.
- 1.4 The application is before Planning Committee following receipt of a lengthy objection from Swindon Parish Council – see Section 4 below.
- 1.5 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m

### Relevant Planning History:

**17/01523/FUL**

**PERMIT**

**12th September 2017**

Demolition, reconfiguration and extension of part of an existing class A1 retail building to create two new class A1 retail units and associated works

**18/00935/AMEND**

**PERMIT**

**12th September 2018**

Non-material amendment to planning permission ref. 17/01523/FUL for minor alterations to the approved scheme

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 5 Sustainable transport

CP 7 Design

EM 2 Safeguarding of employment land

RT 1 Location of retail development

### Adopted Joint Core Strategy (JCS) Policies

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD14 Health and Environmental Quality

INF1 Transport Network

### National Guidance

National Planning Policy Framework (NPPF)



## 4. CONSULTATION RESPONSES

### **Tree Officer – revised comments**

*1st August 2018*

The Tree Section appreciates the information submitted following previous comments. Please could the method statement for the construction of the new path around the retained *Catalpa bigonoides* be submitted and agreed before determination.

There would be scope to plant the *Carpinus betulus* 'Frans Fontain' which was listed but not marked on the original planting plans, or a tree of another species, within the site. Along the boundary with Tewkesbury Road there would be potential for tree planting, along this border trees with an upright habit may be more appropriate for example *Quercus robur* Fastigiata (upright oak). Please could details (species, size) of any proposed trees be submitted.

### **Tree Officer**

*13th June 2018*

The Tree Section does not object to this application following clarification of certain points.

To the West of the current M&S Home store (to the west of proposed Unit 1) are two existing *Catalpa bigonoides* trees. Only one of these trees is marked on the landscaping plan as being retained the other (the more southerly of the two) is not marked on the plan. Please could the location of this tree be marked on the map as well as its retention/removal status.

On the planting schedule a *Carpinus betulus* 'frans fontain' is listed to be planted but this tree is not marked on the landscaping plan. Please could the location of this tree be indicated on the landscaping plan.

### **Architects Panel**

*12th June 2018*

#### **Design Concept**

The panel had no objection to the design in principle which appears to make better use of existing space on the site.

#### **Design Detail**

The design was considered an enhancement to the existing architecture.

The landscape improvements are particularly welcome.

#### **Recommendation**

Support

### **Land Drainage Officer**

*6th June 2018*

Betterment proposed plus a 30% allowance for climate change. No objections.

## **Parish Council**

31st May 2018

The two units are a proposed replacement for the single unit to the side of the existing M&S Food Hall.

### Documents

The presentation of the submitted documents and drawings has resulted in a confusing application. It is apparent that the drawings and documents have been produced for the benefit of the applicant who has obviously decided that one document to cover a number of buildings and applications saves them time, money and effort. However, the end result is extremely confusing. It should be obvious when looking at the application which units are the focus of the drawings and documents. This application is for proposed units 3 and 4 but for many of the drawings the illustrations show proposed units 1, 2, 3 and 4. The submitted documents should be revised to ensure that there can be no mistake with regard to which units this application is for.

The red and blue boundaries are both drawn around the same areas. Shouldn't the red boundary be drawn around the proposed buildings (application site)?

### Objections to the Proposal

#### 1. Impact on the Viability of One of the Retained Industrial Units

If this proposal is consented the Existing Industrial Unit that will remain between the north-west of Proposed Unit 3 and the North of Proposed Unit 2 will cease to be viable as an independent unit for the following reasons.

- Lack of Adequate Parking. The North end of Proposed Unit 2 will encroach on the parking area that has clearly been designated for use by the Retained Industrial Unit behind Unit 2. The Existing Retained Units will not have access to the larger parking areas available to the Proposed Units.
- Inadequate space between the Proposed and The Existing Units. The Existing Retained Unit is in close proximity to its west boundary.

The Proposed Unit three is at a different angle on the plan to that of the Existing Retained Unit. The resulting tapering of the space between the two units will make it very difficult to access the south and east elevations of the Existing Retained Unit. Because of the Existing Unit's close proximity to the East boundary there work for maintenance and repair and routine maintenance such as gutter cleaning will be very difficult.

It will also be difficult for emergency services to gain safe access to the rear of the building for firefighting and other purposes.

- Provision For Fire Escape from the Building - The provision of fire escape exits from the Existing Retained Units will depend on the future use to which that building is put, but is our opinion that it will not be possible to provide any form of egress from the rear of the building because the escape route that could be available will be made inadequate by the proximity of Proposed Unit 3 and the narrowness of the 'neck' of the tapering space between the Existing Retained Unit and Proposed Unit.

#### 2. Objection to the Proposed de-adoption of Malmesbury Road

The Parish Council objects to the proposed de-adoption of part of Malmesbury Road so that it can be integrated into the development to provide the applicant with additional commercial space.

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The additional land is not required to maintain the viability of the Retail Park. The only reason for building over the end of the road is to allow the applicant to enlarge the potential square footage of the proposed building(s).

### 3. Objection to the Removal of an Adequate Turning Head at the End of Malmesbury Road

This proposal will build over the existing end of Malmesbury Road which will deprive other road users of an adequate turning head and will remove a required manoeuvring facility.

### 4. Access For Emergency Vehicles and Fire Escape to Proposed Buildings

The combined arrangement of all four proposed units 1, 2, 3 and 4 will not include adequate space around them for firefighting appliances or for fire fighters.

Provision of alternative means of escape may not be adequate or available from the proposed buildings due to their close proximity to each other and the proposed installation of screening which will seal one end of the corridor between Proposed Unit 4 and Marks and Spencer Simply Food.

### 5. The Unprotected Area of Proposed Unit 3 is too close to Proposed Unit 2

The closeness of the proposed tall glazing of the front elevation of Proposed Unit 3 to the corner of Proposed Unit 2 will need to be adequately fire rated to prevent a fire in Proposed Unit 2 effecting Proposed Unit 3 and also a fire in Proposed Unit 3 effecting and/or causing a fire in Proposed Unit 2.

### 6. Inadequate Access To Some Parts of the Proposed Buildings

Due to the close proximity of the proposed Units to each other it is difficult to see how adequate access can be obtained on all sides of the building for maintenance and repairs.

### 7. Buildability

There does not appear to be adequate space around Proposed Units 3 and 4 to be able to erect scaffolding or towers to assist in the erection of the buildings or the securing of the finishes and panels to the outside.

### 8. External Lighting

Proposals for external lighting on or around the proposed units should be submitted for consideration and approval.

### 9. Signage

Proposals for signage including illuminated signage on or around the proposed units should be submitted for consideration and approval.

### 10. Inadequate Provision For Cyclists

Facilities should be included for purchasers who are cyclists and at the rear of the premises there should be provision for staff who wish to cycle.

### 11. Waste Management

This application should not be considered without the inclusion of a full waste management strategy.

The proposals should include in drawn and written form a description of the storage facilities for waste and the waste management proposals. The Parish Council had expected this to be shown on the Masterplan or on individual block plans for the units. Waste has been a concern in the past where inadequate storage for boxes and other commercial waste has been provided and it has been blown around the area.

### 12. The Loss of Parking Spaces Resulting in an Inadequate Parking Provision

Proposed Units 3 and 4 will be constructed on an existing area of parking which will result in a loss of parking bays.

We note from the Masterplan that the applicant intends to submit a proposal for a drive through dining facility which will, if approved, result in a loss of more spaces.

We object to the loss of parking spaces and do not believe that building over customers parking provision whilst increasing shopping facilities and commercial floor areas is acceptable.

### 13. Proposed Drive Through Dining Facility Should Not Be Included on The Submitted Drawings

The Masterplan shows a proposed drive through facility which is the subject of a separate application and will therefore be commented upon separately.

### 14. Removal Of the Security Gates

We object to the proposed removal of the security gates which were originally installed to ensure that the site will be secured out of normal hours and to allow the customers of the drive through McDonalds to park around the McDonalds allocated parking area but not to penetrate into the rest of the site.

In recent years parking courts in the area have become a display and performance facility for the boy-racers and therefore maintaining the gates is an important facility in keeping the cars away from the extended parking areas.

## **GCC Highways Planning Liaison Officer**

*30th August 2018*

### Introduction

A Transport Assessment (TA) has been submitted to Gloucestershire County Council (GCC) in respect of planning application refs. 18/00872/FUL and 18/00869/OUT for the erection of two new retail units (Class A1) and the erection of a drive-thru (Class A1/A3) at Kingsditch Retail Park, Cheltenham.

This note outlines GCC's response to the TA in relation to development trip generation, distribution and assignment, junction modelling and land ownership only.

### Trip Generation

Trip generation has been derived using ATC traffic surveys of the retail park accesses. Surveys have been conducted at the main access from Kingsditch Lane in addition to the accesses available from the A4019 Tewkesbury Road. The servicing access from Kingsditch Lane has not been included. We request that the Applicant provides the traffic survey data for review so that the trip generation can be approved.

The surveyed traffic flows have been apportioned to each of the existing retail uses, classified under food, fast food and non-food. The proportions have been based on the

percentage of total site trip generation to/from each retail classification. The total site trip generation has been determined using donor sites identified from the TRICS database.

These sites provide trip rates per hour for each retail classification, which have then been applied to the existing floor area for each classification to provide the existing trip generation. Note TRICS has only been used to apportion surveyed flows to the existing land uses, as opposed to deriving the site trip generation. The sites used from the TRICS assessment are considered reasonable for this purpose.

We note that only weekday surveys have been included within the TRICS trip generation calculations. This is not appropriate for deriving weekend traffic generation. The Applicant should revise the trip weekend trip generation calculations using weekend surveys from the TRICS database to ensure that the proportion of trips to non-food classes and the subsequent trip rates accurately reflect weekend travel behaviours.

The TRICS trip rates used in the calculations do not match those shown in the TRICS output reports (as shown in Appendix D). However, as the trip rates used in the calculations are greater than those in the output reports, and the TRICS outputs are used to support the derivation of site-specific trip rates rather than the development trips in their own right, this is not considered to be a significant issue.

Once the surveyed traffic flows have been apportioned to each retail class, they have been divided by the existing land use floor area to produce site-specific trip rates for each assessment period. The resulting non-food class trip rates have been applied to an assumption of proposed development floor area to determine development traffic generation.

It is likely that much of the traffic generation for the proposed development will be linked trips with the existing retail units available at the site, rather than entirely new trips to the local highway network. We welcome the approach to not discount such trips from the development traffic generation in order to produce a robust assessment of impact.

We note that the trip generation has been based on a slightly greater floor area than that specified within the planning application (2,230sqm modelled vs approx. 2,138sqm proposed). This produces a robust assessment of development trip generation.

The TA has not considered development Heavy Good Vehicle (HGV) trip generation arising from servicing and deliveries at the proposed development. The traffic surveys which have been used to derive traffic generation have only been conducted at the general traffic accesses and therefore do not consider the existing or proposed HGV movements at the site. The Applicant should include quantification of the likely increase in HGV movements which would result from the proposed development, particularly as they will have a bearing on the capacity assessment modelling contained later within the TA.

### Traffic Distribution and Assignment

Development traffic distribution to/from the proposed development has been based on 2011 Census Journey to Work data as a proxy for retail trip distribution. The TA states that this approach has been agreed with GCC through the pre-application scoping process; however this is not the case as the scoping note response contained at Appendix B of the TA states that use of data from a Retail Impact Assessment would be preferable. However, in the absence of a Retail Impact Assessment for this application, the use of 2011 Census Journey to Work Data is agreed. We request that Retail Impact Assessment data is used to inform the TA if data becomes available.

The TA has not provided any information on how the routes between origin and destination wards have been determined. It is assumed that these have been based on judgement and a principle of shortest journey time. This approach is reasonable, but should be confirmed

by the Applicant. It should be noted that there appear to be some anomalies in the distribution as presented in Table 5-7 of the TA. For example, it is unlikely that vehicles to/from Prestbury would access the Retail Park from the west. There are a number of similar anomalies presented. Having said this, a sense check of the distribution, using the Google Maps route planning application, indicates that the general distribution of traffic to the north, south, east and west is reasonable and therefore is accepted.

The assignment of development traffic to the study network is shown in Table 5-8. We understand that the proportion of traffic using each of the three retail park access points has been assigned based on the relative difference in traffic flow, based on the ATC surveys. This approach is considered reasonable, although we request sight of the raw survey data so the resultant distribution can be approved.

The TA should also consider the distribution and assignment of HGV traffic generation associated with the proposed development, noting the service access from the A4019, Kingsditch Lane and the proposed access via Malmsbury Road. This should consider the routes to/from any local distribution centres and/or the Strategic Road Network (SRN).

### Junction Modelling

The highway impact assessment within the TA includes junction capacity modelling of the A4019 Tewkesbury Road / Princess Elizabeth Way / Kingsditch Lane roundabout and the main Retail Park access junction. Sensitivity tests of the retail park access junctions are also presented.

### Scenario Composition

Capacity modelling has been completed for the weekday AM peak hour (08:00-09:00), weekday PM peak hour (17:00-18:00), weekday inter-peak hour (13:00-14:00) and Saturday peak hour (12:00-13:00) for 2017 (current year), 2018 (opening year) and 2023 (five years after opening year). This is as per standard assessment methodology. The capacity modelling includes with and without development scenarios in future year assessments to determine development impact.

Scenarios have been built up from traffic surveys across the local network. Manual Classified Counts (MCC) surveys were completed at the A4019 / Princess Elizabeth Way / Kingsditch Lane roundabout on 7th June 2017 (the survey year is not stated, but assumed to be 2017 based on the assessment scenarios). ATC surveys on the Retail Park accesses were completed during week commencing 5th June 2017. Saturday ATC flows from 2013-2014 have been sourced from GCC for Kingsditch Lane, Princess Elizabeth Way and A4019 Tewkesbury Road north and south of the roundabout.

The weekday MCC survey results at the roundabout junction have been factored up from the survey day flows (Wednesday) to Friday flows to represent the weekday peak on the study network. This produces a more robust assessment.

Weekend turning counts at the roundabout have been derived by applying factors derived from the weekend surveys, to the weekday PM MCC turning matrix using a method known as furnishing. This is considered a reasonable approach in the absence of a current year weekend MCC survey; however we require justification for the use of the weekday PM matrix for this process (as opposed to the AM or an average of the AM and PM MCC surveys). We also require information on how the 2013-2014 surveys have been growthed to the 2017 current year baseline. If this has been done using growth factors derived from TEMPro, we require the Applicant to confirm the factors used, with reference to our comments on the growth factor methodology below.

The raw MCC and ATC survey data have not been provided with the submission. Therefore, we have not been able to confirm the traffic flows used for modelling purposes.

### Traffic Growth

Background traffic growth from the 2017 survey year to the future assessment years of 2018 and 2023 has been applied to the surveyed traffic flows through means of a growth factor derived from TEMPro. The TEMPro growth factors have been adjusted to local levels using the National Transport End Model (NTEM). No information about the area type (i.e. urban/rural) or road type (i.e. trunk, principal, minor) has been provided.

We note that the Applicant has used dataset 62 within TEMPro. This is now superseded by dataset 72 which has revised growth forecasting. The use of area 'Cheltenham (23UB1)' is also not considered appropriate as this covers a large area of the Cheltenham urban environment and more local data for the site is available within dataset 72. We have derived our own growth rates from TEMPro (version 7.2) using dataset 72 for the 'Cheltenham 001' and 'Cheltenham 005' MSOAs, each showing significantly higher growth forecasts than those used in the TA. We request that the Applicant updates the assessment using dataset 72. We suggest that growth factors for 'Urban' and 'Principal' roads are the most appropriate for this study area. An average of the 'Cheltenham 001' and 'Cheltenham 005' MSOAs should be used.

No committed developments have been considered within the traffic growth forecasts. GCC does not identify committed development sites and this information would need to be provided by the LPA. We request that the Applicant provide evidence within the TA of pre-application discussions with the LPA which demonstrate that no consideration for committed development is required.

### Junction Modelling Review

GCC has undertaken a review of the junction capacity modelling assessments contained in the TA, including the information provided in Appendix E (traffic flow diagrams) and Appendix F (modelling output reports). The issues already identified relating to traffic generation and traffic growth will mean that the capacity modelling will need to be updated as the requested changes will be likely to result in changes in traffic flow on the study network for each scenario which will also affect the level of impact arising from the proposed development. We request that the Applicant re-models the junctions in respect to these changes.

We have undertaken a preliminary review of the modelling assessments in relation to the model parameter entry and traffic flows used. We have also identified further issues which should be considered within any future re-modelling exercise.

#### 1. A4019 / Princess Elizabeth Way / Kingsditch Lane roundabout

Assessment of the A4019 / Princess Elizabeth Way / Kingsditch roundabout has been completed using a LinSig network model, which includes the roundabout as well as the main Retail Park accesses on Kingsditch Lane (Zone G), a secondary access on the A4019 (Zone H), the Retail Park servicing access (Zone F) and the access to the industrial units to the south (Zone E).

The TA submission has not included full LinSig output reports. The results of the modelling are presented however key information crucial to our review has been omitted. We therefore cannot confirm the model parameters are appropriate. We require the Applicant to provide the full model files in addition to the full output reports to facilitate review of the following:

- o Lane and connector lengths;
- o Saturation flow data (unclear how saturation flows have been derived);
- o Give Way data;
- o Cruise Times;
- o Phases/Phase Delays;
- o Intergreens;

- o Stages/Stage Sequences;
- o Signal Timings; and
- o Traffic Flow Groups.

Appendix E includes a series of pages illustrating the derivation of the LinSig model Origin-Destination (O-D) matrices for each scenario. We note that these O-D matrices do not assign any traffic to Zones E and F in either base or base + development scenarios. We appreciate that delivery/servicing trips to the Retail Park will be infrequent, however it seems unlikely that no traffic will arrive/depart from these zones during any of the four assessment periods considered. Zone E includes some car parking for businesses which would be expected to receive some traffic during the weekday AM and PM peak hours. Some development HGV traffic (once confirmed) may also be assigned to Zone F. It is important that these arms and corresponding signal timings are modelled as accurately as possible within the LinSig network to ensure that any influence on the operation of the roundabout is effectively represented. To our knowledge, no MCC survey of this junction has been conducted to support the inclusion of this junction within the model network and to determine baseline traffic movements which will assist with providing a realistic assessment of the level of green time afforded to each arm.

Furthermore, it is not clear how base traffic turning movements have been calculated at the site access junctions. None of the surveys listed within the TA would provide sufficient information to determine turning movements. We request that the application provide clarification on this before the traffic flows can be agreed.

Traffic flows have been converted into PCUs for the purposes of modelling. The general approach to this is considered reasonable however; as we have not had sight of the raw survey data the percentage HGV assignment across the network cannot be verified. This compromises the PCU conversion exercise. Furthermore, the use of a HGV-PCU conversion factor of 1.5 is not acceptable; we would require the Applicant to use a conversion factor of 2.0-2.3, as per standard practice. This lower conversion factor results in an underestimation of traffic flows at this junction.

Paragraph 6.7.4 of the TA indicates that the model has been validated against queue length surveys, which is considered to be a reasonable approach for model validation. However, queue surveys have not been submitted, and therefore the acceptability of model validation cannot be confirmed. Furthermore, as the weekend turning counts have been derived from 2013-2014 ATC flows, we assume no queue length data is available for the weekend model. We therefore see no evidence that the weekend model has been effectively validated.

In the 2018 Base + Development Inter-peak scenario, the traffic flows between Zone B and Zone B is -24. This should be 0.

The results of the assessment have not been reviewed in detail in light of the required changes to and/or required information on trip generation, traffic growth, model parameter entry and scenario composition. It is clear that based on the submitted assessment the junction is approaching/exceeding capacity limits within the range of assessment, making the junction sensitive to even small changes in traffic flow. The requested changes to the modelling approach will affect these results and therefore we reserve judgement on the highway impact of the proposed development at this junction until this has been completed.

### 2. Main Retail Park Access

Assessment of the Main Retail Park access has been completed using PICADY 5; this has since been updated to Junctions 9, but is acceptable. The main access is the junction via Kingsditch Lane. Many of the comments relating to traffic flow composition stand for the capacity assessment of this junction and should be addressed prior to resubmission.



Modelling output files for the Saturday 2017 Base, 2018 Base and 2018 Base + Development scenarios as well as the Friday Inter-Peak 2017 Base scenario have not been provided. We require sight of these files before we can agree the modelling approach and results.

From the remaining output reports provided, the major road visibility parameter is higher than what we consider achievable on-site due to the trees and retail park boundary wall. Visibility should be measured to the furthest point all approaching traffic can be observed which in this instance is the left turn lane onto Kingsditch Lane from the A4019 N arm. The model set-up also states that right turning traffic does not block mainline flow. Although there is a right turn ghost island available, this has capacity for approximately 5 PCUs which once exceeded will require traffic to queue into the offside lane of Kingsditch Lane. Therefore 'Partial Blocking' should be included within the parameter entry, with the number of PCUs which can be stored before blocking occurs set at five.

There is no evidence of validation of the 2017 Base models. We require the model to demonstrate a reasonable level of validation against on-site observations or queue surveys. Validation of the current year model is important to ensure that the future year models correctly assess future year impact.

We note that generated development traffic has been assigned to each access based on ATC data. This approach is reasonable. However, it is not clear how base traffic turning movements at this junction have been derived, based on the traffic surveys listed within the TA. This information should be provided before any of the O-D matrices can be accepted. There are some discrepancies between the modelled O-D matrices for the Saturday peak hour assessment and the traffic flow diagrams provided in Appendix E. This is the case for the 2023 Base and 2023 Base + Development scenarios. However, in both instances the disparity is not considered sufficient to fundamentally affect the conclusions of the capacity assessment.

The results of the assessment have, again, not been reviewed in detail although it is clear that based on the submitted assessment that the junction is approaching/exceeding capacity limits within the range of assessment. The requested changes to the modelling approach will affect these results and therefore we reserve judgement on the highway impact of the proposed development until this has been revised.

### 3. Main Site Accesses Sensitivity Testing

The TA has included a series of sensitivity tests which assess the capacity of the retail park accesses in the event that the main access via Kingsditch Lane exceeds capacity limits and vehicles re-distribute within the site to use other accesses.

A sensitivity test has assigned an additional 100 vehicles to one of the secondary site accesses onto the A4019 Tewkesbury Road. The results presented within the TA demonstrate that re-assignment of 100 vehicles could be achieved. This being said, we cannot accept the results of this assessment as the modelling output report has not been included within the submission and as such the model parameter entry, traffic flow entry and results cannot be agreed. We request that the Applicant provide this information. Furthermore, it is likely that the changes required for the main access junction capacity assessment will alter the requirements and sensitivity thresholds for this test. We welcome a resubmission of the sensitivity test once these have been addressed.

The results of the current capacity assessment at the main junctions indicate that the capacity constraint is the minor arm, which will lead to queuing within the retail park access. It should be noted that queuing traffic into the Retail Park car park may cause a blocking effect on traffic, which would prohibit the efficient re-distribution of traffic to alternative accesses.

We also request that for each of the sensitivity tests, a test of the performance of the A4019 / Princess Elizabeth Way / Kingsditch Lane roundabout is completed. This is important due to the re-distribution effect of traffic, which, whilst possibly demonstrating capacity at the Retail Park access, could be causing further issues at the roundabout junction. This is particularly important considering the roundabout is approaching capacity limits.

## Other Issues

The developer needs to be able to show that they are either the land owner of the highway subsoil or that he has agreement in principle to acquire it.

A proposal would then need to be forthcoming on addressing the turning issues through the loss of this section of highway.

It should be noted that the Local Highway Authority can't sell the land under the highway, as we don't own it; it's only the surface which we currently have control of in accordance with Section 263 of the Highways Act.

## Key Issues to resolve (for information)

Issue Area	Summary
Traffic Surveys	Applicant to provide survey data and any calculations to furnish/growth to 2017 baseline. Should also include HGV movements and queue length surveys when used for validation of models.
Trip Generation	Weekday surveys from TRICS used to apportion weekend surveys to existing site uses.
Trip Generation	Errors in transposition trip rates to calculation spreadsheet from TRICS output reports.
Trip Generation	Applicant to consider HGV trip generation
Trip Distribution	Applicant to clarify route selection for distribution.
Trip Distribution	Applicant to address errors within distribution table
Trip Distribution	HGV Trip Generation assignment
Traffic Growth	Applicant to provide details on traffic growth for 2013/2014 weekend surveys to 2017 base. Should be in accordance with additional traffic growth comments
Traffic Surveys	Information on/justification for furnishing process
Traffic Growth	Unacceptable growth rates used - should be updated using up to date data and methodology.
Capacity Modelling	Provide full reports/model for LinSig to allow for a full review.
Capacity Modelling	Confirmation of Zone E and Zone F distribution at the A4019/Princess Elizabeth Way/Kingsditch Lane roundabout model - there is likely to be some traffic using these zones.
Capacity Modelling	Clarification on how turning movements for site accesses and other arms have been derived. Unclear how this has been achieved using listed surveys.
Capacity Modelling	PCU conversion factor is considered to be too low. Applicant should justify or revise.
Capacity Modelling	LigSig validation - cannot confirm as no sight of queue data
Capacity Modelling	Traffic flow error - 2018 Base + Dev for LinSig Model
Capacity Modelling	Applicant to provide missing PICADY modelling files
Capacity Modelling	PICADY modelling visibility and blocking parameters are not agreed.
Capacity Modelling	No evidence of PICADY validation
Capacity Modelling	Errors in traffic flow entry – PICADY
Sensitivity Tests	Missing secondary access model outputs - cannot approve capacity results shown in TA.
Sensitivity Tests	Sensitivity assessment of roundabout junction to account for local re-

	distribution of traffic.
Land Ownership	Demonstrate land ownership rights/ agreement in principle to acquire it.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Given the nature of the site and the proposal, individual letters of notification were not sent out on this occasion; however, a site notice was posted and an advert published in the Gloucestershire Echo. No representations have been received in response to the publicity.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The key considerations in the determination of the application are the principle of development in relation to the provision of new retail floorspace and the loss of employment land; the design, layout and architectural treatment of the new retail units; and parking, access and highway safety.

### 6.2 Principle

6.2.1 Paragraph 11 of the NPPF states that “decisions should apply a presumption in favour of sustainable development”. For decision-taking this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay. Further advice at paragraph 88, sets out that local planning authorities (LPAs) should approach decisions in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006; and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) 2017.

6.2.3 Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance, and the emerging Cheltenham Plan Pre-Submission Document.

#### Provision of new retail units

6.2.4 Saved local plan policy RT1 (*location of retail development*) states that retail development will be permitted where it relates to the role and function of retailing centres and their catchments in the following sequence of locations:

- (a) the Central Shopping Area, subject to Policy RT2;
- (b) the Montpellier Shopping Area or the High Street West End Shopping Area, subject to Policy RT2;
- (c) elsewhere within the Core Commercial Area, subject to Policy RT2;
- (d) district or neighbourhood shopping centres, subject to Policy RT3;
- (e) out-of-centre sites which are accessible by a regular choice of means of transport, subject to Policies RT7 and CP5.

6.2.5 In this instance, the application relates to (e) an out-of-centre site; however, it should be noted that policy RT7 (*retail development in out of centre locations*) was deleted on

adoption of the JCS, and policy CP5 (sustainable transport) has been superseded by JCS policies SD4 (*design requirements*) and INF1 (*transport network*).

6.2.6 Policy RT1 is consistent with paragraph 86 of the NPPF which also sets out the need to “apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan”. Main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

6.2.7 In order to demonstrate compliance with the sequential test the application has been accompanied by a Planning, Retail and Economic Statement which at Section 6 concludes that there are no available sites in the town centre or at its edge that are suitable for bulky goods retailing. The statement makes reference to recent decisions on similar planning applications whereby the same conclusion has been reached. Officers are therefore content that the sequential test has been satisfied. The site is located immediately adjacent to an established retail park on the edge of Cheltenham close to the strategic highway network which is well served by public transport.

6.2.8 A retail impact assessment is not required to be submitted for this application. There are no locally set floorspace thresholds for new retail development outside town centres, and therefore the default threshold of 2,500m<sup>2</sup> set out within the NPPF (paragraph 89) applies. The proposed floorspace is 2,138m<sup>2</sup> and therefore falls below this threshold, even in combination with the proposed drive-thru retail floorspace of 223m<sup>2</sup> which is the subject of a separate application.

6.2.9 Officers therefore consider that there is no fundamental reason to suggest that the principle of providing two new bulky goods retail units in this location would, in itself, be unacceptable. There are, however, a number of other material considerations which need to be addressed and these are set out in the remainder of the report.

### Loss of employment land

6.2.10 Saved local plan policy EM2 (*safeguarding of employment land*) states that a change of use of land or buildings in, or last in use as, a B1, B2 or B8 use 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 (note 1); or
- (c) the proposed use is sui generis 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 (note 3); or
- (e) employment use creates unacceptable environmental or traffic problems which cannot be satisfactorily resolved.

6.2.11 In this instance, it is acknowledged the proposed change of use does not clearly meet any of the above exceptions; the building is a purpose-built industrial unit that has not been actively marketed for any length of time since becoming vacant some 12 months ago. Therefore, although the applicant states in their Economic Statement addendum dated August 2018 that they consider the proposal accords with exception (b) to policy EM2, officers do not agree. Note 1 to the policy advises that evidence will be required to demonstrate demand, to include details of past advertising, vacancy level, and rent levels;

in the absence of any marketing having taken place for this unit, compliance with exception (b) cannot be demonstrated.

6.2.12 It is noted that a survey of the vacant unit was undertaken in September 2017 which identified the building as being in poor condition, with various structural issues, and no longer fit for purpose, and that it has always been the intention of the applicant to demolish the building to facilitate this development; prior notification of the intent to demolish the building having been received by the Council in February 2018. Notwithstanding this, it is important to acknowledge that the policy relates to both the land and building; and as such, the proposed development conflicts with policy EM2.

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

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

6.2.15 In this respect, it is important to note that the building/land has been purposefully excluded from the Runnings Road key existing employment site on the emerging Cheltenham Plan (CP) Proposals map; the boundary shown to run around the building.

6.2.16 Relevant policy EM2 in the emerging plan, which relates to non-designated employment land and buildings, is more flexible in its approach than current policy EM2 and recognises the benefits and importance of other ‘job generating’ uses, including retail; the policy states that proposals for a change of use of land and buildings currently or last in a B class employment use will be permitted where the loss of the site to another use would not have a detrimental impact on the continuing operation of other businesses in the vicinity and; the proposed use is job generating with any loss of existing provision being offset by a net gain in the quality and / or the number of jobs provided on site. However, bearing in mind that the CP is still at an early stage, it is acknowledged that only limited weight can be afforded to the emerging policy at this time.

6.2.17 Notwithstanding this, NPPF paragraphs 49 and 50 state that, in the context of the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission unless the proposed development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process, and the emerging plan is at an advanced stage but not yet part of the development plan. If planning permission is refused on grounds of prematurity, it is necessary for the LPA to indicate clearly how granting permission would prejudice the outcome of the plan-making process.

6.2.18 In terms of job generation, the Planning, Retail and Economic Statement submitted in support of the application suggests that the proposed retail units would generate 19 full time equivalent in-store jobs; retail jobs being socially inclusive as they provide a range of full and part time positions.

6.2.19 Additionally, despite the parish council’s suggestion otherwise, officers do not consider that the loss of this existing industrial unit would be detrimental to the ongoing operation of other businesses within the remaining Kingsditch Industrial Estate; Unit 30 represents only a small percentage of the employment floorspace and is located at its edge. Sufficient parking provision and access would still be available to the remaining

units; the proposed retail building would be some 1.2 metres from the adjacent industrial building at its closest point.

6.2.20 In conclusion, officers therefore consider that whilst the proposal would conflict with the current development plan, it would be in accordance with the emerging plan, and the clear direction the Council is taking in relation to other 'job generating' employment uses.

### 6.3 Design

6.3.1 Paragraph 127 of the NPPF requires decisions to ensure that new developments *"will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to...the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible"*.

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

6.3.3 As noted at paragraph 1.3 above, this application has been submitted alongside an application for external alterations to the existing retail units and associated works; the existing retail units now tired and dated in their appearance. The design of the new retail units therefore reflects the external alterations proposed to the existing parade of shops; which itself picks up on the external changes to the existing M&S Home unit, granted in September last year which includes the part demolition, reconfiguration and extension of this existing retail unit to create two retail units.

6.3.4 The new units will effectively fill a gap in the corner of the retail park and, when read in conjunction with the approved works to the existing M&S Home unit, will successfully read as a continuous L-shaped terrace of shops. Externally, the materials proposed in the construction of the retail units, and across the wider site, include aluminium rain screen cladding at high level, structural masonry piers with low level brickwork plinth, glazed curtain walling, aluminium louvres to provide solar shading, integrated signage panels, and bespoke LED lighting to the underside of the eaves. A 3m easement between the existing terrace and the new retail units will be screened by demountable look-a-like glazing panels and louvres.

6.3.5 The design and external finishes are considered to be wholly appropriate within this context; and as a whole, the proposed works would represent a significant enhancement and modernisation of this retail park, and would have a positive impact on the visual amenities of the area, creating uniformity across the site.

6.3.6 The new retail units, together with the external alterations to the existing retail units, form part of a wider package of works to include alterations to the existing car park configuration which will allow for new pockets of soft landscaping to be introduced within the retail park.

6.3.7 The Architects Panel support the proposal stating: *"The panel had no objection to the design in principle which appears to make better use of existing space on the site. The design was considered an enhancement to the existing architecture. The landscape improvements are particularly welcome."*

### 6.4 Parking, access and highway safety

6.4.1 A final response on highway matters is still awaited at this time but confirmation has been received that, following lengthy negotiations, the Highways Officer is now in a position to issue a positive recommendation. This response will be circulated to Members prior to the committee meeting as part of an update; the update will also include a schedule of suggested conditions.

### 6.5 Other matters

6.5.1 In addition to matters relating to the viability of the retained industrial unit (addressed at paragraph 6.2.19 above) and highway matters, the parish council raises a number of additional concerns, many of which fall outside the remit of the planning application and would be addressed by the Building and/or other Regulations, such as fire protection and buildability. Additionally, matters such as external lighting on or around the retail park, and waste management, can be dealt with by condition; whilst signage, where applicable, would be covered by the Control of Advertisements Regulations.

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<b>APPLICATION NO: 18/00872/FUL</b>		<b>OFFICER: Michelle Payne</b>	
<b>DATE REGISTERED:</b> 9th May 2018		<b>DATE OF EXPIRY:</b> 8th August 2018 (extended until 30th November 2018 by agreement with the applicant)	
<b>WARD:</b> Swindon Village		<b>PARISH:</b> Swindon	
<b>APPLICANT:</b>	Glasgow City Council		
<b>AGENT:</b>	Savills (UK) Limited		
<b>LOCATION:</b>	Kingsditch Retail Park, Kingsditch Lane, Cheltenham		
<b>PROPOSAL:</b>	Erection of two new retail units (Class A1) and associated works		

## Update to Officer Report

### 1. ADDITIONAL CONSULTATION RESPONSE

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

*16th November 2018*

I refer to the above planning application received on the 29th May 2018, submitted with application form, Covering Letter, Design & Access Statement, Transport Assessment, Travel Plan, Planning, Retail & Economic Statement and drawing refs. 6023A-V121D-Master Plan, 6023A - CGI103A, 6023A-110 Rev B, 6023A-111 Rev C, 6023A-112, 6023A-120 Rev A and 6023A-121 Rev E.

#### Access

Vehicular access to the site would utilise the existing means of access which is formed by way of priority junction with a left turn in and left turn out on Tewkesbury Road (A4019) and an all movements priority junction with a splitter island on Kingsditch Lane. Servicing for the retail park is taken from 2 points of access, a priority T-junction located on Kingsditch Lane to the east of the site and an additional servicing area accessed from a left in and left out access on Tewkesbury Road to the west.

Pedestrian access is provided to the east of the Retail Park and links with an existing footway which provides a connection to the adjoin retail park. Pedestrian refuges are provided in the car park and provide suitable 2.0m x 2.0m visibility to ensure safe pedestrians movements.

The adjacent A4019 Tewkesbury Road and Kingsditch Lane are subject to the sign posted 40mph speed limit in this location, and in the absence of a speed survey the required emerging visibility would be 2.4m x 120m to the nearside carriageway edge in accordance with DMRB standards.

The A4019 Tewkesbury Road is a dual carriageway arrangement with a physical segregation preventing traffic from entering the westbound carriageway, therefore visibility is only required to the right. 2.4m x 120m is achievable within the extent of the publicly maintainable highway.

2.4m x 120m is also achievable to the left of the Kingsditch Lane access and approximately 54m to the right (up to the roundabout). This is deemed acceptable and all splays are achievable within the extent of the publicly maintainable highway.

For the proposed development, under this application, access from the public highway will remain unchanged, other than to provide an additional point of service access from Malmesbury Road.

### Layout & Parking

Although there is no additional parking proposed as part of this application, under planning consent 17/01523/FUL for the demolition of part of the M&S Home building, 19 additional car parking spaces will be added to the car park, with improved vehicle circulation and additional disabled spaces. In addition to the existing 'informal' staff parking spaces currently located within the servicing area being formalised to form 32 staff parking spaces. However, adequate parking will be required for this development regardless of applicant intentions in concurrent applications.

There are currently 423 car parking spaces overall within the Retail Park. The existing customer car park has 394 car parking spaces and a further 29 car parking spaces on site at McDonald's. The service yard off of Kingsditch Lane that provides access to the rear of these units for servicing and deliveries also provides non-customer parking.

A series of parking studies were undertaken in order to ascertain the peak parking demand and establish the percentage of spare capacity.

The studies determined that Saturday was the peak retail day with the results identifying a peak in arrivals and departures between 12:00-15:00 with the amount of vehicles arriving and departing of about 500+ per hour respectively. The car park was identified to be operating at approximately 71% capacity with 29% spare. The peak parking accumulation was recorded between 12:30-13:30 as approximately 300 vehicles parked on site at one time, with approximately 123 available spaces. Although the total vehicles entering the site does exceed the car parking supply, because similar numbers of vehicles exit the site, at no point throughout the day does the demand for parking exceed the supply. Therefore, despite no additional parking being provided there is still adequate space to accommodate the additional peak parking demand.

Servicing for the new units will be undertaken from Malmesbury Road to the north of the site. This is currently the established point of servicing for the current industrial unit in this location. Service vehicles will arrive at the site via Kingsditch Lane and travel through the Kingsditch Trading Estate to Malmesbury Road. From here they will enter the yard of the neighbouring industrial unit and reverse into a service dock at the rear of units 3 and 4.

Although cycle parking spaces are provided within the wider Retail Park none have been proposed as part of this development and therefore it was not deemed unreasonable to secure a minimum of 12 cycle spaces (6 per unit) by way of suitably worded condition, to directly serve the proposed development. Ultimately this will also assist in reaching the modal shift targets set in the submitted Travel Plan by providing opportunity for an alternative sustainable means of travel other than the private motorcar.

Therefore given the sites sustainable location with good access to alternative means of transport, the level of parking provision would be deemed acceptable in accordance with the NPPF.

Drawing ref. TE/1370/302B has adequately demonstrated an articulated HGV measuring 16.5m long entering, manoeuvring within and egressing the site without coming into conflict with any upright kerb-line structures, trees or formal parking spaces.

As part of development will be constructed across existing public highway a Stopping-Up Order is required which forms part of a separate process from planning and permission will therefore need to be granted by the National Casework Team.

### Existing Traffic Conditions

Observed turning movements undertaken in support of this development recorded that for a weekday, Fridays are the busiest days across the entire week with recorded traffic flows just

under 10,000 daily vehicles generated by the Retail Park. Saturday is marginally the busiest day of the week with approximately 11,000 vehicles generated by the site.

#### Trip Generation

Trip generation has been derived using ATC traffic surveys of the retail park accesses. Surveys have been conducted at the main access from Kingsditch Lane in addition to the accesses available from the A4019 Tewkesbury Road.

The surveyed traffic flows have been apportioned to each of the existing retail uses, classified under food, fast food and non-food. The proportions have been based on the percentage of total site trip generation to/from each retail classification. The total site trip generation has been determined using donor sites identified from the TRICS database. These sites provide trip rates per hour for each retail classification, which have then been applied to the existing floor area for each classification to provide the existing trip generation. The sites used from the TRICS assessment are considered reasonable for this purpose.

Although the servicing access from Kingsditch Lane has not been included the delivery/servicing trips to the Retail Park are believed to be infrequent. However, the trip generation that has provided has been based on a slightly greater floor area than that specified within the planning application (2,230sqm modelled vs approx. 2,138sqm proposed). Therefore this produces a robust assessment of development trip generation.

The proposed non-food stores Saturday retail peak was determined as being between 12:00-13:00pm. The site is projected to generate approximately 1051 two-way daily vehicle trips with 130 two-way during this peak hour.

The nature of the proposal will allow an opportunity for pass-by or linked trips, whereby the trip is already occurring on the network but enters the site while passing by or linked with an additional stop before travelling to a destination.

#### Distribution

Development traffic distribution to/from the proposed development has been based on 2011 Census Journey to Work data as a proxy for retail trip distribution. The TA had not provided any information on how the routes between origin and destination wards have been determined however it is assumed that these have been based on judgement and a principle of shortest journey time which is a reasonable approach. As some anomalies arose with the submitted distribution data, as presented in Table 5-7 of the TA (for example, it is unlikely that vehicles to/from Prestbury would access the Retail Park from the west) a sense check of the distribution, using the Google Maps route planning application was undertaken by the Highway Authority for validation. This indicated that the general distribution of traffic to the north, south, east and west is reasonable and therefore is accepted.

The proportion of traffic using each of the three retail park access points has been assigned based on the relative difference in traffic flow, based on the ATC surveys to which this approach is considered reasonable.

#### Junction Modelling

The highway impact assessment within the TA includes junction capacity modelling of the A4019 Tewkesbury Road / A4013 Princess Elizabeth Way / Kingsditch Lane roundabout and the main Retail Park access junction. Sensitivity tests of the retail park access junctions are also presented.

#### Site Access (Kingsditch Lane)

PICADY modelling has been undertaken to assess the operational capacity of the main site access off Kingsditch Lane. PICADY results refer to the Ratio of Flow to Capacity (RFC) and queue length predicted on each arm of the junction. An RFC of 1.00 indicates that the arm in

question is operating at its theoretical capacity, whilst RFC's of 0.85 or less indicates that the arm is operating within practical capacity

The PICADY assessment of the Site Access to Kingsditch Retail Park determined a maximum RFC increase of 0.13 on the arm to Kingsditch Lane eastbound and 0.085 on the arm to Kingsditch Lane westbound in the weekday PM peak increasing the overall RFC's to 1.15 and 1.11 with growth up to 2022 and development traffic applied.

The PICADY assessment also identified that during the AM weekday peak hour the RFC's will remain below 0.85.

The PICADY results also highlight a similar increase in traffic exiting the main site access during the Saturday peak hour scenario.

A sensitivity test has also been undertaken for this access with a focus on capacity issues in the PM peak hour to understand the extent to which reassigned trips to the secondary exits affects capacity issues at the main site access. The PM sensitivity tests were assessed for the 2023 base + development for the following scenarios:

- Test 1: 100 trips turning right OUT reassign to the secondary exits;
- Test 2: 50 trips turning right OUT and 50 trips turning left OUT reassign to the secondary exits; and
- Test 3: 50 trips turning right OUT reassign to the secondary exits.

The test identified that that the main site access can operate within its design capacity under all the PM peak sensitivity test scenarios. It is concluded that even if only approximately 40-50 vehicles (seeking to turn right out onto Kingsditch Lane) were to reassign to secondary exits, then the main site junction will operate efficiently.

Moreover if the main site access were to operate at or over capacity, as the vehicles egressing would queue within the site it is not deemed that there would be any impact or safety issues on the highway network.

#### A4013 Princess Elizabeth Way/A4019 Tewkesbury Road/Kingsditch Lane Roundabout

Traffic signal junctions are typically designed to operate at up to a 90% Degree of Saturation (DoS) level. A 90% or less DoS value is generally considered to result in the satisfactory operation of any arm of a signalised junction. Beyond this, traffic may not clear each arm of the junction on each cycle of the traffic signals. However, traffic signals often operate at levels above 90% and in heavily trafficked urban areas, at over 100%. Values between 90% and 100% suggest that the arm is approaching its theoretical capacity

The LINSIG results identified an increase in saturation resulting from the development, however this is not at a level that would be considered severe and therefore under all reasonable assumptions, the development effects on the operation of the highway network cannot be considered 'severe' in accordance with the NPPF.

#### Personal Injury Collisions

There have been 11 personal injury collisions recorded within the last five year period. There are no specific locations where these collisions are concentrated and no distinct pattern in the results, albeit the majority occurred on the Princess Elizabeth Way (A4013)/Tewkesbury Road (A4019)/Kingsditch Lane roundabout. There have been no personal injury collisions recorded within the last 5 years in the direct vicinity of the site accesses.

#### Travel Plan

The NPPF Paragraph 111 states that all significant generators of traffic movements should be required to provide a Travel Plan. The Travel Plan should be formulated in accordance with the GCC Travel Plan Guidance for developers.

The Department for Transport (DfT) defines a travel plan as "a long term management strategy that seeks to deliver sustainable transport objectives through positive action". Such plans could include; car sharing schemes, commitment to improving cycle facilities, dedicated bus services or restricted parking allocations. A successful Travel Plan should offer users whether they are employees, residents or visitors a choice of travel modes from sites or premises.

The submitted Travel Plan for this application aims to reduce the dependence upon single occupancy private car travel when accessing the site and in order to do so the Travel Plan aspires to;

- i. Reduce the percentage of staff travelling by single occupancy private car to and from the store.
- ii. Generate increase in the percentage of staff utilising active modes (walking/cycling), public transport and car sharing to access the store.

In order for the Travel Plan to achieve these aims a number of actions and measures will need to be implemented. The applicant will appoint a Travel Plan Coordinator, whose duty it is to oversee the implementation and monitoring of the Travel Plan. The Coordinator will be appointed prior to the stores trading. Staff changing and storage facilities, cycle parking facilities, employee induction packs and the implementation of staff discounts for public transport and notice boards will be installed with appropriate sustainable travel information prior to trading commencing.

The Travel Plan will obtain the base survey data shortly after trading begins (3 months), once obtained the Travel Plan Coordinator will review the Travel Plan annually with years 3 and 5 associated targets and measures adjusted accordingly. The Travel Plan aims to reduce single occupancy private car use year on year. A 5 year period is acceptable for this type and size of development. The Travel Plan can be secured by way of planning condition.

#### Recommendation

The National Planning Policy Framework (NPPF) states at paragraph 32 that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe". The Highway Authority considers that this development will not have a severe impact on the local highway network. The NPPF also states that "safe and suitable access to the site can be achieved for all users" and that "appropriate opportunities to promote sustainable transport modes can be – or have been - taken up, given the type of the development and its location." It is considered that the development proposals will meet these criteria. The Highway Authority recommends that no highway objection be raised subject to the following conditions being attached to any permission granted:

#### Condition #1 Layout & Parking

The building(s) hereby permitted shall not be occupied until the vehicular parking, turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing ref. 6023A-121 Rev E, 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.

#### Condition #2 Electric Charging Points

Prior to the occupation of the building(s) the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

#### Condition #3 Cycle Storage

Notwithstanding the submitted details, the development hereby permitted shall not be occupied until the cycle storage facilities for a minimum of 12 bicycles have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

#### Condition #4 Construction

Throughout the construction and demolition period of the development hereby permitted provision shall be within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. provide for wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods in accordance with paragraph 110 of the National Planning Policy Framework.

#### Condition #5 Travel Plan

The approved Travel Plan shall be implemented in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up in accordance with paragraphs 108 and 111 of the National Planning Policy Framework.

#### Informatives

- 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 those works.
- ii. The Applicant/Developer is advised to contact Amey Gloucestershire 08000 514 514 to discuss whether the development will require traffic management measures on the public highway.
- iii. The proposed development will involve the stopping up of highway and the applicant/Developer is required to obtain a Stopping-Up Order under S247 of the Town and Country Planning Act 1990 from the National Transport Casework Team before commencing those 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.

## **2. OFFICER COMMENTS**

- 2.1 JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 9 of the NPPF.
- 2.2 As noted in the officer report published in the main agenda, the above response from the Local Highway Authority (LHA) was still awaited at the time of publication. Members will note a very thorough assessment of the development proposals has been undertaken, and the LHA recommends that no highway objection be raised subject to the inclusion of conditions should permission be granted. In reaching this decision, the LHA considers that the development accords with national guidance set out within the NPPF in that it will not have a severe impact on the local highway network; a safe and suitable access to the site can be achieved for all users; and appropriate opportunities to promote sustainable transport modes can, or have been, taken up.

## **3. CONCLUSION AND RECOMMENDATION**

- 3.1 The proposals are considered to be in accordance with all relevant local and national planning policy, and therefore the officer recommendation is to grant planning permission subject to the following suggested conditions:

## **4. SUGGESTED 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 The development hereby permitted shall be used for non-food retail purposes and the non-food retail purposes shall be restricted to the sale of DIY and gardening goods; carpets and floor coverings, furniture and furnishings, electrical goods, car maintenance products, kitchens; toys and games and associated products; bicycles and associated products, sports and outdoor pursuits goods and clothing and footwear, products and equipment; pet food and products; and for the sale of associated products and ancillary goods which are part of the usual product mix of retailers of those goods. Where sports and outdoors pursuits clothing and footwear are sold, this shall only be as part of a wider mix of goods that includes sports and outdoor pursuits goods.

Reason: To ensure that the sale of goods at this site does not harm the integrity of the town centre, having regard to adopted policy SD2 of the Joint Core Strategy (2017) and paragraph 85 of the National Planning Policy Framework.

- 4 Prior to first occupation of the development hereby permitted, vehicular parking, turning and loading/unloading facilities shall be provided in accordance with approved drawing no. 6023A-121 Rev E, 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, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 110 of the National Planning Policy Framework.

- 5 Prior to first occupation of the development hereby permitted, the proposed car parking spaces shall be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Reason: To ensure that the development incorporates facilities for charging plug-in and other ultra-low emission vehicles, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 6 Notwithstanding the submitted details, prior to first occupation of the development hereby permitted, cycle storage facilities for a minimum of 12 bicycles shall be made available for use, and those facilities shall be maintained available for those purposes thereafter.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 108 of the National Planning Policy Framework.

- 7 Throughout the demolition and construction period of the development hereby permitted, sufficient provision shall be within the site to accommodate the likely demand generated for the following:
- i. parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development; and
  - iv. wheel washing facilities.

Reason: To minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework.

- 8 The submitted Travel Plan (Callidus Ref: TE\1370\503\DC dated April 2018) shall be implemented strictly in accordance with the details and timetable therein, and shall be continued thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The development will generate a significant amount of movement and to ensure that the appropriate opportunities to promote sustainable transport modes are taken up, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraphs 108 and 111 of the National Planning Policy Framework.



- 9 Prior to the removal of the existing security gates, alternative measures to secure the site shall be submitted to and approved in writing by the Local Planning Authority. The security measures shall thereafter be implemented in accordance with the approved details and so maintained.

Reason: To ensure adequate provision for security and the prevention of crime and disorder, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006), adopted policy SD14 of the Joint Core Strategy (2017).

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

In this instance, having had regard to all material considerations, the application constitutes sustainable development.

- 2 The proposed development will involve works to be carried out on the public highway and the applicant/developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.
- 3 The applicant/developer is advised to contact Amey Gloucestershire on 08000 514 514 to discuss whether the development will require traffic management measures on the public highway.
- 4 The proposed development will involve the stopping up of highway and the applicant/developer is required to obtain a Stopping-Up Order under Section 247 of the Town and Country Planning Act 1990 from the National Transport Casework Team before commencing those works.

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<b>APPLICATION NO:</b> 18/01555/FUL		<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 1st August 2018		<b>DATE OF EXPIRY:</b> 26th September 2018
<b>DATE VALIDATED:</b> 1st August 2018		<b>DATE OF SITE VISIT:</b> 14th August 2018
<b>WARD:</b> All Saints		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Matthew Larner	
<b>AGENT:</b>	n/a	
<b>LOCATION:</b>	76 Hales Road, Cheltenham	
<b>PROPOSAL:</b>	Rear and side lower ground and ground floor extension	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a semi-detached, residential property located on Hales Road. The site is within the Sydenham Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant seeks planning permission for a lower ground and ground floor side and rear extension.
- 1.3 The application is before the planning committee at the request of Councillor Jordan on behalf of the adjoining neighbours.
- 1.4 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area

### **Relevant Planning History:**

<b>00/00602/COU</b>	<b>27th June 2000</b>	<b>PER</b>
Change of use of two ground floor rooms as a chiropractic clinic (rest to be retained as a residential dwelling)		

<b>14/00532/COU</b>	<b>14th May 2014</b>	<b>PER</b>
Change of use from Use Class D1 (chiropractic clinic) to Use Class C3 (domestic dwelling)		

<b>15/02253/FUL</b>	<b>22nd March 2016</b>	<b>PER</b>
Erection of rear dormer and ground floor side extension.		

## 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  
SD14 Health and Environmental Quality

### Supplementary Planning Guidance/Documents

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

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Tree Officer**

*6th September 2018*

The Tree Section in principal does not object to this application. Within the garden of 29 Kings Road, adjacent to the proposed extension, is a purple plum tree. This tree should be considered in relation to the proposed extension as it overhangs the boundary, so would likely require pruning to facilitate any extension, and its roots would have to be accounted for in any foundation design.

Please could details of any pruning required to facilitate the proposed extension be submitted and agreed before determination. Please could the following condition be added with any permissions given:

No roots over 25mm to be severed

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

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

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters have been sent to 19 neighbouring properties, a site notice has been displayed and an advert has been placed in the Gloucestershire Echo; 3 neighbouring residents have objected to the proposal.
- 5.2 The main points raised are set out below;
- Loss of privacy
  - Overlooking
  - Visual impact
  - Not in-keeping with the area
  - Overbearing
  - Intrusive
  - Unsympathetic to conservation area; windows and cedar fencing
  - Loss of light
  - Impact on neighbouring tree

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The main considerations in relation to this application are the design, the impact on the conservation area and any impact on neighbouring amenity.

### 6.3 The site and its context

- 6.4 As part of planning application ref, 15/02253/FUL permission was granted for a single storey side extension to increase the depth of the existing porch, in line with the rear of the property. As such, this part of the application has been established as acceptable in terms of its design and impact on neighbouring amenity.

### 6.5 Design and layout

- 6.6 Policy SD4 of the Joint Core Strategy requires development to be of a high standard of architectural design that positively respond to and respect the character of the site and its surroundings. Policy SD4 goes on to set out that the scale of development and use of materials should be appropriate to the site and its setting. This is reiterated in saved Local Plan policy CP7.
- 6.7 The adopted Supplementary Planning Document: Residential Alterations and Extensions emphasises the importance of later additions reading as subservient to the original building. It sets out that in order to achieve subservience additions should not dominate or detract from the original building, but play a supporting role.
- 6.8 The application has been revised throughout the course of the application process. Officers had initial concerns regarding the ground floor rear part of the proposal. This part was initially proposed to be 5 metres in height and project 3.4 metres beyond the rear wall of the original building. The extension was considered to be overly large which impacted upon neighbouring properties; it was felt there was scope to reduce the scale of the extension.
- 6.9 Officers concerns were raised with the applicant and subsequently revised plans were submitted. The rear extension has been set off the boundary with the neighbouring property by 0.8 metres. The height of the extension has been reduced by 0.5 metres to 4.5 metres, and the depth has been reduced by 1.2 metres to 2.2 metres. The lower ground floor and side extension remain unchanged, apart from an alteration to the North East elevation fenestration. Additionally, the proposed terrace has been considerably reduced and is now only a stair and access into the ground floor of the property.
- 6.10 The design of the single storey rear extension has been amended to reduce the height of the extension. Officers suggested that the property could take a modern addition; however the height has been reduced 0.5 metres, the detailing from the existing porch removed and introduced larger glazing. Whilst it is considered that the extension could be of a more modern design, the proposed extension is considered to be of an acceptable design that is clearly subservient to the original building.
- 6.11 The proposed side extension, whilst slightly larger than the previously approved extension as part of application ref. 15/02253/FUL, is considered to be clearly subservient to the parent dwelling. The design of the existing porch is to remain as the design of the extension which is considered to be appropriate. The porch is to be extended forward of the existing, however will still be set back from the front elevation of the original building and will not result in harm to the character of the building or the street scene.
- 6.12 The application proposes a lower ground and ground floor rear and side extension.
- 6.13 Based on the above, the proposed lower ground, and ground floor side and rear extension is considered to be in accordance with policy SD4 of the JCS and Local Plan policy CP7.
- 6.14 **Impact on neighbouring property**
- 6.15 Policy SD14 of the Joint Core Strategy and saved Local Plan policy CP4 require development not to result in unacceptable harm to the amenity of adjoining land users and the locality.
- 6.16 Letters have been sent to neighbouring properties, three neighbouring residents have raised objections to the proposal; a summary of the main points raised can be read in section 5.2 above. All neighbour comments have been taken into consideration when determining this application.
- 6.17 The initial 5 metre high, 3.4 metre deep extension was considered to be overly large. It is appreciated that as the property has an elevated ground floor, a ground floor extension

would need to be high; however it was considered that the height could be reduced and still achieve a ground floor extension. Following officer comments, the projection has been reduced and the height marginally reduced. This has reduced the scale of the extension and is now considered to be acceptable.

- 6.18 Both the application site and adjoining property have an elevated ground floor level with a low boundary wall in between; as such there is a degree of overlooking between the application site and the adjoining neighbour as existing. In addition, there are low boundaries to the rear of the site and again an element of overlooking already exists. The initially proposed terrace was deep enough to encourage sitting and based on the relationship with neighbouring properties, the terrace has been amended to protect the amenity of the neighbouring properties. As existing there is an access stair into the kitchen/dining area, however this is narrow and does not provide space for sitting on. It was considered that a similarly sized access would be acceptable to provide access from the kitchen into the rear garden. Whilst the new access would be sited 2.2 metres further into the site, it is considered that the impact would be no greater than the existing impact. The applicant has proposed increasing the height of the boundary to increase the level of privacy between the two properties and minimising an element of overlooking.
- 6.19 A concern has been raised regarding a loss of light, and this was also an initial concern with officers. The adjoining neighbouring property has a lower ground floor window which is likely to be affected by the proposal. The initial scheme failed the relevant light test and following the submission of revised plans which a smaller scaled extension a further site visit was carried out to the neighbouring property to fully assess the impact on the basement window. It was noted that this room is fairly dark as existing, and whilst it is appreciated that this room is at basement level and may experience a loss of light as a result of the extension, based on the revised scheme it is considered that the impact on this window as a result would not make the existing situation unacceptably worse.
- 6.20 Having taken into consideration of all representations, based on the above the proposed extension is not considered to result in unacceptable harm to the amenity of adjoining land users.
- 6.21 **Trees**
- 6.22 There is an existing purple plum tree in the neighbouring property's garden, however is sited very close to the boundary. As such the council's tree officer has been consulted and has provided comments, these can be read in full in section 4. A condition has been added regarding no roots to be severed over 25mm, and the applicant has confirmed that no pruning works are proposed to the tree.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Based on the above, the proposed lower ground floor and ground floor side and rear extension is considered to be in accordance with the relevant policies and documents in regards to design and impact on neighbouring amenity.

## 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 All external facing and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

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

## **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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



<b>APPLICATION NO:</b> 18/01555/FUL		<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 1st August 2018		<b>DATE OF EXPIRY :</b> 26th September 2018
<b>WARD:</b> All Saints		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Matthew Larner	
<b>LOCATION:</b>	76 Hales Road, Cheltenham, Gloucestershire	
<b>PROPOSAL:</b>	Rear and side lower ground and ground floor extension	

## REPRESENTATIONS

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

21 Cranham Road  
Cheltenham  
Gloucestershire  
GL52 6BQ

### **Comments:** 15th August 2018

We object to these plans on the grounds of lack of privacy and visual impact.

Since changes were made by previous owners we are already aware of less privacy from the rear of the house. Extending the building 3m closer to the rear of the garden along with vastly increased glazed double doors plus apparent terraced area will impact on our privacy in both our living room and, more than likely, bedroom both of which have their original bay windows.

We feel that the extension is also rather large and imposing to see from various aspects of our house and garden.

### **Comments:** 28th September 2018

Slightly less bad than the previous application but not a great improvement. All our previous comments still apply. The visual impact is still imposing and not in keeping with the areas around.

29 Kings Road  
Cheltenham  
Gloucestershire  
GL52 6BH

### **Comments:** 16th August 2018

We are responding as the owners of no. 29 Kings Road (formerly 78 Hales Road), which is semi-attached to no. 76 Hales Road. The houses sit on the corner of Hales Road/Kings Road and are clearly visible to the public from both perspectives.

Our response is aligned with the principle outlined in the Sydenham Character Appraisal and Management plan: to ensure that future development is appropriate to the character of the area.

We are objecting to the plans in their current form as, from the perspective of 29 Kings Road, the proposed design is:

- o overbearing and out-of-scale in terms of size
- o insensitive and unsympathetic in the context of a conservation area
- o highly intrusive and negatively impactful to us as immediate neighbours.

We have laid out our main objections below:

1. The failure to provide adequate additional plans from the perspective of the public's view (i.e. Kings Road) and the semi-attached neighbouring property (29 Kings Road): this drawing was omitted initially and then submitted at our request, as we believe that this perspective should form a critical part of the decision-making process. However, the drawing submitted does not provide an accurate representation of the proposed build as it lacks detail and there is no scale included, as there is with the other drawings. This is a critical perspective needed to fully appreciate the inappropriateness of the proposed design. Given the view from Kings Road, this isn't a typical 'rear' extension in that it is in full view of the public. It is, in effect, the equivalent of a side extension when viewed from the Kings Road perspective.
2. The proximity of the proposed development: the proposed extension is only 0.25m from the boundary between the two semi-detached houses, which is too close. There is a ground floor window at 29 Kings Road (just next to the boundary), which if the plans proceed will have a 3.4m extension coming out to the side of it (5.9m when the balcony and steps are included) and at a height of 5m (taking the proposed roof to just below the first floor bedroom window). The result will be a 5m high wall at 0.25m from Kings Road. This is overbearing and intrusive.
3. The height of the proposed development: The height of the proposed development will, as alluded to above, create a 5m high side wall travelling 3.9m into the garden creating an excessively high side wall facing directly onto our garden. This effectively raises the existing boundary wall to 5m in height, i.e. the first floor. Viewed from the bottom of the garden at Kings Road the width of the proposed build will be 6.8m across. From both angles, again, this is overbearing and intrusive.
4. The length of the proposed development: At the ground floor level, the dining and family room extends 3.4m from the existing building. When the balcony area is included this increases to 4.9m and where the steps descending from the balcony end it is 5.9m from the existing building. As both houses' gardens are parallel it's a noticeable distance for the structure to protrude into the garden which has the impact, as alluded to above, of creating a claustrophobic outside space for 29 Kings Road with a side wall and balcony running right next to our garden.

There is a balcony currently, but set well back from both gardens, which in its current state provides some privacy. If the balcony extends nearly 5m into the garden it brings the entire living space (plus balcony) of 76 Hales Road much closer to our outside living space. The overall length of the structure will be overbearing and intrusive.

Additionally the distance brings the structure much closer to the rear boundary, potentially making it intrusive for houses on Cranham Road with gardens and windows backing onto it. Particularly as the planned windows will be 3m in width.

5. Loss of privacy: building an extension with 3m wide glass doors, and a verandah/balcony/raised platform: Reviewing the architectural plans, there will be a raised platform/balcony and steps built onto the kitchen/family/dining room, extending into the garden by 5-6m. This presents a serious concern around privacy: clearly an extension with two large glass doors measuring 3m in width and a balcony directly overlooking the garden

of 29 Kings Road will significantly impact privacy as the garden area is in regular use as a children's play area and outside dining area, amongst other things. A raised platform will in effect provide a viewing deck spanning 76 Hales Road's garden but also 29 Kings Road's, which will be intrusive, and, as a result, alter usage of the space.

6. Loss of light levels: a 5m high / 3-4m long side wall running 0.25m from our boundary will reduce light levels drastically in two habitable and frequently used rooms in no. 29. This would make redundant the lower ground floor day room / living space. The second space, the upper ground floor reception room, will also have reduced light levels (and suffer aesthetically). In addition to the interior spaces, 29 Kings Road will have a side wall running along its garden. Again, the outcome will be restricted light in the garden.

We intend to instruct a specialist chartered surveyor to assess the light level impact in more detail and understand that we can continue to pursue this course of action, regardless of the formal planning decision.

7. Unsympathetic design of windows and doors: the Sydenham Character Appraisal and Management plan highlights the loss of traditional architectural features such as windows within many historic buildings in the area. The plan specifically cites the example of "timber sliding sash windows being replaced with uPVC windows, which sit out of context within the building and detract from its special qualities." We note the proposed removal of a traditional cross-bar sash window from the lower ground floor and replacement with an unsympathetic style and material (UPVC) on both levels - the upper level of which can be clearly seen from the Kings Road approach.
8. Vegetation: impact on an established and thriving 5m high cherry tree: the planning application states that no trees are in falling distance. There is an established and thriving 5m cherry tree belonging to 29 Kings Road which sits along the boundary wall between the properties. As we understand it, trees in a conservation area are protected. We cannot see how the tree would remain unaffected by the construction work, either through disturbance to the roots during the construction of the foundations and/or severe pollarding necessary in order to facilitate construction of the higher elements of the development. This is before any consideration of the reduction of light on a permanent basis as a result of what is in effect the wall boundary being increased to 5m in height.
9. Visual Impact: The houses sit on the corner of Kings Road and Hales Road. The back elevation of both houses is public, not private, and so this 'rear' extension would be clearly visible from the perspective of those walking up Kings Road, making it unlike typical rear extensions and similar to a side extension. The vista looking up Kings Road towards Hales Road forms part of a 'run' of traditional Victorian houses, including, no. 80 which has been identified as historically significant in the Sydenham Character Appraisal and Management plan. The cherry tree, already mentioned, is an attractive feature, and forms part of this vista enhancing, currently, the visual impact of both 76 Hales Road and 29 Kings Road which can be clearly seen when walking up Kings Road. In addition, 29 Kings Road and 76 Hales Road are fortunate to share a red brick wall in keeping with the character and style of other original period developments in Cheltenham, which will not be enhanced by the construction above it. The proposed structure will not visually enhance the local area nor preserve its character.

In summary our objections stem from three principal concerns:

1. The sheer scale of the proposed development. The proposed development feels excessively large given the area and space in which it is to be constructed.
2. Impact on privacy and amenity for no. 29 Kings Road. The size and proximity of the proposed development to 29 Kings Road means our privacy and light will be severely affected, altering how we use interior and exterior space.

3. The visual impact. Kings Road and Hales Road sit within in a conservation area. Rather than enhancing or preserving the area, the proposed development will significantly impair the overall character of the upper end of Kings Road.

With these thoughts in mind we therefore respectfully request that the plans, in their current form, are rejected.

**Comments:** 24th September 2018

Thanks for information regarding the extension at 76 Hales Rd. I've reviewed the revised plans. Is there further information which provides a clearer indication of dimensions and scale, similar to what was submitted first time round? Without these it's difficult to understand the changes made in this second application.

Many thanks for your help.

**Comments:** 1st October 2018

Having reviewed the revised proposal for 76 Hales Road, we object to the new plans put forward in their current form. We provided detailed comments on the initial proposal. These remain relevant given that the size of the extension is still overly large and bulky; is an inappropriate design; and is creating an unacceptable and overbearing impact on 29 Kings Road as well as drastically reducing light levels. As a quick reminder the objections to the initial proposal which hold true for proposal 2 include:

1. The failure to provide adequate additional plans from the perspective of the public's view (i.e. Kings Road) and the semi-attached neighbouring property (29 Kings Road)
2. The proximity of the proposed development
3. The height of the proposed development
4. The length of the proposed development
5. Loss of privacy
6. Loss of light levels
7. Unsympathetic design of windows and doors
8. Vegetation: impact on an established and thriving 5m high tree
9. Visual Impact

In summary the new plans put forward remain:

- overbearing and out-of-scale in terms of size: the proposed development still feels excessively large given the area and space in which it is to be constructed.
- impactful the on privacy and amenity for no. 29 Kings Road: the size and proximity of the proposed development to 29 Kings Road still means our privacy and light will be severely affected, altering how we use interior and exterior space.
- insensitive and unsympathetic in the context of a conservation area: Kings Road and Hales Road sit within in a conservation area. Rather than enhancing or preserving the area, the proposed development will still significantly impair the overall character of the upper end of Kings Road.

Please see outlined below our objections to the second proposal.

The height of the proposed development has been reduced from 5m to 4.5m. This is only a 10% reduction in height, so is still too high given the proximity to no. 29. The main extension will now extend 2.2m rather than 3.4m into the garden, but at 4.5m in height will still create an excessively high wall facing directly onto no. 29's garden which, apart from the obvious visual impact, will significantly reduce light levels in two rooms - the rear facing ground floor study and the lower ground floor day room: this particularly will be affected.

Quite obviously reductions in height and length needed to be made, but they are not solving the issue which is that the extension will still have significant negative impact on light levels both inside and outside no. 29.

Effectively a wall is still being created along the boundary. It is now 0.75m away from no. 29 rather than 0.25m, but this is not a significant amount and again makes little difference due to the overall size and scale of the extension and the proximity of the two houses.

At the ground floor level, the proposal is for the dining and family room to extend 2.2m from the existing building, but the balcony area increases the extension to 4.3m, which compared to where the balcony finished with the original proposal, is only a reduction of 0.6m (a minor alteration). The result of this is that with both houses' gardens being parallel the balcony still creates an elevated viewing deck overlooking no. 29's garden, which is used often as a children's play area, and, in particular, patio/seating area impacting privacy. Even with the proposed cedar cladding (more detail on that below) the extension and balcony will have visual access to no. 29's patio which is overbearing, intrusive, affecting privacy and will ultimately alter the usage of the spaces.

In addition, when the extension is viewed from no. 29's patio/seating area, the width of the proposed extension will be 6m across, which again feels too big for the space. With this, the width of the bi-fold door windows has increased from 3m to 3.7m. As well as the balcony, a wider view from 76 Hales Road into no. 29's patio area has been created. This applies for neighbours on Cranham Road as well who will be overlooked. There is a balcony currently, but set well back from both gardens, which in its current state provides some privacy. If the balcony extends nearly 4.5m into the garden it brings 76 Hales Road much closer to 29 Kings Road's outside living space

Plans have been put forward to erect cedar cladding to try to mitigate the intrusiveness on our privacy. However, we object to the cedar cladding for a number of reasons:

- The cedar cladding will not mitigate intrusiveness - in our view, it is intrusive in itself to erect a 3m high fence along a party wall. No. 29's patio/family seating area is at the rear of the garden which means that a balcony extending nearly 4.5m into the garden and which is elevated will still have direct access of no. 29's patio area. This remains intrusive and overbearing. The cladding runs along the upper part of the garden so will not act as a barrier.
- In addition to the 4.5m high wall the extension creates, the cedar cladding will also create a wall itself, 3m high at its highest point and 2.7m high at its lowest point, which will run along the boundary for a maximum of 6m from the original building. The cedar cladding will be intrusive and block out light (especially for no. 29's lower ground floor day room). It's overbearing.
- Cedar cladding is unsympathetic and not in keeping with the local area, particularly when it's erected to 3m in height which is too high. Given we're in a conservation area cedar cladding is not in keeping with the Victorian houses and red brick wall. There is also the visual Impact: the houses sit on the corner of Kings Road and Hales Road. The back elevation of both houses is public, not private, and so 3m high cedar cladding would be out of place when viewed from Kings Road.
- No. 29 should not be bare the responsibility for the cost, maintenance and appearance of the cedar cladding facing directly onto no. 29's garden.

The planning application still states that no trees are in falling distance. This is incorrect as there is an established 5m high tree belonging to 29 Kings Road which sits along the boundary wall between the properties. Having read the comments from the Tree Section we cannot see how the tree would remain unaffected by the construction work, given its proximity and its roots reaching into 76 Hales Road.

In conclusion, the first proposal was rejected on the basis that it was overly large and bulky, had an unacceptable and overbearing impact, was an inappropriate design, and created an unacceptable and overbearing impact on 29 Kings Road as well as impacting light levels. If the same reasoning is applied by the Council, which I presume it will be, this second proposal, while marginally smaller, is still too big and overbearing for the environment it's being built in. The light levels will still be affected negatively. It is still an inappropriate design given the conversation area we live in. It is still intrusive, affecting privacy and ultimately how we use our own space. If the Council saw fit to reject the original plans, given so little has altered, I hope they see fit to reject the second set of plans.

74 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6SS

### **Comments:** 22nd August 2018

#### 1 Visual impact, in a conservation area.

The noticeable visual impact of a substantial extension of this magnitude seems out of place in a conservation area, not only when seen from adjacent gardens but also for the public viewpoint in Kings Road. This impact, particular in relation to the surrounding immediate area, is not communicated by the isolated, distant viewpoint created by the provided drawings.

#### 2 Privacy

The two side facing 'ground floor' windows (this floor actually being about 1.5m above external ground level)), look directly across the gardens of both 74 and 72 Hales Road at over ~3m above the ground level at this point.

The natural downward fall of the rear gardens aggravates the visual intrusion of the 'ground floor' extension. Anyone on the decking area will be well above the existing brick walls between properties (the height of which is limited by existing covenants on 74 Hales Rd). The drawing "Elevation from adjoining neighbour proposed" gives some idea of this although it fails to indicate the extent of the rear garden and the consequent fact that the deck is now almost half way down that. This could better be appreciated from the "1:500 Block plan" which does not indicate the decking.

#### 3 Traffic

Whilst there should obviously be no long term traffic issue, during the construction period disposal, delivery and contractor vehicles are a cause for concern. Hales Road carries 20000+ vehicles per day (CBC traffic analysis figures) and is a main artery for emergency vehicles, already subject to traffic queueing back from London Rd at peak times. When double yellow lines were added to Hales Rd in both directions from Kings Road, they were a very welcome safety addition since any vehicles parking in this area are a substantial danger to those attempting to join Hales Road from Kings Rd. In particular however, these parking restrictions reduce the risk to people attempting to exit their drives on the blind side of the nearby bend. Any non-trivial obstructions potentially have an adverse safety aspect as well as a possible impact on traffic flow.

Regretfully, I respectfully feel obliged to object to this application

### **Comments:** 30th September 2018

Thank you for the revised plans for the extension to 76 Hales Road, which we have reviewed carefully.

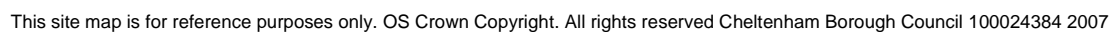
In addition to our earlier comments, which have partly been addressed, I would like to highlight (having confirmed this with the planning officer on Friday 28th September) that the plans show the proposed height of the decking area as below the height of the wall between the back

gardens of 74 and 76 Hales Road. However, this is not correct. The proposed decking area will be above the height of this wall. Moreover, the top of this wall falls as the garden recedes from the house. At its revised position, we would estimate that the decking will be approximately 0.5m above the wall dividing the gardens of 74 and 76 Hales Road. This is intrusive, significantly impacting on the privacy of our back garden.

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**RECOMMENDATION:** Permit



## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Cromwell Court is a large mock-Tudor dwelling built in the early 1980s. The grounds of the property are substantial in area, considering it is only occupied by one dwelling, measuring approximately 3 hectares. The site is located on Greenway Lane at the top of Harp Hill in the Parish of Charlton Kings.
- 1.2 The ascent up Harp Hill heading east out of Cheltenham marks the beginning of the escarpment of the Cotswold Hills and the transition from an urban to a rural environment. This is recognised by the fact the site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The site is also adjacent to 'Battledown Camp' which is the site of a former Iron Age fort. The site is recognised by Historic England as a Scheduled Ancient Monument.
- 1.3 The applicant is seeking planning permission to subdivide the dwelling into eight flats consisting of two 1-bed flats, two 2-bed flats and four 3-bed flats. No extensions or physical alterations to the exterior of the building are proposed.
- 1.4 Cllr Paul McCloskey has referred this application for determination by the planning committee for the following reasons:
- The number of objections from local residents.
  - The agents contend that "Given that the local plan policies are silent on the matter of subdivision of existing dwellings....." I would like to hear officer's views on this important matter, and, if there is indeed a gap in our Local Policies determine what might be done about it.
  - The proposal is totally out of keeping with the surrounding housing both in Greenway Lane and the Battledown Estate.
  - The development is inappropriate in the AONB.
  - Traffic problems in Greenway Lane.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Area of Outstanding Natural Beauty  
Residents Associations

### Relevant Planning History:

**79/00922/PF 9th May 1979 PERMIT**  
Erection of a private house

**84/01259/PF 26th April 1984 PERMIT**  
Erection of a garden store and filtration plant house

**84/01260/PF 26th April 1984 PERMIT**  
Extension for library and billiard room

**13/00413/TPO 19th April 2013 PERMIT**

1) Oak within grounds of Cromwell Court, overhanging rear garden of Beech House (T1) - remove epicormic growth Beech House side only, reduce limbs to boundary on Beech

House side only. 2) Oak within grounds of Cromwell Court, adjacent to Beech House (T2) - remove low limb over Beech House to boundary and reduce remaining limbs by 30%. 3) Oak within grounds of Cromwell Court, along driveway to Beech House (T3) - remove stem over driveway of Beech House, back to boundary

**17/01090/TPO 11th July 2017 PERMIT**

Crown clean (remove deadwood, broken and crossing branches) from 4 oaks and 2 ash situated alongside Harp Hill and Greenway Lane. Fell Oak alongside greenway lane due to decay fungus infection. Fell ash alongside Harp Hill as it is dying and dead branches pose a risk to the highway.

**17/01630/TPO 26th September 2017 PERMIT**

Selective felling of trees in woodland compartments as part of a woodland management/restoration plan - details available on CBC website

**18/00903/FUL 13th June 2018 REFUSED**

Retention of fence and gates

### 3. POLICIES AND GUIDANCE

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

HS 3 Subdivision of Existing Dwellings

Adopted Joint Core Strategy Policies

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD10 Residential Development

INF1 Transport Network

National Guidance

National Planning Policy Framework (NPPF)

### 4. CONSULTATIONS

**GCC Highways Planning Liaison Officer**

*15th October 2018*

I refer to the above application received on the 4th September 2018 submitted with application form, site plan ref 1253-01, Swept Path Analysis - 10.11m Fire Tender ref SP01, Swept Path Analysis - Two-Way Passing ref SP02, Swept Path Analysis - Two-Way Passing ref SP03 and transport statement.

The proposed comprises the sub-division of existing dwelling into 8 apartment units at Cromwell Court Greenway Lane Charlton Kings Cheltenham. The development is located adjacent to Greenway Lane, a class 4 highway subject to a sign posted limit of 30mph.

A speed survey undertaken in accordance with DMRB TA22/81 has determined that the 85<sup>th</sup> percentile speed of vehicles along the highway fronting the development site is 33.5mph northbound and 28mph southbound. The required Sight Stopping Distances commensurate with the 85th percentile speed would require visibility splays of 53m to the right and 40m to the left with a 2.4m setback along the centre line of the site access. The required visibility can be achieved within land under applicants control, however; the visibility splays would need to be maintained clear of obstruction.

With regards to highway safety, an assessment was undertaken to quantify the accidents that took place in close proximity to this development from year 2005 onwards, which demonstrated that 1no. slight accident took place in 2009 in close proximity of Greenway Lane and Harp Hill junction.

In accordance with the most recent Swept Path Analysis plans, it is concluded the proposed access is wide enough to accommodate 1no. estate car and 1no. small refuse vehicle simultaneously accessing and egressing the dwelling. It is also referred the proposed access can accommodate a 10.11m in length emergency vehicle. Furthermore, it is noted the scheme will be serviced by private waste and recycling arrangements.

In order to comply with the latest NPPF, DFT and MFGS guidance, the applicant is required to create places that are safe, secure and attractive in order to minimize the scope of conflict between pedestrians, cyclists and vehicles. As such, the applicant is required to provide a hard surfaced 1.2m wide route for pedestrians to safely access the dwelling from the proposed access. It is perceived the applicant can accommodate this within its land ownership.

Recommendation:

I recommend that no highway objection to be raised subject to conditions (included in section 8 below).

**Tree Officer**

*19th September 2018*

No Comment

**Cheltenham Civic Society**

*15th October 2018*

The lack of detail in the application, with only an indicative plan submitted, and the poor presentation make it hard for the Planning Forum to assess what has been proposed. The Forum notes that there are numerous objections.

**Parish Council**

*18th September 2018*

No Objection

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	11
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

### Comments Received

**5.1** Six local residents have objected to the application raising the following issues:

- Increased traffic
- Inappropriate development within the AONB
- The proposal is a precursor to the construction of new-build dwellings or further development at the site
- Cheltenham already has sufficient housing demonstrated by a five-year housing land supply surplus
- Unauthorised development has occurred at the site, namely the removal of TPO trees and the erection of fencing and gates

## 6. OFFICER COMMENTS

### Principle of Development

- 6.1** Cromwell Court is located outside of Cheltenham's Principal Urban Area where new residential development is not supported, except in specific circumstances, pursuant to JCS policy SD10. In relation to residential development in sites that are not specifically allocated for housing, SD10 states the following:

*Housing development on other sites will only be permitted where:*

- i. It is for affordable housing on a rural exception site in accordance with Policy SD12, or*
- ii. It is infilling within the existing built up areas of the City of Gloucester, the Principal Urban Area of Cheltenham or Tewkesbury Borough's towns and villages except where otherwise restricted by policies within district plans, or*
- iii. It is brought forward through Community Right to Build Orders, or*
- iv. There are other specific exceptions/circumstances defined in district or neighbourhood plans.*

- 6.2** None of the above criteria are applicable for the proposal in question, including point iv. vis-à-vis Cheltenham's emerging Local Plan which has been submitted to the Planning Inspectorate, but not yet adopted at the time of writing. There are no specific policies in the emerging Local Plan pertaining to the subdivision of existing dwellings.

- 6.3** SD10 supports new housing where it involves the sensitive, adaptive re-use of vacant or redundant buildings, however this is not applicable either because Cromwell Court is not vacant or redundant; the site is already benefits from a residential use. In this respect the applicant's statement in their covering letter that local plan policies are silent on the matter of subdivision of existing dwellings is correct in terms of the JCS and the emerging Local Plan.

- 6.4** However, paragraph 79 of the revised NPPF supports new housing in the countryside when it involves the subdivision of an existing residential dwelling. Also, policy HS3 of the extant Local Plan 1991-2001 is still applicable even though the plan is time-expired. HS3 is supportive of subdivisions provided they do not cause harm, individually or cumulatively, to the character of a residential area.

- 6.5** Point 6 of JCS policy SD10 is also considered to be relevant for this proposal. Although not written specifically about subdivisions, it states:

*Residential development should seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.*

- 6.6** Cromwell Court is a single dwelling with a floor area over 900 sq.m which is significantly larger than the average house and its curtilage is also far greater than what is normally expected for a single dwelling. The housing density at the site is therefore very low and the proposal to subdivide such a large property into a larger number of smaller residential units would comply with Point 6 of JCS policy SD10 in terms of achieving a higher density and generally making better use of an existing residential planning unit.
- 6.7** The benefit of a subdivision to create new dwellings (especially in an AONB) is that it minimises the visual impact compared to the construction of new-build dwellings. This is considered to be particularly relevant at the moment because the Council cannot demonstrate a five-year housing land supply. The Council published a position statement<sup>1</sup> in August 2018 which confirms that current figure is 4.6 years.
- 6.8** Point 6 of JCS policy SD10 seeks maximum housing density but only subject to other site-specific issues being satisfactorily addressed. Those issues relevant to this application are discussed in the following sections of this report, namely the impact on the AONB and highways issues.
- 6.9** Concerns have been raised that the proposal is a precursor to the applicant subsequently applying for the construction of new-build dwellings at the site if this application was permitted. However, permitting this application would not provide the applicant with such a fall-back position because the subdivision of an existing dwelling is materially different to the construction of the equivalent number of new dwellings, particularly in terms of visual impact. In any event, each application must always be considered on its individual merits and the Council cannot be influenced by possible future applications that may never materialise.
- 6.10** Despite not being specifically supported in the JCS, the principle of subdividing a dwelling into flats is considered to be acceptable as it is supported by the NPPF, extant Local Plan Policy HS3 and in this case it also satisfies Point 6 of JCS policy SD10 in terms of maximising housing density where the current density is very low. This last point is particularly relevant considering the current five-year housing land supply shortfall.
- 6.11** It is reiterated that this would not provide the in-principle justification for new-build dwellings on the site which would have to be assessed on its own merits should such an application ever be submitted.

### **Impact on the Character and Appearance of the Cotswolds AONB**

- 6.12** NPPF paragraph 172 states that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Natural Beauty. JCS policy SD7 echoes this and makes reference to proposals needing to be consistent with the Cotswolds AONB Management Plan. The site is located within the AONB which the Cotswolds Conservation Board divides into 19 different landscape character areas. The site is categorised in the 'Escarpment' landscape character area.
- 6.13** The proposed subdivision of Cromwell Court would not conflict with landscape strategy for the Escarpment of the AONB. It opposes new housing on the Escarpment but only where the special circumstances outlined in NPPF paragraph 79 do not apply. As previously mentioned, the proposal is in accordance with NPPF paragraph 79 because this supports subdivisions of houses in the countryside.
- 6.14** No extensions or any physical alterations to the exterior of Cromwell Court are proposed as part of the subdivision. The fact that the works are almost entirely internal minimises the impact on the character and appearance of the AONB significantly. A bin storage area

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<sup>1</sup> [https://www.cheltenham.gov.uk/downloads/file/6537/sd010 - five\\_year\\_housing\\_land\\_supply\\_position\\_statement](https://www.cheltenham.gov.uk/downloads/file/6537/sd010_-_five_year_housing_land_supply_position_statement)

is proposed for the rear of the building but this is unlikely to have any significant visual impact over and above the storage of bins for the existing single dwelling.

- 6.15** Similarly, a parking area is proposed for residents of the flats which would be located on an existing area of hardstanding in front of the building. The development would most likely result in more cars being parked at the site when compared to the present use of the site as a single dwelling. However, the parking of vehicles in front of a residential building is considered not to be particularly visually intrusive in the context of an enclosed residential curtilage where there are no wider views of the site available across the escarpment beyond the immediate locality.
- 6.16** For these reasons set out above, it is considered that the proposal would preserve the character and appearance of the AONB in accordance with the guidance outlined in NPPF paragraph 172 and JCS policy SD7.

### **Access and highway issues**

- 6.17** The Local Highway Authority has not raised any objection to the proposal in terms of its impact on the local highway network, parking issues or the visibility / accessibility required for vehicles to enter and exit the site.
- 6.18** NPPF paragraph 109 states that 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** Subdividing the existing single dwelling into eight dwellings would increase the number of vehicle journeys to and from the site. However, the proposed net increase of seven dwellings is considered not to generate a significantly higher number of vehicle journeys that would result in a severe impact on the highway network.
- 6.20** The increased number of vehicle journeys from what is considered to be a semi-rural countryside location on the edge of Cheltenham would have implications in terms of patterns of sustainable development. Residents of the proposed flats would be reliant on private car journeys to access services and amenities in Cheltenham.
- 6.21** In this regard, it could be argued that the proposal is not a sustainable form of development; however NPPF paragraph 79 does not limit the number of residential units that can be created by subdividing an existing dwelling in the countryside. It is considered that the benefit of increasing the housing supply (in a time when the Council cannot demonstrate a five-year housing land supply) via a subdivision outweighs the fact that occupants of units would be reliant on private car journeys in this particular case.
- 6.22** Ultimately, it is considered that the number of vehicle movements seven additional dwellings would create would not compromise the patterns of sustainable development or materially alter the function of the local highway network to the extent that development should be refused, pursuant to the guidance contained within the NPPF.

### **Other considerations**

#### *Scheduled Ancient Monument*

- 6.23** The Battledown Camp (sometimes Hewlett's Camp) is a Scheduled Ancient Monument that is located approximately 125 metres to the west of Cromwell Court.
- 6.24** The nature of the development is non-invasive in terms of ground disturbance and excavation as it only involves internal works to the existing building. The Archaeologist at Gloucestershire County Council has not commented on the application which suggests the proposed development is not archaeologically sensitive.

## *Unauthorised Development*

- 6.25** A number of comments have been submitted highlighting the unauthorised development that has occurred at the site, namely the removal of protected trees and the erection of a fence and entrance gates.
- 6.26** These enforcement matters are being dealt with separately and they are not relevant to the determination of this application.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** For the reasons outlined in this report, the proposed development is considered to be acceptable.
- 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** The development hereby permitted shall not be occupied until a 1.2m wide pedestrian hard surfaced route from the proposed access to the building has been created and 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 108b and 110b of the National Planning Policy Framework.

- 4** 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 53m to northbound of the access and 40m southbound (the Y points). 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 avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained 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 paragraphs 108 and 110 of the National Planning Policy Framework.



- 5 The development hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for a minimum of 1no. bicycle per residential unit has been made available in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with paragraph 108 of the National Planning Policy Framework.

- 6 The development hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the 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.

- 7 The development hereby permitted shall be implemented in accordance with the Transport Statement submitted by Cotswold Transport Planning (ref: CTP-18-532).

Reason: In the interests of highway safety having regard to adopted policy INF1 of the Joint Core Strategy (2017).

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<b>APPLICATION NO: 18/01776/FUL</b>		<b>OFFICER: Mr Joe Seymour</b>
<b>DATE REGISTERED:</b> 4th September 2018		<b>DATE OF EXPIRY :</b> 30th October 2018
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Mr Peter Cassidy	
<b>LOCATION:</b>	Cromwell Court, Greenway Lane, Charlton Kings	
<b>PROPOSAL:</b>	Sub-division of existing dwelling into 8 apartment units	

## REPRESENTATIONS

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

Turnpike House  
Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PW

### Comments: 25th September 2018

Previous application 17/01630/TPO for tree replanting has C1, C2 and C3 areas with trees to be replanted, whereas the application for 8 flats shows all the rest of the grounds planted with trees. These have already been felled without a planning application and were subject to TPOs.

We are suspicious that this is part one of a plan to build houses on the remainder of the site, particularly as a grand new entrance has been erected on Harp Hill. The entire site is in the Area of Outstanding Natural Beauty as shown in the Charlton Kings Parish Plan, and should remain a woodland as was the intention, given the TPO's on the site.

Greenway Lane is a recreational stretch of country road, where local residents regularly walk, jog and cycle. It is also a rat run to avoid the traffic lights along the London Road and there is already considerable through traffic. The area accommodates a number of equine stables and horse riders enjoy riding along the lane. Greenway Lane has a traffic-calming scheme in operation which is largely effective in controlling the speed of vehicles along the noticeable gradient. The site is on the edge of Battledown ward which is characterised by large dwellings and has immediately accessible countryside on the east side of Greenway Lane.

Public transport does not run along Greenway Lane or Harp Hill. There are no pedestrian pavements along a substantial section of Greenway Lane. There is lighting in the vicinity of the traffic calming scheme but otherwise there are no streetlights. In order to attend any of the schools in the local catchment it is unlikely that children would travel on foot. The same applies for access to local shopping facilities where the closest shop has been identified as "Bargain Booze" at the foot of Harp Hill and where it is improbable that a journey up the steep hill with provisions would be on foot.

2011 Census data for the area indicates that 64% of residents have access to 2 or more cars or vans (<http://www.ukcensusdata.com/battledown-e00112327/car-or-van-availability-qs416ew>). As

## Page 92

a result, it is unlikely that a single parking space per flat will be adequate. Where will the residents park any second (or even third) cars?

Recently, with the removal of much of the screening trees and shrubbery, Cromwell Court, being on higher ground, has become newly exposed to the road and its recreational users. There appears to be no replanting scheme to screen the proposed front-facing car park. This will be unsightly from Greenway Lane and out of keeping with the local environment.

What is the plan for the outbuilding behind the main house? This appears to be missing from the proposal and yet forms a part of the curtilage of Cromwell Court.

Is the house going to be re-faced or will it keep its current appearance? There are no external scheme drawings to look at.

Will there be lighting up the drive and in the car park?

At the very least we would like to see C2 and C3 replanting areas joined up together to help mitigate the huge loss of privacy to our garden and roof terrace, and assurance that the new gates on Harp Hill are not going to be used as an entrance to a larger development. We have previously been shown plans for 8 substantial houses on the site, with the main house knocked down. There should also be larger areas of replanting to put the wood back as it was intended to be.

The previous retrospective application for the new fence was denied. Ref 18/00903/FUL  
And yet, there is no sign that the boundary is to be restored, rather the fence has been reduced in height to a level presumably where planning is not required.

If this application is approved, consideration needs to be given to the other boundaries - a similar fence all the way round would be totally out of keeping for the area. Mixed hedge planting would be much more appropriate, and a shielding of the car park from Greenway Lane and from Turnpike House.

If this proposal was all that was being changed to the site, then with appropriate screening and hedging it would be bearable, although we do note that 8 flats is not in keeping with the current housing type in the vicinity. We feel this is likely to be the start of a much larger scheme, and if that is the case, there should be stipulations put in place at this stage to close down large-scale development in an area of outstanding natural beauty on what was a large area of protected woodland (TPO) until recently.

Wadleys Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 25th September 2018  
Letter attached.

14 Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LB

**Comments:** 22nd September 2018

I strongly object to the proposal to subdivide Cromwell Court into 8 flats, for the following reasons:

- Cheltenham's local plan already identifies sufficient supply of new housing at other locations around Cheltenham to satisfy anticipated demand in the coming years. Further increases in the density of housing elsewhere are simply not needed; certainly not in AONB locations.
- The subdivision of the property into 8 flats would be completely out of keeping with the context of the overall site. It must be assumed to threaten the preservation of Cromwell Court's wider grounds, which are important for the local environment. Permission to subdivide the property would be the thin end of the wedge; the applicant's 'pre-application advice' comments in the paperwork already point to a multi-stage attempt at significant development of the site. First, mere subdivision is ok; then a set of flats don't require such big grounds, so development of further dwellings becomes more acceptable.
- The transport statement is misleading in multiple ways. For example, on single-occupancy car trips and suitability for walking/cycling it quotes local amenities and food-stores within 1.3kms. It fails to note that the route is predominantly up/down Harp Hill - which has gradients over 16%, and is regularly featured in guides to 'hard cycling hills' in Gloucestershire. And quite why the use of supermarket home delivery van trips is quoted as if better than single occupancy car trips I have no idea.
- The suggestion that the inspector's comments for C1625/W/17/3177291 are relevant is misleading, given the immediate locale of this site. The severe traffic issues we suffer every morning and evening at Greenway Lane/Sixways junction, which would be worsened by the increase in local short car journeys, mean this is not a sustainable development location.
- The extant trip generation assumptions used in the transport statement are highly disingenuous. Under previous ownership the single-family occupation did not generate traffic equivalent to two houses and one flat, and there is no reason to believe that would change in future if the property remains as a single house.

The applicant has repeatedly shown a concerning disregard for the planning process and the AONB, having felled a large number of TPO'd trees without permission and erected unsuitable fencing without permission.

Craigmount  
Harp Hill  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6PU

**Comments:** 13th September 2018

Harp Hill and Greenway Lane already suffer from major traffic and speeding issues, with cars regularly reaching speeds beyond 60mph. There are no footpaths at the top of the road, which make it incredibly unsafe for pedestrians and cyclists. The top of the road becomes very narrow making it even more dangerous for pedestrians and cyclists, with many sharp bends and inclines. In the interest of peoples safety the road cannot cope with anymore traffic, which this development would add too.

It's an AONB that has already suffered and is rapidly turning into a motorway, with no intervention. Precious woodland, wildlife and biodiversity has already been decimated, with complete disregard of the impact and zero care for the consequences. Tree protection orders have been broken on ancient broad leaf trees that will take hundreds of years to grow back. The objective appears clear - to eventually develop the entire site in the future without any consideration of the harm to wildlife, biodiversity or the local community.

29 Oakhurst Rise  
Cheltenham  
Gloucestershire  
GL52 6JU

**Comments:** 9th September 2018

I strongly object to this proposal.

The removal of TPO'd trees without permission on this site is an ominous sign of how loosely the developer will comply with any planning restrictions imposed on this development.

The traffic on Greenway Lane at the lights to Sixways is already impossible at rush hour. I note that a further nine dwellings are mentioned in the transport part of the application.

Harp Hill is already an extremely dangerous road, particularly for children, ramblers and cyclists. The speeds are excessive and the gradient and bends add to the hazards. The junction with Greenway Lane is close to an extremely sharp and dangerous bend with little or no space for pedestrians to evade the speeding traffic. Please do not allow this situation to be made worse. Residents dare not walk anywhere along this already hazardous road, making it hard to exit their properties by sustainable transport.

In a recent Planning Committee meeting it was confirmed that Cheltenham is well on target to meet its target for new housing for the next 5 years. This is not necessary development. I very much doubt it will be affordable either.

Removal of the trees and construction of housing and driveways will also increase surface run off and the risk of flooding from the top of this steep hill.

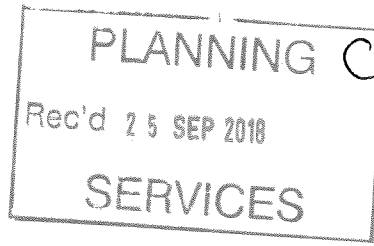
Another inappropriate proposal, just like Oakhurst Rise.

Wadleys Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 2nd October 2018

Letter attached.

Ref: 18/01776/FUL



Wadleys Farm,  
Ham Lane,  
Charlton Kings,  
GL52 6NJ.  
24<sup>th</sup> Sept. 18.

Dear Sir or Madam,

I wish to object to the proposed development at Cromwell Court, Greenway Lane. It has now become evident why so much heavy duty earth-moving equipment was on site this summer. Indeed, a woodland area, roots and all, was removed too, as well as making a pretentious entrance to the site where formerly there was a small wooden gate-access to the wood. In 40 years I have never known this access being used for vehicles onto Harp Hill. Was all this upheaval done without any permission from the Planning Department?

I have an issue with the traffic which this site would generate if permission is given. Greenway lane has no pavements or footpaths, is used by many walkers, dog walkers, horse riders and cyclists, any extra traffic on that road would result in more danger to these road-users.

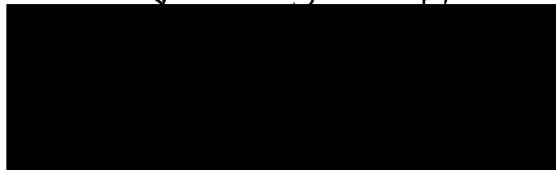
Should the traffic from

the site use Harp HiPage<sup>96</sup> access, that too would cause a problem. The old G.C.H.Q. site, now residential, has caused a tremendous increase in traffic and with a school at the bottom of it, and indiscriminate parking, it has become a dangerous road to manoeuvre down.

I sincerely hope this whole application is rejected and the site put back to its original state, including re-planting the woodland.

I am glad to have this opportunity to comment on this application, thank you.

Yours faithfully,

A solid black rectangular box used to redact the signature of the person writing the letter.



Your ref 18/01776/PUL.

Dear Sir / Madam,

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PLANNING

Rec'd - 2 OCT 2018

SERVICES

WADLEY'S FARM,  
HAM LANE,  
CHARLTON KINGS,  
CHELTENHAM,  
GL52 6NJ  
1-10-18

Regarding the above application, I am amazed that all the intensive tree removal which was carried out was done without some sort of official recognition, surely you cannot just remove a long established woodland without at least a felling licence?

The present application to convert the existing house into 8 flats and build another 4 houses on the grounds would seem to be contrary to the Proposed Southampton Town Plan, Policy D3, private green spaces, which surely must be even more emphatic when applied to the Cotswold AONB.


Part 1 of D3 state:- retain mature trees:- retain and enhance existing landscapes:- provide new landscaping:- avoid disturbance of existing habitats,

The site has already literally driven a bulldozer through the above requirements, creating a wasteland where there was once a woodland

I think even building 8 flats is unnecessary bearing in mind the extra addition of traffic on Greenway Lane, which is used widely by walkers, cyclists and horses, the development of a large estate at the old ACHA site by the reservoir has already increased the traffic, a permission here would make it even worse,

I urge you to refuse this application,

Yours sincerely



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<b>APPLICATION NO:</b> 18/01940/FUL	<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 26th September 2018	<b>DATE OF EXPIRY:</b> 21st November 2018 (extended until 23rd November by agreement with the applicant)
<b>DATE VALIDATED:</b> 26th September 2018	<b>DATE OF SITE VISIT:</b> 10th October 2018
<b>WARD:</b> Park	<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Marcus Homes
<b>AGENT:</b>	Stanley Partnership Architects
<b>LOCATION:</b>	Garages Rear Of Mercian Court Park Place Cheltenham
<b>PROPOSAL:</b>	Demolition of 12no. lock-up garages and erection of 3no. 2 bed Mews Houses

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises a row of 12 garages located to the rear of Mercian Court; a grade II listed building which has been significantly extended. The garages are accessed via an un-adopted lane leading from Ashford Road; the access running between 11 Ashford Road and the rear of 45 Painswick Road. The lane also provides access to a number of additional garages, and to the rear of properties on Painswick Road and Grafton Road.
- 1.2 The site is bounded by residential properties on Park Place, Ashford Road, Painswick Road and Grafton Road. The houses to the south on Grafton Road are locally indexed, as are some on Painswick to the northeast. Additionally, the houses to the west of the access on Ashford Road are grade II listed.
- 1.3 The site is located within the Principal Urban Area (PUA), and also within The Park Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area.
- 1.4 The application proposes the demolition of the garages and the erection of 3no. 2 bed Mews Houses; it is at committee at the request of Councillor Harman due to concerns raised by local residents.
- 1.5 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Conservation Area  
Non-Contact Residents Association

### Relevant Planning History:

**15/00907/OUT**

**REFUSE**

**2nd September 2015**

Demolition of lock-up garages and erection of two x 2 bedroom dwellings

**17/01813/FUL**

**PERMIT**

**15th December 2017**

Demolition of 12no. lock-up garages and erection of 2no. 2 bedroom dwellings with private gardens and 2no. parking spaces (one per dwelling)

**18/01522/CONDIT**

**PERMIT**

**31st August 2018**

Variation of condition 2 (approved plans) on planning permission ref. 17/01813/FUL (demolition of 12no. lock-up garages and erection of 2no. 2 bedroom dwellings with private gardens and parking) to allow for the retention of a covenanted right of access across the front portion of the site for access to the garages opposite

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

CP 3 Sustainable environment  
CP 4 Safe and sustainable living  
CP 7 Design  
BE 4 Timing of demolition in conservation areas  
BE 6 Back lanes in conservation areas

## Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements

SD8 Historic Environment

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)

The Park Character Area and Management Plan (2008)

## National Guidance

National Planning Policy Framework (NPPF)

## 4. CONSULTATION RESPONSES

### **Architects Panel**

*6th November 2018*

#### Design Concept

The panel had no objection to the principle of building 3 no Mews houses to replace an unattractive row of garages on this site.

#### Design Detail

The panel generally like the architectural detailing of the buildings, the scale and rhythm of the modelled elevations, although the projecting balconies would be better omitted.

There is no outside amenity space provided but on balance considered not essential in this location.

Concerns were raised about the size and access to the garages and the actual site boundary line – the projecting balconies may be over Highway land – another good reason to remove them.

#### Recommendation

Support subject to amendments and submission of larger scale details.

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

*19th October 2018*

Thank you for your pre-application enquiry dated 1st October 2018. This pre-application falls under our criteria for Gloucestershire County Council's Highway Standing Advice. To help you with your application I will refer you to our guidance on our website:-

<http://www.gloucestershire.gov.uk/CHttpHandler.ashx?id=44314&p=0>.

If you have any queries please do not hesitate to contact me.

#### 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.

### **Severn Trent Water Ltd**

*22nd October 2018*

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

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

### **Environmental Health**

*26th October 2018*

After viewing the documents submitted in support of this application and what was permitted under Planning Ref: 17/01813/FUL I would recommend approval to this application subject to the following conditions being attached to any approved permission.

1) During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 08:00hrs -18:00hrs, Saturday 08.00hrs ' 13:00hrs nor at any time on Sundays, Bank or Public Holidays.

2) No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicles for site operatives
- Method of prevention of mud being carried onto highway
- Dust Suppression
- Waste Storage

3) Prior to the commencement of development a scheme for the provision of refuse recycling and storage shall be submitted to and approved in writing by the local planning

authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter maintained for the life of the development.

### 5. PUBLICITY AND REPRESENTATIONS

5.1 On receipt of the application, letters of notification were sent to 65 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Eight representations have been received in response to the publicity, raising the following concerns:

- increase in height of rear boundary wall not supported;
- visual appearance/design/not-in-keeping
- a reduction in light
- traffic/parking/access
- amenity
- loss of privacy
- refuse and recycling provision

### 6. OFFICER COMMENTS

#### 6.1 Determining issues

6.1.1 The main considerations when determining this application for planning permission are the principle of development, design and the historic environment, neighbouring amenity, and access and highway safety.

#### 6.2 Principle of development

6.2.1 The principle of demolishing the existing row of garages, and redeveloping the site for residential purposes, has been firmly established by the previous grant of planning permission in December 2017 for the demolition of the garages and the erection of 2no. 2 bedroom dwellings. The subsequent changes to the NPPF do not suggest that a different conclusion in terms of the principle of development should now be reached.

6.2.2 Additionally, prior to this, an officer report relating to an earlier proposal concluded that the site was considered to be *“an acceptable location, in principle, for new housing”*; and this view was shared by an appeal inspector who did not suggest that the site, in itself, was unsuitable for housing.

6.2.3 Moreover, the proposed use of the site is consistent with adopted JCS policy SD10 which advises that housing development *“will be permitted on previously-developed land in...the Principal Urban Area of Cheltenham”*.

6.2.4 NPPF paragraph 68 acknowledges that small sites can make an important contribution to the housing requirements of an area, and requires local planning authorities to *“support the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes”*.

6.2.5 It is also important to acknowledge that the local authority cannot currently demonstrate a five year supply of housing, and therefore in accordance with paragraph 11 of the NPPF the presumption in favour of granting permission is triggered, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

#### 6.3 Design and historic environment

6.3.1 Paragraph 127 of the NPPF requires decisions to ensure that new developments *“will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to...the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible”*.

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

6.3.3 With particular regard to development within the historic environment, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

6.3.4 The contemporary Mews house style of development proposed, in terms of scale and height, is considered to be appropriate to this back lane location. It is acknowledged that the building now extends the full width of the site, and no longer provides for private outdoor amenity spaces, but this is not unusual on back lane sites such as this. Additionally, there is no external space standard to which the development must respond. Throughout the NPPF, and within JCS policy SD10, emphasis is given to new development optimising the potential of the site.

6.3.5 The Architects Panel generally support the scheme, despite suggesting that the projecting balconies would be better omitted, and querying whether they were within the site boundary. Officers have considered the removal of the balconies but do not consider it necessary to secure their removal in order to grant planning permission. A revised site plan has been submitted to show that these balconies would not project beyond the site boundary.

6.3.6 The dwellings will be faced in brick at ground floor with the upper floor largely clad in standing seam zinc, with elements of vertical timber cladding. Overall, it is considered that the contemporary design approach and the palette of external materials proposed would sit comfortably in its surroundings and would significantly enhance this part of the conservation area. The scheme has been amended slightly during the course of the application to incorporate wheelie bin storage; cycles and recycling boxes can be accommodated within the garage.

6.3.7 The Conservation Officer, whilst not having formally commented on the proposals, supports the development.

6.3.8 It is acknowledged that the building to the east, Mercian Court, is grade II listed and therefore the impact on the setting of this designated heritage asset must also be considered. In this instance, the level of harm to the setting of the listed building is considered to be negligible and therefore ‘less than substantial’. As such, NPPF paragraph 196 requires this harm to be weighed against the public benefits of the scheme.

6.3.9 Paragraph 020 of the NPPG highlights that public benefits can be economic, social or environmental benefits, and may include heritage benefits such as sustaining or enhancing the significance of a heritage asset and the contribution of its setting or reducing or removing risks to a heritage asset. In this case, the public benefits of the development are considered to be:

- the small but important contribution to the supply of housing within the borough;



- the provision of jobs within the construction industry albeit for a limited time; and
- the significant enhancement to this part of the conservation area.

6.3.10 Officers are therefore of the view that the public benefits would outweigh the negligible harm that would occur to the setting of this nearby listed building; the setting of which has already been significantly compromised by the large modern extension to the rear of the building.

### 6.4 Neighbouring amenity

6.4.1 Saved local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; and in assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, daylight and outlook. The policy is consistent with adopted JCS policy SD14.

6.4.2 As with the previously approved scheme, the current scheme does not propose any increase in the height of the rear boundary wall, and only a nominal increase in the overall height of the building. Additionally, there are no windows proposed to the rear facing elevation. The proposed development is therefore considered to be wholly acceptable with regard to its impact on Mercian Court.

6.4.3 It is acknowledged that the building would now extend the full width of the site and sit adjacent to the rear boundary with no. 10 Grafton Road; however, this property benefits from a good sized garden some 25 metres in length, and there are no windows proposed to the side elevation of the building.

6.4.4 Additionally, clear glazed windows to the front elevation of the building at first floor have been previously accepted; the extant scheme has clear glazed windows in its front elevation. The windows would look towards the garages on the opposite side of the lane, and would be some 13 metres from the rear gardens of the houses in Painswick Road beyond those garages.

### 6.5 Access, parking and highway safety

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

6.5.2 Concerns have again been raised by local residents that the dwellings would make access to the garages opposite the site difficult; however, as previously noted, the principle of developing the site has already been established. The concerns were first addressed in the officer report which accompanied the refused scheme, which stated:

*7.27 Concerns have been expressed by local residents that the dwellings would make access to the garages opposite difficult or impossible. The existing garages at the site have a depth of about 5.4 metres. The depth of the illustrative dwellings is 5.6 metres; however, there is a pavement apron in front of this at a depth of 6.6 metres. The planning system is intended to protect the public interest and the wider site is a private garage courtyard. It is considered that any impact on accessibility to the remaining garages is more a civil issue.*

*7.28 The plans show that 12 existing garages would be removed. Given the existing use of the site for garaging, the proposal would potentially result in much less traffic to and from the site when compared to the existing lawful situation, were the garages to be used for parking which they legitimately could be. The plans show*

*that space could be provided for a single car to park for each dwelling, which is sufficient for a development of this type in this location. There would be sufficient space for turning within the site.*

*7.29 No severe highway impacts are identified.*

6.5.3 It is noted that the internal dimensions of the proposed garages are smaller than those recommended within the County Council's Highways Standing Advice; however, there are currently no parking standards throughout Gloucestershire. As such, in this highly sustainable location, on-site car parking could not be insisted on.

## 6.6 Conclusion and recommendation

6.6.1 The proposed development would make an effective use of this brownfield site, and provide for three new dwellings sustainably located within the built-up area of the borough, in close proximity to the town centre and public transport links.

6.6.2 The contemporary design approach, together with the palette of external materials proposed, would significantly enhance this part of the conservation area and would not result in any substantial harm to the significance of any designated heritage asset; any less than substantial harm that might be caused by the development would be outweighed by the public benefits arising from the proposal.

6.6.3 Additionally, the dwellings would not result in any significant or unacceptable impact on the amenity of adjoining land users, or the local highway network.

6.6.4 The officer recommendation therefore is to grant planning permission subject to the following conditions:

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

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

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

- vi) specify measures to control the emission of noise, dust and dirt during construction;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

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

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

- a) All windows and external doors;
- b) Rooflights; and
- c) Glazed balustrades.

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

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

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

- 6 The external facing brickwork shall not be carried out unless in accordance with a sample panel which shall have first been constructed on site and approved in writing by the Local Planning Authority.

The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork including coping bricks/stones (if applicable).

The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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

- 7 Prior to first occupation of the development, refuse and recycling storage facilities shall be provided in accordance with the approved plans and shall be retained as such thereafter.

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

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors or openings shall be formed in the development without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

### INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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

- 2 The applicant/developer is advised that there may be a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
- 3 The applicant/developer is advised that the reasonable working hours for noisy activities which would be audible beyond the site boundary are 8:00am - 6:00pm Monday to Friday, and 8:00am - 1:00pm on Saturdays, with no working on Sundays, Bank or Public Holidays.

<b>APPLICATION NO:</b> 18/01940/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 26th September 2018		<b>DATE OF EXPIRY :</b> 21st November 2018
<b>WARD:</b> Park		<b>PARISH:</b>
<b>APPLICANT:</b>	Marcus Homes	
<b>LOCATION:</b>	Garages Rear Of Mercian Court Park Place Cheltenham	
<b>PROPOSAL:</b>	Demolition of 12no. lock-up garages and erection of 3no. 2 bed Mews Houses	

## REPRESENTATIONS

Number of contributors	<b>8</b>
Number of objections	<b>7</b>
Number of representations	<b>1</b>
Number of supporting	<b>0</b>

28 Mercian Court  
Park Place  
Cheltenham  
Gloucestershire  
GL50 2RA

**Comments:** 11th October 2018  
Letter attached.

23 Mercian Court  
Park Place  
Cheltenham  
Gloucestershire  
GL50 2RA

**Comments:** 22nd October 2018

I would like to make three points: -

1. I prefer the previous plan to build two semi-detached houses. I did not object to this as the walls at each end of Mercian Court's garden wall were lowered. I find the existing wall too high as it restricts the light into my lower ground floor flat and the garden area. I am against raising the height of the garden wall further for this reason.
2. This latest planning application includes a second storey which is two and a half metres high and is set back from the garden wall. The metal cladding has the appearance of a row of shipping containers. I believe this will be an eye-saw and inappropriate as it is viewed from Mercian Court, a listed building. This will also reduce the amount of light into Mercian Court.
3. Finally, I believe the garden wall should be rebuilt with the original or matching bricks to preserve the integrity of Mercian Court and its period garden.

51 Painswick Road  
Cheltenham  
Gloucestershire  
GL50 2EP

**Comments:** 16th October 2018

Objections to the proposal to build 3 Mews Houses on the site of the present 12 Garages are on two counts: traffic and amenity.

**Traffic**

The building of 3 Mews Houses would result in a lot of traffic on the lane. There would be the vehicles belonging to the owners of the three houses and the vehicles of plumbers, electricians etc coming to maintain their houses. There would also be delivery vans. All would use the existing lane which is only 16' wide. There is no room on the lane for two vehicles to pass each other. There is no room to park a vehicle and leave it as this blocks the lane. The lane is not suited for high use.

Traffic up and down the lane from the present 12 garages has been occasional as many of the garages were used for lock-up storage. In contrast, traffic to the three proposed houses would be daily and constant. With this increase in traffic there would be an increase in fumes, noise and disturbance on this at present quiet lane.

**Amenity**

I refer to the Application for Planning Permission form, item 14. Waste Storage and Collection. In answer to the question: Do the plans incorporate areas to store and aid the collection of waste, the answer has been given as yes, with the further answer "Local collection to be sought. Available space at each end of the development."

The available space at the end of the garages, and therefore what would be the end of the proposed development, is limited. At the end nearest the mews houses belonging to the Park Gate complex the space available is 34". At the other end, between the present garages and the brick garden wall of the Grafton Road house, the space available is 8". 34" is sufficient for one wheelie bin but no more. If adequate space is not provided for waste storage for all three houses, not just one, it will increase the likelihood that bins will be left permanently at the front of the properties. This will spoil the pleasant aspect of the development and go against its aim, which is "to improve and enhance the lane".

**Conclusion**

This site would be best suited for one house in order to have the ground area available to provide car parking for the owners of the house with additional car standing for their visitors, plus an off lane out of sight area for waste storage.

53 Painswick Road  
Cheltenham  
Gloucestershire  
GL50 2EP

**Comments:** 15th October 2018

There are alterations to the design and concept of the previous planning applications for this site that give rise to concerns principally from privacy and traffic aspects.

### Privacy:

The September 2018 design has first floor balconies proposed for the new dwellings. At least the most northerly balcony will look directly into the kitchen, rear bedrooms and garden of our property.

In the Design and Access Statement paragraph 2.1 the comment is made that 'the principle of residential properties .... is further supported by cottages adjacent'. However, these cottages which are the Isbourne, Coln and Windrush cottages were mandated to have frosted glass on their east-facing windows so that there is no overlooking the back windows and gardens of the Painswick Road properties. The frontal aspect of the Isbourne, Coln and Windrush cottages is towards Park Place, not towards the unnamed lane off Ashford Road. Additionally, those cottages have no back doors giving onto the unnamed lane. These features of the 'cottages adjacent' are not being followed in the September 2018 design of the proposed new dwellings. There should be consistency of approach between these existing cottages and the proposed development.

### Traffic:

The previous applications for development of this site proposed 2 properties. In the September 2018 design, the addition of a further household will necessarily increase the volume of traffic in the unnamed lane and potential conflict with the existing users of the other garages and back garden access in the lane.

As is stated in paragraph 1.1 of the Design and Access Statement, the garages to be demolished are 'disused' so there is and has been very little traffic accessing those garages. Adding three households represents a significant change of use of the unnamed lane with a marked increase in noise levels caused by the traffic flow to and from the three dwellings. The occupants are likely to have two cars per household, in line with the national average, and will have delivery vans arriving as well as visitors by car. There is no room on the unnamed lane for parking so there is a high risk that both the occupants of the proposed dwellings and their visitors would park on some part of the unnamed lane and block access to others who also have legal use of the unnamed lane.

Nowhere  
61 Painswick Road  
Cheltenham  
Gloucestershire  
GL50 2EP

### Comments: 16th October 2018

Letter attached.

63 Painswick Road  
Cheltenham  
Gloucestershire  
GL50 2EP

### Comments: 21st October 2018

We object to the September 18 proposal for development for the following reasons;

- The relocated rooms and increased height on the east elevation will look directly into one of our bedrooms.
- The increase to 3 properties means a 50% increase in vehicles and movement up and down the lane which it is not wide enough to cope with.
- The proposed hard landscaping and planting must inevitably protrude even further into the lane than the property and this will further reduce the ability for either the home owners or the owners of the garages opposite to be able to access their garages.

- With no outside space allocated to these properties, there is no place other than the lane to leave wheelie bins and the minimum 3 recycle boxes per household that are used here. Additionally, with no space inside for a tumble dryer, it seems inevitable that washing will end up draped over balconies.
- Given the national average of ownership is 2 cars per household, the likelihood is that the one garage ( which actually appears to be too small to store a car, even if you can manage to get the turning circle required to get in it) will not be enough and therefore cars will try to park along the lane, blocking access for other users and emergency services. In addition, visitors will require parking.
- These properties are not in keeping with the current cottages on the lane, as the existing properties do not open onto the lane and the few small windows they have on the lane aspect are frosted for privacy.
- As stated in our comments to the previous application, the concrete apron in front of the opposite garages is private property and cannot be taken into consideration as part of the lane width or as land that can be used in order to turn into the garages of the proposed properties.

13 Pinewood Drive  
Cheltenham  
Gloucestershire  
GL51 0GH

**Comments:** 24th October 2018

As a user of one of the garages opposite the proposed development, I would like to lodge my OBJECTION in relation to [CBC Ref: 18/01940/FUL], based on the following:

The proposed development is in a very confined area, with 24/7 access required to the garages which are on the opposite side of the narrow road. It should be noted that the edge of the development plot is in line with the current line of the doors of the garages that are there at present.

With any development it would be necessary for scaffolding to be erected which would therefore impinge onto the access lane, thus reducing the amount of space available for any cars entering or leaving the garages on the opposite side. Additionally, it will be necessary to construct a boundary / security fence which will further erode into the access lane. I estimate, based on seeing these requirements for other developments, that this will mean losing approximately 6ft of road, which I consider to be unacceptable.

Can the developer, [ and at this point I see from the documentation for this proposal, that the developer and agent are different from those that applied for and received planning permission for two houses on this site (CBC Ref: 17/01813/FUL), suggesting it has been sold since permission was received in September 2018 ] provide assurances that our access will not be effected?

Additionally, given that the whole site will now be houses, where is it proposed that building materials will be stored during construction? With the 2 house solution, storage could have been provided by the areas designated for garden or car parking, but with this new development there is no spare capacity. If scaffolding and a fence were erected it would also mean that the rear gated access to 10 Grafton Street will be lost during the build.

Turning to the development itself, I note that the houses will have internal garages. However, I estimate that the size of them would make it extremely difficult to get a vehicle of anything other than a small car into them - I would foresee the garage being converted to storage and thus meaning the cars parking outside of the house, and it would not be unreasonable to assume that each household would have two cars. Where are they going to park without, again affecting access to the garages opposite?



If the planning department and developer can offer answers to the questions posed above, I may reconsider my response to this proposal, but at this time my objection remains.

30 Painswick Road  
Cheltenham  
Gloucestershire  
GL50 2HA

**Comments:** 18th October 2018

These comments are made on behalf of the St Philip and St James Area Residents' Association

We welcome the arrival of a Cheltenham-based architectural practice with a high reputation for designing good quality, small scale infill schemes of kind. This scheme looks likely to make a more positive contribution to the urban scene than its predecessors.

We have two questions of detail, which we hope can be resolved before approval is given, as they concern some of our members who live nearby.

**Privacy:**

The latest design includes a proposal for first floor balconies, some of which will look directly into the kitchen, rear bedrooms and garden of neighbouring property. Also some recent cottages built in the same lane were required to install frosted glass to protect neighbours' privacy. How will neighbours' privacy be protected in this instance?

**Parking:**

The proposed new homes are small. It seems to us likely that some owners will wish to convert their garages to residential accommodation to add more space. Planning permission is not usually required to convert a garage into additional living space, providing the work is internal and does not involve enlarging the building (as would be the case here). However, we understand that a condition can be attached to a planning permission to require that the garage remain as a parking space.

We would ask the Council to consider imposing such a condition. Otherwise the loss of garages will add to the parking pressures in the lane and adjoining streets.



Flat 28 Mercian Gr.  
Page 114: Place  
Cheltenham  
GL50 2RA  
6<sup>th</sup> Oct. 2018

Miss Michelle Payne  
Planning Officer  
Cheltenham Borough Council

Dear Miss Payne

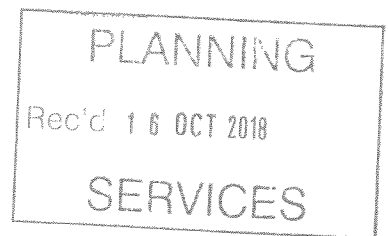
Rear of Mercian Court Place  
Extension of 3 no. 2 Bed Mews Houses.  
Ref No. 18/01940/FUL

As stated in my last objection letter,  
I object to the taking down of the  
wall between our garden and the  
proposed development, plus all the  
plants & shrubs. The present wall is,  
of course, old, and in keeping with the  
Georgian building and garden.

Thanking you

Yours sincerely,





61, Painswick Road,  
Cheltenham.  
GL502EP  
16<sup>th</sup>. October 2018-10-15

Dear Sir,

Planning application 18/<sup>0</sup>1940/FUL  
<sup>1</sup>

I object to the above planning application.

We live at 61 Painswick Road and our garages open onto the lane directly opposite the proposed development.

The developer, having secured consent to erect 2 small houses now thinks he can make more money by erecting 3 even smaller houses.

The lane is a cul-de-sac and a third house will generate more traffic and a greater number of cars. There is very little turning space at the end of the lane and larger vehicles will have to reverse back up the lane, or reverse down the lane creating a potential hazard.

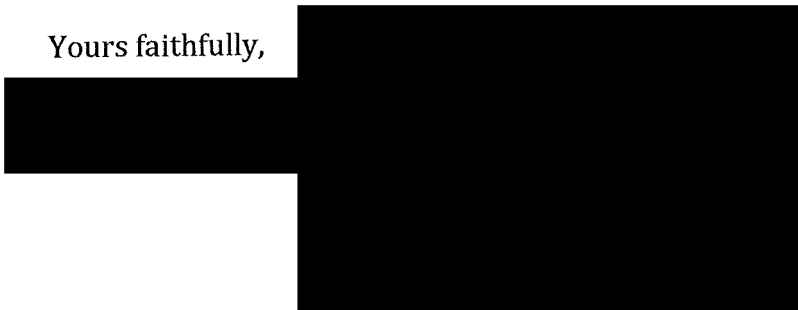
The new plan raises the level of the upstairs windows to give a view of our garden and our rear bedroom windows with all the privacy issues this creates.

The new plan includes improvements to the roadway but no mention of what improvements or who will be responsible for future maintenance.

The new plan shows 3 integral garages, 1 for each house. This is entirely disingenuous as the garages are so small that there is not sufficient room for a reasonable sized car, and if you do manage to get a car inside it will be impossible to open the door. These so called garages will quickly be integrated into the house as another downstairs room as has happened all over the town. 3 houses can easily generate 6 cars, the only place to leave these cars is outside the houses thus obstructing the garage owners opposite from using their garages and creating conflict.

To build 2 small houses on this small patch of land constitutes overcrowding, to talk about building 3 is greed personified.

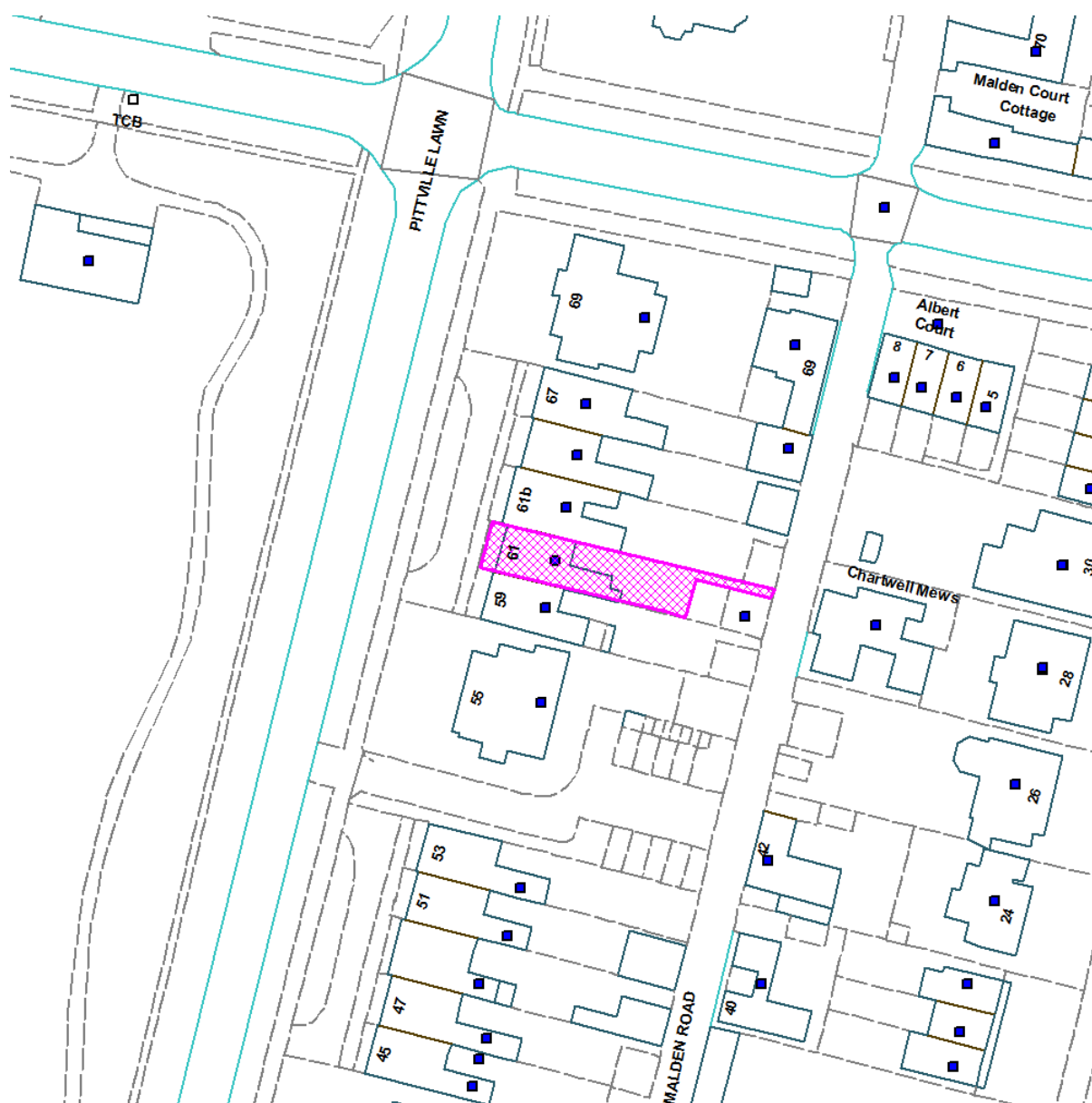
Yours faithfully,



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<b>APPLICATION NO:</b> 18/01947/FUL & LBC		<b>OFFICER:</b> Mr Nikita Hooper	
<b>DATE REGISTERED:</b> 27th September 2018		<b>DATE OF EXPIRY:</b> 22nd November 2018	
<b>DATE VALIDATED:</b> 27th September 2018		<b>DATE OF SITE VISIT:</b> 4th October 2018	
<b>WARD:</b> Pittville		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr J Laenen		
<b>AGENT:</b>	SF Planning Limited		
<b>LOCATION:</b>	61 Pittville Lawn, Cheltenham		
<b>PROPOSAL:</b>	Erection of a small single storey extension at basement level, minor internal works including reconfiguration of basement layout (part regularisation)		

**RECOMMENDATION:** Refuse



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 61 Pittville Lawn is a terraced building of three storeys over a basement. To the rear is a small garden area and the principal (front) elevation faces Pittville Lawn.
- 1.2 The application seeks planning permission and listed building consent for the erection of a small single storey extension at basement level, minor internal works including reconfiguration of basement layout (part regularisation).
- 1.3 The applications result from an investigation undertaken by the Local Authority's Planning Enforcement Team into the seemingly unlawful removal of an historic lath and plaster ceiling from the listed building, contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. The scheme seeks, in part, listed building consent (retrospective) to regularise the loss of historic fabric.
- 1.4 Suitable revisions were sought from the planning agent but none were subsequently submitted.
- 1.5 The proposal follows applications 18/00701/LBC and 18/00701/FUL which were withdrawn.
- 1.6 The applications are before committee at the request of Councillor Dennis Parsons, "If you are minded to refuse, can I please call this in" (email of 1 October 2018) [no reason(s) given].

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Conservation Area  
Listed Buildings Grade 2  
Residents Associations

### **Relevant Planning History:**

**18/00701/LBC 28th September 2018 WDN**

Alteration to make the basement floor accessible from the main house, remove part of internal wall and put a supportive steel beam in place

**18/00701/FUL 10th September 2018 WDN**

Erection of a small single storey extension at basement level, minor internal works including reconfiguration of basement layout

## 3. POLICIES AND GUIDANCE

Adopted Joint Core Strategy Policies  
SD8 Historic Environment

Supplementary Planning Guidance/Documents  
Central conservation area: Pittville Character Area and Management Plan (July 2008)

National Guidance  
National Planning Policy Framework

## 4. PUBLICITY AND REPRESENTATIONS

Number of letters sent	3
Total comments received	2
Number of objections	0
Number of supporting	0
General comment	2

4.1 A site notice was displayed and the application(s) listed in the Gloucestershire Echo.

4.2 Responses are attached to this report

### **Severn Trent Water**

*22<sup>nd</sup> October 2018*

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

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

## 5. OFFICER COMMENTS

### 5.1 Significance

5.2 The building is listed at Grade II (list entry number: 1387472) and forms part of a terrace of five buildings that were constructed between 1836 and 1838; the work of the local architect John Forbes. As the principal architect to Joseph Pitt (1752-1842) Forbes work includes designing Pittville Pump Room.

5.3 The basements of houses of this type and period were used as service areas and not designed for habitation. Their plan form often reveals specific aspects of their use and reflects clear social and functional divisions within the household and the building; a hierarchy. Whilst built from traditional materials of the period, any detailing is much simpler than that in the higher status rooms/floors, reflecting their function and lower status. Though often historically and architecturally overlooked, basements reveal much about the social history and function of Regency houses, clearly contributing to their significance.

- 5.4** The 'lounge'/'lobby' and staircase area of the basement of No. 61 (as per drawing 61.PL.C.SU.01) clearly demonstrates the remnants of the historic plan form and along with the historic materials are important aspects of the significance of the building.
- 5.5** The proposal site is situated in the Central Conservation Area (Pittville Character Area); a designated heritage asset.
- 5.6 Consideration**
- 5.7** The proposed rear extension (boiler room) is acceptable as it would not cause detriment to amenity or the significance of the listed building.
- 5.8** Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant listed building consent to "have special regard to the desirability of preserving the building...or any features of special architectural or historic interest which it possesses."
- 5.9** Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that "Designated...heritage assets and their settings will be conserved and enhanced as appropriate to their significance."
- 5.10** The Heritage, Design and Access Statement as submitted as part of the application, makes reference to a scheme at No. 59 Pittville Lawn that was granted consent in 2006; however in line with the consistent approach of the Planning Inspectorate stated in numerous appeal decisions "each proposal must be considered on its own merits" (Appeal Ref: APP/B1605/D/16/3165361 – 6 February 2017) and therefore the application has been considered in this manner.
- 5.11** The statement declares that "the basement level of the building...has little historical features remaining". It is considered that this position does not justify the loss of further historic fabric or form and in fact emphasises the evidential value of the remnants which contribute to the significance of the listed building. The National Planning Policy Framework (2018) (NPPF) states in regard to heritage assets, that they "are an irreplaceable resource, and should be conserved in a manner appropriate to their significance" (paragraph 184).
- 5.12** The 'lounge' in plan represents the original extent of a principal basement room. The historic wall that divides the 'lobby' from the 'lounge' is likely to have had a door of standard width and could no doubt be located and re-opened allowing a suitable means of access/connectivity in keeping with the original form. Whilst the supporting statement contends that part of the wall has been "significantly altered with the insertion of blockwork in places", the extent appears to be only a very minor proportion of the wall, perhaps a form of unsympathetic repair; and the associated image clearly shows historic brick work. The demolition of the majority of the wall would entail the loss of historic fabric and the plan form would be severely compromised, harming the significance of the listed building.
- 5.13** The scheme proposes the removal of what appears to be an historic wall that divides/encloses the stairs from the 'lobby' area and the installation of a timber handrail and balustrade. Open stairs with balustrading would be found serving the floors with higher status, whereas enclosed stairs would provide some further insulation from noise and odours from the service level. Opening the basement stairs as per the proposal would mean the loss of historic fabric and would distort the status and functional nature of the basement within the building to the detriment of its significance.
- 5.14** The seemingly unlawful removal of the lath and plaster ceiling in the 'lobby' area has harmed the significance of the building, as historic fabric provides evidential value.



- 5.15** The NPPF at paragraph 193, requires Local Planning Authorities when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight to the conservation of the asset; and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm equates to substantial harm, total loss or less than substantial harm to its significance.
- 5.16** Paragraph 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal.
- 5.17** The proposal will harm the significance of the designated heritage asset and the degree is considered to be less than substantial. When balancing the harm against the public benefits of the proposal the NPPF requires great weight to be given to the conservation of the assets. The application provides no evidence as to the public benefit of the scheme: the Heritage, Design and Access Statement mentions that the proposal will maintain “the building in its optimal viable residential use as a single family dwelling”; however it seemingly functions as such at present and therefore no benefit is obtained, and whether this would be public is questionable and not substantiated. Given this the greater weight is clearly with the conservation of the designated heritage asset in the balancing exercise.

## 6. CONCLUSION AND RECOMMENDATION

- 6.1** The scheme would result in the loss of the remnants of historic fabric and the layout of the basement of building. It would distort the form and function of the historic service area and its position in the hierarchy of rooms and floors of the wider house. The scheme results in less than substantial harm to the significance of the listed building which is not outweighed by any substantiated public benefit which leads to a recommendation of refusal.
- 6.2** As work has been carried out without consent it is recommended that such be referred to Planning Enforcement.

## 7. REFUSAL REASONS

- 7.1** The application would lead to less than substantial harm to the significance of the listed building through the loss of historic fabric, layout and the distortion of functional and social aspects of the building. This harm is not outweighed by any substantiated public benefit.
- 7.2** The scheme is contrary to Section (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework (2018) and Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017).

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<b>APPLICATION NO:</b> 18/01947/FUL		<b>OFFICER:</b> Mr Nikita Hooper	
<b>DATE REGISTERED:</b> 27th September 2018		<b>DATE OF EXPIRY :</b> 22nd November 2018	
<b>WARD:</b> Pittville		<b>PARISH:</b>	
<b>APPLICANT:</b>	Mr J Laenen		
<b>LOCATION:</b>	61 Pittville Lawn, Cheltenham		
<b>PROPOSAL:</b>	Erection of a small single storey extension at basement level, minor internal works including reconfiguration of basement layout (part regularisation)		

## REPRESENTATIONS

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

59 Pittville Lawn  
Cheltenham  
Gloucestershire  
GL52 2BJ

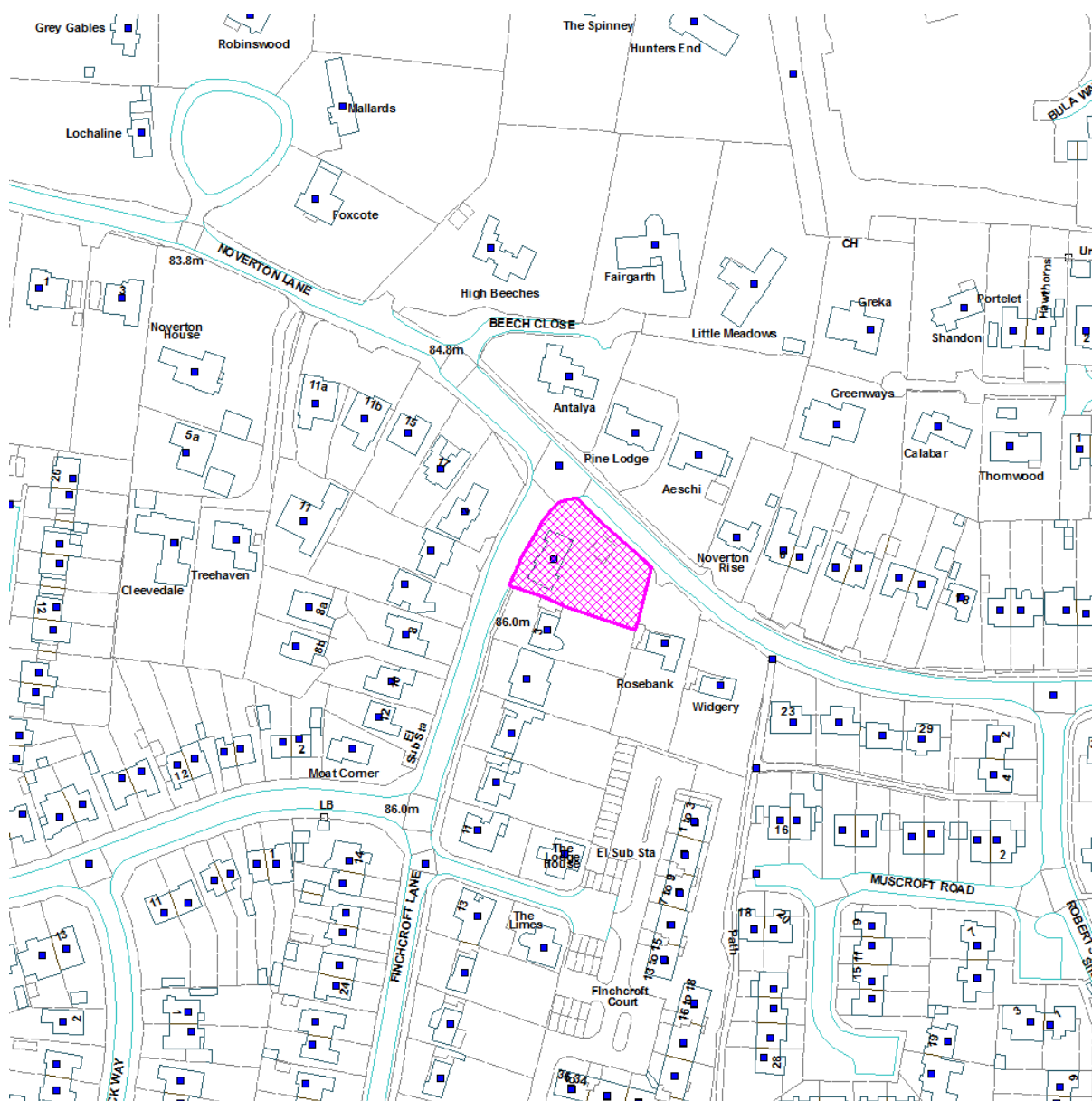
### Comments: 3rd October 2018

As next-door neighbours, we support the sympathetic updates to 61 Pittville Lawn, and have no objections to the proposed works. As noted in the background papers, specifically the Design and Access and Heritage statement, one can get the impression that the basement of the building has been neglected over the years. The statement goes on to state that the proposed boiler room location would be "preserving the appearance of the rear façade". The statement also draws attention to JCS Policy SD8: "In relation to listed buildings the policy sets their settings will be conserved and enhanced as appropriate to their significance.....Part (4) of the policy also notes that proposals that will secure the future conservation and maintenance of heritage assets and their settings that are at risk through neglect, decay or other threats will be encouraged."

The outside envelope of the property, particularly the rear and side elevations, show evidence of neglect and decay (photo attached to the paper copy which has been posted today). Whilst erecting the boiler room, we would ask that consideration be given to stipulating that whilst painting the boiler room, the painting be extended to the whole of the rear and side façade in order to secure the future conservation and maintenance of the property.

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<b>APPLICATION NO:</b> 18/01962/FUL		<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 1st October 2018		<b>DATE OF EXPIRY:</b> 26th November 2018
<b>DATE VALIDATED:</b> 1st October 2018		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Prestbury		<b>PARISH:</b> Prestbury
<b>APPLICANT:</b>	Mr And Mrs Simpson-Daniel	
<b>AGENT:</b>	SF Planning Limited	
<b>LOCATION:</b>	1 Finchcroft Lane, Cheltenham	
<b>PROPOSAL:</b>	Rear extension to existing dwelling	

**RECOMMENDATION:** Refuse

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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located within a residential area on the corner of Finchcroft Lane and Noverton Lane.
- 1.2 The applicant is seeking planning permission for two storey additions to the elevation fronting Finchcroft Lane.
- 1.3 The application is at planning committee at the request of Councillor Payne who considers that the proposal will add character to an otherwise bland exterior.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m

### Relevant Planning History:

**14/00361/CLPUD 4th September 2014 WDN**

Proposed dropped kerb and new vehicular access

**14/01554/CLPUD 6th October 2014 CERTPU**

Proposed dropped kerb and permeable hardstanding

**18/01472/FUL 13th September 2018 PER**

Single storey and two storey extensions and replacement windows

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

### Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

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

*17th October 2018*

Report available to view on line.

**Severn Trent Water Ltd**

23rd October 2018

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

**Parish Council**

16th October 2018

No objection.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	3
Number of objections	0
Number of supporting	2
General comment	1

- 5.1 6 letters were sent to neighbouring properties, 3 letters of representation have been received who are in support of the application. The reasons have been summarised but are not limited to:

- Modernisation of the existing building is an improvement
- No adverse impact on the street scene
- Design in keeping with existing

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 The main considerations in relation to this application are the principle of the works, the design and impact on neighbouring amenity.

### 6.3 History

- 6.4 The proposal seeking consent within this application was originally submitted in a recently determined application on this site (18/01472/FUL). However, following negotiations with

the applicant the first floor elements above the proposed new dining room and cloakroom were removed from the scheme, permission was subsequently granted for a single storey addition in this location along with a further first floor addition which extended an existing gable. As the first floor extension to the existing gable has already been granted permission, this report is considering the addition of the two storey gable additions to the central part of the property facing onto Finchcroft Lane.

### **6.5 The site and its context**

- 6.6** The existing building is a large detached property set in a generous plot and located on the corner of Finchcroft lane and Noverton Lane. The existing building is very much a standalone property in terms of its size, design and its position within the plot.
- 6.7** Officers note that the proposed development description reads as a 'Rear extension to existing dwelling', however officers have questioned whether this accurately reflects the proposal. In officers opinion the elevation that fronts on to Finchcroft Lane reads as the front elevation of the property. It currently hosts a pedestrian access point onto Finchcroft Lane, a front door and the address of the property also suggests that this could be the front of the property. Regardless of whether the proposal is a front or rear extension the considerations are the same in terms of design, street scene and impact on neighbours. The officer comments below have considered the proposal.

### **6.8 Design and layout**

- 6.9** The site has a very prominent corner plot position within the street scene and the existing building whilst sat in a generous plot is the closest property to the highway than any of the neighbouring properties further down Finchcroft Lane.
- 6.10** The proposed gable fronted extensions to the property appear as an over complicated design that conflicts with the design and character of the existing building. Officers do not consider that the proposed extensions would appear suitably subservient to the existing building and would in fact dominate this elevation of the property.
- 6.11** As proposed there would be a gap of less than 1 metre between the boundary onto Finchcroft Lane and the proposed new two storey additions. Development of this scale and form at the entrance to Finchcroft Lane is considered to have an unacceptable impact on the character of the street scene.
- 6.12** Officers do not consider the proposal to be compliant with local plan policy CP7, adopted JCS policy SD4 or advice contained within the Council's adopted SPD 'Residential alterations and extensions' or guidance set out within the NPPF.

### **6.13 Impact on neighbouring property**

- 6.14** Given the location of the proposed development and its relationship with neighbouring land users, it is not considered that the proposed development would result in any unacceptable loss of light or loss of privacy to any neighbouring land user.
- 6.15** The proposal is therefore considered to be compliant with local plan policy CP4, adopted JCS policy SD14 and advice contained within the NPPF.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** Having considered all of the above, officer's consider the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan (Adopted 2006), policy SD4 of the adopted



JCS and advice contained within the Council's adopted SPD 'Residential alterations and extensions' and guidance set out within the NPPF.

**7.2** Officer recommendation is that planning permission should be refused.

### 8. REFUSAL REASONS

- 1 The extension by reason of its scale, form and position is considered to be an unacceptable and jarring design that would result in a harmful impact upon the character of the existing building and would detract from the character of the area.

Accordingly, the proposal is contrary to policy CP7 of the Cheltenham Borough Local Plan (Adopted 2006), policy SD4 of the adopted JCS and advice contained within the Council's adopted SPD's on 'Residential alterations and extensions' and guidance set out within the NPPF.

### INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the the concerns regardign design and impact on the street scene;

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

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<b>APPLICATION NO: 18/01962/FUL</b>		<b>OFFICER: Mr Ben Hawkes</b>
<b>DATE REGISTERED:</b> 1st October 2018		<b>DATE OF EXPIRY :</b> 26th November 2018
<b>WARD:</b> Prestbury		<b>PARISH:</b> PREST
<b>APPLICANT:</b>	Mr And Mrs Simpson-Daniel	
<b>LOCATION:</b>	1 Finchcroft Lane, Cheltenham	
<b>PROPOSAL:</b>	Rear extension to existing dwelling	

## REPRESENTATIONS

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

4 Finchcroft Lane  
Cheltenham  
Gloucestershire  
GL52 5BG

### Comments: 5th October 2018

We're writing in support of the above planning application.

We have lived opposite this property for over thirty years. For most of that time, it has been a sad-looking, badly-neglected property that was a blemish in our neighbourhood. However, since purchasing it a few years ago, the current owners have restored it to its former glory and it is now, once again, the signature property in the Noverton Lane area. It is widely admired.

The proposed extension won't have any adverse effect on the street scene in our view. It's design is in keeping with the existing house and the purpose of the proposed extension is simply to allow the family a second bathroom, for example; an amenity that many of us already enjoy. Indeed, such a house, designed from the outset for family living is all the poorer for not providing the full range of modern amenities.

Living directly opposite the proposed extension, we do hope the application is granted.

6 Finchcroft Lane  
Cheltenham  
Gloucestershire  
GL52 5BG

### Comments: 8th October 2018

After careful consideration, we are happy to support the above application.

The proposed extension appears to be in keeping with the existing design of the property and, as such, we don't believe it will have any negative effect on the overall street scene.

The extension is also to provide the owners with fairly basic accommodation and isn't for anything that most of the houses that surround it don't already have.

Consequently, we trust the application will be approved.

5 Finchcroft Lane  
Cheltenham  
Gloucestershire  
GL52 5BD

**Comments:** 11th October 2018

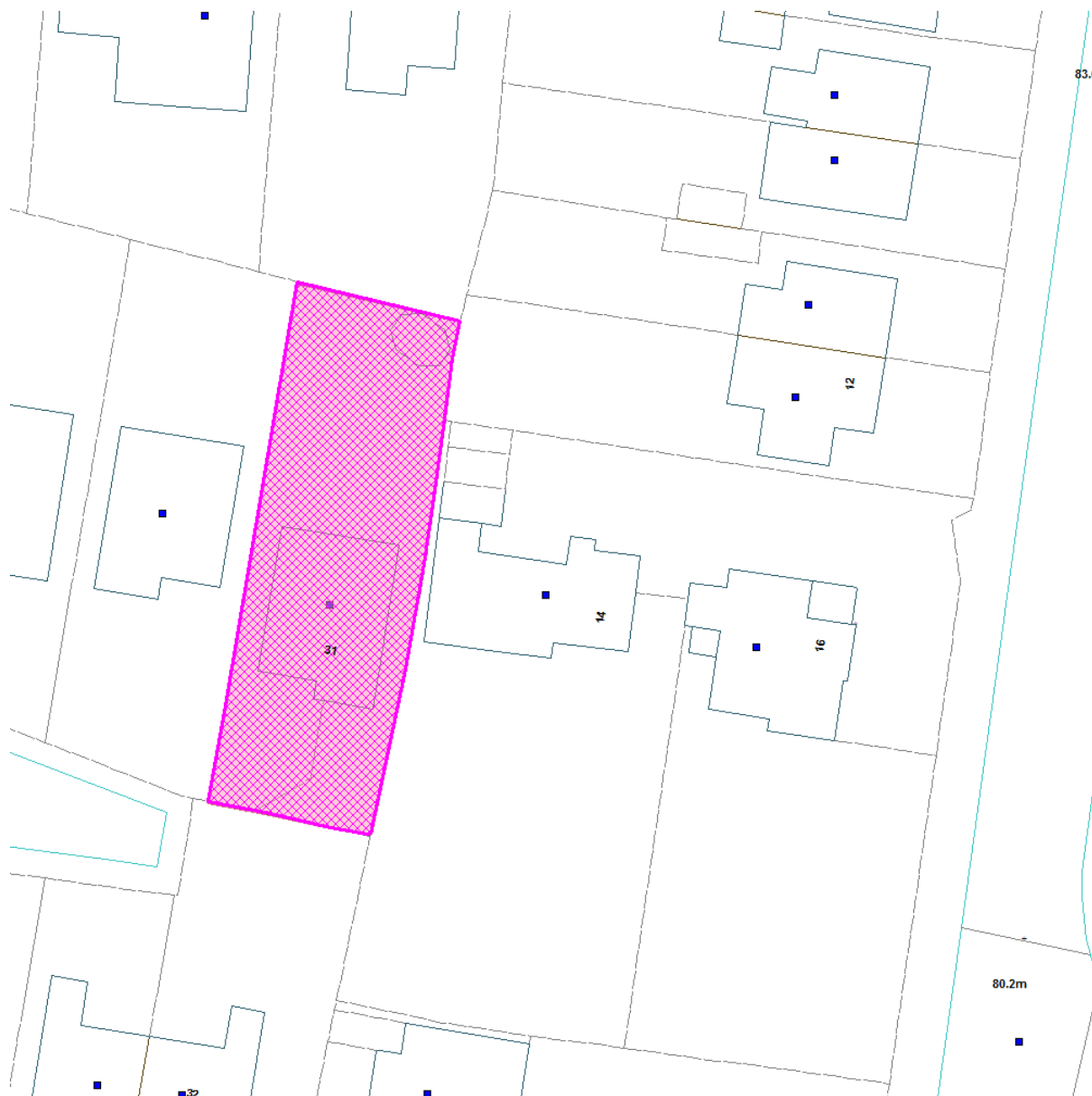
We have lived in close proximity to 1 Finchcroft Lane for over 10 years. For most of that time the property was not maintained, it was insecure and provided opportunity for nuisance. However, since purchasing it a few years ago, the current owners have tastefully restored it and secured it. As a result, the neighbouring properties now benefit from a safer environment.

The proposed extension is in keeping with the house and is an improvement to the property. The works associated with this application will also allow the owners to improve the energy performance of the property, thus reducing the impact upon our environment.

We are in support of the application.

<b>APPLICATION NO:</b> 18/02055/FUL	<b>OFFICER:</b> Mr Ben Hawkes
<b>DATE REGISTERED:</b> 10th October 2018	<b>DATE OF EXPIRY:</b> 5th December 2018
<b>DATE VALIDATED:</b> 10th October 2018	<b>DATE OF SITE VISIT:</b> 11th October 2018
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Ms Anna Blackwell
<b>AGENT:</b>	Aj Architects Ltd
<b>LOCATION:</b>	31 Copt Elm Close, Charlton Kings, Cheltenham
<b>PROPOSAL:</b>	Proposed two storey front extension and loft conversion with front and rear dormers

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located within a residential area on Copt Elm Close.
- 1.2 The applicant is seeking planning permission for the erection of a two storey front extension and loft conversion with front and rear dormer windows.
- 1.3 The application is at planning committee at the request of Councillor McCloskey, who wishes members to view and consider the impact of this proposed development from the neighbouring property of number 14 Copt Elm Road.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Smoke Control Order

### **Relevant Planning History:**

None

## 3. POLICIES AND GUIDANCE

### Saved Local Plan Policies

CP 4 Safe and sustainable living  
CP 7 Design

### Adopted Joint Core Strategy Policies

SD4 Design Requirements  
SD14 Health and Environmental Quality

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### **Parish Council**

*19th October 201*

No objection.

### **Severn Trent Water Ltd**

*23rd October 2018*

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

**5.1** 6 letters were sent to neighbouring properties, one letter of objection has been received from the neighbouring property of 14 Copt Elm Road. The reasons for their objection are summarised but are not limited to:

- Incorrect site and block plan
- Impact on amenity – loss of light/over bearing/loss of privacy
- Visual impact

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

**6.2** The main considerations of this application are the principle of the works, the design and impact on neighbouring amenity.

### 6.3 The site and its context

**6.4** The existing building provides living accommodation on one level, however due to the topography of the area the property is built on a sloping site, therefore the accommodation is in effect at first floor. The living accommodation sits above a garage and the front door is accessed via a number of steps.

**6.5** The property sits at the end of a row of similar style and design of properties in Copt Elm Close, these are constructed in red brick and concrete roof tiles. Immediately to the east of the site is the neighbouring property of 14 Copt Elm Close, which is a large, detached and rendered property with differing land levels to that of the application site.

### 6.6 Design and layout

**6.7** The proposal includes the addition of a two storey gable extension to the front which sits over an existing flat roof section of the existing garage. In addition, dormer windows to the

front and rear elevation of the existing roof slope are proposed to facilitate a loft conversion.

- 6.8** Officers raised initial concerns regarding the design and form of the proposed works, specifically relating to the amount of glazing to the front of the new extension and the position, size and design of the dormer windows. Revised plans were requested and later received, these show the amount of glazing reduced in the new extension and the size design and position of the dormers altered.
- 6.9** The properties of numbers 26 – 30 Copt Elm Close are all of a similar style and design, the application site itself is in a relatively discreet location being the end property in the corner of the close.
- 6.10** The proposed front extension and dormer windows are considered to be suitably subservient additions to the property and appropriately designed to add interest to a property that would otherwise be lacking in any architectural features.
- 6.11** The proposed materials are facing brick work and concrete roof tiles to match the existing building with the addition of render. These proposed materials are considered to be appropriate in this location and for the design being sought.
- 6.12** Officers acknowledge that the proposed additions will alter the overall design and appearance of the property, this change is however not considered to result in any unacceptable harm to the design or character of the surroundings.
- 6.13** The proposal is considered to be compliant with the requirements of the local plan policy CP7, adopted JCS policy SD4 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).
- 6.14 Impact on neighbouring property**
- 6.15** Officers have duly noted the concerns raised by the neighbours at 14 Copt Elm Road regarding the impact of the proposal on their property and a site visit to this neighbouring property has been carried out. The visit allowed officers to understand the difference in land levels between the application site and this neighbouring site and to fully consider the impact of the proposed development.
- 6.16** The proposed extension to the front of the application does not fail the light test to any habitable room of the neighbouring property. Whilst there will be an impact on light to the terrace area, this is not afforded any formal protection in terms of light. Officers have noted that the existing vegetation on the boundary between the application site and this neighbouring property is of a considerable height and therefore already has an impact on light to the western part of this terrace area.
- 6.17** Officers accept that the proposal will be visible from this neighbouring site, however given the size of the plot on which this neighbouring property sits and the property's orientation which is south facing, it is not considered that the proposal would have an unacceptable overbearing impact or unacceptable loss of light that would warrant the refusal of planning permission.
- 6.18** Officers have noted the addition of two new first floor side elevation windows, in the revised plan these have been annotated as obscurely glazed and non-opening. A condition of this nature has been suggested. All other first floor windows are facing to the front or rear of the site and do not result in any unacceptable loss of privacy. In addition, the amount of glazing in the proposed front extension has been reduced in the revised plan.



- 6.19** The proposal is considered to be compliant with Local Plan policy CP4 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

**6.20 Other considerations**

- 6.21** Officers acknowledged the inaccuracy of the site and block plan submitted and these have since been updated, these plans now accurately show the relationship between the application site and the neighbouring properties.

**7. CONCLUSION AND RECOMMENDATION**

- 7.1** Having considered all of the above, officers consider the proposed development to be compliant with the requirements of the local plan policy CP4, CP7, adopted JCS policy SD4, SD14 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).
- 7.2** Officer recommendation is to permit the application 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 All external facing brickwork and roofing materials shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

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

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the new first floor side elevation windows to serve bedroom 2 and bedroom 3; shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

Reason: To safeguard the amenities of adjacent properties, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017).

**INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the

Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

In this instance, the authority sought revisions to the design;

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

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### REPRESENTATIONS

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

14 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AB

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



14 Copt Elm Road  
Cheltenham  
Glos  
GL53 8AB

14 October 2018



Mr Ben Hawkes  
Cheltenham Borough Council  
PO Box 12  
Municipal offices  
Promenade  
Cheltenham  
Glos  
GL50 1PP

Dear Mr Hawkes,

**Your Ref 18/02055/FUL**

We are writing regarding the proposed two storey front extension and loft conversion with front and rear dormers at 31 Copt Elm Close Charlton Kings.

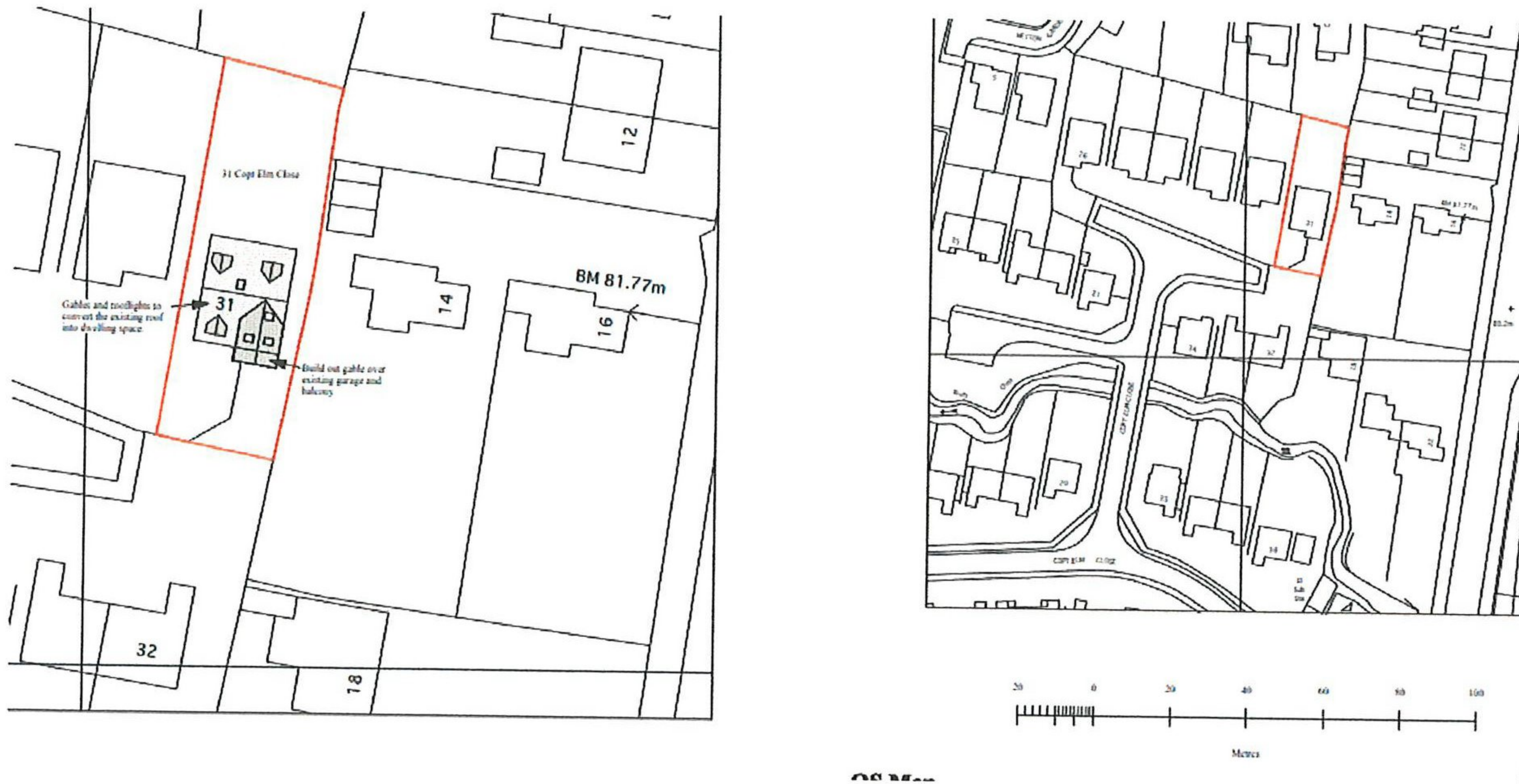
We object to this planning application for the following reasons:-

- On the site location and block plan which forms part of the planning application, our property is shown in the incorrect position and with the wrong footprint, which makes it look as though it is further away from no 31 Copt Elm Close and therefore not effected. This is misleading because our property is actually positioned within a metre of our boundary. Therefore, this proposed extension will have a large impact on our property and how it is used. To demonstrate this we have shown a google image of the two properties proximity below. The photo shows that our balcony on the back of our property (outside our main family room) is at the same level as no 31's existing roof.





## Incorrect site location and block plan submitted with application:



Due to the **close proximity** of the properties and the **proposed size and height** of the extension this will have the following negative effects on our property:

- Loss of use of the balcony as a private quiet space. The proposed front extension and roof light is the same height as our balcony.
- Currently we enjoy a sunset view from the balcony and the evening sun into our living space which would be blocked, impacting on our lifestyle.
- It will also have a huge visual impact from our family room and balcony, which is used extensively. The view will be blocked to the west.
- Loss of light and overshadowing which will be caused by the sheer mass and height of the proposed extension.
- Due to the limited information that is submitted as part of the application, it is difficult for the planner to appreciate the above points and the fact that when sat in our garden the proposed extension will tower approx. six metres above our property/garden due to the different levels in the land of the two properties. The laurel hedge and tree stump that are currently there screening some of 31 Copt Elm Close cannot be guaranteed to always be there, as the tree stump is dead and will need to be removed and we are working on having a healthier laurel that is kept lower. When the stump is removed this will increase the potential visual impact even further.
- Again, the sloping nature of the site cannot be appreciated from the plans, but the largest window proposed of bedroom one (Juliet balcony) will directly overlook our secluded garden (approximately five metres above).
- Due to the size and proximity to our house and garden there will be noise and disturbance of use.



The properties on that side of the road are split level bungalow style (eg five steps from lounge to bedroom level). Therefore, this is taking the property from a bungalow style to the height of a three-storey house.

Therefore, there is an effect of the development on the character of the neighbourhood. The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity.

We would be very grateful for you to contact us by email to discuss some of the points we have raised and to reassure us that theses points will be considered.

Yours sincerely

[Redacted signature]

[Redacted signature]