



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

**Thursday, 21 March 2019  
6.00 pm**

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

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 - 28)
- 6. PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS –  
SEE MAIN SCHEDULE**
  - a) **18/01320/FUL Hilden Lodge Hotel, 271 London  
Road, Charlton Kings** (Pages 29 - 56)
  - b) **18/02547/FUL Glenfall Farm Stables, Ham Road,  
Charlton Kings** (Pages 57 - 96)
  - c) **18/02581/FUL Cromwell Court, Greenway Lane,  
Charlton Kings** (Pages 97 - 206)

d) **19/00088/FUL 16 Rowena Cade Avenue,  
Cheltenham, Gloucestershire**

(Pages 207 - 216)

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

**8. LOCAL GOVERNMENT ACT 1972 -EXEMPT  
INFORMATION**

**The committee is recommended to approve  
the following resolution:-**

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the following agenda item as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 3 and 5 , Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information); and

Paragraph 5: Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Refusal Reasons (Update to Members) –18/02171/OUT Land adjacent to Oakhurst Rise

a) **A Planning Matter**

(Pages 217 - 242)

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



## Planning Committee

6.00 pm, 21 February 2019

### Present at the meeting

Councillor Garth Barnes (Chair)	Councillor Alex Hegenbarth
Councillor Paul Baker (Vice-Chair)	Councillor Karl Hobley
Councillor Stephen Cooke	Councillor Tony Oliver
Councillor Diggory Seacome	Councillor Simon Wheeler
Councillor Victoria Atherstone	Councillor John Payne
Councillor Bernard Fisher	Councillor Rowena Hay
Councillor Dilys Barrell	Councillor Roger Whyborn (Reserve)
Councillor Mike Collins	

### Officers in attendance

Michelle Payne, Planning Officer  
 Claire Donnelly, Planning Officer  
 Daniel O'Neill, Planning Officer  
 Gary Dickens, Planning Officer  
 John Rowley, Senior Planning Policy Officer  
 Mike Holmes, Interim Head of Planning  
 Chris Chavasse, Senior Trees Officer  
 Nick Jonathan, Solicitor

#### 1. Apologies

Councillor McCloskey.

#### 2. Declarations of Interest

##### 1. 18/02337/CONDIT 48 Suffolk Road

Councillor Barrell – is speaking as ward councillor and reading a statement in objection from a neighbour who cannot attend. Will retire from the Chamber during the debate.

##### 2. 18/02560/FUL Tree Tops, Southam Road

- i. Councillor Baker – knows the applicant – will speak in support, then retire from the Chamber during the debate.
- ii. Councillor Payne – is ward councillor; was invited to discuss the application with the developer but declined; has made no public comment on the application.

##### 3. 19/00051/FUL 33 Gloucester Road

Councillor Atherstone – is ward councillor for St Peter's, but has not had any engagement in this application.

#### 3. Declarations of independent site visits

- i. Councillor Barrell has visited 18/02171/OUT Land Adjacent to Oakhurst Rise on a previous occasion; she has also visited 18/02337/CONDIT 48 Suffolk Road, and 19/00056/FUL 66 Beeches Road.

- ii. As Members did not visit Charlton Court on Planning View, Councillor Barnes had subsequently viewed it on Google Earth and other pictures.

#### 4. Public Questions

There were none.

#### 5. Minutes of last meeting

The minutes of the meeting held on 17<sup>th</sup> January 2019 were signed as a true record, without amendment.

Before the start of the meeting, Councillor Barnes requested that members of the public in the gallery internalise their views rather than disturb the meeting.

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

#### 7. 19/00056/FUL 66 Beeches Road

Application Number:	19/00056/FUL		
Location:	66 Beeches Road		
Proposal:	Double storey extension to the side of the property and a single storey extension to the rear of the property. Existing single garage in garden to be demolished to allow for the proposed works.		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	0	Update Report:	None

#### Officer introduction

**MP:** Explained that the application site relates to a semi-detached property located within a residential area on Beeches Road. The applicant is seeking planning permission for the erection of a two storey side extension and single storey rear extension following the demolition of an existing detached garage. She advised that for transparency, the application is at planning committee as the applicant's wife works for the council within the Place and Growth Division.

#### Vote on officer recommendation to permit

15 in support

0 objections

0 abstentions

**PERMIT**

#### 8. 18/02171/OUT Land adjacent to Oakhurst Rise

Application Number:	18/02171/OUT		
Location:	Land adjacent to Oakhurst Rise		
Proposal:	Outline application for residential development of up to 69 dwellings including access, layout and scale, with all other matters reserved for future consideration (revised scheme following refusal of application re. 17/00710/OUT)		

View:	<b>Yes</b>		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Refuse</b>		
Letters of Rep:	158	Update Report:	<b>Officer update; additional representations</b>

### **Officer introduction**

**MP:** Members will recall the outline application for 90 houses which was refused by Planning Committee in July 2018, on the following grounds: loss of veteran trees, impact on the setting of listed buildings, impact on highways and amenity of local residents, impact on an existing badger sett within the site and biodiversity generally, and visual impact on the landscape character. This revised application is seeking outline permission for 69 houses, including 40% affordable housing, with access again via Oakhurst Rise. Highways officers consider the impact to be acceptable. The application covers access, lay-out and scale; appearance and landscaping will be covered under reserved matters should the principle be considered acceptable. As set out in the officer report, the officer recommendation is to permit subject to a signed S106 agreement to secure affordable housing, and a revised schedule conditions as set out in the blue update.

**GB:** there are additional representations from Charlton Kings Parish Council and an additional officer update. Advised Members that, at his discretion, there will be two public speakers on each side, for strictly three minutes each, and advised speakers that they will be timed and informed 30 seconds before they need to finish.

### **Mr Gander, Cheltenham Flood Action Group, in objection**

Has studied the flood risk assessment. The proposal should be rejected because it completely fails to deliver the JCS overarching strategy requirement that all new development provides an overall reduction in flood risk. Adjusting for climate change is not a reduction because that is an existing risk. When we analyse flood risks, we need to ask if the model methodology up-to-date and fit for purpose, the assumptions reasonable, the data reliable, what happens if the model goes wrong, and do the model outcomes pass the common sense test? This model uses IH24 methodology instead of the more up-to-date FEH methodology recommended by the Environment Agency. This is an old model, not right for this design. Neither is it consistent with the JCS, which says these plans must use up-to-date modelling technology

The first thing that makes no sense is that the plan wants us to believe the lie that 28,100 square metres of this site comprises permeable soft landscaping when we know that the geology of the site is impermeable and that no infiltration is possible. Hoping we don't spot this trick, they then input into the model only 13,600 sq metres as the surface area to use as the basis for the SUDs design – the trick enables them to reduce surface area used to calculate surface water run-off by 70%, and generate an impossibly low predicted flow rate for a steeply-sloping site of 3.6/ per second – about one toilet flush.

Using this corrupt data input, they then reduce the actual run-off rate from about 14/ per second – which would require storage capacity of about 3,300 cubic metres – to a reduced capacity from last time of approximately 1400 cubic metres to 1,100 cubic metres.

The developers don't want to build storage to the right size because it's expensive, and because for the next 100 years – for the lifetime of this development - they have to maintain it and pay for the maintenance. They are not allowed to do this because county SUDS guidelines state that the design must take into account all the water on site up to the discharge point including water that may enter the land via neighbouring land, higher land or open water courses. Challenges anyone to explain how it can be safe or logical to approve a model that only takes into account 30% of the actual area and related run-off to be managed.

**Mr Marsden, on behalf of Friends of Charlton Kings, in objection**

Represents over 1000 residents supporting FoCK. Seven months ago, Members agreed with their arguments. There is no substantive change in this application to address the Committee's concerns. In three minutes, can only cover national policy concerns, which include but are not limited to the following:

1. Planning permission must be determined in accordance with the development plan. This application for 69 homes bears no resemblance to Cheltenham Plan currently under examination by the Planning Inspector. A major objection is access to the site. Argued last time that turning a cul-de-sac with a 14% gradient into an access route that contravenes the GCC Manual for Streets design is unsafe, and errors in distances and transport data have led to unsound assessments. Planning Committee agreed. This application is for 216 bedrooms. There is no mention of the over capacity of roads, sewers, doctors' surgeries or schools. This is overdevelopment, not sustainable development; Charlton Kings can't cope.
2. Heritage assets are precious, and the planning process is supposed to protect them from harm. The statutory objections from Historic England have not been weighted as advised; CBC heritage experts have been overruled, errors have been allowed to stand. Historic England has agreed a policy position with CBC re. the future development of this site, but this application takes no account of that position.
3. Affordable housing must be profiled against need. This application doesn't meet the housing need for two-bed, four-person houses, and relies entirely on a future negotiation that could prove this site is not financially viable.
4. We have an obligation to provide a healthy society for the future and guard against the loss of valued sporting facilities. Developing this site will remove an iconic cross country route for ever. Thousands of children from all backgrounds have benefitted from the site since 1957, yet its loss is described in the application as a public benefit not harm.

In summary, CBC reported to the Planning Inspector that there is a strong local supply of houses and it will be able to deliver on its JCS commitment. The harm from this application to the landscape, ecology, heritage assets, and future generations would be permanent. This is not 25 homes, Oakhurst Rise is not the right access. Please reject the application.

**Mr Coles, St Edward's School, in support**

Is the bursar of St Edward's School Trust, and can confirm that the school fully supports the application. St Edward's is a charitable trust with two schools, and this development is a unique opportunity for the charity. The school's lease on preparatory school site is diminishing, and approval of this development will lead to the transfer of the freehold to the Trust, which will secure its future on the site. Ownership will provide new opportunities to improve the facilities enjoyed by St Edward's children, as well as many local schools and community groups. The school is confident that the planning application can be delivered without compromising the environment and experience at St Edward's. The school fully supports the proposal and urges Members to do the same.

**Mr Firkins, agent, in support**

This is an emotive proposal, but would like to focus on the planning facts and realities. Last year, the officer recommended approval of a 90-unit scheme. It was refused by Committee for the reasons set out in the report. The applicant listened carefully and, as a result:

- no veteran trees are to be removed, protection zones are respected, and 170 new trees will be planted;
- County Highway's consultation response is very detailed, and confirms no danger to highway safety. After the last debate, alternative access options were revisited and discounted, due to greater impact on heritage assets, junction proximity on London Road, and safeguarding issues. Oakhurst Rise connects to the adopted highway and is

the most logical access. Fewer units will mean less impact, and enhancements to the network elsewhere are secured;

- The new layout provides more space around the GII\* listed building. All experts agree that any harm is 'less than substantial harm'; there is simply disagreement about where on that scale the harm sits. The latest independent ECUS report commissioned by the Council agrees that the whole site can be developed, with guidance on how the assets can be safeguarded; this scheme complies with that recommendation;
- Natural England and the county ecologist have no objection. Badgers are protected but not endangered, and replacing their sett is a sensible and permissible approach to its long-term retention, and has been shown to be the best overall solution, agreed by Natural England;
- The previous application was not refused on flood grounds. The LLFA was very clear in stating (as recorded in the minutes) that 'the proposal will deliver benefits to flood risk; if left as is, existing development will be at greater risk over the next 80 years';
- There are 25% fewer units, 30% fewer bedrooms. Just 30% of the site will be built on – 50% including gardens – and 40% affordable housing provided in the exact mix requested.

The site is not AONB or greenbelt; it is in the principle urban area, a sustainable and logical location for housing. The lack of a five-year housing supply adds weight in support. The layout shows how much the scheme has changed in response to the previous debate.

At the local plan examination last week, CBC was quite clear that 25 units suggested by Historic England is not an upper limit. The site will change, just as all the houses we live in changed the landscape on which they were built. This is a sustainable location and there is a shortage of housing – with nearly 400 people looking for affordable housing in Charlton Kings and none provided in the last 40 years. The recommendation is clear.

### **Councillor Savage, in objection**

Addressed the Committee last July when the previous iteration of the application was up for consideration. Councillors present will recall thoughtful and well-informed discussion followed by a clear and unambiguous outcome. This application is a variation of the previous one; there are changes, but these are minor and do not address the key reasons why the Committee rightly and overwhelmingly rejected the previous scheme. In the previous debate, a myriad of refusal reasons were highlighted, well founded in local and national policy, and these remain as relevant and applicable to this proposal as to the previous. The proposed access was rightly highlighted in the previous refusal; Members have experienced it on Planning View, approaching the site from Ewen's Farm and Oakhurst Rise. This will be the sole access, including for the heavy construction traffic over many months or even years. Thereafter, it will be the only access for hundreds of additional cars, vans and lorries on a daily basis, as well as refuse and emergency vehicles. Such a major development with Oakhurst Rise as the sole point of entrance and exit would be completely inappropriate and wholly inadequate, transforming a steep, winding cul-de-sac into a major thoroughfare. In addition, the often winding, narrow and congested roads of Ewen's Farm already serve as a rat run between the A40 and Hales Road. This development would result in a significant increase in traffic flow on residential roads that are simply unable to cope.

Councillors also rightly highlighted that although the site is not technically in the AONB, development here would have a major impact on it. The landscape and character, and views in and out, would be clearly and detrimentally affected by permitting such major urbanisation on the green edge of our town.

We are fortunate to have a team of dedicated, hard-working and professional officers, and it is difficult to go against their recommendation for a second time, but the Committee's decision last year was the right one. Implores Members to have the courage of their convictions. They made the right decision, and should stick to their guns, stick up for their town, by making the right decision against and refusing the application.

### Member debate

**GB:** will take Members' questions to officers first.

### Councillor questions

**BF:** what does the site contribute to the five-year housing land supply? SF said no veteran trees would be lost, but the tree officer's report stated that one would be lost? Is disappointed that the LLFA is not here to answer questions – a contentious issue – would like to ask questions. Mr Gander emailed his thoughts on flooding to Planning Committee and officers; thought there would therefore be someone here to answer Risks associated with the 14% gradient was also emailed to Members, and has asked Chair, Vice Chair and planning officer whether this should be looked at from a legality point of view in case there should be a judicial review. How many years are left on the lease of the school? Although he supports the school, its freehold is irrelevant, and not a reason to permit or refuse this application.

**SC:** would like clarification of the site diagram – is the pink inverted Y-shape area at the bottom connecting to the road there as part of construction period, representing a road or path at the end, or for some other purpose?

**MC:** it is nice to see County Highways officers in attendance, and notes that they have provided a very comprehensive report. Have officers visited the site? Regarding school places, we are told there is no spare capacity in local schools, therefore S106 funding from the development will be needed, but have the schools been asked if they can absorb extra capacity? Some schools are fully developed can't take any more pupils. Contributions to Balcarras and the primary school are mentioned, but could they physically take any more pupils? This scheme is different and much more sympathetic towards trees than the previous one. Doesn't like chopping down trees, and asked last time about replanting, but how long will it be before the new trees absorb the same amount of water as those currently on the site? There is potential flooding issue here.

**PB:** as this is a new application, is it right to assume that if Members are minded to refuse, they are not tied to the same refusal reasons as before? Can they consider additional reasons? Flood risk is a potential reason to refuse but was not included last time. Would welcome officer comments on this.

**DB:** would be grateful for information about housing land supply. Is not quite sure what we have to decide at the end of it. Should we assume we have five-year housing land supply, assume we haven't, or accept that we don't we really know at the moment? Like to know what bearing it has on what we are doing.

**JP:** has a question for highways officers, regarding comments at Appendix 1 of their very comprehensive report. When considering the gradient on Oakhurst Rise – a red line for him as far as development is concerned – highways officers state that reference should be made to GCC Manual for Streets. Went to that document this afternoon to find it has been revoked. Will Oakhurst Rise need to be re-profiled to make the gradient acceptable?

**RW:** as a substitute, has questions that other Members may know the answers to. Regarding housing density, the proposal is for 69 dwellings – less than the previous 90, but more than the 25 suggested in Policy HD4 of the emerging Local Plan. What is the rationale for officers accepting that 69 dwellings should be permitted, when they have previously come up with figure of 25? Would also like answers on flooding – there are very different views of risk from county officers compared with those of the objector, who argued his case well.

**Chris Chavasse , Trees Officer, in response:**

- To BF, re. the veteran tree – made two separate comments to application, firstly saying that clear demarcation lines and values when considering whether a tree is classed veteran are not succinct. The applicants have employed experienced arboriculturalists who have produced different results. Considers T3014 to be a fine old tree, with a lot of characteristics of a veteran tree but is not classed as veteran by the quite distinct characteristics involved - including its size/diameter of trunk – using guidelines from Natural England. As a tree of value, asked it if could be retained; this was not possible, but other veteran and notable trees on site are retained. Is fine with that – sad to lose it, but it is the least valuable of the older trees on site;
- To MC's question re. how long before new trees absorb the same amount of water, cannot really say as it is difficult to be quantitative, with so many variables at play, not least as rainfall, sunshine, climate change, increase/decrease in storms, pest, disease, all of which have an effect. At the same time, common sense would suggest that different trees will take time mature and different trees demand absorb different volumes of water.

**Lucas Arinze, Highways Officer, in response:**

- To BF, JP and MC's questions, regarding the gradient of Oakhurst Rise, the Gloucestershire Manual for Streets is used as guidance for developers. Oakhurst Rise is a publicly maintained historic highway, which has supported 30+ dwellings for a number of years. There is nothing to suggest it is not safe, with no recorded personal injury collisions. The Manual for Streets is for guidance only, not absolute values, and tells developers what is definitely acceptable. There is nothing to say such gradient wouldn't be acceptable vehicles; if all developers had to meet the Manual of Streets exactly, many developments in Stroud and the Forest of Dean wouldn't go ahead;
- to MC, yes, highways officers have visited the site and appreciate the concerns;
- To JP, it would be unreasonable to request a re-profile the whole of Oakhurst Rise, and could make the development unviable;
- Highways officers would look at highways within site should they become adopted.

**John Rowley, Planning Policy Team Leader, in response:**

- Regarding the five-year land supply, this site does not feature;
- to questions seeking clarification about this, an update has been provided today – very last minute, due to government changes to National Policy (NPPF) announced on Tuesday - we cannot prove we have five year supply. Stats from government indicate that we may have to change buffer from 20% to 5%. Hasn't been able to run through figures in enough detail to update the trajectory since August statement. The recommendation must therefore be that, as there is lack of clarity on new statement on five year supply, the most recent statement – confirming a 4.6 year supply, as at August 2018 – is what we have to fall back on this for purposes of tonight;
- To BF, to confirm – this proposal doesn't contribute to five year supply – it is within the trajectory but outside five-year period.

**Nick Jonathan, solicitor, in response:**

- To PB, regarding additional refusal reasons, new reasons could be considered if there has been a material change in circumstances between now and the original application. To my knowledge there hasn't been such a change – so adding new refusal reasons is not recommended.

**Michelle Payne, case officer, in response:**

- To BF, confirms that the LLFA is not here. They were asked to come, but considered that they could add nothing to the debate other than confirming that the drainage strategy in the FRA demonstrates the site can be developed safely. As this is an outline application, it is only establishing that the principle is acceptable;

- Regarding the school lease, cannot comment on how much longer this has to run; St Edward's has provided a letter of support, but limited weight can be given to how much public benefit the proposal will provide. It is up to Members to decide how much weight they give to this;
- To SC, the pink area on the map indicates the drainage connection easement, not roads or footpaths;
- To MC, re. the S106 contribution for education, this now comes under CIL. It is for the County to decide on where it should be spent. Both Balcarras and Charlton Kings Primary serve this area, but cannot comment on whether they have the capacity to expand;
- To RW, regarding the number of dwellings proposed, 25 is the number identified in policy - it is not an upper limit, but an approximate figure. As set out in the report, very limited weight can be given to the emerging local plan at the moment, as it is still going through examination. Regarding the specifics of this site, the officer recommendation would be to permit whether it is a potential land allocation or not.

### Member debate

**BF:** regarding the five year land supply – this is always given weight at appeal. We are very close, and the last figures showed us to be ahead of target with completed schemes, at 108% we are doing OK but don't currently have a five-year supply.

In 2008, strategic sites were identified for the JCS, including one site adjacent to his ward where the biggest percentage of new houses the town has even seen are to be built. The reason why Consortium cannot bring this development forward is that County Highways Officers have requested them not put in an application as there is no highways plan for 4,000 dwellings. If this proposal is refused and goes to appeal, the Inspector would have to look at this. Part of this is making Junction 10 a four-way instead of a two-way junction. County Councillors say JCS has identified a strategic need – what we need in the future, for young people, workers etc. – and we need a highways plan to make this happen. We may get agreement for a four-way J10 at the end this year but there is no guarantee. The need for it has been compounded by the West Cheltenham development, which will include 1000 houses. It is one reason why we do not have a five year land supply.

Last year, wrote to County Highways asking for monitoring at Six Ways junction, Holy Apostles junction, Hales Road and Old Bath Road at A40 – there are times when all these junctions are near or over capacity on projections done. Asked for rubber tube monitoring – very simple – to determine the number of vehicles and their speed – but no-one was prepared to do it. Wrote to local highways officer for area, and received a reply that he is aware of Councillor Fisher's concerns but does 'not appear to have any data for these locations'.

How can we have a report on projection for the Oakhurst Rise proposal – traffic leaving the site, 28.6% one way, 14.2% another way - when we have no up-to-date data? Most of what we have goes back to 2010 – it is historic and a lot changed in the area since then. Hales Road traffic lights are one of the most air-polluted areas in Cheltenham as a result of traffic volume. Wanted data and numbers that laymen on Planning Committee could use to make a judgement. This hasn't come forward, and has now been told he can pay for the work from his own highways local money, which is an insult. Without the data, cannot see how we can support this proposal. It was previously refused previous on highways grounds, and no meaningful, up-to-date data has been provided with this application. The development of the Dunkerton retail unit on the A40 factory is adding further to the traffic on this road.

Is a great supporter of St Edward's – it is a fantastic senior and junior, model school – but if it acquires the freehold, this could be a two-edged sword – there will be more pressure on the school to realise its asset – a very valuable piece of land - which could mean further



development. It could be hoped that the Carmelite monks should be considering the school, not money.

Regarding the emerging Local Plan, the agent said 25 houses on this site is not the upper limit, but it isn't the minimum either – we could have less. On Monday, Council talked about changes to the town's CO2 emissions, with environmentally friendly, zero emission houses. Members didn't throw the previous application out on account of numbers – this was not the issue. It is a shame the LLFA is not here to answer questions. MP said they considered the flood risk assessment to be feasible. Would remind members also that the drawings are only indicative of what the houses will look like – this is misleading, and design not fixed. Members should not be misled. May not look like that should we permit. And attempts to defend the 14% gradient compound felony by allowing further 69 houses on Oakhurst Rise are ridiculous.

**GB:** would ask that Members be concise and considerate about the amount of time they take to make a point.

**PB:** this is a challenging application, both last time and this time. Congratulates Michelle Payne, the case officer, for the huge amount of work and time she has put in to this application – living and breathing it for many weeks, including outside office hours. It is a massive application, the most important on tonight's agenda, possibly the most important Committee will consider for a long time. Before focusing on issues, we must be clear that this an outline application, not detailed, and the only reason to pass it would be for the delivery of houses. Understands the importance of housing to the town, as demonstrated by CBC committing £100m for social housing. The five-year housing land supply is a nonsense from government re figures and growth; it is evolving all the time – there was another update on 19<sup>th</sup> February, with the good news that the previous buffer of 20% more than the likely requirement has now been reduced to 5%. It is clear the way the government is going, and clear that we are over supplying. We are nearer to five year supply tonight than we were on Tuesday – it is a moving target.

Believes Policy HD4 to be relevant – Members have had a response from the officer, confirming it is relevant but has limited weight due to Plan status. The Plan has been through two consultations, and we are now at hearing stage. It is all about timing and balance; the Plan is evolving, near to conclusion - it is a shame it is not in place, but weight can therefore be attached. It may be small but it is nonetheless important. It is all about balance, weighing pros and cons. This application has one pro, but a lot of cons.

Members have been told that outline applications don't count towards housing numbers; if it was a detailed scheme, we would be talking about numbers, but we're not.

Historic England has issues regarding the impact of the scheme, as discussed at the last meeting. It strongly objects to the impact on GII\* listed building; it cannot comment on the GII-listed Charlton Manor, but there will be a significant impact on that too, referred to by CBC's conservation officer. Accepts that it is about balance at end of day, but the previous refusal reasons re. harm to heritage assets still stands - NPPF 193, 194, 196, JCS SD8. This scheme doesn't reduce in any way impact on those two buildings.

Regarding trees and biodiversity, congratulates the applicant for making this scheme less harmful than the previous one, retaining more trees, but it is still not acceptable. The same refusal reasons as previously still stand regarding impact on trees, habitat and biodiversity. The Woodland Trust is a well-established professional organisation, and we must have due regard to its comments. Although it is no longer the case that many ancient or veteran trees will be lost, the development of the site will have a long-term impact on the survival of the remaining trees. In addition, wildlife will suffer and cannot be sustained if the site is developed to this intensity. The ancient and veteran trees will be subject to deterioration,

surrounded by housing. There will be conflict between the houses and the trees, and applications for shading, trimming branches, taking trees down – we see applications to take down TPO'd trees time after time after time.

Natural England is concerned about the loss of irreplaceable habitats that this sites provides - pastures and hedgerows. It would be a crying shame to let this magical site go for an important but small number of houses. Other less sensitive sites will come out of the plan process. This is the most sensitive site we could consider developing.

Impact on AONB was one of the previous refusal reasons and this proposal has the same impact as before.

The Increase in traffic issue has been well covered; the previous refusal reason still stands.

Regarding flooding, the LLFA has let us down badly on this and other sites. It is shocking that no-one is prepared to come and defend its report to the meeting. We are lucky to have organisations to help us in decision-making – we listen and take notice of comments from the Civic Society and Architects Panel – and Cheltenham Flood Action Group should be a consultee going forward in the same way. It has produced a damning analysis of the flood risk assessment, referring to all policies on which this scheme will impact. These are professional people who have gone through the proposal in a thorough way, with regard to the NPPF, etc. Can officers confirm that if this outline application is permitted, flooding is a reserved matter and would come back to the Committee at the detailed stage? If so, it should come back with a proper scheme to comment on, not a wishy-washy 'yes, it's OK'. Would like flooding added as a refusal reason, together with Policy HD4.

It is all about balance. On the pro-side, it's the case that the proposal would result in short-term provision of construction jobs, there is a lot of work on in the town at the moment. The scheme will provide additional homes, including 28 affordable units – these are important but don't count towards housing supply, and as it is an outline, it is not definite that these will ever be delivered. It would be different if this was the detailed proposal. 28 affordable units is good, but the loss of trees, effect on habitats, remaining trees and the AONB setting, impact on listed buildings, flooding, traffic, loss of cross country course (though there is no planning reason to refuse on this) – all these will have a negative impact.

Will move to refuse as described – can pick up all NPPF paragraphs to refuse. If it is lost, would like all conditions tightened up and extra requirements added.

**GB:** the officer update at paragraph 4 sets out that landscaping is a reserved matter, and this includes drainage.

**PB:** has read this. Would like to know if flooding can be added as a refusal reason.

**SW:** it is difficult to follow two previous speakers who have said so much. On one side, this is a beautiful, green piece of land – would like to have it on his doorstep. Would like it to remain green, but it is due for development – understands this has to happen, for the advantage of the town generally. Yes, it is a shame to develop, but we need houses, and they have to go somewhere – this makes the application difficult to refuse.

Having said that, drainage is an issue. The LLFA says it can be sorted, but we were told this at BMW in Up Hatherley and since that site was developed, there has been significant flooding in the area. What guarantees are there on what we are told by our experts? The first speaker has done his homework, and is suggesting a totally different outcome to our expert.

If there is no other solution, it is a difficult case – it is not our job to redesign the application. Last time, it was asked whether other access points could be used, to make the development more sustainable, but we are told this isn't possible. Didn't go up Oakhurst Rise on the bus this time, but last time the bus couldn't get up to the top – Members had to get out and walk.

Yes, it is a highway, but we will be asking that road to double its capacity. Highways officers say this is acceptable. Highways officers always say this, but we know in our heart of hearts that this is not going to provide acceptable access, particularly with construction vehicles, emergency vehicles etc.

If this was the only objection, may find the proposal OK, with all the other objections, is finding is a struggle to vote in favour of this application.

**MC:** will be brief. A lot of good points have already been made by BF, PB and SW. This is a beautiful site, full of history, and a cross-country route – chopping down trees and hedgerows here is a great pity. Moving badgers from their natural sett to a plastic one is ridiculous. Regarding access, it is ludicrous to say that it will be safe, up the hill of Oakhurst Rise, with a 90° bend. If local schools can't accommodate the additional pupils, parents will have to drive to other schools, putting further pressure on the highway network. Highways officers say that personal injury records show six collisions in the last five years, one recorded as serious, all due to driver or cyclist error – are they saying we can develop highways as much as we want as long as drivers don't do anything stupid. This is ludicrous, as is the message to keep on developing as County Highways say there is no problem. Regarding ecology, biodiversity, CO2 emissions, this will make is much worse, as will driving all sorts of vehicles up and down Oakhurst Rise. Won't support the scheme; is glad PB has suggested reasons to refuse and fully supports them all.

**DS:** one reason why he didn't vote for this last time was due to the paltry access to the site. Through from Charlton Kings to Hales Road is already a rat run, and any vehicle bigger than a car doesn't work. Was worried by feedback after the previous meeting, when made a suggestion to enter the site through the schoolgrounds up side of hedge, that he had suggested an alternative entrance through Charlton Court Road. Did not say that – the effect would clearly be the same as the Oakhurst Rise access. The Oakhurst Rise access point is not good enough; doesn't like their being only one access to the site. One in and one out would be better; 70 houses with only one access point not is not sustainable. Agrees with SW.

**JP:** it is fair to say there have been some very eloquent and well-argued presentations. Has two items to add: one of the main refusal reasons last time was access, and it is disappointing that Highways Officers do not offer supportive advice to the developer or residents as to how access could be made better. Secondly, last month there was a debate at length about Cheltenham's ambition to become carbon-free by 2030. This development application doesn't support that. The site is quite remote, and the vast majority of residents, despite provision of ebicycles, will use their cars to access local facilities. This is not something we would want to support.

**GB:** Members have covered a fair bit of ground; doesn't want to extend the debate unnecessarily, or to cut people short, unless there are new points to be made. Would like to bring the debate to a conclusion.

**PB:** would like to read a relevant paragraph from NPPF which is the whole point about this application. (reads) *'When determining planning applications, local planning authorities should apply the following principles: development resulting in the loss or deterioration of irreplaceable habitats such as ancient woodland and ancient or veteran trees, should be refused unless there are wholly exceptional reasons and a suitable compensation strategy*

*exists*'. Under 'wholly exceptional reasons', it talks about infrastructure projects including nationally significant infrastructure projects, orders under the transport and works act and hybrid bills etc. Does not believe this scheme falls under that definition of exceptional reasons.

**SC:** some very good points have been made. The proposal has some good points: in plain view, it looks great, but it comes down to a single point of access. It was clear on planning view that it would be a big ask to get all traffic through that point. For him, this is the deal breaker. The plan view doesn't show that the development is on a significant hill, which causes drainage issues and so on, with a 14% gradient. Leckhampton Hill has an average gradient of 11% and as a utility cyclist, is not sure he could get up that road with shopping etc. There is a sustainability problem issue here. As discussed at Council on Monday, with global warming and more severe winters, Oakhurst Rise could become very dangerous in winter time. Is very worried about this access point, and agrees with comments from other Members so will not repeat them. Cannot support the proposal.

**Mike Holmes, in response:**

- Has listened to the debate, and is concerned that the proposal reasons suggested will not be supported at an appeal by people we rely on for consultation. This would mean opening up the need to find evidence from other sources, in order to justify and provide evidence for the refusal reasons. A situation may arise, even if the appeal is unsuccessful, that the appellants may well be awarded costs. This doesn't only happen when the Inspector overturns a Council's decision; it is all about justifying the refusal reasons;
- Since the previous application, there has been a reduction in the number of units; flooding was not identified as a reason for refusal previously; highways concerns were, even though this had no support from highways officers. Needs to point this out to Members before they vote.

**BF:** regarding a possible appeal, the previous application was rejected on highways grounds, and there is a clear indication in the report tonight and officer email, that no data in that area has been provided to back up highways comments. How can they do a report with no data? Officers should be asked to provide data that we can use to make a judgement; an Inspector will ask for it. There is nothing in the NPPF to say applications should be accepted because authorities are frightened of costs.

**GB:** it is the responsibility of officers to bring this to Members' attention, and part of the process we must go through.

**Vote on officer recommendation to permit**

3 in support

11 in objection

1 abstention

**NOT CARRIED**

**PB:** as custodians of the council tax payers' money, it would be irresponsible of Members to put forward frivolous, unsupportable refusal reasons when there are enough good reasons to refuse. Will therefore not persist with refusal on flooding grounds, as this is an outline application and the situation is evolving. Would like to add evolving policy HD4, but otherwise propose the same refusal reasons as last time:

- Harm to the listed buildings JCS Policy SD8, NPPF paragraphs 193, 194, 196, 190;
- Negative impact on biodiversity NPPF paragraphs 175C, 175A, SD9 (2), Local Plan GE6;
- Harm to the AONB, as previously, CP3 and SD6;
- traffic refusal reasons as before.

**John Rowley, in response:**

- paragraph 48 of the NPPF refers to the weight that should be given to relative policies in emerging plans, stating that there are three factors to take into account: the most relevant is the extent to which LPAs may give weight to emerging local plans, according to the extent to which there are unresolved objections to relevant policies; the less significant the unresolved objections, the more weight can be given.
- Policy HD4 maintains a number of objectives still being considered as part of the Inspector's examination. It may not be prudent to give this as a reason for refusal – it is not a good reason to refuse at this present time.

**PB:** it may be limited weight but it is still weight. The outstanding unresolved objections relate to the loss of green space, biodiversity and historic buildings – the bulk of objections reflect this.

**GB:** it is up to PB what refusal reasons he wants to propose, but Members should be aware that refusal reasons which aren't robust could result in costs against the Council.

**Nick Jonathan, in response:**

- Didn't include Policy HD4 as a refusal reason last time; cannot give additional weight now than could last time. Would caution against including it now.

**John Rowley, in response:**

- The local plan has been submitted since the last application, so there is some difference in terms of weight that could be granted to the emerging policy because we are now at examination stage but having said that the outstanding objections have not yet been resolved in any further sense, so it's different but not materially different.

**SC:** can it be confirmed that Policy CP4 will be included, with regard to access via Oakhurst Rise and sustainability of the development.

**PB:** this was used previously and will carry forward. Suggests that the Chair and Vice-Chair could review the refusal reasons and make any further comments. Regarding HD4, JR is right – we are further down the process. It carries some weight and although not huge, it is therefore material.

**GB:** if Members are happy for the Chair and Vice-Chair to look at reasons to refuse in detail afterwards, got general feel for them, fine tune them post-meeting if suits members.

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

11 in support

0 in objection

4 abstentions

**MOTION CARRIED - REFUSE****9. 18/02337/CONDIT 48 Suffolk Road**

Application Number:	<b>18/02337/CONDIT</b>		
Location:	<b>48 Suffolk Road</b>		
Proposal:	Variation of condition 4 on 17/00960/COU for alternative hours of extractor fan use and additional attenuation measures		
View:	Yes		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>5</b>	Update Report:	<b>Officer update</b>

**Officer introduction**

**GD** introduced the application as above, he advised that permission had previously been given which enabled the premises to change from use class A1 (retail) to A3 (restaurant and café). The application is seeking to vary an existing condition which restricts the operating hours of the existing extraction fan and extend the operating hours to 10:30pm Monday to Saturday and to 5:30pm on Sunday and bank holidays. The officer recommendation is to permit subject to the installation of the proposed noise attenuation measures. The application is before committee at the request of Cllr Dilys Barrell due to the potential impact on neighbouring amenity.

**Miss Smart, agent, in support**

Miss Smart advised that she was acting on behalf of the applicants who were seeking to vary condition 4 of the approved planning application which deals purely with the use of the extraction equipment. She explained that the current hours of use restrict the operating needs of business and as such the applicant was seeking to extend the operating hours of the extraction fan, she confirmed that the operating hours of the restaurant and garden would remain unchanged as a result of the proposal. She highlighted that the bakery was an award winning business which contributed to the local economy, however, the current constraints placed significant restrictions on the business, only allowing them to trade at lunch time. The business predicted they had lost approximately £50,000 in revenue over the last year due to their inability to prepare and serve food into the evening; the bakery element was also unable to function in the mornings. She explained that the noise attenuation measures proposed had been advised by technical noise consultants to ensure noise was kept to an acceptable level for neighbouring areas; a technical noise report also accompanied the application. She noted that environmental health had raised no objections to the proposed noise attenuation measures and the officer report had concluded that the extended hours would not have an unacceptable impact on neighbouring residents. She reiterated that approving the application would support the growth of a local successful business as the restrictions had inevitably impacted on the businesses viability.

**Councillor Barrell, in objection**

Councillor Barrell read out a statement on behalf of the residents at 44 Suffolk Road who were unable to attend the meeting. In the letter the neighbours explained that their property consisted of their business (Eden Health and Beauty Spa) at the front and their residential property to the rear. They were concerned that the outside cooking area extension had been erected without planning permission, and this was located just 6 feet away from their bedroom. They stressed that the business is located in a conservation and residential area and they are regularly affected by noise, cooking smells and smoke from Baker and Graze, with cooking starting at 5am. They were concerned that the extended use of the fans would increase the cooking noises and smells and felt that they deserved the right to a peaceful family life outside of usual business hours. They suggested that the fans be redirected to the front of the shop, exiting on Suffolk Road with proper restrictions put in place for garden use, including the outside cooking area. They advised that Baker and Graze did not adhere to the current restrictions with fans often being turned on much earlier than permitted, and the garden and fans being used until 11pm. They explained that the situation had caused considerable stress to them and felt that even with the attenuation measures the sounds would be audible and the smells problematic.

Councillor Barrell expressed her own concerns for the application and explained that whilst they wanted to maintain the Suffolks as a vibrant, lively area they needed to be cautious of the fact that it is a residential area with neighbours extremely close to the premises. She noted that the fan can be disturbing and for residents, this noise continues all day every day, including Sundays and Bank Holidays. She requested that the committee carefully consider both the needs of the business and residents.

Councillor Barrell left the room for the duration of the debate.

**Member debate**

**MC:** noted that the neighbour's concerns were unrelated to the application as the application was simply to vary condition 4 regarding hours of use of extraction equipment. Whilst he was disappointed to hear the neighbour was being disturbed by smells and noise, he reasoned that they could only consider whether they agree or disagree with varying the hours of operation.

**SW:** acknowledged that the Suffolk was a mixed-use area with lots of shops in close proximity to residential areas and that was simply the nature of it. He noted that during the site visit the fans had not appeared to be too disturbing and that in any case, you were unable to hear background noise after a while. He asked the officers whether decibel readings for the fans had been taken and questioned whether measures were being taken to reduce those noises? He noted that if the applicants were breaking the conditions on their current application then it is a matter for the enforcement officers, not the planning committee.

**RW:** Agreed with Councillor Barrell that it is a matter of proper balance when arriving at a decision. He acknowledged that Suffolk Road had always been an area with restaurants and vibrant commercial activity and residents living in the area were aware of that. He didn't feel that extending the hours to 22:30 was unreasonable and agreed with Councillor Wheeler that after a while you don't notice background.

**BF:** Felt that the neighbour and Councillor Barrell's concerns were about ancillary noise as a result of running a bakery and cafe in a residential area which is a different matter. He noted that the fans do comply with legislation and he did not feel that the hours proposed were excessive.

**DS:** During the site visit had felt that the noise from the courtyard which was intermittent was more of a disturbance than the noise from the fans.

**SC:** During the site visit he had been struck by how noisy the front of the building was and had felt the back garden was fairly quiet except for the noise from the fans, and so he could see why neighbours found it disturbing. He questioned what reassurance officers had that the sound would be reduced to 33 decibels as had been promised?

**GD, in response:**

- Advised that the current decibel levels had not been taken as part of this application by environmental health. He explained that when the applicant had applied for the first change of use, they wished to use the existing extractor fan which had been there before they had taken on the tenancy. However, environmental health had explained that the noise from the current extractor fans running to 22:30 would be unacceptable.
- He explained that the environmental health officers comments regarding the reduction in decibel levels had been based on what the applicant had told them. To ensure that this was complied with, they had included an additional line to say the hours would only be extended if and when those attenuation measures were put in place. Therefore, if the committee were minded to permit the application, the owner of the business couldn't start operating to 22:30 until the new extractor fan and attenuation measures were put in place.
- Following a question from the Chair about whether environmental health would check that the sound levels had been reduced. GD explained that if they have a noise complaint from a neighbour then they would take measurements and if these

exceeded the required levels then they would be in breach of their planning condition and enforcement action would be taken.

- He confirmed that he and the enforcement officer had been to site and so were aware of certain issues i.e. the garden being used outside of hours and a new structure that had been built without permission. He explained that once this application had been decided enforcement action would be taken if necessary.
- He confirmed that if Members were minded to permit then the applicant would have to implement the new extraction fan with the attenuation measures so it wasn't a case of deferring the application.

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

12 in support

1 in objection

1 abstention

#### **PERMIT**

#### **10. 18/02466/CONDIT Granville, Church Walk**

Application Number:	<b>18/02466/CONDIT</b>		
Location:	<b>Granville, Church Walk</b>		
Proposal:	Variation of condition 5 on planning permission 18/00136/FUL - variation to window detail		
View:	Yes		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>3</b>	Update Report:	<b>None</b>

#### **Officer introduction**

GD introduced the application as above; he explained that planning permission had been granted in 2018 for the demolition of an existing bungalow and erection of a contemporary two storey dwelling. The application was granted with a condition relating to the first floor windows to the north, east and south elevations. He advised that the applicant was seeking to vary this condition to enable two first floor windows to the east elevation to be side hung with restricted opening, both would be obscurely glazed and both served bathrooms. He confirmed that the original condition still applies to the other windows on the first floor. The recommendation was to permit as per the reasons outlined in the officer report. The application is before Committee at the request of Cllr Paul McCloskey due to the potential impact on neighbouring amenity.

#### **Mr Hayward, neighbour, in objection**

Mr Hayward explained that his objection was in relation to the upstairs window of Mr Unwin's property that, when open, faces South and overlooks his garden. This could be evidenced by the papers submitted to the Council which show window A overlooking a large part of his rear garden, thereby reducing his privacy. He informed committee that he had no issue with the windows opening north over the front garden with the restrictor at a maximum of 16cm, although he had been advised that the restrictors could be removed. He noted that Mr Unwin's comment regarding the fact a man of average height could still look out of an open window above 1.7m make that type of window more of an objection. He therefore suggested that the windows opening as they are but facing north not south may be worth discussing.

#### **Mr Unwin, applicant, in support**

Explained that the window in its current state was a genuine error, however, he hoped that he could demonstrate that the existing window was on par with what the current conditions called for with regards to safeguarding privacy. He highlighted that the restrictors were permanently fixed with solid brass catches and were riveted to the outside window frame so would need to be mechanically removed from the outside. He noted that the current conditions placed no restrictions on the opening angle of the windows and that the view from



both windows was limited to a driveway at the back and a private road to the front. He further noted that both windows were located in bathrooms with toilets in front of them making it difficult to lean out and due to privacy reasons they were unlikely to be near the windows. He highlighted that the house directly opposite had no windows of its own on the elevation facing his house and currently it was physically impossible to look into the gardens or houses of two of the properties that had objected. He noted that the current condition places no restrictions on how much the windows could open, only that it must open above 1.7metres, he reasoned that if it was to be replaced with an opening of this height an average height person could look out unimpeded on to neighbouring properties anyway.

### **Member debate**

**TO:** questioned whether the officers had been to site and seen the windows fully open? He noted that from the site visit the windows looking to the front didn't seem to be a problem.

### **GD, in response:**

- Confirmed that the photos before them had been taken by the enforcement officer and they highlighted the extent the window looking directly towards the neighbouring property could be opened. As there had been no internal staircase Members had been unable to view the rear window during the site visit.

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

15 in support  
0 in objections  
0 abstentions

**PERMIT**

## **11. 18/02560/FUL Tree Tops, Southam Road**

Application Number:	<b>18/02560/FUL</b>		
Location:	<b>Tree Tops, Southam Road</b>		
Proposal:	Internal & external alterations including single storey side extensions, two storey rear extension and new triple bay garage with link (revised application to previously approved application ref. 18/00603/FUL; changes include alterations to existing roof) (part retrospective).		
View:	Yes		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>13</b>	Update Report:	<b>1. Additional representation</b> <b>2. Officer update</b>

### **Officer introduction**

**CD** introduced the application as above, she explained that the property was a two storey residential dwelling in Prestbury accessed off Southam Road and the applicant was seeking retrospective planning permission for the increase in height of the ridge of the original dwelling. She advised that the other extensions and garage had already been granted permission, therefore, only the increase in ridge height was to be considered by the Committee. The application was at Committee as a result of a parish council objection.

### **Ms Jackson, neighbour in objection**

Ms Jackson explained that neither herself or her neighbours were against upgrades to any properties including Tree Tops, they were proud of where they live and welcomed any improvements which make for better surroundings. Their objection, however, came from the

way the project had been handled by the applicant. She felt that the construction was overbearing and was dismayed that it was done without consultation with all its neighbours. She highlighted that the applicant had provided various drawings which were inconsistent and confusing, and once permission had been obtained, the applicant went on to build 1 meter above what was granted, making the 2 storey extension taller and wider than was accepted. She felt that the extra meter in the roof affected neighbouring properties light and privacy and created a significant modification to the whole of the extension which was now extremely imposing. She felt that the applicant had disregarded the planning regulations, its procedures and neighbours and that granting retrospective permission would encourage other builders to carry on breaking the rules in future. She felt that by removing 4 rows of breeze blocks from the back extension, the construction would at least, conform to the original drawings. She questioned whether planning permission would have been granted to the applicant had he submitted such a high elevation in the first place and requested that Members of the committee be vigilant on future applications in order to prevent further extensions.

#### **Mr Bence, applicant, in support**

Mr Bence explained that he and his wife had lived in Prestbury for 13 years and were very much at the heart of the community. They had hoped Tree Tops would be their forever family home and a place to bring up their children. He explained that the original plans had been shown to the neighbours at Grey Gables and all the adjoining houses to the rear of their property on Mill Lane. He stated that they had all believed it to be in keeping with the area and showed no concern. They were disappointed that their ward councillors were unwilling to speak with them despite numerous attempts made throughout the build process. He noted that Tree Tops was a 1950's mock Georgian property in need of major renovation and they had believed their plans to be in keeping with the local area. He explained that the original proposal included an annex over the garage with an adjoining link, which they had taken out at the request of the planning officer. He confirmed that they had no intention of going into the main roof space initially; however, without the annex they needed space to accommodate their elderly parents and growing family. He explained that the architect had made a genuine mistake in measurements and they had subsequently ordered new trusses, they were unaware that they needed planning consent which was a massive oversight on their part. Enforcement officers had advised them that retrospective planning permission would be required but they could carry on at their own consequence. He highlighted that they had stopped all works to the roof immediately out of respect for their neighbours and this had subsequently put the project back 4 months. He did not feel the development was subservient or over developed, it was a large plot and they had only taken 20% for building land, he noted that many of the surrounding houses were 80% building land, 20% garden. He highlighted that the majority of objections related to aspects of the house that had already been granted permission. He reiterated that they had worked hard to create a house that was in keeping with the area and were disheartened by accusations that they were being dishonest. They felt that the plans had hugely improved the plot and without the roof space the house was not fully functioning for their needs. He confirmed that the reasons the drawings were slightly different was because they had switched architects due to the error.

#### **Councillor Baker, in support**

Explained that he knew the applicant through the football club, he felt it unfortunate that the ward councillors couldn't speak on behalf of the applicant. He reiterated that this was simply about the roofline, not about how the project had been handled. He acknowledged that the application was confusing for residents but explained that the plans had been changed due to consultation with the planning team and as a result of objections; they had also changed architects to get a situation that was acceptable in planning terms. He noted that on planning view they had sat in the garden of number 5 and they couldn't see the ridgeline of the house from the garden. He felt the Parish Council's objections were unfair and nothing in the design conflicts with the NPPF. He highlighted that the applicant had come back to a compromise situation to appease residents and to come in line with planning.

Councillor Baker left the chamber for the debate and the remainder of the meeting.

### **Member debate**

**MC:** Explained that he didn't like retrospective planning applications and it was difficult to know whether cases were genuine. However, since going on planning view he didn't have a problem with the application.

**SW:** Felt it unfortunate that they were not looking at the whole design which he felt was appalling and not subservient; he was disappointed that it had got planning permission in the first place. He requested that they carefully think about what applications come to committee in the future. Whilst he had great sympathy with the neighbours he acknowledged that they were only here to discuss the ridge height, which could not be seen from next door as it was below the height of the extension, he therefore didn't think they were in a position to refuse.

**RH:** Noted that from planning view, the extension was very close to the neighbours and she could understand why they felt uncomfortable. However, with regards to the ridge line, she couldn't see any reason why they would refuse the application and so she would be supporting it.

**JP:** He explained that Tree Tops had been an elegant house, sitting in substantial grounds which were very private and unimposing on neighbouring properties. Whilst he accepted that the majority of the building had been granted planning permission he had concerns that throughout the whole development process there had been no consideration or meaningful engagement with neighbouring residents. He noted that the ridge height had been an alleged error on the architect's part which had resulted in insufficient head room in the roof space. He suggested that an appropriate course of action for an experienced developer would have been to submit a planning application in the normal way and this would have given residents the opportunity to comment. Instead, he felt that the applicant had gone ahead and significantly increased the ridge height of the roof to the applicant's benefit but to the detriment of neighbours, particularly those living in the Stables development. He noted that the plans had recently been modified and the architect had created an optical illusion to give the impression of a more balanced front elevation, however, the ridge height remained unchanged. He felt that the changes to the front elevation had no impact on residents to the rear who still have to endure a ridge height 800mm above what was originally permitted. He felt it an unsatisfactory incident that would never have arisen if due process had been followed.

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

11 in support

2 in objection

1 abstention

**PERMIT**

## **12. 18/02630/FUL 14 Regency House**

Application Number:	<b>18/02630/FUL</b>		
Location:	<b>14 Regency House</b>		
Proposal:	Erection of an external awning over sitting room window		
View:	Yes		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>6</b>	Update Report:	<b>None</b>

**Officer introduction**

**DO** introduced the application as above, he explained that the application relates to a top floor apartment at 14 Regency House the applicant seeking erection of an external awning over the sitting room window. The recommendation is to permit as per the reasons outlined in the officer report. The application is before committee at the request of Cllr Klara Sudbury due to the impact of the proposed development on the character and appearance of the area.

**Vote on officer recommendation to permit**

14 in support

0 in objection

0 abstention

**PERMIT**

**13. 19/00051/FUL 33 Gloucester Road**

Application Number:	<b>19/00051/FUL</b>		
Location:	<b>33 Gloucester Road</b>		
Proposal:	Retrospective change of use to a 7-person HMO which has been in constant use since July 2015		
View:	Yes		
Officer Recommendation:	<b>Permit</b>		
Committee Decision:	<b>Permit</b>		
Letters of Rep:	<b>0</b>	Update Report:	<b>1. Representations from Councillor Willingham</b> <b>2. Officer update</b>

**Officer introduction**

**CD** introduced the application as above; she advised that the application relates to a 2 storey mid terrace property at 33 Gloucester Road. She explained that the applicant is seeking retrospective planning permission for a 7 bed HMO which has been in use since 2015. The application is at committee at the request of Councillor Willingham.

**Councillor Willingham, in objection**

Councillor Willingham requested that the committee refuse the application; he indicated that the matter should have been the subject of stronger enforcement due to a breach of planning. He noted that the planning application had been submitted with inaccurate and incomplete information on the application form. Further concerns included the fact that the public had not been informed of the pre-application advice given to the applicant, which was contrary to the openness and transparency required in the planning process. The applicant had also answered no when questioned whether "parking is relevant to this application" which he considered must have been a misinterpretation or simply, an incorrect statement, particularly given that this was a family dwelling, in a permit parking area that only permits two permits per dwelling. Councillor Willingham was concerned that additional vehicles would park on Alstone Avenue or Alstone Croft, causing danger and irritation to those residents, or in planning terms unacceptable harm to the amenity of the area.

He further noted that in areas with a high density of HMOs, there are noisy parties running late into the night during fresher's week and following the exam period. There are also issues of improperly presented waste, with overflowing bins and recycling that blows down the street. He was concerned that the Council had not retained the protections afforded by HS3 from the Local Plan and that these documents had remained on the website.

He highlighted that the back lanes to the rear of the property were extremely dilapidated, evidence in his opinion, of the real harm that afflicts an area when failures in the planning process allow it to be neglected by transient tenants and absentee landlords. He explained

that the lane becomes a fly-tipping ground for departing tenants and is a drain on council resources and a source of regular casework. He felt that the fact that no-one had objected to the application demonstrates the extant harm because no-one was concerned enough to object, or in some cases had little faith in the planning, planning enforcement or enforcement processes. He reasoned that whilst it is just one more person, they needed to be cautious of the cumulative impact and was concerned that there has been no assessment of when the density of HMOs in this area would reach breaking point.

He emphasised that it was not his intention to delay the process but his concerns were as a result of the fact he deeply cared about the area he represented.

Whilst he requested that the application be refused under SP4a because of the cumulative impact and harm, he suggested that if the committee were minded to approve, they place a planning condition on the applicant requiring them to work with CBC in respect of any alleygate or PSPO schemes in order to minimise the potential harm arising from issues in the back lane.

### **Member debate**

**KH:** had sympathy with Cllr Willingham and explained that similar issues had been experienced in St Pauls ward. He noted that in the emerging local plan there was the potential inclusion of article 4 direction although appreciated that they couldn't add sufficient weight to that at this stage. He stressed that the impact on the community should not be underestimated and that it was significant that no neighbours had responded to the consultation. He questioned what the consequences of refusal would be as he feared it would be unenforceable.

### **MH, in response:**

- He explained that such situations were as a result of changes in permitted development by central government which allow people to change to 6 people in a unit of accommodation. He advised that Members should consider the difference in what would be permitted development in terms of 6 and what has actually been created at the premises with a licence. He noted that whilst the application was before the committee as a result of the licensing process, licensing is irrelevant to planning. In his opinion, it would be difficult to justify a reason for refusal based on one additional person. Similarly, the cumulative effect could not be considered a policy issue in this instance as CBC do not have the policy to deal with that in this ward.

**SW:** was concerned about student accommodation in the town and the impact on others residing in the area. Whilst he could not justify a sound reason for refusal he was unhappy with landlords taking small houses and filling them unreasonably with multiple occupants which exceed what the house was originally designed to handle.

**RW:** was similarly concerned and shared frustration with Members, he felt that the way the applications were presented to the planning committee i.e. one house at a time, made the committee powerless. He queried whether officers were looking at a sufficiently wide enough area for article 4 direction and suggested St Peters is included.

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

6 in support

3 in objection

5 abstention

**PERMIT**

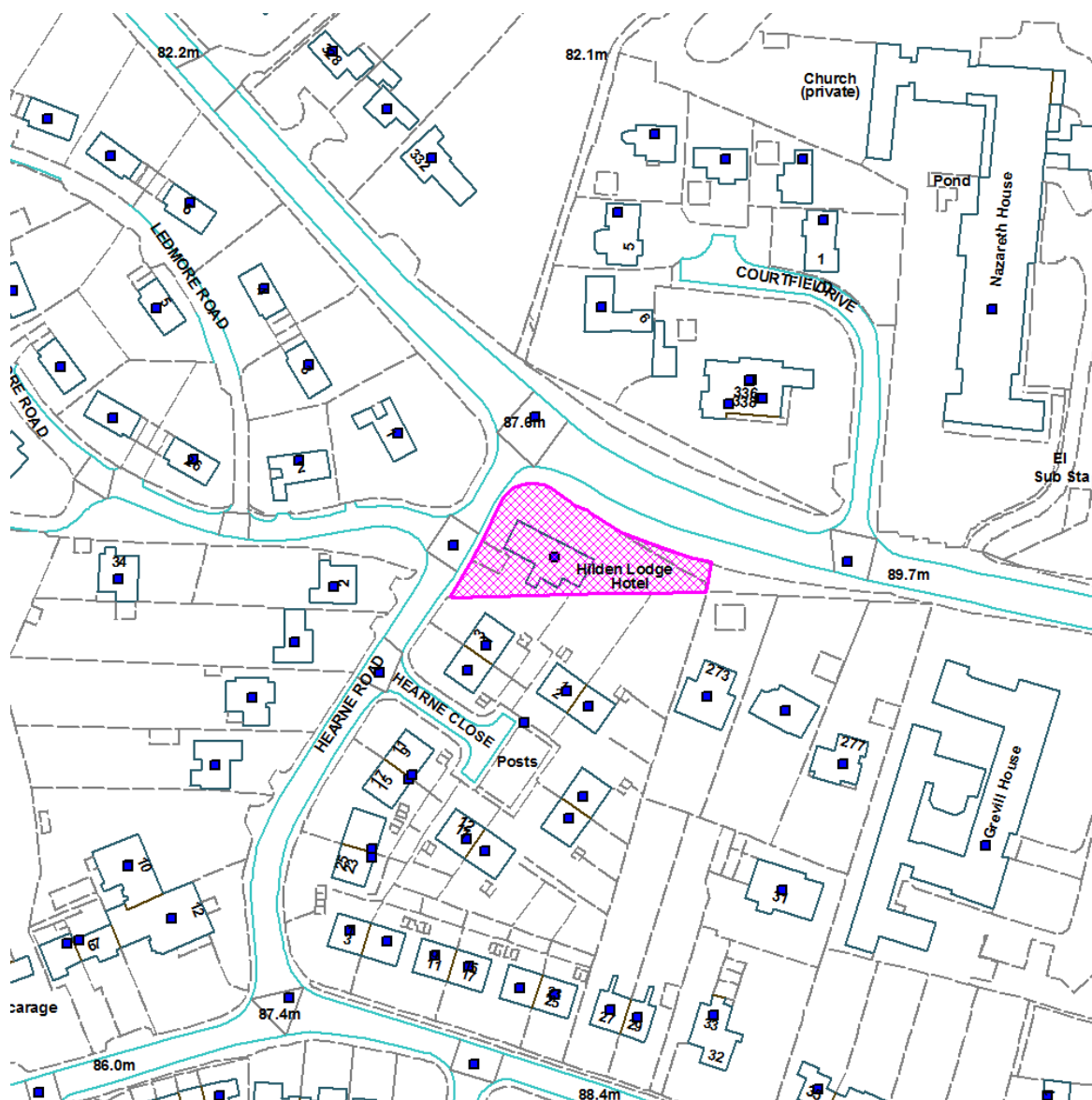
### **14. Any other items the Chairman determines urgent and requires a decision**

Chairman

The meeting concluded at 21:00.

<b>APPLICATION NO:</b> 18/01320/FUL	<b>OFFICER:</b> Mr Joe Seymour
<b>DATE REGISTERED:</b> 4th July 2018	<b>DATE OF EXPIRY:</b> 29th August 2018
<b>DATE VALIDATED:</b> 4th July 2018	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Charlton Kings	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Green Spinnaker Ltd
<b>AGENT:</b>	Focus On Design
<b>LOCATION:</b>	Hilden Lodge Hotel, 271 London Road, Charlton Kings
<b>PROPOSAL:</b>	Demolition of existing building and erection of 5 new dwellings, forming of access for parking and landscaping.

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Hilden Lodge Hotel is a two-storey building containing 12 en suite hotel rooms. The site is located on London Road (A40) in the Parish of Charlton Kings, Cheltenham.
- 1.2 The proposal seeks planning permission to demolish the hotel building and construct a terrace of five new dwellings.
- 1.3 The application has been referred to the planning committee due to an outstanding objection from Charlton Kings Parish Council and Cllr Paul McCloskey has maintained a preference for the retention of the existing building.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Smoke Control Order

### **Relevant Planning History:**

**82/00546/PF 23rd September 1982 PERMIT**

Change of use from private dwelling to guest house

**87/00522/PF 25th June 1987 PERMIT**

Extension to Provide 5 Additional Bedrooms and Enlarge Dining Room and Car Park

**12/01267/ADV 11th October 2012 GRANT**

Installation of 1no illuminated freestanding sign, 1no sign affixed to east facing boundary fence, and 1no inserted in existing boundary wall

**14/00730/FUL 3rd June 2014 PERMIT**

Proposed new vehicular access onto London Road

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Section 12 Achieving well-designed places

### Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

### Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

### Supplementary Planning Guidance/Documents

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



## **4. CONSULTATIONS**

### **Parish Council**

*25th July 2018*

Further to the CKPC Planning Committee meeting of 23/07/18, we object to the above application with the following comments:

The existing building is a landmark structure in keeping with the surrounding vernacular. The proposed development is not in keeping with the surrounding structures and its design, while not objectionable in itself, is not suitable on a prominent gateway site on one of the major routes into Cheltenham. (One comment made was that it is more suited to the Cotswold Water Park than to Cheltenham).

The proposal brings the building line almost to the back of the footpath. The existing property, and the surrounding properties, are set well back from the highway, so the proposal is again not in keeping with its surroundings.

The tandem car port arrangements will necessitate multiple manoeuvres reversing either onto or off the London Road. Given the volumes of traffic on the London Road, this represents a significant increase in risk of collision compared to the current access / egress arrangements for the site. In particular, it creates an increased likelihood of injury to pedestrians and cyclists.

Overall, we see the proposal as over-development of the site.

*27th September 2018*

The CKPC Planning Committee notes that the revised application does not address the Committee's previous objections on the grounds of the Building line being brought too far forward and of the inadequacy of the parking and access / egress arrangements.

However, as previously noted, the existing building is a landmark structure in keeping with the surrounding vernacular. The proposed development is not in keeping with the surrounding structures and its design, while not objectionable in itself, is not suitable on a prominent gateway site on one of the major routes into Cheltenham.

Therefore the Committee objects to this Application on the basis of inappropriate design.

### **Architects Panel**

*13th August 2018*

Design Concept

The panel felt the scheme submitted is over development on a relatively modest site. The site layout is inappropriate and does not respond well to the site conditions, with poorly designed parking provisions and site access that is unlikely to meet Highway design requirements. The amenity space for such large town houses is not considered sufficient, and the overall design concept and style of architecture is considered out of keeping with London Road development.

Recommendation Not supported.

*19th October 2018*

Design Concept

The panel had reviewed this application on 25th July 2018. Revised plans have now been submitted reducing the number of dwellings to 5 and changing the site layout to deal with

previous highway access design flaws. The new layout still appears cramped resulting in unsightly splayed corner details.

### Design Detail

Minor elevational changes have not resulted in design improvements; the scheme appears more suited to harbourside architecture.

### Recommendation

Not supported.

## Heritage and Conservation

*16th October 2018*

No comment.

## Tree Officer

*3rd August 2018*

It is disappointing that the yew which was highlighted in the Preapp comments has since been removed. There are discrepancies between the Tree report (AIA-HIL-18) and the Planning Layout (drawing number 0655-102) with regard to the trees to be removed and replacement planting. The Planning Layout indicates Trees 850 and 851 are to be removed where as in the Arboricultural impact assessment (drawing no: AIA-HIL-18) and Tree Protection Plan (drawing no:TPP-HIL-18) these two trees are shown to be retained. There is also a discrepancy between the Planning Layout and the Tree Landscape Plan (drawing no: LAN-HIL-18) where the Planning Layout indicates 4 trees to be planted and the Tree Landscape Plan indicates 6 trees to be planted. Please could these discrepancies between the Planning Layout and the drawings within the Tree Report be clarified.

The ultimate size of the proposed trees also needs to be considered to allow enough space for each tree to grow to maturity. If one of the units was removed and the layout reconfigured it would allow more space for each plot to allow planting within rear gardens as well as in the communal areas.

*19th September 2018*

The Tree Section has no further objections to this application.

## Gloucestershire County Council Highways Officer

*2nd October 2018*

I have reviewed the revised plans, the development now consists of 5 dwellings, I do not consider the proposed to be an intensification of use therefore I am happy and will support the application, however I will need a visibility splay from plot 5 parking bay (Centre) measured at 2.4m set back x-distance by 54m in both directions nearside carriageway edge (Kerb), to note the splay to the north would be to the achievable distance to the London/Hearne Road junction.

## Joint Waste Team

*6th July 2018*

As these properties will all be individual dwellings there will be a requirement on each homeowner to present their waste and recycling on the kerbside of the nearest adopted highway. Therefore the pavements have to be wide enough to accommodate these

receptacles and for them to be in situ for one out of every 10 days, not posing an obstruction to pedestrians including wheelchairs and pushchairs.

### 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	20
Total comments received	9
Number of objections	9
Number of supporting	0
General comment	0

**5.1** Letters notifying 20 neighbouring properties about the proposed development have been delivered on three separate occasions due to the fact the design of the dwellings has been amended along with other revisions.

**5.2** 8 out of the 9 objections were received during the first two versions of the scheme, with only one objection being received following the third consultation of the application. The main issues raised by the 9 objectors are as follows:

- Overdevelopment of the site
- Inappropriate design for the area
- Preference should be to retain the existing building
- Site boundary drawn incorrectly
- Parking and access issues
- Disruption that would be caused by demolition

### 6. OFFICER COMMENTS

#### Determining Issues

- i. Principle of Development
- ii. Design
- iii. Impact on Neighbouring Residents
- iv. Parking and Highway Safety
- v. Other Considerations

#### Principle of Development

**6.1** The site is located within the Principal Urban Area (PUA) of Cheltenham where the principle of new residential development is supported by policies within the existing Local Plan and policy SD10 of the JCS. The site is within close proximity to a wide range of day-to-day services such as shops, schools and employment opportunities; there is also a bus stop nearby offering a regular bus service which would also provide would-be residents of the development with the opportunity to utilise public transport. The site is therefore also considered to be a sustainable location for residential development in the context of the NPPF.

**6.2** In order to construct the five dwellings proposed the existing hotel would have to be demolished. The original building dates from the late 19th century and was extended beyond its south-east elevation in the late 1980s after it was converted from a private dwelling into a hotel. Contrary to what some members of the public have stated in their

objections, the building is not listed and neither does the Conservation Officer believe that the building could be deemed a 'non-designated heritage asset' because little historic fabric from the original building remains; they raise no objection to the demolition of the building.

- 6.3** It is acknowledged that some members of the public wish to see the retention of the existing building. However, with no statutory protection in place, there is no sound planning reason why it cannot be demolished. Planning permission is not required for the demolition of the building and it could be done simply with prior notification to the Council which would highly unlikely be refused.
- 6.4** Members of the public have also raised the fact that there are plans for the Ledmore Road estate to be a new Conservation Area and buildings that contribute to Conservation Areas should be retained. However, this new Conservation Area has not been designated at the time of writing so this cannot be taken into consideration. In any event, the hotel would be situated outside of the proposed Ledmore Road Conservation Area boundary.
- 6.5** Concerns have been raised with regard to overdevelopment of the site. The area of the site is approximately 1,000m<sup>2</sup> (0.1 hectare) and with five dwellings proposed this would equate to a housing density of 50 dwellings per hectare. It is appreciated that this is perhaps a higher density than some of the housing in the locality, but this is considered not to be an unreasonable density in an urban area. The proposal is therefore considered by Officers not to be overdevelopment in this case.
- 6.6** Although not necessarily a determining factor in this particular case in light of the above, but it is important to highlight that Cheltenham currently cannot demonstrate a five-year supply of housing land. Therefore, a proposal that is acceptable in planning terms to boost the supply of housing would be welcomed.
- 6.7** For these reasons the principle of the development is considered to be acceptable but this alone is not sufficient for a redevelopment of the site to be supported. There are other site-specific issues that still need to be considered, which is carried out in the following sections of this report.

### Design

- 6.8** The design has been revised on two occasions during the course of this application to address the concerns of the case officer and the Architects' Panel. The proposal was originally for six dwellings instead of five and the design has changed from what was described by the Panel as 'harbourside architecture' due to the glazed balconies and steep roof pitches to a more contemporary urban architecture.
- 6.9** The terrace of dwellings would be constructed with a combination of Cotswold stone, steel cladding and larch timber cladding. Concerns have been raised that this design approach does integrate with the architecture in the surrounding area, however it is considered that this is too difficult to achieve because there is no single architectural style to be found within the locality. The buildings in the surrounding area were all built during different eras and therefore there is no architectural uniformity. In this context, the NPPF's guidance (paragraph 127) to not prevent or discourage appropriate innovation and change (including increased densities) with regard to well-designed places should be reiterated.
- 6.10** The proposed terrace occupies a similar footprint to the existing building but would be longer and be built over three storeys. Cotswold stone would be used for the principal structure of the ground and first floor, the timber cladding would comprise the second storey walling for the second floor and the steel cladding would be used for the construction of the oriel windows (upper floor bay windows) on the first floor.

- 6.11** Concerns of some local residents regarding the design of the building are noted, however the fact that this style of architecture is uncommon in Cheltenham should not be a reason to prevent development. It is noteworthy to mention that no objections were received from local residents in response to the consultation on the latest design that is now for determination; the objections on design grounds were to previous versions of the scheme.
- 6.12** The proposed design is considered to be bold and interesting, which should not be discouraged as it helps to create a sense of place and identity as advocated in JCS policy SD4 (design).

### **Impact on Neighbouring Residents**

- 6.13** The site is located on the intersection between London Road and Hearne Road. The neighbouring properties that would be most affected by the development are the semi-detached maisonette flats to the rear of the site on Hearne Road and Hearne Close. In particular, the pairs numbered 1 and 3 Hearne Road and 1 and 2 Hearne Close share a common boundary with the application site. 3 and 4 Hearne Close also shares their rear boundary with the application site, but a much smaller part of it that would not be developed.
- 6.14** The application site is roughly the shape of a right-angled triangle with its rear boundary that adjoins the aforementioned neighbouring properties forming the hypotenuse. 1 and 3 Hearne Road are the closest neighbours to the hotel building with its north side elevation facing towards the site; plots 4 and 5 would be built in line with 1 and 3 Hearne Road and they would be built with their rear elevations approximately 11 metres away from the north side elevation of 1 and 3 Hearne Road.
- 6.15** This side-to-rear distance could be an issue in some circumstances, however in this case the north side elevation of 1 and 3 Hearne Road does not have any primary windows, only an external staircase to allow access to the upper maisonette. Therefore, the neighbours to the rear would not experience any overlooking or light restriction. The proposed dwellings would have three storeys, but it is considered they would be positioned far enough away from the common boundary not to have an overbearing impact.
- 6.16** Plot 1 would be the closest of the proposed dwellings to numbers 1 and 2 Hearne Close. The latter's rear garden is, at its shortest point, approximately 21 metres in length and is longer as the angle of the common boundary widens. Plot 1 would not be built directly in line with 1 and 2 Hearne Close and the relationship would be similar as it is currently with the hotel building, with the exception that the new dwellings would be built over three storeys.
- 6.17** In this case, the additional storey would not have an impact on the rear elevation of 1 and 2 Hearne Close in terms of light restriction because the distance between the two would still be sufficient for light to reach the neighbour's ground floor rear windows. The rear garden would be overlooked by the rear windows of the proposed dwellings, but not any more than it is at the moment.
- 6.18** For these reasons, it is considered that the living conditions of residents in neighbouring properties would not be unduly affected by the proposed development. The proposal therefore deemed to comply with the relevant guidance contained within JCS policy SD14, Cheltenham's Infill Development SPD and the NPPF pertaining to residential amenity.

### **Parking and Highway Safety**

- 6.19** Gloucestershire County Council as the Local Highway Authority has not raised an objection to the proposal for five dwellings stating it does not represent a material intensification of the use of the site. Their request for a visibility splay for plot 5 related to a previous version of the proposal which involved two parking spaces being accessed via

Hearne Road. This is no longer part of the proposal as plot 5 now features an integral garage accessed from within the site.

- 6.20** Three of the dwellings would benefit from two parking spaces on the area of hardstanding in front of the building, whereas plots 4 and 5 would have one integral space each. The vehicle tracking layout drawing shows that each parking space could accommodate an estate car which can safely negotiate the hardstanding.
- 6.21** There are no longer any parking standards in Cheltenham which state that a certain number of dwellings should be accompanied by a certain number of parking spaces. This was too prescriptive and a barrier to development. In this case, the number of spaces per dwelling is considered to be adequate given the urban location of the development and proximity to services which would mean future occupants would not be totally reliant on car journeys to undertake day-to-day activities. Allocated parking is always a 'caveat emptor' (let the buyer be aware) situation for prospective residents in any event.
- 6.22** The site benefits from a double vehicular access where vehicles enter the site from London Road and can leave at the opposite end of the site at the intersection between Hearne Road and London Road. This means that vehicles, including refuse vehicles, do not need a turning area to turn around to leave in a forward gear.
- 6.23** Concerns have been raised with regard to highway safety and parking in nearby streets including Hearne Road and Ledmore Road. It is considered that a 12-bed hotel would generate more vehicle traffic/movements compared to five dwellings, particularly if the hotel is full in terms of all 12 rooms being occupied and the maximum number of staff being present. This view is supported by the Local Highway Authority in their consultation response.
- 6.24** NPPF paragraph 109 states development proposals should only be refused on highway grounds if the cumulative impacts are severe. For the reasons stated above, this is not the case for this proposal and it is considered to be acceptable on highway safety grounds.

### Other Considerations

#### *Impact on Trees*

- 6.25** The discrepancies in the arboricultural report highlighted by the Tree Officer have now been addressed and no objections are now raised to the proposal with regard to the impact on trees.
- 6.26** The development, if permitted, would have to be carried out in accordance with the arboricultural report which states the 'category A' (higher quality) trees, including the large mature beech tree immediately in front of the hotel, shall be retained and protected with various measures such as no-dig parking spaces.

#### *Noise and Disruption*

- 6.27** Concerns have been raised regarding the noise and disruption that would be caused during the demolition of the hotel and construction of the five dwellings. It is acknowledged that there would be some noise and disruption in the short term during demolition/construction and separate environmental health legislation is in place to ensure work does not occur during unsociable hours.
- 6.28** But in the long term, it is considered that five dwellings would not be any noisier or disruptive compared to a hotel.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposed development involving the demolition of the existing building at the site and the construction of five dwellings has been found to be acceptable.
- 7.2 Consequently, the recommendation is to permit the application, subject to the following conditions.

## 8. CONDITIONS

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

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

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

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

- 3 No external facing or roofing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and/or
- b) physical sample(s) of the materials.

The details of 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 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 with or without modification), no extensions to the building hereby permitted shall be constructed without express planning permission.

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

- 5 The development hereby approved shall be carried out in accordance with the approved Tree Protection Plan (ref: AIA-HIL-18 A).

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

- 6 The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 0655-102 D, 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 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.



<b>APPLICATION NO: 18/01320/FUL</b>		<b>OFFICER: Mr Joe Seymour</b>
<b>DATE REGISTERED:</b> 4th July 2018		<b>DATE OF EXPIRY :</b> 29th August 2018
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Green Spinnaker Ltd	
<b>LOCATION:</b>	Hilden Lodge Hotel, 271 London Road, Charlton Kings	
<b>PROPOSAL:</b>	Demolition of existing building and erection of 5 new dwellings, forming of access for parking and landscaping.	

## REPRESENTATIONS

Number of contributors	<b>9</b>
Number of objections	<b>9</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

2 Hearne Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8RD

### Comments: 24th July 2018

I agree with the concerns about safety and about parking congestion already stated above by others.

1. The amount of parking shown on the plan is inadequate for any visitors, who would thus try to park on Hearne or Ledmore Road, where parking is already significantly restricting traffic movement and visibility.
2. Some of the parking bays are behind other parking. This would mean that a car at the rear would need to be backed out (towards the A40) in order for the front car to be released. This form of 'tandem' parking is both impractical and dangerous.

It would be preferable to reduce the number of houses to be built to allow for more parking and turning space, as well as some bays for visitors.

1 Hearne Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8RE

### Comments: 14th September 2018

Letter attached.

273 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YG

**Comments:** 22nd July 2018

Tree protection:

The Sycamore identified as 854 on the tree plan is stated to be mature and of A1 quality. It is however misrepresented in location and size, being in truth 50cm from the boundary (rather than around 2m) and larger in diameter. The root protection zone shown on the report is therefore underestimated in diameter and mislocated and gives readers the misimpression that the planned parking only slightly imposes on its roots. In fact, the parking arrangements for P1, P2 and visitors will be far more damaging to the tree than is implied. Parking should not be built over these tree roots, in the same way that the plans carefully protect the root system of mature tree 841. In addition, cars parked in these spaces may be at risk from debris from the tree which would also put the tree at risk of having branches cut back to the boundary 50cm away from the trunk; this is not currently a problem because much of the canopy covers the public amenity land on which parts of these spaces are proposed to be built.

Road safety of A40:

The parking for P1, P2, P3 and visitors is proposed to exit directly onto the A40 between a crossing island and a "school" warning sign. Whilst there are other drives locally that exit onto this trunk road, they are either "in and out" or have sufficient driveway space to turn. Reversing into these spaces or out of these spaces would be dangerous and disruptive to traffic, especially when considering local schools, rush hours, race events etc. The arrangement of the double spaces for each house in fact require dangerous "shuffling" using the main road, as the rear car has no other way to exit.

Removal of pavement and amenity land on A40:

The parking for P1, P2, P3 and visitors removes significant length of pavement and amenity land nearby immediately adjacent to an island recently built to aid crossing of school children, nursing home residents of Nazareth House and Grevill House and other pedestrians. Although claimed on the development plans to be land belonging to the Hilden Lodge, from viewing land registry documents, it is clear that 5 of the 8 above parking spaces are built on public land currently laid to pavement and grass that is tended by the council. The removal of this amenity land will affect the safety and usability of the pavement.

**Comments:** 24th September 2018

The revised plan does not address concerns including:

- Over-development of the site.
- The mislocation of tree 854, leading to misrepresentation of the root protection area and risks to the tree from being dangerously cut back.
- The building of parking on public amenity land that the Hilden Lodge do not own.

275 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YG

**Comments:** 18th February 2019

Letter attached.

**Comments:** 25th July 2018

Letter attached.

**Comments:** 24th September 2018

Letter attached.

1 Ledmore Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8RA

**Comments:** 23rd July 2018

My comments regarding this build are not to do with the knocking down of the existing building and the re-build of the houses, but as follows:

- 1) Already the parking down Hearne road is terrible and this leaks onto Ledmore Road where we live. Whilst we have a drive, there are times where people park so close to the entrance of the drive, we actually can't get out. With the building of this property, our road is going to be inundated with trucks, vans and cars for the build. This would be unacceptable.
- 2) Once the properties are built, there has not been allowance for more than 1 car per property.... we all know there will be more than 1 car per house so again, all this traffic will leak down Hearne Road and Ledmore Road. With the amount of children that we have walking to school down these roads, its an accident waiting to happen.
- 3) Ledmore Road is being put forward as a Conservation Area - how can this be? How can our road be called this when it look like a car park? if you want to go ahead with the build, make Ledmore Road a double yellow zone.

Thank you.

2 Ledmore Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8RA

**Comments:** 22nd July 2018

- 1) proposed building is an eye sore and totally not in keeping with buildings around more immediate vicinity
- 2) car parking proposal is insufficient and will lead to further street parking and congestion on Hearne and ledmore road that is already overcrowded with parked cars on the ledmore to Hearne t junction so close to the London road and Hearne t junction. The proposed two bays in front of each other per house is impractical and will lead to dangerous and severe safety risk with constant reversing and driving into the road to swap cars and allow the front blocked one out. 1 bay for the 2 bed coach house specifically is insufficient
- 3) access from Hearne road almost forming a crossroads with ledmore is dangerous and will cause accidents, that t junction is already extremely hazardous given the volume of street parking on Hearne and ledmore so close to London road.
- 4) building proposed at 2.5 storeys is too high and will lead to visual pollution and dominate views from neighbouring houses.

- 5) constraints will need to be placed on ledmore road as it will turn into a car park for all the builders for the prolonged building period causing great stress for ledmore residents
- 6) on going parking clogging ledmore needs to be considered
- 7) how can the be approved at the same time the council is considering ledmore estate a conservation area? You need to make that decision first as with that in effect this proposal would never be approved

23 Chase Avenue  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YU

**Comments:** 18th July 2018

This plot is on the corner of an already busy junction onto the main rd, next to crossing that serves 4 local schools in the area. Traffic turning into Hearne Rd from the A40 often gets stuck behind cars parked on the corner of the junction in Hearn road. The new 3 bedroom dwellings puts pressure on the ever smaller school catchment areas also.

Access to and from these new dwelling would create further congestion at peak times.

Demolition of the existing dwelling which has stood there for well over a hundred years to replace with the proposed modern houses which are also not in keeping with the architecture of the opposing imposing Villa. Re development of the site could be considered maybe keeping the existing property, rather than demolishing the old Villa.

31 Ledmore Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8RA

**Comments:** 31st July 2018

The current hotel is a landmark building on the approach to Cheltenham. Just like a number of others on the A40. They are sometimes in isolation and sometimes in groups but as a whole they form a character and a corridor which greets visitors to Regency Cheltenham.

"Cheltenham is known as the most complete Regency town in England." - Cheltenham Local Development Framework. So let's not chip away at it until it is lost.

Are we really suggesting replacing an attractive regency building with a row of glass fronted ski lodges ? Will The Langton on the London Road be the next victim ? This application, if approved, may well set a precedent that will be hard to stop.

My main objection is to the loss of the existing building since it is exactly this kind of building that makes Cheltenham an attractive place to live and to visit. If the Council want to make Cheltenham look more like a new town then this application is one way to get there.

The proposed is out of character with the location and area, it is too high, too large, too ugly, too in your face and way too close to the edge of both roads.

**Comments:** 19th September 2018

Letter attached.

31A Ledmore Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8RA

**Comments:** 1st August 2018

We strongly object to this proposed development as it will cause untold disruption and mayhem to the immediate area for a considerable time.

This will certainly cause problems for us as we are continuously in and out of Ledmore Road (off The Knapp where we live) and Hearne Road, which will be inundated with builders and their equipment, causing disruption and difficult access to and from our home. The nearby schools will also be affected and the traffic during the morning school run and when school finishes, is totally manic at the best of times rendering it almost impossible to go anywhere. Hearne Road is used by pedestrian school pupils, parents and pupils on cycles. The hazards that this will incur are unacceptable. Also the development is adjacent to the A40 and will cause obstruction and dangerous traffic situations. It is unacceptable in any form and must be rejected as a planning proposal.

## PLANNING

Rec'd 13 SEP 2010

## SERVICES

Attn: Tracey Crews

Director of planning.

1 Hearn Road,  
Charlton Kings  
CheltenhamCtbs. ~~GLES~~

GLES SRE

Tel. [REDACTED]

Dear Madam

I write in connection with Hilden Lodge being demolished and houses built on land -

- ①. The disruption on demolishing will be horrendous - Hearn Road is very, very busy with vehicles and school children - there are 3 schools & Nursery schools leading from Hearn Road
- ②. I think Hearn Road should be monitored for safety re: children & cars, buses, cyclists
- ③. I believe part of Hilden Lodge is grade II listed - apparently was ?! gate house to The Hearn house.
- ④. Personally for me - I am yards from rear of Motel - The noise, dust, inconvenience to me, [REDACTED] would be devastating. Yours faithfully [REDACTED]



275 London Road,  
Charlton Kings,  
Cheltenham  
GL52 6YG

6<sup>th</sup> February, 2019

Mr. Joe Seymour,  
Cheltenham Borough Council,  
PO Box 12,  
Municipal Offices,  
Promenade,  
Cheltenham.  
GL50 1PP

Dear Mr. Seymour,

**Planning Application Ref: 18/01320/FUL**

**R.E: Demolition of existing building and erection of 5 new dwellings, forming of access for parking and landscaping, at Hilden Lodge Hotel 271 London Road Charlton Kings**

With reference to your letter dated 21<sup>st</sup> January 2019 and our previous correspondence, please find attached my most recent observations on the above application.

I trust you will keep me informed as to the outcome of the application.

Yours sincerely,

A solid black rectangular box used to redact the signature of the sender.

Copies to:  
Councillor Helen McCloskey  
Councillor Paul McCloskey  
Councillor Angie Bolyes

### **Proposed Demolition of existing building and erection of 5 new dwellings, forming access for parking and landscaping at Hilden Lodge Hotel 271 London Road, Charlton Kings**

Your Ref: 18/1320/FUL

#### **Observations and Objections**

Having considered the amended plans for the above development the following are my observations.

##### **1. The amended design**

The new design appears to me to be incongruous with the surrounding area. It might be described as “modern design” but it does not blend with the buildings in the surrounding area. All the buildings have pitched roofs and are made of brick and stone. This is not the case in the revised plans. In particular the building opposite is grade 2 listed and is Georgian in design. While new developments can sometimes represent the period in which they are built this one seems to me to push that point a little too far.

##### **2. Site boundary**

The boundary shows a line from the large beech tree extending eastwards to a point about 2 metres from the kerb. This extends the existing boundary considerably beyond the existing one. While there are no proposals to include this area in the development. There was such a “bid” in the original plans for the land to be used for parking. This has now been withdrawn. However, I believe the legal position should be determined otherwise the new occupants may decide to park cars in the area claiming the land belongs to the new development.

While this may not be an issue now, in my view, these matters are best resolved at this stage rather than later. The land claimed is clearly part of the highway within the legal definition of “highway” and if so determined, on legal advice, the relevant plan should be redrawn. I do not consider that developers should be able to claim part of the highway for any reason without relevant documented legal support.

##### **3. Beech Tree**

The magnificent beech tree in front to the site is an integral part of the site and enhances the overall appearance in this area of London Road. I believe that it should be subject to a preservation order.

##### **4. Final Points**

Many of my comments on the original application are still relevant to the revised application. I do not object to the erection of 5 new dwellings on the site.

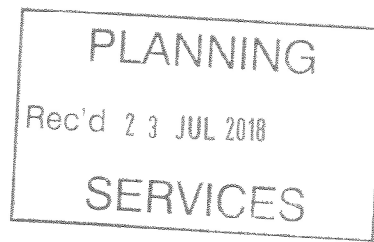
Copies to:

Councillor Helen McCloskey

Councillor Paul McCloskey

Councillor Angie Boyes





275 London Road,  
Charlton Kings,  
Cheltenham  
GL52 6YG

20<sup>th</sup> July, 2019.

Mr. Seymour,  
Cheltenham Borough Council,  
PO Box 12,  
Municipal Offices,  
Promenade,  
Cheltenham.  
GL50 1PP

Dear Mr. Seymour,

**Planning Application Ref: 18/01320/FUL**  
**Hilden Lodge Hotel Demolition and Erection of 6 New House with Vehicle Access and Parking**

Please find attached my observations and objections to the above mentioned application with a photograph.

I have sent a copy to my three local councillors.

Yours sincerely



**Proposed Demolition of existing building and erection of 6 new dwellings, forming of access for parking and landscaping at Hilden Lodge Hotel 2712 London Road, Charlton Kings.**

**Reference 18/01320/FUL**

**Observations and Objections**

A. The following relevant items are not shown or mentioned in the application

- I) School sign
- ii) Lamp posts
- iii) Pedestrian island in centre of London Road opposite the hotel
- iv) Grass area maintained by the Council and dry stone wall relevant to the application
- v) No acknowledgement of proposed car park being actually on the highway and tarmac area which is maintained by the Council
- vi) The east boundary appears to encroach on the property of number 273
- vii) A painted cycle route sign on London Road directly outside the hotel
- viii) The mature beech tree at the east end of the site in the garden of 273 is not properly situated on the plan

B. General Observations on the area now and as proposed

- i) The area provides an attractive vista to road users heading towards Cheltenham. Cars parked sideways on, almost in the eye of motorists, is not an attractive proposition and would seriously detract from the area which is one of residential property. Opposite there is a grade 2 listed building with a wide grass area matching the one opposite which is set against a dry stone wall.
- ii) The centre island was installed recently because of the high level of accidents on the main road and the speed of traffic. It is questionable whether the speed of traffic has reduced but no accidents appear to have occurred since.
- iii) London Road is the main A40 trunk road to Oxford and London and is busy with a whole range of road users including buses, heavy transport, caravans, pedestrians and at weekends pedal cycle clubs.
- iv) While legal advice needs to be sought it must be at least questionable that a developer can assume parking rights on a footpath on the highway or can assume that a grassed area maintained by the Council and forming part of the highway can be claimed for private use.
- v) The owner of 273 London Road will make separate observations about the mature trees.

C. Road Safety

- i) The junction of London Road and Hearne Road is very busy particularly between the hours of 8.15am to 9.0am and 3pm to 4.15pm with children going to and from Balcarras School and the junior school on East End Road. Hence the school warning sign on London Road.
- ii) The arrangements for parking on the site appear to be impracticable and potentially very dangerous to road users heading towards Cheltenham on London Road and pedestrians using the centre island and those on the proposed very narrow footpath.

2.

iii) First it would highly dangerous to reverse into the parking area particularly having regard to the location of the island in the centre of the road. The only realistic option is to drive bonnet first into the parking area. The driver would then be faced on leaving with reversing out into oncoming traffic at a point where the road is at its most narrow between the kerb and the pedestrian island. I believe reversing would also cause danger to pedestrians. The planting of a tree, as proposed, between the residents' parking and the visitors parking would only make the situation worse.

iv) The lamp post not shown on the plan is directly in front of the parking area and would be in the centre of the propose new narrow footpath and an obstruction to the reversing motorists. It may also be directly in the path of pedestrians.

v) The on-site parking proposals are, in my view, impracticable. For example if a car is parked in their allocated space nearest the road the available space furthest from the road would be inaccessible leaving the new arrival for parking stranded. Additionally if both cars are parked in their allocated space the one parked furthest from the road would not be able to get out. These are just some of the scenarios that can be posed.

vi) I believe the parking would become something of a free for all with the residents parking as best they could in this part of the site. This would mean parking on the footpath and the grass area in front of number 273. This in turn could lead to deep ruts, in winter, caused by tyre spin and undue wear on the grass that would detract from the appearance of the area which has always been well maintained, at the expense of the Council.

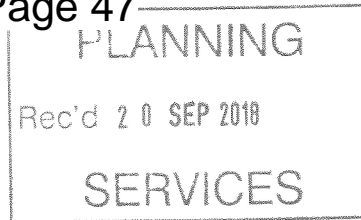
vii) The proposed new narrow footpath will be tellingly close to passing traffic. With as many as 6 cars manoeuvring at peak periods to gain access to London Road, where there is always a queue of traffic travelling into Cheltenham between 8.15 and 9.0am, there will be increased danger to pedestrians

#### D Concluding Comments

i) While the conversion of the site to domestic housing is laudable, the arrangements for parking, appear to make the scheme potentially dangerous, impracticable and spoil what at present is an attractive part of London Road.

Enclosure: Photograph showing a car parked in the proposed car parking area.





275 London Road,  
Charlton Kings,  
Cheltenham  
GL52 6YG

19<sup>th</sup> September, 2019.

Mr. Joe Seymour,  
Cheltenham Borough Council,  
PO Box 12,  
Municipal Offices,  
Promenade,  
Cheltenham.  
GL50 1PP

Dear Mr. Seymour,

**Planning Application Ref: 18/01320/FUL**

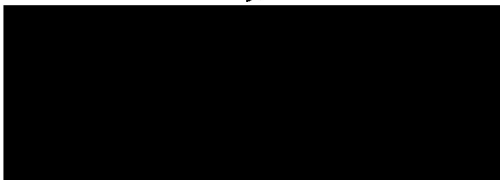
**R.E: Demolition of existing building and erection of 6 new dwellings, forming of access for parking and landscaping, at Hilden Lodge Hotel 271 London Road Charlton Kings**

With reference to the above and my previous observation and objections provided to the planning authority. Many of the points originally made are still relevant in particular the extension of the hotel's boundary into the existing footpath. This must at least be legally questionable and I believe still requires a formal response from the County Council.

It appears that the only use for an increased boundary is the provision of a visitor parking area, which is not essential either in planning requirements or in reality as on Sunday 16<sup>th</sup> September in the morning eleven (11) cars were parked in the front of the hotel well within the hotel's existing boundary.

If it transpires that the proposed boundary and the part of the existing footpath actually belongs to the Hotel, then I consider that the boundary which abuts the grass in front of number 273 should have some kind of obstruction, such as posts with low level planting, to prevent vehicles driving on to the grass in front of the dry stone wall, which is an attractive part of the area.

Yours sincerely,



Copies to:  
Councillor Helen McCloskey  
Councillor Paul McCloskey  
Councillor Angie Boyes



18/01320/FUL | Demolition of existing building and erection of 6 new dwellings, forming of access for parking and landscaping. | Hilden Lodge Hotel 271 London Road Charlton Kings Cheltenham Gloucestershire GL52 6YG

Tuesday, 18 September 2018

Dear Planning

I repeat my objection to this application in spite of the recent revisions. In addition I would like to add the following observations.

I have taken a sequence of 3 photos on my phone to show how the existing Hilden Lodge Hotel relates to its surroundings.

The first and closest photo shows how the Hilden Lodge Hotel relates to the existing regency building on the opposite side of the A40. It can also be noted that this original end of the building is typical Regency and there is an attractive tree in front of the villa and also an attractive wall and hedge all of which should be retained. The loss of the single storey modern garage would not be a great loss.

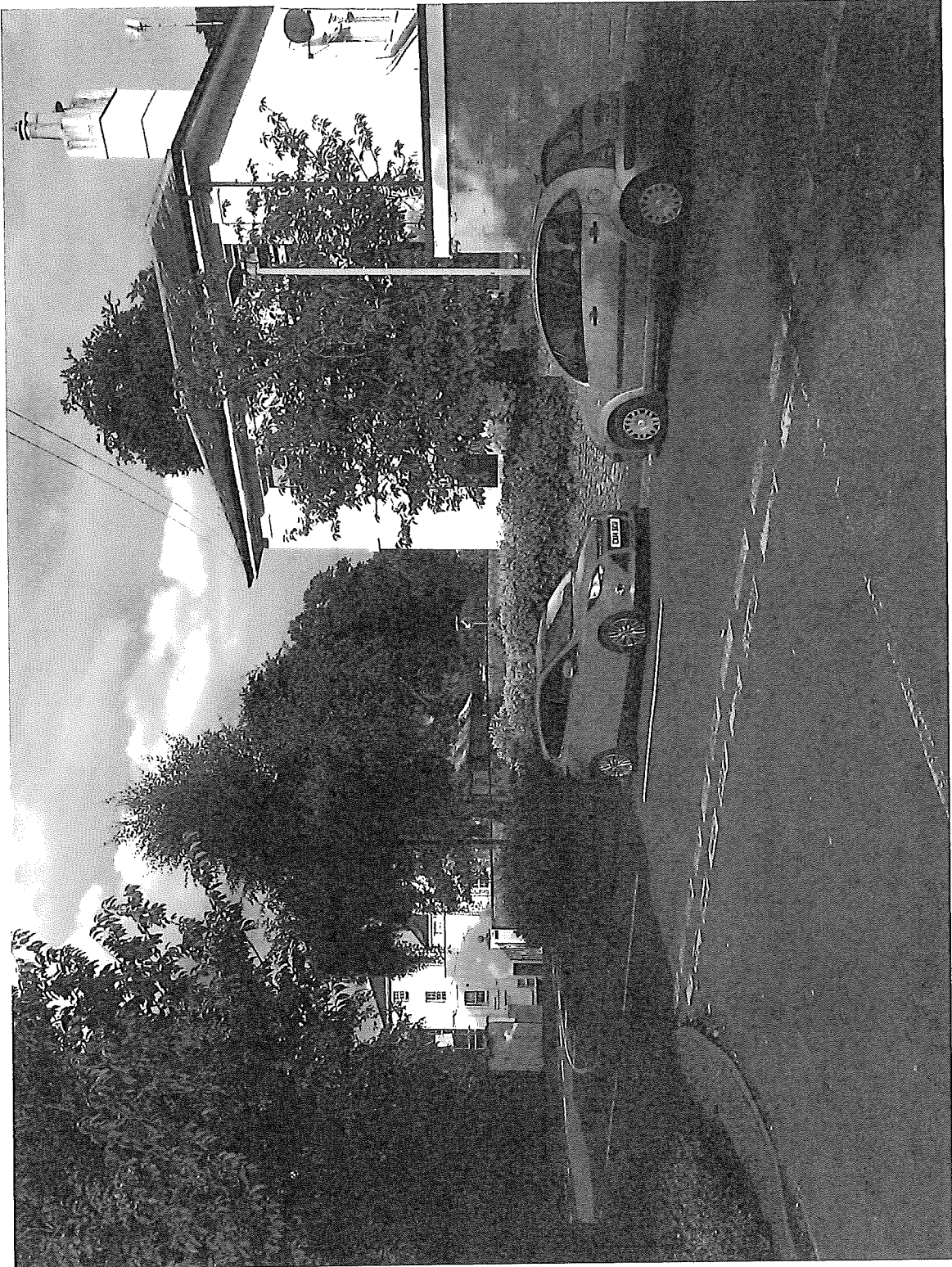
The second photo shows how the styles of the villa in Ledmore Road actually follow the lead to the original building at the top of Ledmore Road with the roof shape and Regency windows. This second photo also shows just how prominent the original Regency villa is in the landscape. Anyone leaving Ledmore Road gets a very long view of the villa as they walk, cycle, drive or otherwise exit the Ledmore Road estate.

The third photo shows the view back to the Hilden Lodge Hotel from the lane which leads to The Knapp. This again shows just how prominent a feature the Hilden Lodge Hotel is for each and every resident of Ledmore Road and the Knapp. The third photo also shows how even the new build houses at the centre of the Ledmore Road estate (proposed conservation area) mimic the style of the Hilden Lodge Hotel villa being hipped low pitched and slate.

I would hope that the Planning Committee members visit the locations from where these photos are taken to see for themselves the context of Hilden Lodge Hotel in the landscape. It is my hope that the developers can retain all that is left of the original villa and use their development to showcase the villa rather than to demolish and destroy it.

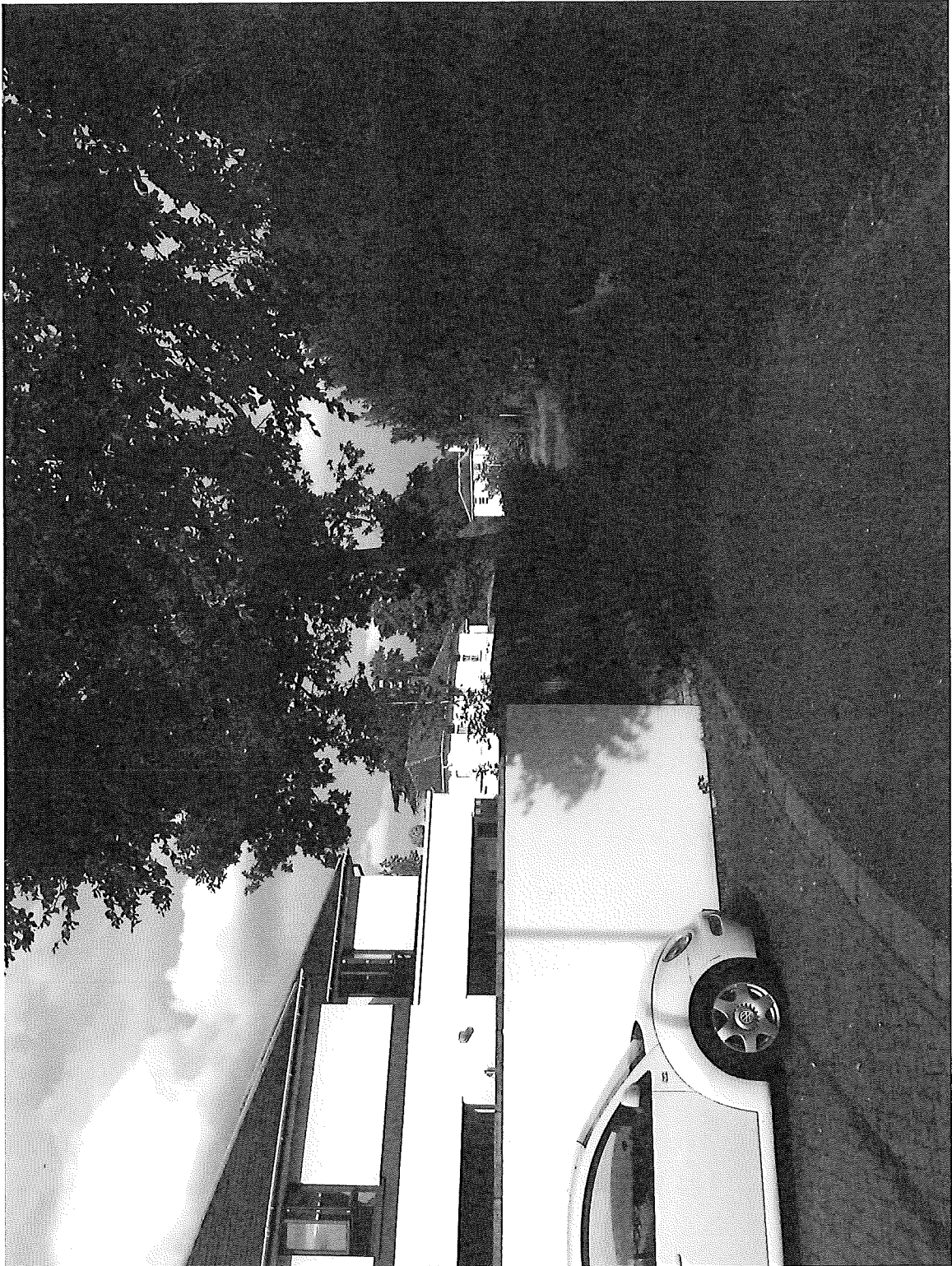
The proposed is out of character with the location and area.

31 Ledmore Road  
Charlton kings  
GL53 8RA



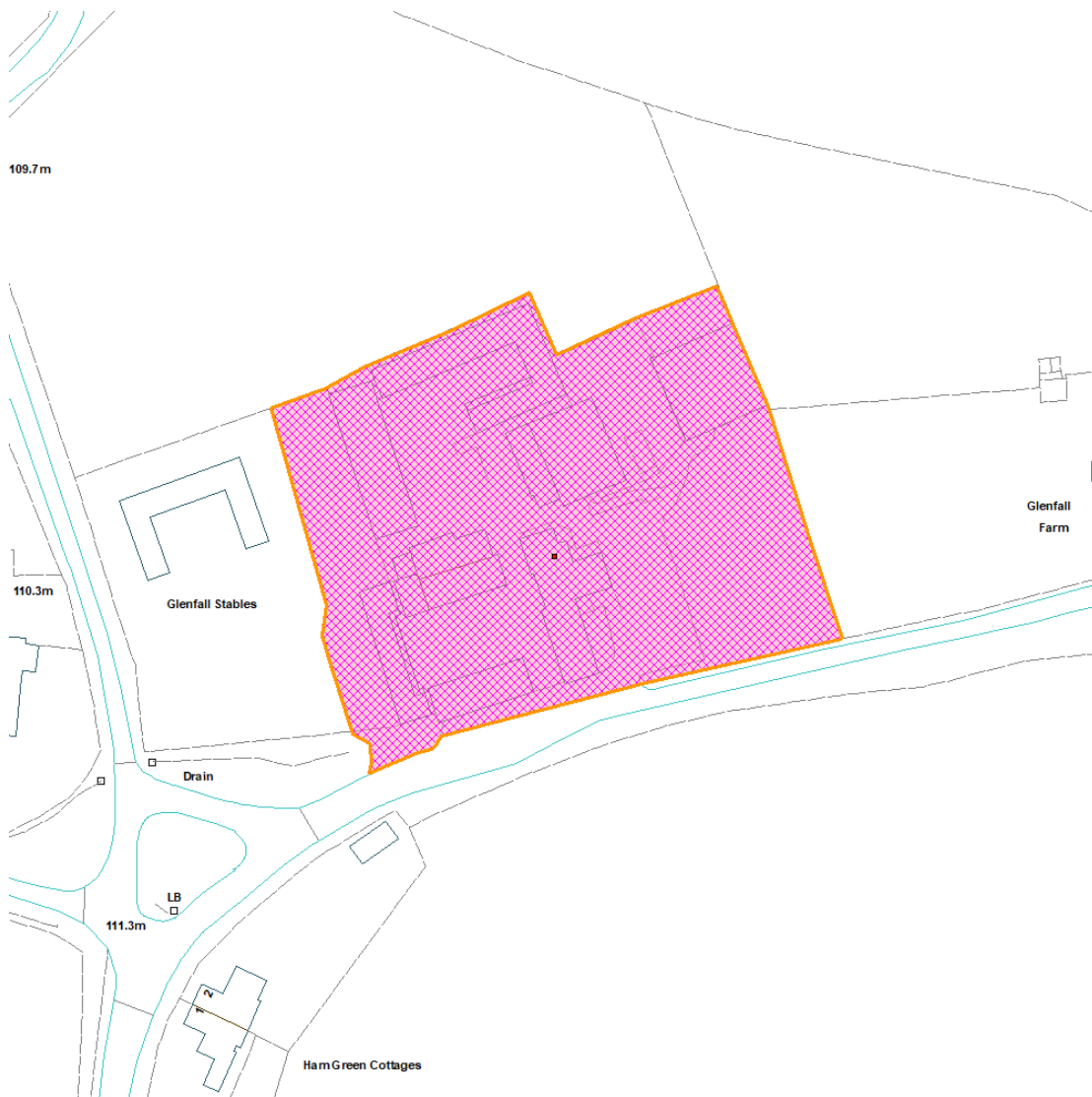






<b>APPLICATION NO:</b> 18/02547/FUL		<b>OFFICER:</b> Mr Gary Dickens
<b>DATE REGISTERED:</b> 19th December 2018		<b>DATE OF EXPIRY:</b> 13th February 2019
<b>DATE VALIDATED:</b> 19th December 2018		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Battledown		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr Robert Deacon	
<b>AGENT:</b>	Steve Mitchell Building Design	
<b>LOCATION:</b>	Glenfall Farm Stables Ham Road Charlton Kings	
<b>PROPOSAL:</b>	Conversion of stable buildings to form three dwellings plus demolition of existing farmhouse and erection of new dwelling (revised scheme ref: 18/00633/COU)	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to Glenfall Stables on Ham Road. Prior to its sale at the end of 2018 the site had operated as an independent equestrian business consisting of a range of buildings and barns with which to facilitate this use, as well as a farmhouse dwelling.
- 1.2 Planning permission is being sought for the conversion of existing stable buildings to form three independent dwellings and the demolition of the existing farmhouse and erection of a replacement dwelling. Revised plans have been submitted during the course of the application at the request of officers to ensure a more acceptable form of design.
- 1.3 This application follows a recently approved scheme (ref: 18/00633/COU) which under delegated authority permitted the conversion of three stable / farm buildings together with an extension and detached garage to the existing dwelling house.
- 1.4 The application is brought to committee following a Parish Council objection and also at the request of Councillor Babbage due to local neighbouring concerns. Members will have the opportunity to visit the site as part of planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Area of Outstanding Natural Beauty  
Airport safeguarding over 10m  
Residents Associations

### Relevant Planning History:

**76/00341/PF 25th November 1976 PER**

Glenfall Farm Cheltenham Gloucestershire - Conversion Of Existing Tack Room And Stables To 3-Bedroom Private House And Addition Of Bedroom/Kitchen Block.

**82/00362/PF 4th November 1982 PER**

Glenfall Farm Cheltenham Gloucestershire - Siting Of Mobile Home For Groom For A Period Of Two Years In Accordance With The Revised Plan Received On 8.11.82

**84/00005/PF 16th March 1984 PER**

Glenfall Farm Cheltenham Gloucestershire - Erection Of Detached Garage.

**84/00731/PR 22nd November 1984 PER**

Glenfall Stables Mill Lane Cheltenham Gloucestershire - Renewal Of Temporary Permission For The Siting Of A Mobile Home

**85/00884/PF 26th September 1985 PER**

Erection Of New Barn To Provide Office, Tackroom, Wc And Six New Stables

**85/01105/PR 21st November 1985 PER**

Glenfall Stables Ham . Cheltenham Gloucestershire - Renewal Of Temporary Permission For Siting Of A Mobile Home

**86/01019/PF 23rd October 1986 PER**

Provision Of 13 New Stables

**87/01230/PR 26th November 1987 PER**

Glenfall Stables Ham . Cheltenham Gloucestershire - Siting Of Mobile Home(Renewal Of Temporary Permission)



**87/01367/PF 7th January 1988 REF**

Glenfall Stables Cheltenham Gloucestershire - Construction Of Two Detached Cottages, Car Parking And Lorry Parking Area

**88/01145/PF 23rd February 1989 REF**

Erection Of Extension To Existing Racing Stable Facilities For Staff Accommodation (Outline) (S.52 Not Completed, Appl Therefore Deemed Refused)

**89/01150/PM 26th October 1989 PER**

Extension Of Existing Racing Stable Facilities To Provide Staff Accommodation For 10 Persons, Parking And New Vehicular Access

**89/01394/PR 14th December 1989 PER**

Renewal Of Temporary Planning Permission For Siting Of Mobile Home

**92/00728/PF 24th September 1992 PER**

Erection Of Enclosure Over Existing Horse Walker

**07/01687/FUL 12th February 2008 PER**

Engineering works to provide all-weather canter track for the training and exercise of horses

**07/01688/CLEUD 22nd January 2008 CERTLE**

Certificate of lawfulness for the existing use of land for the training of horses

**13/01458/PREAPP 20th September 2013 CLO**

Erection of a replacement dwelling with demolition of existing home and stables

**17/00338/CLEUD 8th March 2017 CERTLE**

Application for a Lawful Development Certificate to establish the existing use as a residential dwelling not limited to occupation by a person employed or last employed locally in agriculture as defined in Section 221(1) of the Town & Country Planning Act 1962 or in Forestry or a dependent of such a person residing with him (but including a widow or widower of such a person) as required by Condition 3 of planning permission ref: CB10091/04

**17/00119/CLEUD 14th March 2017 CERTLE**

Building works resulting in the change to use as single dwelling houses involving development without planning permission specifically - the lawful development of 2 semi-detached dwelling houses under Use Class C3 which are not subject to occupancy conditions or Section 106 Legal Agreements.

**17/01715/PREAPP 19th October 2017 CLO**

Change of use from equestrian stables to residential use, conversion of existing equestrian buildings to create 3 no dwellings

**18/00633/COU 24th May 2018 PER**

Conversion of farm buildings to form three dwellings, plus small extension and detached garage to existing dwellinghouse.

**18/02238/PREAPP 8th November 2018 CLO**

Modify the current scheme

**18/02252/DISCON 29th November 2018 DISCHA**

Discharge of condition 3 (method statement) and condition 8 (highways construction method statement) on planning permission ref. 18/00633/COU

**19/00191/DISCON      PCO**

Discharge of conditions 3 and 10 on planning permission 18/00633/COU - Structural Engineer report and Materials as noted and deposited samples for plot 1 (Stable block).

P1 - New Roof (West and North Range) - Natural blue / black slate. Retain roof to Ham Road (South Range) - Existing stone slates. Walls - horizontal cedar overlap boarding above blue brick base.

P2 - Roof - Curved Steel Colour Mid Grey. Walls - Curved Steel Colour Mid Grey & double planked with recessed shadow line - untreated durable timber above blue brick base.

**19/00297/AMEND      27th February 2019      PAMEND**

Non material amendment to planning permission 18/00633/COU (alteration to ridge alignment Plot 1)

### **3. POLICIES AND GUIDANCE**

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

GE 6 Trees and development

CO 4 Extension of Building in the AONB

CO 13 Conversion of rural buildings

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

INF3 Green Infrastructure

### **4. CONSULTATIONS**

**Cheltenham Civic Society**

*17th January 2019*

The Forum takes note of the neighbours' comments and sympathise with the concerns expressed by residents of Wadleys Farm.

We note the approval granted in May 2018 which seemed to be a better scheme, and wonder why this new application has been put forward.

Without a design statement accompanying the elevations, the supplied plans are mysterious and poorly labelled.

### **Environmental Health**

*14th January 2019*

I have no comments or objections to this application for the conversion of stable buildings to form three dwellings plus demolition of existing farmhouse and erection of new dwelling (revised scheme ref: 18/00633/COU).

### **Tree Officer**

*9th January 2019*

Clarification is needed as to which trees are to be removed and which are to be retained with this development. The Site Layout plan, drawing number 1145.02, uses three different green lines (solid, large dashes, small dashes) to identify the trees on the site but only one of these symbols (small dashes) is identified within the key. Also the blue lines which appear around some but not all of the trees needs to be identified and explained within the key.

### **Building Control**

*27th December 2018*

The application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

### **Parish Council**

*11th January 2019*

Objection:

The Committee did not object to the previous scheme for this site (18/006633/COU) and considered it sympathetic to its surroundings in the Cotswolds AONB.

However, this application has considerable use of large areas of glass and exposed steelwork that are out of character both within Ham and in the context of the AONB.

The National Planning Policy Framework 2012 (applicable to applications submitted prior to 24th January 2019) states: 'Great weight should be given to conserving and enhancing landscape & scenic beauty in ". Areas of Outstanding Natural Beauty'. The previous consented application achieved this. This scheme is out of character and as such is of poor design, taking little account of its surroundings and position in the AONB. Accordingly, the Committee unanimously objected to this application.

In addition, the Committee note and would highlight residents' concerns that some the works already undertaken do not comply with the previous consented design.

*28th February 2019*

Objection:

The Committee welcome the revisions to Plots 1, 2 & 3 with the reduction in use of glass and exposed steelwork, but continues to object to the proposal for demolishing and replacing the existing farmhouse with a larger dwelling that loses the courtyard structure of the existing property. Our objection would be satisfied if the scheme reverted to the original proposal for Plot 4.

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

*21st February 2019*

I refer to the above application received in my department on the 21st December 2018 submitted with application form, site layout ref 1145.02, site location plan ref 1145.SP, planning design statement and revised site layout ref 1145.02-A.

The proposed encompasses the conversion of stable buildings to form three dwellings plus demolition of existing farmhouse and erection of new dwelling (revised scheme ref: 18/00633/COU) at Glenfall Farm Stables Ham Road Charlton Kings Cheltenham.

I have assessed the access, parking, layout, pedestrian and cycle facilities for this application and I recommend no objection to be raised.

#### **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.

### **Campaign To Protect Rural England**

*15th January 2019*

The Campaign to Protect Rural England (CPRE) objects to the above application. We note that this is a successor to 18/00633/COU which gave permission for the conversion of the existing farm buildings to form three dwellings, plus a small extension and detached garage to existing dwelling-house.

A fundamental feature of 18/00633/COU was that it retained the form and character of the existing complex of buildings which lie in the Cotswolds AONB, outside the Cheltenham PUA on the edge of the settlement of Ham. This is a very sensitive location.

Change of use and conversion have been permitted because the proposals make effective use of redundant buildings while respecting the character of the existing structures and of the area. As such, they satisfy the provisions of the NPPF which, at paragraph 172, says "Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty". Likewise they meet the conditions of Policy SD7 of the Joint Core Strategy which states: "All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan." Similarly Policy SD6 states: "Proposals will have regard to the local distinctiveness and historic character of the different landscapes in the JCS area, drawing, as appropriate, upon existing Landscape Character Assessments and the Landscape Character and Sensitivity Analysis. They will be required to demonstrate how the development will protect or enhance landscape character and avoid detrimental effects on types, patterns and features which make a significant contribution to the character, history and setting of a settlement of area."



However, the present proposals do not satisfy any of the above conditions. The materials now proposed are in no way sympathetic to existing buildings either in the farm complex or in the wider locality. It is proposed to demolish the existing house and replace it with a more intrusive two-storey new dwelling of an entirely different design and in a more prominent location. The overall result would be to change a sensitive conversion into what is in large part a new and intrusive development quite out of keeping with the location. Views of the site from Ham Hill, Ham Road and Mill Lane would be seriously damaged.

The resultant four dwellings now proposed would appear to be executive homes at the high end of the housing market with no element of affordable housing.

Cheltenham Borough Council has in the past been robust in defending the Cotswolds AONB and resisting proposals for inappropriate development. CPRE strongly urges the Borough Council to refuse this planning application.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>27</b>
Total comments received	<b>18</b>
Number of objections	<b>15</b>
Number of supporting	<b>3</b>
General comment	<b>0</b>

**5.1** Twenty seven letters have been sent to neighbouring properties and a site notice was also displayed. Eighteen comments have been received in response, fifteen in objection and three in support.

**5.2** Representations have been circulated in full to Members but, in brief, the main objections raised relate to:

- The loss of the existing farmhouse and erection of a new dwelling;
- Design approach and choice of materials;
- Impact on the AONB and the character of Ham;
- Impact on the 'dark skies' of the AONB and existing wildlife, and;
- Potential loss of privacy through overlooking.

## 6. OFFICER COMMENTS

### 6.1 The site and its context

**6.2** The site incorporates an area of approximately 0.4 hectares, containing a range of buildings and structures which differ in ages and conditions. None of the buildings are listed or locally indexed however some are of a significant age and character.

**6.3** Glenfall Stables lies outside of the Principal Urban Area (PUA) of the borough and within the hamlet of Ham. The site is wholly located within the Cotswolds Area of Outstanding Natural Beauty (AONB), positioned on Ham Road and approximately 2km from the built up area of the Charlton Kings.

**6.4** The Manual for Gloucestershire Streets (Gloucestershire County Council guidance) recommends that a reasonable walking distance in relation to accessing local services is 800m. The only local service within 800 metres of the site is Glenfall Community Primary

School. Outside of the school is a bus stop which offers a services into Charlton Kings and Cheltenham town centre, however this is an infrequent service as it only operates every two hours and it does not operate throughout the entire day.

- 6.5** Ham Road has certain characteristics of a country lane such as its semi-rural surroundings, its non-linear route and the fact it is lined with hedges. However it also has suburban characteristics which include a pavement on one side and benefitting from street lighting for most of its length between the site and Glenfall Way and the more built-up areas.

**6.6 Principle of Development – *conversion of existing stables / barns***

- 6.7** The NPPF states in paragraph 79 that the development of new isolated homes in the countryside should be avoided unless, amongst other circumstances, *“the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.”*

- 6.8** The Local Authority’s adopted development policies are broadly compliant with the NPPF. Policy SD10 of the JCS states how *“Proposals involving the sensitive, adaptive re-use of vacant or redundant buildings will be encouraged”*. This is supported through Local Plan Policy CO13 however the buildings should be *“suitable for conversion without substantial demolition, rebuilding or extensions”*. Furthermore, the conversion and use of the building(s) should be appropriate to the character and location of the building(s).

- 6.9** Whilst not applicable for this particular site because it is located within the AONB, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 can still be given some weight in the consideration of this application as it is a useful guide to current government thinking on the conversion and re-adaptation of rural buildings. Class Q permits a change of use of an agricultural building and any land within its curtilage to a dwelling house without the need for planning permission (subject to prior approval). Furthermore, building operations including the installation and replacement of windows, doors, roofs, walls, drainage, water, electricity, gas and other services are permitted where reasonably necessary for the building to function as a dwelling. This also includes partial demolition.

- 6.10** The principle of the conversion of the existing stables / barns has been established through the approval of the previous application (ref: 18/00633/COU). This application also confirmed that the identified stables and barns were structurally capable of being converted with no obvious signs of significant ground movement. The construction related conditions which were attached to the previous permission have, where necessary, been (in-part) been discharged and works are now underway on site.

**6.11 Principle of development – *replacement dwelling following demolition of farmhouse***

- 6.12** Policy CO3 of the Local Plan related to the rebuilding or replacement of buildings within the AONB. Following the adoption of the JCS, this policy has been superseded by JCS Policy SD7 which requires development to conserve and, where appropriate, enhance the landscape and special qualities of the AONB. Furthermore, development should be consistent with the Cotswold AONB Management Plan.

- 6.13** The key point with this application is that this is not a ‘new’ dwelling but a ‘replacement’ one. The total number of dwellings within the site will therefore remain the same as the previously approved scheme (four). The consideration therefore is whether the demolition of the existing farmhouse is acceptable and if the scale, form and design of the replacement dwelling is appropriate for this sensitive setting.

- 6.14** The existing farmhouse was indeed a stable building itself some time ago and permission was given to convert this to a 3 bedroom dwelling in 1976. The building has been

extended in the form of a rendered two storey section and a lean-to conservatory. In its original form the farmhouse does have a certain character and charm as noted in the officer report for the approved application. The additions to the farmhouse, such as the extensions and roof lights, are however not sympathetic to this character. The building is from the outside in a poor state of repair and, whilst as a whole it does not negatively impact on the area, it does not significantly enhance the area in its current condition. The farmhouse is not listed nor locally indexed and neither is it considered worthy of being listed.

**6.15** It should also be noted that in isolation a prior notification application for the demolition of this building could be submitted. This process only allows for consideration from an environmental health and building control perspective relating to the safety aspects of the works required to demolish the building and any impact on neighbouring amenity. Should an application be received, it is unlikely there would be any reasonable grounds to withhold consent and this has to be a material consideration of significant weight.

**6.16** The loss of the original farmhouse would clearly be unfortunate as it does form an historical part of the site however, given the points above, the demolition of the farmhouse is considered to be acceptable.

### **6.17 Design and Impact on the Character and Appearance of the AONB**

**6.18** For development within the AONB, paragraph 172 of the NPPF states how great weight should be given to conserving the landscape and scenic beauty of the AONB. As noted in 6.13 above, Policy SD7 of the JCS requires proposals to conserve and, where appropriate, enhance the landscape and special qualities of the AONB.

**6.19** In the Cotswolds AONB Management Plan (2018-2023) the Cotswolds Conservation Board divides the AONB into 19 different landscape character types with three principal landform features. This site is categorised in the 'Escarpment' landscape character area.

### **6.20 The conversions**

**6.21** Following revisions, it is officer's opinion that the conversion element of the scheme provides a variety of dwellings with design features and materials which will respond and respect the character of the site and its surroundings.

**6.22** There has been some local concern that the blue brick plinth which is proposed as part of plot one to the western range is not appropriate in these surroundings. There is evidence of these types of bricks in the vicinity and the site itself but these generally are one course and found as window sills / plinths or forming part of boundary walls. Whilst these concerns are acknowledged it is officer's view that the use of these blue bricks will not have a detrimental impact on the landscaping setting of the AONB and would not detract from the character of the area. It is also worth noting that the range (which was granted permission to be demolished and rebuilt as part of the preceding approval) previously sat above concrete blocks which negatively impacted on the surroundings.

**6.23** Overall, it is considered that the proposed conversion of the redundant rural buildings for residential purposes would be carried out in a sympathetic manner that would complement their surroundings and provide an enhancement to the character and appearance of the AONB.

### **6.24 The replacement dwelling**

**6.25** Paragraph 130 of the NPPF notes how "*design should not be used by the decision-maker as a valid reason to object to development*". However, paragraph 127 of the NPPF states how developments should be "*visually attractive as a result of good architecture, layout and appropriate and effective landscaping*". Furthermore, development should be

*“sympathetic to local character and history, including the surrounding built environment and landscape setting, while not discouraging appropriate innovation or change”.*

**6.26** The proposed replacement dwelling will sit prominently within the site running parallel to Ham Road and therefore visible within the public realm. This dwelling is on a larger footprint compared with the existing farmhouse and will sit higher in the street scene. However this is not to such an extent that the replacement dwelling would dominate the site or detract from the existing buildings. The ground levels naturally increase as one heads along Ham Road and the development has been carefully designed to respect this difference in levels.

**6.27** The proposed form is relatively traditional with a pitched roof and projecting gables, utilising materials that are sympathetic to the site and the surrounding area such as reclaimed natural stone, timber cladding and slate roof tiles. These particular materials can all be found in the immediate vicinity. Through the use of aluminium windows and doors and first floor French doors with guards a contemporary feel to the proposal has been injected. Appropriate conditions are suggested to ensure an element of control over the materials and detailing to ensure the resultant building is of an appropriate quality.

**6.28** The landscaping proposals will be critical to the success of the proposed scheme and it is expected that a landscaping scheme which will also confirm details of retained and proposed trees will be submitted prior to committee. This can be sought by way of condition should an appropriate scheme not be received prior to committee.

**6.29** Whilst the proposed replacement dwelling is undoubtedly different to the existing farmhouse, it is officer's opinion that the subsequent development is sympathetic to the local character of the area and will conserve the landscape and qualities of the AONB.

### **6.30 Impact on neighbouring property**

**6.31** Policy SD14 of the JCS and Local Plan Policy CP4 both require development to not harm the amenity of adjoining neighbours. The potential loss of light, loss of outlook and loss of privacy is taken into account when assessing the impact on amenity.

**6.32** A number of objections to the proposal have been received from neighbouring residents primarily raising concerns over the demolition of the existing farmhouse, the principle of a replacement dwelling and the proposed design approach for this. Concerns were also raised with the initial proposals for the three conversions however these concerns have been largely addressed through the submitted revisions. The comments received are fully acknowledged and the points made are addressed in the sections above.

**6.33** In terms of impact on neighbouring amenity specifically, it is not considered that the proposal will cause a loss of light or have any overbearing impact on neighbouring properties.

**6.34** Glenfall Farm is at most risk of being overlooked however the replacement dwelling accords with the adopted Supplementary Planning Documents which states how “facing windows to habitable rooms should be a minimum of 21 metres apart, with at least 10.5m apart from window to boundary”. The proposed first floor windows to the east elevation of the replacement dwelling are in accordance with these distances, measuring approximately 14m from the boundary and approximately 65m from Glenfall Farm. The proposal is not considered therefore to cause a significant level of overlooking or loss of privacy which would be to the detriment of the owners / occupiers of Glenfall Farm.

### **6.35 Access and highway issues**

**6.36** The Highways Authority have been consulted as part of the application process and no objection has been raised. A small number of Highways related conditions were added to

the previously approved application and those that are still relevant for this proposal have been carried across for consistency in decision making.

### **6.37 Environmental Impact and Light Pollution**

- 6.38** In a semi-rural setting such as this there is a danger of development impacting on local bio-diversity. No protected species have been identified on or near to the site within this or the previously approved application. The bat survey from the previous application concluded that no bats were found to be roosting at the site and therefore no mitigation measures were required.
- 6.39** In terms of the swallow nests which were found in a number of buildings and commented on within the public representations, the previous investigation noted that alternative nesting opportunities should be provided. It was stated that these could be in the form of extended roof overhangs, bike or bin sheds, or car ports. The proposed development will provide such opportunities.
- 6.40** Development in such a sensitive location could create additional light pollution which impacts on the dark skies of the AONB. The initial proposal submitted had a vast array of glazing which could negatively impact on these dark skies however the revisions to the scheme have lessened these concerns. It is not considered that the current proposal will significantly increase light pollution within this area.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** Officers acknowledge the volume and level of concern raised by the local residents and that the loss of the existing farmhouse is regrettable. Having said that, officers are required to consider the merits of this application based on current policy context. The first stage is to establish whether or not the existing farmhouse is currently protected and whether its retention could be defended. As per the reasons set out above, the building is not currently protected and therefore its demolition is considered to be acceptable.
- 7.2** On balance, the design, scale and form of the replacement dwelling is considered to be acceptable and appropriate for this location. The proposal as a whole will conserve the setting of the AONB and not result in any unacceptable harm, nor will it result in any new form of isolated residential development.
- 7.3** The proposal is considered to comply with the guidance set out within the NPPF as well as relevant adopted policies within the JCS and the Local Plan. The application is also consistent with the policies set out in the Cotswolds AONB Management Plan.
- 7.4** Taking all of the above into account, it is officer's recommendation to permit planning permission subject to the conditions below.

## **8. CONDITIONS**

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

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

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

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

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

Reason: Any further extensions or alterations require further consideration to safeguard the amenities of the area, having regard to Policies SD4, SD6 and SD7 of the Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (adopted 2017) and Policies CP4, CP7 and CO4 of the Cheltenham Borough Local Plan (adopted 2006).

- 4 Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 1145.02-B, with the area of access road within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

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

- 5 The building(s) hereby permitted shall not be occupied until the vehicular parking [and turning] [and loading/unloading] facilities have been provided in accordance with the submitted plan 1145.02-B, and those facilities shall be maintained available for those purposes thereafter.

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

- 6 The works shall be undertaken in strict accordance with the details submitted within construction method statement dated 5th November 2018.

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

- 7 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:

- 1) All new windows and external doors (including reveals, cills, materials and finishes);
- 2) Chimneys, flues and any other extraction equipment;
- 3) Rainwater goods.

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

- 8 No external facing or roofing materials shall be applied unless in accordance with:

- a) a written specification of the materials;
- b) physical sample/s of the materials.

The details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

- 9 All demolition, conversion and construction works and any mitigation measures must be completed in accordance with the submitted method statement dated 5th November 2018 and drawing no.s 1145. RSB1, 1145. RSB2 and 1145. RSB3 unless otherwise agreed in writing by the Local Planning Authority. If, during the course of the conversion works, problems are encountered which would result in works being carried out to the buildings which are not in accordance with the approved drawings and method statement, the applicant shall cease development on site and immediately notify the Local Planning Authority and submit details of mitigation measures and/or revised drawings to be approved in writing by the Local Planning Authority.

Reason: The application is in part to convert the existing buildings and has been considered and assessed in this light. If it transpires that this is not possible a fresh application will be necessary which would then be considered on the individual merits of the application.

### 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 has sought revisions to ensure a more satisfactory level of design.

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

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<b>APPLICATION NO: 18/02547/FUL</b>		<b>OFFICER: Mr Gary Dickens</b>	
<b>DATE REGISTERED:</b> 19th December 2018		<b>DATE OF EXPIRY :</b> 13th February 2019	
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK	
<b>APPLICANT:</b>	Mr Robert Deacon		
<b>LOCATION:</b>	Glenfall Farm Stables, Ham Road, Charlton Kings		
<b>PROPOSAL:</b>	Conversion of stable buildings to form three dwellings plus demolition of existing farmhouse and erection of new dwelling (revised scheme ref: 18/00633/COU)		

## REPRESENTATIONS

Number of contributors	<b>19</b>
Number of objections	<b>16</b>
Number of representations	<b>0</b>
Number of supporting	<b>3</b>

Ham Close  
Charlton Kings  
Cheltenham  
Gloucestershire

**Comments:** 16th January 2019  
Letter attached.

Whylaway  
Garricks Head  
Andoversford  
Cheltenham  
Gloucestershire  
GL54 4LQ

**Comments:** 11th January 2019  
I would like to support this application.

Although not an immediate neighbour to this property, but having family living on the same road I've spent the last almost 40 years knowing this site and riding horses out from the local stud and have spent quite some times at Glenfall Stables itself with the previous owners over the years. It is really exciting to see this development of the old, dated and in much need of modernisation stable site. This latest application encompass great modern contemporary design creating interesting lines and features designed to have minimal impact on the surrounding areas whilst still in keeping with the natural surrounds of this sensitive area in the suburbs of Charlton kings.

The proposed design creates some great levels and lines across the site that I personally feel will not intrude on the surrounding landscape or street scene. It was not that long ago that the property adjacent to this site (that had been a redundant unused barn for many years), The New Barn, Ham Rd was developed in again a very modern contemporary style and now the soft landscaping has all matured it fits in extremely well with its surroundings and blends in creating the fantastic mix of modern contemporary and tradition dwellings in this area with its rear garden lawns extending up the escarpment as far as the eye can see on the former overgrown field site.

I feel the designer has given great consideration to this application enhancing the architectural and historical features of this site whilst keeping similar scale and appearance to the existing.

Having read through the comments submitted at this point of typing, it's sad to see the comments from the 'Not In My Back Garden Nimby's', who can not see the benefits for themselves of how such a great development will enhance their suburb of Charlton Kings aesthetically and financially.

I look forward to reading this application has been approved without prejudice shortly.

2 Ham Green Cottages  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6ND

**Comments:** 4th January 2019

I strongly object to this new planning application for Glenfall Stables. These revised plans totally disregard the sensitivity of the site and it's rural setting.

The original plans, 18/00633/COU, were sympathetic to the area and respected the existing buildings.

This new set of plans are unacceptable, each dwelling is larger than the current footprint, Elevations appear to have been increased and the proposed materials are inappropriate, with too much glass & steel.

The demolition of the existing Cotswold Stone Farmhouse will completely change the character of the site, if replaced with a new build of ugly proportions and materials. This is not acceptable! After all this is within the AONB.

I am also concerned with the lack of provision for the population of migratory Swallows, as many of the open barns will be demolished.

Allowing this application will be detrimental to them.

Ham Close  
Charlton Kings  
Cheltenham  
GL52 6DP

**Comments:** 14th January 2019

Letter attached.

Field Way  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NG

**Comments:** 15th January 2019

I wish to make the following observations on the above Planning Application.

The location of the site is highly visible being at the junction of Ham Road, Ham Hill and Ham Lane. Immediately to the south west is the grass triangle which provides the foreground. The cluster of existing buildings have a distinct rural character and together with the triangle form a 'village green' understood and recognised as such by locals, the many passers-by, road users, cyclists, horse riders and walkers. Its nature and sensitivity to development is clearly noted in Cheltenham Borough Council's report Landscape Character, Sensitivity and Capacity of the Cotswold AONB revised May 2016 8.1 Ham Settled Lowlands yet this revised development proposal utterly disregards the assessment and the restrictions and requirements that flow from it.

The demolition of the farmhouse in particular represents a loss of local and historic character, especially so as the proposed replacement building on Plot 4 will be more visible as it is positioned further up the slope and with a significantly greater ridge height. Furthermore, the proposed use of artificial contemporary materials such as steel walling, 'board on board' cladding and reconstituted slate roofing plus multiple banks of glazing is both ludicrously out of scale and character with its surroundings. The other buildings also have 'fashionable' urban cliché materials inappropriately applied.

The existing group of buildings in natural materials is a fine cluster of historic buildings within the AONB. Protection from damaging development such as this is at the heart of Cheltenham Borough Council's own Landscape Assessment and the Cotswold AONB's purpose. These proposals do not reflect the required parameters for development of this site and should be rejected.

Wadleys Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 11th January 2019  
Letter attached.

**Comments:** 28th February 2019  
Letter attached.

Wadleys Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 11th March 2019  
Letter attached.

Glenfall Farm  
Ham Road  
Charlton Kings Cheltenham  
Gloucestershire  
GL52 6NH

**Comments:** 18th February 2019

We object in the strongest possible terms to the demolition of the existing period farmhouse and building another house in a different location on the site. The proposed new building is not in keeping with the rest of Ham and the Cotswold AONB.

The original plans for converting the existing farmhouse were sensitive to the area and would blend very well with the rest of Ham, whereas the new proposals would put the new building in a highly visible location where it would "stick out like a sore thumb"

It also includes a large expanse of glass and also appears to to be a great deal larger than the existing farmhouse.

The rules for planning in the AONB and Ham itself are, quite rightly, very strict and should be adhered to.

Wadleys Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 11th January 2019

Letter attached.

**Comments:** 28th February 2019

Letter attached.

Mirage  
Cleeve Hill Rd  
Cheltenham  
GL52 3NU

**Comments:** 6th January 2019

In response to the recent comments made by local residence to application ref 18/02547/FUL regards to the replacment dwelling the comments made are very misleading to call this property a historic building it a property which has been extended over the years which is lacking in up to date insulation and is single glassed and is built lower than the road levels causing it to flood during extreme weather.

The replacment of this property allows for a better and safer layout a much more neighbour friendly environment only 10%of the site will have hard surface allowing more landscaping which must be a big improvement on the ANOB unlike the original scheme with all the hard surfaces covering 50% of the site this will only add to increased water run off

The original scheme has a very messy drive and road layout which would lead to neighbour dispute and leave the site looking like a NPC car park

3 Natton Cottages  
Ham Lane  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 4th January 2019

I refer to the original plan for this site submitted on the 23rd of May 2018 which attracted little comment from residents in the immediate area as it promised a sympathetic conversion of the stables with a small addition to the main farmhouse dwelling. One respondent made this particular point.

The design and promise was to keep the stables and farmhouse as close to its original appearance as possible and hence still sympathetic with the AONB of which the immediate area is known for.

In truth, with probably little interest in taking on this business and buildings in its current form from the then owner, then the original proposal represented a very good compromise and kept the appearance of the area as 'original' as possible while providing additional CONVERTED housing from the existing buildings. The key to doing this however, was and still is the retention of the farmhouse which is built of Cotswold stone and which is the main feature of the site, seen from the road by the not insignificant number of walkers and drivers.

In fact, there is actually NO valid reason proposed in the plans nor known by immediate residents, why there is any need whatsoever to demolish this building and replace it with a glass and metal monstrosity which is as far out of keeping with the immediate AONB area as possible. No new building should be allowed anyway and certainly not of the type proposed.

If this plan is passed, then it betrays all the work done by people in the area to ensure their extensions, conversions and modifications to their EXISTING properties are all within keeping to the AONB and indeed from my own experience, a requirement emphasised by the planners.

I would add the further points on the work already done on the site:-

- 1) I am seeing far more glass and metal than appears to have been shown on the original plans - from comments seen - I am not the only one.
- 2) There is some concern on the material the proposed link to Dwelling 1 is going to be built of. It is currently under plastic sheeting and given the original plan - no windows should look out onto the road and it should be wooden in appearance to match what was demolished. This is not clear in the plans.
- 3) Excavations have been made from the site and the spoil removed - quite a lot of it left on the road by the vehicles entering the site and not either cleared up or prevented as it should be.
- 4) Large lorries have been reversing along the narrow road which is in the 60mph zone without a lookout / traffic manager controlling the action.
- 5) Damage has been done to verges both in the immediate vicinity of the site and where lorries have mounted the kerb on the left hand side of Ham Road as they go down towards Glenfall Way. I take it this is going to be repaired then?

It is clear the applicant has very little faith in the possible success of their application in that we seem to be seeing the old Christmas trick. The plans for this demolition appear to have been drawn up in October 2018 but the actual application date was not until 18th December 2018, and the notification date on the letter to residents was the 21st December 2018 received on 22nd / 24th December 2018 (the council website was also down around this date so trying to view the

plans before Christmas proved difficult) all seemingly to try to give very little time for residents and the Parish Council to comment before the determination date.

Planners are the guardians of the AONB particularly from attempts to destroy the old buildings that make the area (more so when they are still very serviceable). This proposal must be refused and the existing work done on the site examined to ensure that it is in keeping both to the original proposal and to the materials used to ensure the result is in turn in keeping with the AONB and the objectives which make it the protected area it is and should be.

**Comments:** 20th February 2019  
Letter attached.

Old Ham House  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6ND

**Comments:** 4th January 2019

I object vehemently to this recent planning application. The planning department is to be congratulated on keeping the development of Ham, which is in a designated area of outstanding natural beauty, sympathetic with the environment to date. These new plans are for buildings which are out of character with the area and will completely alter the rural appearances and feel of the area. This area is not only enjoyed by the inhabitants, but also by many walkers, cyclists and horse riders who visit this tranquil rural area.

Little Paddock  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NQ

**Comments:** 5th January 2019

We object to the new proposed planning application at Glenfall Stables, it is an overdevelopment of the site and not in keeping with the original 18th-century farmhouse and dairy buildings.

To remove a Cotswold stone building of this age in an area of ANOB would be a serious error, and so should not be granted permission. We will be losing history, it is important that the redevelopment of Glenfall Stables is managed in a way that is sympathetic; this does not seem to be the case with oversized buildings being proposed and incorrect building materials that do not reflect the setting or area. The original application was accepted, and the development should proceed on this basis only.

The New Barn  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6ND

**Comments:** 31st December 2018

Thank-you for notifying me on the above planning application 18/02547/ful

I would like to make some comments on the recent planning application

On the application form the developer has ticked the box at number 13 that he is connecting to existing sewage system we do not believe there is one. The applicant refers to drawing 1145 SL but can not seem to find any documentation referencing the existing sewer can this be clarified please.

The applicant refers to surface water discharging to soakaways the ground is clay so water will not discharge into the ground, can there be a condition attached to prevent any flooding.

### Plot 1

The developer has all ready started to convert this unit, the previous consent is more sympathetic to the area, stone being used on elevations, retaining the clay tiles on one of the main stable blocks, reducing the massing on elevation E4 and E3.

The new scheme disregards all of the above items cheap imported slates, on the main drawing E3 and E4 shows red bricks with two blue plinth bricks. The developer has started to use blue bricks instead, there aren't any blue bricks around the area. He must of had some left over from another job and thought no one is going to notice.

If you are going to convert an old stable you should retain as much as possible to keep the character for the future generations - it is in the ANOB.

### Plot 2

There is no mention on the drawings what materials are being used - make it up as you go maybe.

### Plot 3

Where has the original barn gone, there are new additions on the East elevation and West elevation

The original application kept the individuality of the barn this managed to convert what was there but still retaining the character and appearance of a barn.

### Plot 4

One of your senior planning officers made a comment on a resent application

*The buildings at Glenfall Stables are predominantly historic, have a long history of equine use and have been evidently redundant/disused for a long period of time. The site operated as an equine business and comprised of a range of 'farm' buildings to facilitate this use, including a traditional farm house dwelling. Some of the more functional and ancillary buildings to the rear of the site were considered to be in poor condition and impractical for modern commercial stabling.*

*6.8 Officers identified this site as being fairly isolated but recognised the fact that the proposal was for the conversion of rural buildings which, by their very nature, are usually located further from local services and amenities. However, this site is outside the PUA and therefore was not considered to be a sustainable location for new-build residential development because of the likely dependence on private car journeys to meet the everyday needs and activities of residents. The determining factor in this case was whether 'the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting', as guided*

*by paragraph 55 (79) of the NPPF, criterion 5 of SD10 and saved Policy CO13 of the Local Plan. The application submission also included structural survey reports to demonstrate that the conversion works could be carried out without significant alterations or demolition.*

*6.9 The proposals involved the removal of unsightly structures, the conversion of structurally sound redundant buildings and the retention and refurbishment of the attractive farmhouse and courtyard buildings which run along the boundary with Ham Road. The scheme provides a variety of dwellings and ancillary outbuildings with design features and materials which respond and respect the character of the site and its surroundings. The sensitive conversion works and scheme as a whole were therefore considered to offer an enhancement to both the immediate setting of this complex of rural historic buildings and character and appearance of the AONB.*

Having one senior officer comment on Historic buildings, and retention and refurbishment of the attractive farmhouse, including a traditional farm house dwelling how can the council go back on the word to grant planning permission on this new build thats higher in height of the existing dwelling and larger in size. The farm house is set lower in the ground, if the new dwelling achieved consent the new dwelling would tower over the whole site.

We did not make a comment on the original application because we felt it made use of the buildings with little change in size and appearance. Some of the buildings are traditional stone so if the council give consent to demolition the farm house you might as well clear the whole site of all buildings and start again with new build.

Thank you

**Comments:** 13th February 2019

Thank you for notifying me on the latest set of amended drawings.

Can you ask the developer to clarify on elevation E3 it shows timber clad, on application 19/00191/DISCON drawing no 1145/sd 100 it shows a recess of timber clad and i presume stone elevation as the same as the main barn.

I think the revised drawings on plot 1,2, and 3 are a lot better than the previous proposed still not a fan of the new roofs on plots 1 and 3 in slate why not break it up with the reclaimed red tiles on one of the stable blocks.

Would it be worth asking your urban designer for his views.

Plot 4, object to this proposal in the strongest way as my previous comments

The buildings at Glenfall Stables are predominantly historic, have a long history of equine use and have been evidently redundant/disused for a long period of time. The site operated as an equine business and comprised of a range of 'farm' buildings to facilitate this use, including a traditional farm house dwelling. Some of the more functional and ancillary buildings to the rear of the site were considered to be in poor condition and impractical for modern commercial stabling.

6.8 Officers identified this site as being fairly isolated but recognised the fact that the proposal was for the conversion of rural buildings which, by their very nature, are usually located further from local services and amenities. However, this site is outside the PUA and therefore was not considered to be a sustainable location for because of the likely dependence on private car journeys to meet the everyday needs and activities of residents. The determining factor in this case was whether 'the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting', as guided by paragraph 55 (79) of the NPPF, criterion 5 of SD10 and saved Policy CO13 of the Local Plan. The application submission also included



structural survey reports to demonstrate that the conversion works could be carried out without significant alterations or demolition.

6.9 The proposals involved the removal of unsightly structures, the conversion of structurally sound redundant buildings and the retention and refurbishment of the attractive farmhouse and courtyard buildings which run along the boundary with Ham Road. The scheme provides a variety of dwellings and ancillary outbuildings with design features and materials which respond and respect the character of the site and its surroundings. The sensitive conversion works and scheme as a whole were therefore considered to offer an enhancement to both the immediate setting of this complex of rural historic buildings and character and appearance of the AONB.

Having one senior officers comment on Historic buildings, and retention and refurbishment of the attractive farmhouse, including a traditional farm house dwelling NO NEW DEVELOPMENT how can the council go back on the word to grant planning permission on this new build thats higher in height of the existing dwelling and larger in size. The farm house is set lower in the ground, if the new dwelling achieved consent the new dwelling would tower over the whole site.

I find it very hard to believe if the council approve demolition of a perfectly good farm house why did they give consent to convert non habitable buildings to residential plot 1,2 and 3 it doesn't make sense, the farm house was part of the original stables that was converted to residential.

I hear that the application is already booked in for the March planning meeting, has the council made its mind up already before comments being received because it was only going to committee if the council were to recommend approval.

I urge the council to go back to the developer and implement the only consent that they have, by the time the planning committee turn up for planning view the site will nearly be completed, o well another amendment application submitted.

2 Ham Green Cottages  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6ND

**Comments:** 28th December 2018

Object in the strongest possible terms.

This application 18/02547/FUL is described as a revised scheme of 18/00633/COU.

The original scheme was for the conversion of redundant equine buildings to form 3 new dwellings and for the addition of a small extension to the current farmhouse dwelling on the site. The plans were approved as the design respected the character and location of the site within the AONB and the "Ham Settled Lowland" area.

The design retained the footprints, elevations and locations of the buildings to be converted as well as retaining their materials and character features where ever possible. All in all a well put together design.

The current proposed design that has been submitted does not respect the AONB or the local character of Ham. The design of the buildings is outrageous and does not sit well within this environment as there are no other buildings of a similar design within the vicinity.

The development is roadside, being overlooked from Ham Road and Mill Lane as well as Public Footpaths. All of these routes are extremely popular with Hikers, Dog Walkers, Runners, Cyclists and Horse Riders as well as being a road access to the promoted Cotswold Way, that crosses Ham Road further up the hill. This requires maintaining the character of the existing site, due to its visual sensitivity to the public.

The proposed New Build, is said to replace a perfectly serviceable Farm Dwelling that has character and reflects the history of the land usage. The demolition of this dwelling and the location of the New Build at a higher location closer to the boundary with Ham Road, will become overpowering to the extreme. The elevations of this building that are visible from the public highway are 6.850 m high and staircase up the sloping site, they contain excessively large glass panels, Verandas, Balconies, Exposed Steel Framework and Grey Steel Walling plus some natural stone walling. This does not sit comfortably within the landscape.

The three dwellings proposed, from the conversion of existing redundant buildings all have increased footprints from the original buildings with dramatic character changes due to the use of additional large windows, the change of cladding / roofing materials and structural elements. There are so many examples that I will only quote a few below.

### Plot 1. Stables

- a) The plinth of the West range has been built using Blue/Black engineering bricks that are not to be found anywhere else in Ham. The foundations of this plinth have been built and conflict with the drawings submitted.
- b) The proposed roof line of the West range has been raised and a slated pitched roof with multiple gable ends is shown. These together with the height of the plinth make the range appear overpowering and large.
- c) The North range currently enjoys a roof clad with Red Clay pan tiles, and it is proposed to replace them with Grey slates. This would change the visual appeal of the building.

### Plot 2. Dutch Barn

- a) The West elevation of this building, which is visible from Mill Lane, Ham road and public footpath ZCK/13/1, gives the impression of a commercial warehouse due to the number and position of windows.
- b) The East elevation visible from public footpath ZCK/12/2, looks as though the building is a strange office block due to the excessive number and size of windows.

### Plot 3. Hay Barn (previously known as The Swimming Pool)

- a) The plans for this dwelling would appear to not respect the original building at all, as there appear to be extensions in all directions and changes to the roof line.
- b) Again the use of materials, metal roofing, metal siding and oversized glass panels, together with elevated balconies, creates a visual impression that does not sit comfortably into the wider landscape.
- c) this building will be visible from Ham Road and public footpath ZCK/12/2.

These objections have been made using guidance from the document,

"Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB within the Cheltenham Borough Administrative Area" revision 05-May 2016 produced by Ryder Landscape Consultants / Cheltenham Borough Council.

with reference to the planning policies and environmental impact stated there in.

**Comments:** 3rd January 2019

I note that an environmental impact statement has not been submitted with this planning application, 18/02547/FUL.

Due to the nature of the design of these dwellings with large expanses of glass I am concerned that light spillage from the 4 properties and the possibility of outdoor lighting will cause light pollution to the local environment.

Currently there is little to no nighttime illumination in the area and it could be classed a Dark site.

Light pollution would be detrimental to the local wildlife of this Rural location. Namely, Deer, Foxes, Badgers, Rabbits & hunting Owls. Also it is also noted that the change of light levels in a location can upset the rhythms of nesting or roosting hedgerow birds.

I further note, that the buildings at Glenfall Stables, have for many years, been a favoured location for a healthy population of migratory Swallows & House Martins. There appears to be no provision for alternative nesting locations with the loss of the existing buildings.

**Comments:** 14th February 2019

Comments on the revised drawings added to application 18/02547/FUL

Revised Site Layout 1145.02-A

I can see no reason for this new layout other than to justify the demolition of the current residence and/or provide a possible access route to the enclosed parcel of land that's to the North of the site and currently has no possible access route. This paddock was purchased by the developer as part of the Glenfall Stables acquisition.

Revised Plot 2 Plans & Elevations 1145 P2.S1-A

As long as the materials, footprint & Elevations of this plot as described in the revised drawings are stuck to with no further extension, then I can see no objection to the approval of this plot.

Revised Plot 3 Plans & Elevations 1145.P3.S1-A

As long as the materials, footprint & Elevations of this plot as described in the revised drawings are stuck to with no further extension, then I can see no objection to the approval of this plot.

Revised Plot 1 Plans & Elevations 1145 P1.S1 RevA

Whilst applauding the changes to the design of the roofline for the Western Range E4 together with the West Range link details to the adjoining ranges E5, E3 & E1.

I find the proposed use of materials unacceptable.

- a) The replacement of the existing terracotta pan tiles on the Northern Range, with Blue/Black slates.
- b) The proposed use of Blue/Black slates on the West Range. Terracotta pan tiles would be a far better choice.
- c) The use of Blue/Black bricks for the plinth of the West Range are completely out of character with the location and either stone or red bricks should be used.
- d) The use of vertical timber cladding is unacceptable anywhere on Plot 1, and only horizontal lap boards as used originally should be allowed.

Please read my comments submitted to application 19/00191/DISCON in combination with these sections a) through d).

### Revised Plot 4 Plans & Elevations 1145 P4 S2-A & 1145 P4 S1-A

This New Build requires the demolition of a perfectly good existing dwelling, still currently inhabited, that should be upgraded to modern standards rather than demolished. This building occupies a footprint of 158 sq Meters and volume of 663 cubic meters, and has planning permission for an additional small extension. As detailed in 18/00633/COU.

The proposed new build described in these new plans occupies a footprint of 223 sq meters which is an increase by a ratio of 1:1.4 and due to the extreme height of the build a volume of 1593 cubic meters that is an increase by a ratio of 1:2.4 over the dwelling it replaces.

The Cheltenham Plan 2006 policy C03 (a), now superseded by JCS SD7, stated that the volume of the original dwelling is not to be exceeded by 10% or 50 cubic meters (which ever is the greater)

Furthermore C07 (b) which has not been superseded by a JCS policy, states that the volume of the original dwelling is not to be exceeded by 15% or 75 cubic meters (which ever is the greater) Clearly this replacement building does not meet either of the above policies.

It is also apparent that this whole development doesn't meet the requirements in the following policies.

- Cotswold AONB management plan 2013-18: CE01, CE04, HEP1
- Joint Core Strategy: SD4, SD7, SD10, SD14
- Cheltenham Local Plan: CO4, CO13, CP7
- CBC Landscape Character, Sensitivity and Capacity Assessment of the Cotswold AONB, ref: LCA8.1

For all of the above reasons I ask that this application 18/02547/FUL be REFUSED.

1 Ham Green Cottages  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6ND

### **Comments:** 9th January 2019

Thank you for notifying me on the above planning application 18/02547/ful

I would like to make some comments on the recent planning application.

I would like to object to the planning application in the strongest possible terms.

Whilst the original application was in keeping with the historic area of Ham and the AONB in which it sits, this now does nothing of the sort.

Having read Planning Officer Gary Dickens' Delegated Officer Report from the original application, there are points almost too numerous to mention which have been completely ignored in the changes to the designs. For example:

"6.18 The existing farmhouse and courtyard buildings which run along the boundary with Ham Road are an attractive feature of the site and indeed the hamlet as a whole. These buildings provide a visual screen to the site in a very traditional way....."

## Page 79

How the demolition of the existing farmhouse to be replaced by an enormous house overlooking all around can be even considered is beyond me.

It appears that building work on site is well underway and it is of great concern that construction (and destruction) is taking place that may not be in accordance with the permitted planning application with particular regard to footprint and materials. The new design is vastly different in its impact to the surrounding area.

The revised scheme shows complete disregard for the existing buildings which are viewed prominently from the surrounding roads and footpaths not only by local residents, but the many who enjoy using the scenic rural area for walking, cycling, running and horse riding.

Glenfall Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NH

### **Comments:** 2nd January 2019

We are writing to object in the strongest possible terms against the new proposal for the Glenfall Farm Stables in Ham road. As the owners of Glenfall Farm, where we have lived for some 40 years, we will be the most affected by the development, we did not object to the original proposal as we thought that the plans that were passed were very sympathetic to the existing buildings and the ANOB area of Ham where they stand.

The current alteration does not meet this in any respect.

The visual impact of the new proposal does not pay much heed (if any at all) to the existing buildings and the local environment, and the use of grey steel and exposed steel structural elements as well as large expanses of glass, are not to be found anywhere in Ham and are more suited to industrial estates. The new footings already installed in one of the buildings are black engineering brick which is also not to be found anywhere in Ham, I believe that this differs from the original proposal.

The new footprints are much larger than the original buildings and the original proposal, and the heights have been greatly increased as well as more extensions added than have been so far agreed, many more windows have been added.

The worst suggestion is the demolition of the existing 18th Century Cotswold stone farmhouse, which is an attractive building and building a modern steel and glass construction nearly 7 meters high, in a different part of the site, currently lawn, close to the boundary with our garden and having a large balcony at first floor level overlooking our garden thus destroying its privacy as well as removing the original view of the existing farmhouse and replacing it with this construction which is completely out of keeping with the area which is used by many walkers, cyclists, horse riders etc, Ham Road being one of the main access routes to the famous Cotswold Way and the Cotswolds in general.

The new plan for the building which currently house the horse swimming pool seems to have a great many more windows than originally proposed as well as having larger and more extensions than the original plans.

We trust that these alterations to the existing planning approval will not be passed.

Hamfield House  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NG

**Comments:** 10th January 2019

On 25 May 2018, under reference 18/00633/COU, planning permission was given for change of use of Glenfall Stables. The permitted scheme was for a modest extension of the existing dwelling and sensitive conversion of various stable buildings to form three further dwellings. I was content with these proposals which conformed with relevant planning policies and respected the sensitivity of the AONB location on the edge of the settlement of Ham.

Work on conversion of Glenfall Stables is currently under way and has been so for several weeks. This is notwithstanding Condition 3 of the 25 May 2018 permission which sets out the conditions whereby the conversion must be carried out. Among other provisions this states: "If, during the course of the conversion works, problems are encountered which would result in works being carried out to the buildings which are not in accordance with the approved drawings and method statement, the applicant shall cease development on site and immediately notify the Local Planning Authority and submit details of mitigation measures and/or revised drawings to be approved in writing by the Local Planning Authority." This implies that the developer is able to carry out work in line with the approved plans.

Although it contains major changes from the earlier permitted proposals, the current application does not contain an adequate level of detailed justification. In particular, unlike the permitted application, it contains no Design and Access Statement - nor even a modified version of the previous Statement - and it fails to contain any justification whatsoever for the proposed changes from those permitted.

I object to the current application for the following reasons:

- Replacement of the existing single-storey farmhouse with a new two-storey dwelling (Plot 4) on a different and more intrusive footprint would significantly damage the sensitive aspect of the complex, especial as seen from Ham Road and Ham Hill.
- Major changes to the conversion of the former swimming pool building (Plot 3) including making it in effect a new two-storey building which would stand out unattractively from the existing complex.
- The major changes to the design and materials proposed for all the buildings, to include the extensive use of grey steel walling and cast stone tiles, are totally out of keeping and are not at all sympathetic to the location.
- The above changes are proposed without any justification.

The overall effect of the above features would be greatly to increase the visibility and intrusiveness of the development in this sensitive location in the AONB on the rural fringe of Cheltenham.

In 2015, Cheltenham Borough Council commissioned from Ryder Associates a Landscape Character Assessment of the part of the Borough which falls in the Cotswolds AONB. The subject site is covered by Landscape Character Area: Ham Settled Lowlands, Site Ref LCA 8.1. This Landscape Character Assessment found that Visual Sensitivity, Landscape Character Sensitivity and Landscape Value of the area were all 'High'.

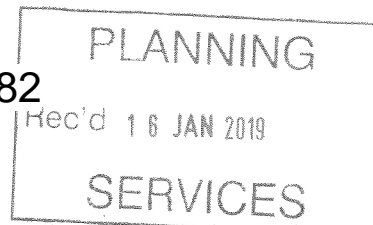
I would draw attention to the assessment made in the Officer's Report for 18/00633/COU. In particular see para 6.18, which states:

"The existing farmhouse and courtyard buildings which run along the boundary with Ham Road are an attractive feature of the site and indeed the hamlet as a whole. These buildings provide a visual screen to the site in a very traditional way. The ramshackle nature of the other buildings which have been erected, altered and extended over a period of time are not attractive features which contribute positively to the AONB. These are functional buildings which support the commercial use of the site. It is considered the removal of a small number of buildings, and the sensitive conversion of the remaining buildings result in a modest enhancement to the immediate setting of this part of the AONB."

Under the current proposals this and other aspects of the Officer's findings are no longer the case. These proposals are no longer in line with the NPPF (revised July 2018), with JCS Policy SD6 and SD7, Cheltenham Plan Saved Policy CP3 or the Cotswolds AONB Management Plan.

I therefore urge the Planning Authority to refuse the application. Should the officers' recommend permission of the development, I request that the decision be referred to the full Planning Committee.

Please advise me of the Council's decision.



Ref 18/02547/ful

I would like to OBJECT in the strongest way to the above planning application.

This is the same developer that bulldozers his way though all of his developments no consideration to the AONB no Consideration to neighbours. On inspecting the plans that have consent the developer has disregarded these and carried on what he thinks might look right in this location. I have heard that planning enforcement have been to site and can do nothing, crack on pal don't worry you can get over it on a amendment. This is the same developer that developed a property in Balcarras Road did what he wanted to do and applied to amend the original plans, all passed. 18/00460/CONDIT

- Introduction of office accommodation above garage which includes external staircase, door well and velux windows.
- Amendments to windows and introduction of new windows / rooflights to main house.
- Brick boundary wall to front of property.
- The use of a flat roof, single storey rear section as a balcony with a glass balustrade and access from bedroom one and five.

All the above didn't have planning but all passed under a new amended application. Come on council play the game.

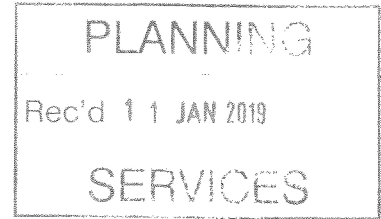
I hope this is REFUSED

Yours sincerely

A large black rectangular box redacting the signature of Ham Close.

Ham Close





Conversion of stable building 18/00633/COU  
The Ham Charlton Kings

Comment of Support,

The conversion of these redundant barns and redevelopment of the house have been designed to enhance the historical and architectural features, whilst ensuring that the development remains a similar scale and appearance as existing so as to have a positive impact on the character and appearance of the surrounding landscape.

Separate to this application, I would like to note my concerns of the current use of the 4 acre parcel of the land adjacent to the application site. It would appear that the residents of New Barn Ham have encroached their residential curtilage into this field and are now using it as garden land. This area of land is open countryside and part of the AONB I would like the planning department to take action and have this land re instated to its former use.

The original plans for Glenfall Stables included large areas of hard standing and the site layout seemed somewhat disjointed.

The new design and layout appears to be more simplified and softening into the landscape helped by the omission of the hard standing creating a more eco-look,

I look forward to seeing this application Permitted without delay.

Yours faithfully



Ham Close  
GL52 6NP

A long, horizontal, wavy handwritten line or flourish.

your ref.  
18/02547/FUL.

WADLEY'S FARM,  
HAM LANE,  
CHARLTON KINGS,  
GL52 6NS.  
10-1-19.

Dear Mr. Dickens,

I write concerning the latest application at Glynfall Stables.

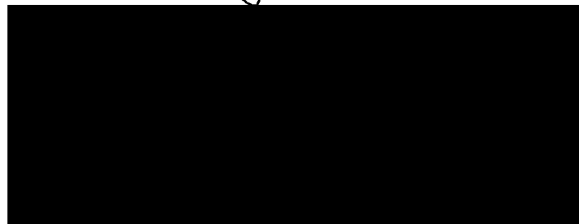
The original application (18/00633/COV) was for the conversion of 4 traditional buildings and permission was granted on this basis. No demolition was envisaged, and the buildings retained their overall shape and ambience, although obviously converted from agricultural to domestic use. The permitted buildings were sympathetic given the rural nature and surroundings of the site.

The latest application could not be called sympathetic to the surroundings as it uses modern building materials, such as an abundance of large glass panels, aluminium doors and windows, and vertical steel cladding. It also calls for plot 4, which is a traditional cotswold stone building, to be totally demolished and replaced with a 'flashy' modern edifice using excessive areas of glass and obtusive areas of vertical steel panelling.

The applicant knows the restrictions of the original plans before he bought the site, and he should be kept to those plans and not be allowed to drastically alter them as he hopes to do in this latest application.

I urge you to refuse this application.

Yours sincerely,



your reference  
18/02347/FUL.

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PLANNING

Rec'd 22 FEB 2019

SERVICES

WADLEY'S FARM,  
HAM LANE,  
CHARTON KINGS,  
GL52 6NJ,  
20-2-19.

Dear Mr. Dickens,

I write concerning the latest application to alter the approved plans regarding farmfall stables.

The proposed schemes for plots 1, 2 and 3 are vaguely similar to the original plans, with the exception of the proposed change of materials on plot 1, the stable block. This proposal should not be allowed, the original materials of red brick and red pantiles being consistent with the other buildings in the locality.

The proposal for Plot 4, the Farmhouse, to be demolished and moved away from the original footprint, is totally out of context and should not even be considered. The original permitted plan envisaged modifying the existing building which is mainly of Cotswold stone and brick, and has 'grown' over the ages.

Any proposal to demolish it and move its site is clearly contrary to the Town Plan and Cotswold AONB stipulations. Policy CO 13 states that "conversion of rural buildings will only be permitted when  
a) the building is appropriately located and otherwise is suitable for conversion without SUBSTANTIAL DEMOLITION, rebuilding or extension."  
It is also contrary to policies CO 3 and CO 7 which control the size of any extension to be no more than 10% or 50m<sup>3</sup> larger than the original.

The proposed materials for Plot 4 are totally alien to the other 3 buildings and also to the area, being lots of dark slate and vertical cedar cladding. The whole design is 'flashy' and modern and should not even be considered if the constraints of the Town Plan have any meaning whatsoever.

Yours sincerely,





Wadleys Farm,  
Ham Lane,  
Charlton Kings,  
Cheltenham,  
Gloucestershire.  
GL52 6NJ

2<sup>nd</sup> March 2019

Re Glenfall Stables

Dear Mr Dickens,

I would like to respond to a Planning Statement prepared by MWA Consultants for Mr R. Deacon.

At first glance it would appear to be a reasoned and professional argument for the demolition of a farmhouse and replaced by a rebuild at Glenfall Stables, but on closer inspection mistakes and omissions appear.

In the introduction para 1.2 it states that the fourth building would be built on the site of the existing building. This is not true; the proposed site is further up the hill.

It goes on to quote policy CO13, perfectly accurately, but a vital sentence is missing viz subsection (B) "without substantial **DEMOLITION**, rebuilding or extension". This is blatant cherry-picking.

In issue three para 2.12 it is stated that "the new proposed building has a simple style and adopting an agricultural barn-like appearance. It complements the existing group of buildings".

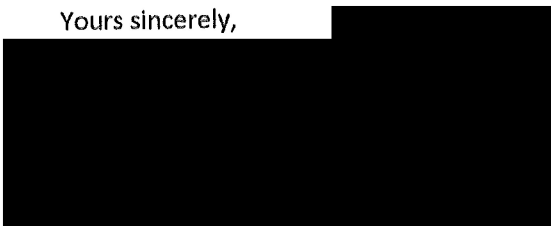
It is a great leap of the imagination to think that this building looks like an agricultural barn with lots of glass, aluminium frames and doors, vertical cladding etc. The present farmhouse is far more agricultural, part of it being a stable block and the rest being a building which was part of Glenfall farmyard.

In the overall conclusion, it is stated that "the removal of a range of poor-quality buildings", in whose estimation are these buildings of a poor quality? They have already been passed as sound by the Borough Engineers Department.

The whole report contains a vast amount of quotations from policies far and wide, joined together by a load of verbal padding. There is no positive explanation why a perfectly good Cotswold stone house, having been lived in for 40 plus years, and still being lived in now, should be demolished and replaced by a totally unsuitable building, which will not fit visually into its surroundings. All the policies quoted in support of a new building can equally be read as applying to the present farmhouse.

I urge you not to allow the proposed building to be permitted and stick to the original permission and plans granted in 18/00633/COU.

Yours sincerely,



Ref: 18/02547/FUL

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Wadleys Farm,  
Ham Lane,  
Chaulton Kings.  
GL52 6NT  
10<sup>th</sup> Jan. 18.

Dear Sir,

I would be very grateful if you would re-read the letter I sent in relation to my support for the original conversion of Glenfall stables. The plans (18/00633/CON) which were passed at the time were suitable and very much in keeping with the site on the lower slopes of Ham Hill, part of the Cotswolds AONB.

The latest application does not fulfil any of the criteria for conversion of agricultural buildings.

The Proposed Town Plan which I am sure had much time and money spent on its preparation states:

Policy D1 Design: ... "b) complements and respects neighbouring development and the character of the locality and/or landscape."

These latest plans for Glenfall Stables' conversion do not conform to this policy with steel sheet, much glass and the designs, being alien to this locality.

Conversion of Rural Buildings

"The conversion of rural buildings to uses other than agriculture will be permitted where:  
a) The building is structurally sound, suitable for, and capable of conversion to the proposed use, without substantial alteration, extension or REBUILDING."

This quite clearly states that there should be no rebuilding. The original owners' house is a fine Cotswold stone barn conversion well worth preserving without "substantial alteration, extension or rebuilding" and as such should not be demolished and rebuilt in a design which does not adhere to Town Plan guidelines.

I am appalled at these latest plans. This development should remain in keeping with its present agricultural status and not be turned into a modern development totally out of character within the AONB, which has, and needs to have, maximum protection from developments such as this one.

I certainly hope you will refuse it.  
Thank you as always for giving me the opportunity to "have my say" on this application.

Yours faithfully,



Ref: 18/02547/FUL

Page 90

Wadleys Farm,  
Ham Lane,  
Charlton Kings,  
Cheltenham.



GL52 6NJ

21st Feb. 19.

Dear Sir,

I am totally opposed to the demolition of a perfectly sound Cotswold stone dwelling which continues to be inhabited by the former owners of this site.

The proposed "new build" is not even in the same footprint as the original building being further up the hill and away from the main stable complex. The whole point of the conversion of agricultural buildings is that they should retain the ambience and character of the original unit. This proposed "new build" will be alien - not even using the materials of the former farmhouse, being remote from the rest of the converted buildings and certainly be conspicuous on the lower slopes of Ham Hill within the Cotswolds A.O.N.R.

If this "new build" is permitted it will contravene Town Plan policy CO13 which states that the conversion of rural buildings will only be permitted without substantial

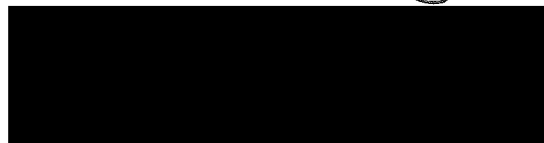


DEMOLITION, rebuildPage 91 or extension and should be worth preserving. The present Cotswold stone house is certainly WORTH PRESERVING being an integral part of the whole of Glenfall Stables.

I hope you will adhere to local Town Plan Policies (including CO3 and CO4) and refuse this application.

Thank you for giving me the opportunity to give my opinion on this matter, so important in helping to protect the AONB.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.

3, Natton Cottages,  
Ham Lane,  
Charlton Kings,  
Cheltenham.  
Gloucestershire.  
GL52 6NJ

19th January 2019

Cheltenham Borough Council,  
PO Box 12,  
Municipal Offices,  
The Promenade,  
Cheltenham,  
GL50 1PP  
Attn:- Mr G Dickens – Planning Officer.

Dear Mr Dickens,

**Re:- Planning Ref:- 18/00633/COU / Your Ref:- 18/02547/FUL – Glenfall Farm Stables Ham Road  
Charlton Kings Demolition of Existing Farmhouse Revised Plans @ 11/02/19 -OBJECTION.**

I refer to the original plan for this site submitted on the 23<sup>rd</sup> of May 2018 which attracted little comment from residents in the immediate area as it promised a sympathetic conversion of the stables with a small addition to the main farmhouse dwelling. The design and promise was to keep the stables and farmhouse as close to its original appearance as possible and hence still sympathetic with the AONB of which the immediate area is known for.

This **second** revised plan (as does the **first** revised plan) again does absolutely nothing for the area which the original plan addresses in keeping the development in sympathy.

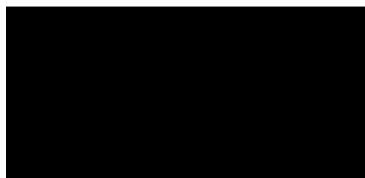
The ‘new’ building in this latest plan further seeks to destroy the character of the site – making everything in alignment which is not the character of the AONB in this area.

The replacement seems to have increased in size, again seeking to spoil the countryside.

This latest plan must be rejected and the original plan for a straight-forward conversion kept in place. It would be nice if both the developer and architect concentrate on delivering the original planned conversion with clear unambiguous detailed drawings which need to be carried out meticulously to maintain the character of the area. This is not that much to ask!

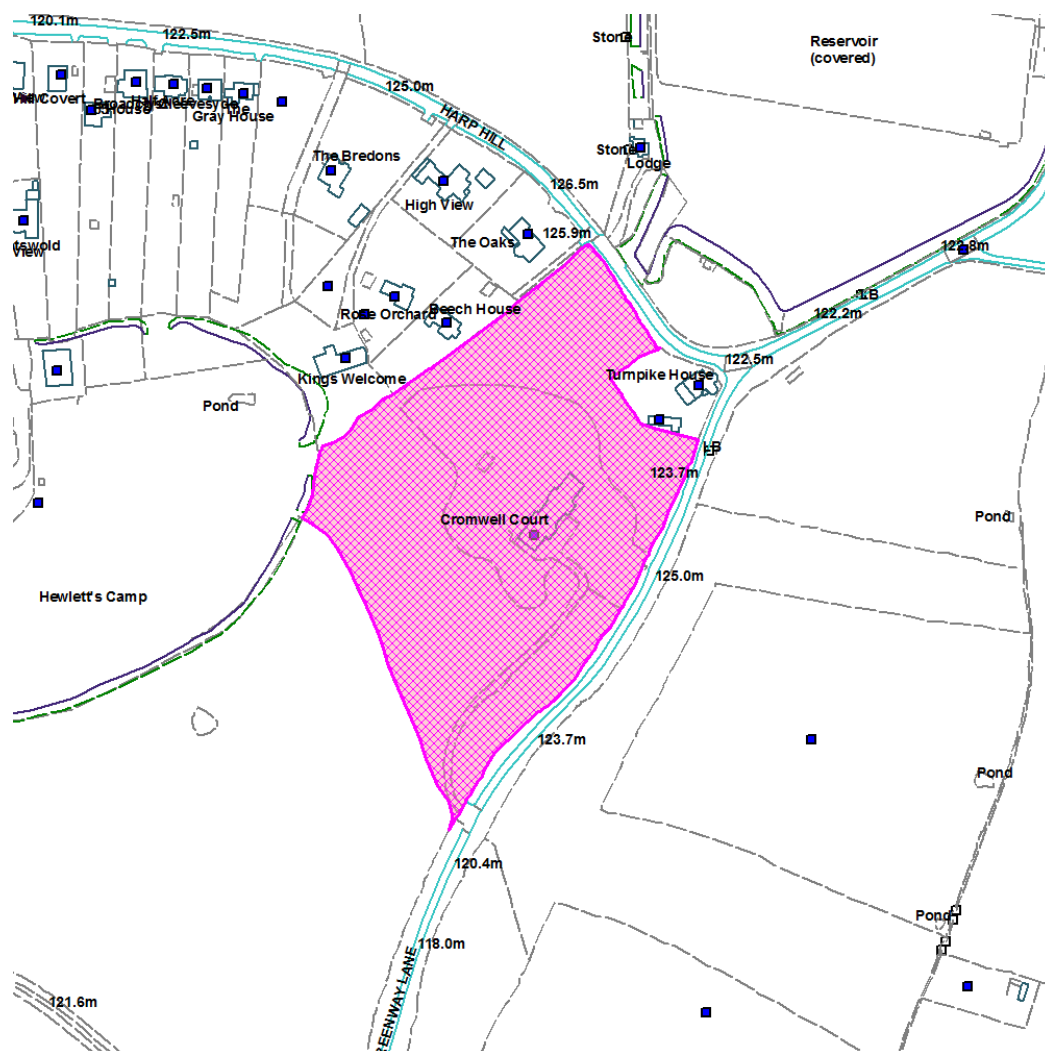
Planners are the guardians of the AONB particularly from attempts to destroy the old buildings that make the area (more so when they are still very serviceable). This proposal must be refused and the existing work done on the site examined to ensure that it is in keeping both to the original proposal and to the materials used to ensure the result is in turn in keeping with the AONB and the objectives which make it the protected area it is and should be.

Yours sincerely,



<b>APPLICATION NO:</b> 18/02581/FUL	<b>OFFICER:</b> Mr Joe Seymour
<b>DATE REGISTERED:</b> 19th December 2018	<b>DATE OF EXPIRY:</b> 13th February 2019
<b>DATE VALIDATED:</b> 19th December 2018	<b>DATE OF SITE VISIT:</b> 17th January 2019
<b>WARD:</b> Battledown	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr And Mrs Cassidy
<b>AGENT:</b>	SF Planning Limited
<b>LOCATION:</b>	Cromwell Court, Greenway Lane, Charlton Kings
<b>PROPOSAL:</b>	Demolition of existing dwelling and construction of 8 x self & custom build dwellings with associated works and infrastructure, including sustainable drainage, new internal access roads, improvements to existing internal access road, site regrading and landscape planting

**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. 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, which is recognised by Historic England as a Scheduled Ancient Monument.
- 1.3 The applicant is seeking to demolish the existing dwelling at the site and to obtain planning permission for 8 self-build dwellings.
- 1.4 Cllr Matt Babbage has requested that this application is determined by the Planning Committee due to the sensitive nature of the site which is within the Cotswolds AONB.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Area of Outstanding Natural Beauty  
 Airport Safeguarding over 45m  
 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

**18/01776/FUL                      23rd November 2018      PERMIT**  
Sub-division of existing dwelling into 8 apartment units

### **3. POLICIES AND GUIDANCE**

#### National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

#### Saved Local Plan Policies

CP 2 Sequential approach to location of development

CP 4 Safe and sustainable living

CP 7 Design

GE 5 Protection and replacement of trees

GE 6 Trees and development

#### Adopted Joint Core Strategy Policies

SP1 The Need for New Development

SP2 Distribution of New Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

SD14 Health and Environmental Quality

INF1 Transport Network

#### Supplementary Planning Guidance/Documents

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

### **4. CONSULTATIONS**

#### **Parish Council**

*25th January 2019*

The Committee have no objection to the proposed works but would request conditions are made regarding contractors' parking. We would request that all contractors' parking should be on site and that no parking is to take place on Greenway Lane, Harp Hill, Aggs Hill or Mill Lane. This will prevent traffic disruption and the inevitable damage to verges that such parking would cause.

## **Cotswold Conservation Board**

*25th February 2019*

Thank you for inviting the Cotswolds Conservation Board ('the Board') to comment on the proposed development at Cromwell Court.

The Board objects to the proposed development and recommends that the proposed development should not be granted planning permission.

The Board acknowledges the aspiration for the proposed development to be 'landscape-led' and for the design to be of exceptional quality. However, the development would extend the built environment of Cheltenham around to the eastern side of Battledown Hill, further into the AONB and beyond the boundary of the principal urban area. The proposed development is in a highly sensitive location that faces - and is clearly visible from - the Cotswold escarpment.

Combined with the existing development on the north-north east side of Battledown Hill, it would result in an unacceptable cumulative impact. Perhaps most importantly, if permitted, it could pave the way for further encroachment of the built environment into the AONB.

For these reasons, the Board considers that, although the proposed development is for a relatively small number of dwellings, it could - and indeed would - have a significant adverse impact on the purpose for which the Cotswolds Area of Outstanding Natural Beauty (AONB) was designated (i.e. to conserve and enhance the natural beauty of the AONB).

Given the significant impact - and the highly sensitive setting - of the proposed development, the Board considers the development to be major development in the context of paragraph 172 of the National Planning Policy Framework (NPPF). The Board does not consider that the proposal demonstrates the exceptional circumstances that such development would require or that it is in the public interest.

In addition, the development would not be compatible with the policies of the Cotswolds AONB Management Plan and, by extension, Policy SD7 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS). It would also not be compatible with the Policy SD10 (Residential Development) of the JCS.

As indicated above, the Board objects to the proposed development and recommends that it should not be granted planning permission. However, if the local planning authority is minded to grant planning permission, planning conditions should be imposed to ensure that all of the proposed mitigation measures are implemented. This should include measures to avoid and minimise light pollution. If planning permission is granted, consideration should be given to securing funding - for example, through planning obligations - to contribute to conserving and enhancing the natural beauty of the Cotswolds AONB (for example, by making a financial contribution to the Board towards the implementation of the Cotswolds AONB Management Plan).

Additional information and advice is provided in Annex 1, below. Should you require further clarification on any of the points raised, please do not hesitate to contact me.

*25th February 2019*

**ANNEX 1. SUPPORTING COMMENTS RELATING TO THE COTSWOLDS CONSERVATION BOARD'S OBJECTION TO PLANNING APPLICATION 18/02581/FUL**

**MAJOR DEVELOPMENT**

**Major development policy and interpretation**

Paragraph 172 of the NPPF states that 'planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest'. Footnote 55 of the NPPF clarifies that 'whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated' (i.e. to conserve and enhance the natural beauty of the AONB).

As outlined in a legal opinion provided to South Downs National Park Authority by James Maurici QC of Landmark Chambers, the assessment as to whether a proposal could have a significant adverse impact is a question of the potential to have this impact. It 'does not require (and ought not to include) an in-depth consideration of whether the development will in fact have such an impact. Instead, a prima facie assessment of the potential for such impact, in light of the scale, character or nature of the proposed development is sufficient'<sup>1</sup>. In other words, for a development to be considered major development, it does not need to be demonstrated that the proposal would have a significant adverse impact but simply that it could.

### **Significant adverse impact**

The proposed development would extend the built environment of Cheltenham around to the eastern side of Battledown Hill, further into the AONB and beyond the boundary of the principal urban area. The proposed development is in a highly sensitive location that faces - and is clearly visible from - the Cotswold escarpment. Combined with the existing development on the north-north east side of Battledown Hill, it would result in an unacceptable cumulative impact. Perhaps most importantly, if permitted, it could pave the way for further encroachment of the built environment into the AONB. .

For these reasons, the Board considers that, although the proposed development is for a relatively small number of dwellings, it could have a significant adverse impact on the purpose for which the Cotswolds Area of Outstanding Natural Beauty (AONB) was designated (i.e. to conserve and enhance the natural beauty of the AONB). It would, therefore, meet this element of the NPPF's definition of major development.

### **Sensitivity of the setting**

Cheltenham Borough Council (CBC) has classed this location as being Wooded Pasture Slopes (specifically the Greenway Wooded Pasture Slopes)<sup>2</sup>. CBC considers this classification to be a 'major landscape constraint' with a 'low landscape capacity for built development'.

<sup>1</sup> South Downs National Park Authority (2014) Opinion - In the matter of the National Planning Policy Framework and in the matter of the South Downs National Park Authority. James Maurici QC, Landmark Chambers.

<sup>2</sup> Cheltenham Borough Council (2015) Landscape Character, Sensitivity and Capacity Assessment of Cotswolds AONB within the Cheltenham Borough Administrative Area.

This location is classed by the Board as being Landscape Character Type (LCT) 2 - Escarpment<sup>3</sup>. The Board's Landscape Strategy and Guidelines<sup>4</sup> identifies this LCT as being very sensitive to change. For this LCT, the Landscape Strategy and Guidelines seeks, inter alia, to:

- Maintain the open, dramatic and sparsely settled character of the character of the Escarpment.
- Avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements onto the escarpment.

In the context of LCT2, the proposed development would constitute an extension onto the escarpment and should, therefore, be avoided.

### **Exceptional circumstances / in the public interest**

The Board acknowledges that new housing is required in Cheltenham Borough. However, a national and district-wide need for more housing should not be considered to be 'exceptional circumstances', in the context of paragraph 172 of the NPPF. The fact that housing is required in the Borough does not necessarily mean that this housing should be located in the AONB.

Paragraph 172 of the NPPF states that development within AONBs should be limited. Policy CE12 of the Cotswolds AONB Management Plan 2018-2023 expands on this by stating that:

- Development in the Cotswolds AONB should be based on robust evidence of local need arising from within the AONB. Priority should be given to the provision of affordable housing, maintaining and enhance local community amenities and services and improving access to these amenities and services.

The proposed development does not meet any of these criteria. In particular, it is worth noting that the development makes no provision for affordable housing, whereas paragraph 63 of the NPPF allows for the provision of affordable housing for residential developments of more than five units. Policy SD7 (The Cotswolds AONB) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy states that 'proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan'. Therefore, given that the proposed development does not comply with any of the criteria in Policy CE12 of the Management Plan, the development should not be permitted.

In addition, the proposal does not comply with Policy SD10 (Residential Development) of the Joint Core Strategy as, for example, it is not:

- an allocated site;
- in the built up area of the three main areas or a rural service centre or a service village;
- affordable housing.

The Board acknowledges that, until the Borough Council's new Local Plan is adopted, there is some uncertainty about the Council's five-year housing supply. However, paragraph 11(d) of the NPPF exempts AONBs from the presumption in favour of development under these circumstances. In other words, a potential shortfall in the five-year housing supply should not tilt the balance towards approving the proposed development.

3 <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/07/lct-2-escarpment-2016.pdf>

4 <https://www.cotswoldsaonb.org.uk/our-landscape/landscape-strategy-guidelines/3>

### **The Board's opinion**

Based on the information outlined above, it is the Board's opinion that the proposed development would constitute major development in the context of paragraph 172 of the NPPF. The planning applications does not demonstrate that exceptional circumstances apply or that the development would be in the public interest. As such, planning permission should be refused.



### **County Archaeology**

*21st January 2019*

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

I advise that I have checked the application site against the County Historic Environment Record, and it adjoins the eastern side of Battledown Camp, which is designated a Scheduled Monument. For the reasons outlined below it is my view that this development proposal will have no significant impact on the Scheduled Monument, or its setting. However, should you have any further concerns regarding that issue I recommend you should consult Historic England concerning this planning application.

I note that this planning application is supported by a Heritage Statement (Archaeology and Planning Solutions, October 2018). This concludes that the identification of Battledown Camp as an Iron Age hill-fort is in serious doubt, and the site is better explained as a series of natural geological features. I advise that the County Historic Environment Record states that the identification of Battledown Camp as a hill-fort is discredited. Therefore, in my view the archaeological significance of Battledown Camp must be thought very low, and the proposed development will for that reason have no significant impact on the Scheduled Monument or its setting.

The Heritage Assessment confirms that there is no archaeology known within the application site, and the sloping topography is not a likely location for past activity and settlement. In addition, for many decades this land has been covered with trees, and a substantial area has also been subject to terracing associated with the construction of Cromwell Court. Such ground intrusions and disturbances mean that it is highly unlikely that any archaeology will be preserved within the application site, even if such remains were formerly present.

For the above reasons it is my view that the proposed development will have no significant impacts on archaeological remains, or their setting. Therefore, I recommend that no further archaeological investigation or recording should be required in connection with this scheme. I have no further observations.

### **Architects Panel**

*25th February 2019*

#### **Design Concept**

The applicant's architect, Ian Singleton, gave a presentation of the scheme to the panel explaining the planning history of the site and the design strategy for the 8 new houses.

The panel recognised the importance of this site being within the AONB and highly visible from surrounding countryside. The panel had no objection to the principle of replacing the existing dwelling, which is of no architectural significance, with a sensitive scheme for new houses on the site.

#### **Design Detail**

The contemporary style of architecture adopted for each new dwelling was generally liked very much. The CGI rendered model views demonstrated high quality design proposals. Each house is a well proportioned individual building of distinction composed of an attractive mix of high quality materials.

Unfortunately the site layout, on the other hand, was not convincing. The panel was concerned that there is no clear definition between public and private spaces and the boundaries between properties are not properly thought through. The buildings read as

unrelated oversized pavilions sitting in a parkland setting. In reality they will each have a need for a public frontage and more private amenity space, which is not defined or incorporated into the overall design strategy. Very likely the suburban clutter that goes hand in hand with such large buildings would ruin the attractive architectural aesthetic promised by the individual rendered images.

Fewer dwellings on the site or a different layout incorporating convincing landscape details may result in a more acceptable scheme.

Recommendation:

Current scheme not supported.

### **Joint Waste Team**

*14th January 2019*

This looks to be a gated community so Ubico would collect from the nearest adopted highway on Greenway Lane. Alternatively the internal roadways would need to be adopted, made of sound construction which allows use by up to 26 tonne fully laden vehicles and having continual access any time of the day. In which case each household would be required to present their waste and recycling receptacles and so internal paths and pavements would need to be wide enough to allow receptacles to be presented without posing an obstruction to other pedestrians, particularly wheel chair and push chair users.

### **Land Drainage Officer**

*30th January 2019*

I have reviewed the Flood Risk and Drainage Statement submitted with the application and am satisfied that the sustainable drainage proposals provide a robust and effective strategy that complies with current best practice that ensures the mitigation of flood risk, both within and outside the proposed development site. All subject to final detail design.

### **Campaign To Protect Rural England**

*17th January 2019*

The Campaign to Protect Rural England (CPRE) objects to the above application.

As can be seen from the site plan, the location is essentially a rural one. There are open fields to the West, to the South and, apart from a former toll-house and Ryeworth Reservoir, to the East/North-East. Apart from the toll-house, the only dwellings are to the North-West.

The site is in the Cotswolds AONB, at the point where the AONB meets the urban fringe of the town. It is a very sensitive and prominent location on the edge of, but close to the summit of, Battledown Hill. The land falls away to the SE before rising up to the Cotswolds escarpment. The site is very visible from the slopes of the adjacent Cotswolds escarpment including from a number of public footpaths – for example from Footpath ZCK-22 which descends from close to Ham Hill Farm South to meet Ham Road in the centre of Ham. At present these views show Cromwell Court as an isolated house in a rural setting. Should it be replaced by an estate of eight dwellings, this aspect will be transformed into an urban one.

A Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB within the Cheltenham Borough Administrative Area was commissioned by Cheltenham Borough Council and reported in April 2015. This site falls within Landscape Character

Area 10.11, 'Greenway Wooded Farmed Slops'. This area was found to be a Medium-High visual sensitivity, High landscape sensitivity and High Landscape Value, indicating that its landscape capacity for development was Low.

The NPPF, at paragraph 172, says "Great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty". Likewise Policy SD7 of the Joint Core Strategy states: "All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan."

The present proposals, which among other things significantly increase the housing density, clearly do not satisfy the above conditions. Moreover, the houses proposed would be 'luxury' dwellings at the top end of the housing market, making poor use of the available land area and doing little to satisfy the local housing need.

Cheltenham Borough Council has in the past been robust in defending the Cotswolds AONB and resisting proposals for inappropriate development. CPRE strongly urges the Borough Council to refuse this planning application.

*24th January 2019*

The site is in the Cotswold AONB, High Landscape Value and Sensitivity.

A copy of a covenant is enclosed that stops any building capable of being used for residential purposes on the land tinted in pink. Therefore, if the Council was to consider permitting this application, 18/02581/FUL, it could never be implemented.

CPRE strongly urges the Borough Council to refuse this application.

*[Covenant available to view on CBC website.]*

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

*17th January 2019*

I refer to the above planning application received on the 8th January 2019, submitted with Planning Statement ref: December 2018, Design & Access Statement ref: November 2018, Transport Statement with Appendices including speed survey data, census data, TRIC's analysis and further supporting information ref: December 2018. Drawing Numbers:- 18.0048.AP12, 18.0048.AP01B, SK01C, SK02B, SK05, SP02B, SP03A, SP04A, SP05A.

The Council requires that a private access is surfaced in a bound material over at least the first 5 metres adjacent to the public highway to minimise the risk of loose material being carried onto the highway, this can be secured by way of a suitably worded planning condition. I recommend that no highway objection be raised subject to conditions being attached to any permission granted (see section 8 of this report below).

### **Tree Officer**

*5th February 2019*

Given the comparatively recent history of the site, the CBC Tree section does not object to this proposal providing the following clarifications are made and appropriate conditions are attached to any planning permission:

- 1) A specific Arb Method Statement (AMS) needs to be written and agreed for the construction of the boundary wall adjacent to T2 at the proposed entrance to this site. This tree has been described as a veteran tree and as such no development should take place from a distance of 15 times the radius of the trunk diameter. However given the existence of the existing adjacent wall and access road, it is considered that with care and under adequate arboricultural monitoring during demolition and construction, this could be rebuilt without significant damage to this tree's roots. This AMS should also give a detailed description and supervision of the described no-dig road. This no-dig road needs to be of a porous nature so that water is not diverted away/off tree T2 roots
- 2) Clarification should be made of the exact nature of the wall. The Dealga's Tree Consultancy (DTC) report of March 2018 states in para 3.11.1 that a wall be constructed and pictures a traditional red brick wall are shown whilst Landscape Strategy Plan (Fig 7) (LSP) by Carly Tinkler (CT) suggests a Cotswold Stone wall.
- 3) CT LSP drawing suggests an open post and wire fence with mixed holly and beech hedge around the perimeter of the site. Details of the planting density of this hedge needs to be submitted and agreed. It is also noted that a previously agreed deer protective fence has not yet been erected. This deer-fence should be situated within any tree protective fence.
- 4) Whilst many new trees of appropriate species are recommended for planting, no detail is given other than sizes and tree pit details of when trees are to be planted near to hard surfaces. Species locations, their sizes and numbers etc need to be given. This could be summed up in an all encompassing soft landscape drawing. Site layout drawing no 18.0048.AP01B does not give a clear indication of new tree locations. It would be desirable for potentially large specimen trees be planted near to the site boundaries so that maximum public visual amenity will be afforded. This drawing should be submitted prior to permission being granted.
- 5) Whilst a proposed open nature of dwellings is proposed, it is known through experience that the soil within this site is of a heavy clay nature. All dwellings and other structures must take account of this to reduce as far as possible the likelihood of subsidence claims with regard to tree root action which involve tree removals.
- 6) THE DTC report describes the use of NJUG 2 guidelines (para 3.10.2. However NJUG 4 must also be followed with regard to the installation of underground services in the vicinity of trees.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	11
Total comments received	72
Number of objections	9
Number of supporting	62
General comment	0

**5.1** A site notice was placed at the entrance to the site, the proposal was advertised in the Gloucestershire Echo and 11 neighbouring residents were notified of the proposal. This generated a total of 72 comments from members of the public with 9 objecting to the proposal and 62 in support.

### 5.2 Comments in Support

- There is a need for self-build housing with 50 local residents on the self-build register with no self-builds being permitted elsewhere.
- Good design, most new housing adds nothing to Cheltenham in terms of architectural merit. It would be in keeping with other new Battledown housing.
- Existing dwelling at Cromwell Court is unattractive.
- It would make better use of a brownfield site.
- Complements existing settlement pattern.
- New planting of trees has already taken place with best trees preserved.
- Residents could help sustain businesses in Sixways Neighbourhood Shopping Area and Charlton Kings Cricket Club.

### 5.3 Comments in Objection

- The site is outside the Principal Urban Area of Cheltenham and is an unsustainable location for new housing.
- The development would be harmful to the character of the Cotswolds AONB and it contravenes the Cheltenham Borough Council Landscape Character and Sensitivity Assessment of Cotswolds AONB (May 2016).
- Protected trees have been removed from the site without permission.
- The site is not allocated for housing and the Council's five-year housing land supply has been satisfied.
- Existing road network is unsafe and the development would increase traffic.
- It sets a precedent for further development in the AONB.
- There is a restrictive covenant on the site which precludes any development.

## 6. OFFICER COMMENTS

### Determining Issues

- Policy Context for Housing
- Whether the Proposal Constitutes Major Development in the AONB and Principle of Development
- Impact on the Character and Appearance of the AONB
- Design and Layout
- Impact on Trees
- Highway Issues and Sustainability
- Other Considerations

### Policy Context for Housing

- 6.1** The second review of the Cheltenham Borough Local Plan (1991-2011) was adopted in 2006. The policies within the Local Plan that are consistent with the NPPF are still used in decision making, although this does not include its housing policies which are out of date, inconsistent with the NPPF and are part of a time-expired plan. The development plan that is now in force, particularly for applications relating to new housing, is the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).

- 6.2** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 47.
- 6.3** JCS policy SD10 (residential development) supports the principle of new housing development within Cheltenham's Principal Urban Area (PUA) and only supports new housing outside of the PUA subject to specific criteria, none of which are applicable in this case. Due to the fact the site lies outside of the PUA, the proposal for eight dwellings is contrary to policy SD10 and this is also taking into account they would be self-build dwellings.
- 6.4** However, a Five-Year Housing Land Supply Position Statement published by the Council in August 2018 has confirmed that the current five-year housing land supply for Cheltenham is 4.6 years. This shortfall position is a material consideration and it means that the JCS is currently out-of-date (despite only being adopted in December 2017) pursuant to NPPF paragraph 11 d) footnote 7.
- 6.5** Paragraph 73 of the NPPF (February 2019) sets out how to determine which buffer should be added to the five-year housing land supply requirement. Cheltenham has been considered to have a recent history of under delivery and has applied a 20% buffer. This is reflected in the August 2018 statement. However, on 19 February 2019 the Ministry of Housing, Communities & Local Government published the Housing Delivery Test: 2018 measurement. The results show that Cheltenham Borough has delivered 108% of its required homes over the past three years.
- 6.6** In accordance with paragraph 73 and footnote 39 of the NPPF, Cheltenham Borough Council has not had significant under delivery of housing over the previous three years. This suggests that a 5% buffer should be applied to the five-year housing land supply instead of 20%.
- 6.7** It remains unclear whether the change in buffer is appropriate and what impact this would have on the housing land supply in Cheltenham. Also, it is not possible to prejudge the outcome of the Cheltenham Plan examination (which concluded at the end of February 2019) which may alter the housing trajectory.
- 6.8** The government has introduced an Annual Position Statement where local authorities can confirm their five-year housing land supply position once in a given year. This requires an engagement process and an assessment carried out by the Planning Inspectorate. When this process is followed a minimum buffer of 10% will be used.
- 6.9** Given the uncertainty around the new position statement process, the novelty of the housing delivery test results and the ongoing Cheltenham Plan examination the Council currently is unable to determine its five-year housing land supply at the time of writing.
- 6.10** In this situation, NPPF paragraph 11 states planning permission should be granted unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 6.11** The 'protected areas' mentioned in point i. for this particular case is the Cotswolds Area of Outstanding Natural Beauty (AONB). The following sections of this report will assess the impact of the proposed development on the character and appearance of the AONB among the other main issues.

**Whether the Proposal Constitutes Major Development in the AONB and Principle of Development**

- 6.12** JCS Policy SD7 states that all development proposals within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.
- 6.13** NPPF paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
- 6.14** Footnote 55 in the NPPF states that for the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.
- 6.15** The proposal is for the construction of 8 self-build dwellings on a site that currently contains a single dwelling, albeit within very large grounds approximately 3 hectares in area. Planning permission was recently granted to subdivide Cromwell Court into 8 flats, thus providing a demonstrable fall-back position for intensifying the existing residential use of the site, which is a material consideration in the determination of this application.
- 6.16** The fact that the site has an existing residential use is also an important consideration in light of a legal decision pertaining to the definition of brownfield development. A planning inspector allowed a change of use of land for a private traveller site finding that the definition of previously developed land in the NPPF expressly excluded private residential gardens in built-up areas, but could not be read to exclude private residential gardens not located in built-up areas. The Administrative Court (Charles George QC) found that the wording in the NPPF was clear and it could not, therefore, be read as excluding private residential gardens that were not in built-up areas. Consequently residential gardens in open countryside locations were "brownfield" and applications for development should be considered in light of that classification.
- 6.17** Dartford Borough Council appealed and the appeal was heard in the Court of Appeal on 9 March 2017. The Appeal was dismissed, Lord Justice Lewison ("Lewison LJ") finding that the list of exclusions to the definition of "Previously Developed Land" in the NPPF is clear and reference to "land in built-up areas such as residential gardens" cannot sensibly be interpreted as including residential gardens not in built-up areas. Lewison LJ was not persuaded by the representations made on behalf of the Council that the NPPF had to be interpreted in the context of ministerial statements which predated the NPPF. Lewison LJ was satisfied that the definition of "Previously Developed Land" in the NPPF was clear and the public was entitled to rely on the NPPF as it stood.
- 6.18** The relevance of this decision for the proposed development is that the site is located outside of Cheltenham's Principal Urban Area (PUA) and is considered not to be in a 'built-up' part of Cheltenham. There are undeveloped fields to the north, east and south of the site as it lies on the edge of Cheltenham in a semi-rural landscape. Therefore, in this context the site is considered to be brownfield land within an existing C3 residential use.
- 6.19** NPPF paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and local planning authorities should work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

- 6.20** NPPF paragraphs 117 and 118 state that planning decisions should promote the effective use of land in meeting the need for homes. It states planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. This is considered to be directly applicable to this proposal.
- 6.21** One dwelling occupying a site with an area of approximately 3 hectares is land that is under-utilised as this represents a very low housing density (0.33 dpa). As Cheltenham is largely an urban planning authority subject to various constraints including (but not limited to) the Gloucester-Cheltenham Green Belt, a large Central Conservation Area and the Cotswolds AONB, the supply of land for new housing development is certainly constrained. This is highlighted by the fact that Cheltenham is currently unable to determine its five-year housing land supply. These factors weigh in favour of the proposed redevelopment of this brownfield site.
- 6.22** The fact that a particular site is deemed to be brownfield land does not preclude its development from being major development within the AONB. However, when considering the nature, scale and setting of this proposal, the site is brownfield land by the virtue of it being a residential garden outside a built-up area so, although large for a garden, the setting is still one very much of a domestic nature. In terms of the scale of development, the site already has the benefit of planning permission for the existing dwelling to be subdivided into 8 flats, thus establishing the intensification of the residential use of the site.
- 6.23** Even though the site is outside of the PUA, it is on land that adjoins the other residential properties at the top of Harp Hill. In that sense, the site is not in an isolated location, rather the site resides on the edge of Cheltenham's built form and the open countryside becomes more prevalent to the east moving up the escarpment where dwellings and other buildings become increasingly sparse. The proposed dwellings therefore must be viewed in the context of the other dwellings of Battledown to the west and Cheltenham as a whole, rather than an isolated development in the AONB.
- 6.24** In their consultation response, the Cotswold Conservation Board does not contend that the proposal has the potential, in itself, to have a significant or serious adverse effect on the purposes of the AONB's designation. Rather, the Board's objection is that it might have such an effect "cumulatively" if it were to set a precedent for further development in the future. However, this argument is fundamentally flawed, not only because each case should be judged on its own merits, but also because the question whether a proposal is major development has to be answered in relation to each particular proposal. Nothing in the NPPF, planning guidance or any other relevant case law suggests that a development which is not deemed in itself major development can be treated as such on the basis that, taken together with other possible future development, there might be a significant adverse effect of the sort described above.
- 6.25** Proportionally, the construction of eight dwellings in the context of the number of existing dwellings situated in the Harp Hill area and Battledown Ward is considered not to be a major extension of Cheltenham's built form. When this is considered together with the fact that the site is deemed to be brownfield land and it already has permission for 8 flats, the proposal is considered not to be major development within the AONB in this case.
- 6.26** This is an important distinction to make in the context of NPPF paragraph 172 because major development in an AONB should be refused other than in exceptional circumstances. These exceptional circumstances do not need to be met in the event the development is deemed not to be major. This does not automatically mean that the proposal cannot cause harm to the AONB; development that is deemed not to be major can still be refused if it is harmful to the character and appearance of the AONB landscape. It is acknowledged that 8 new-build dwellings would have more of a visual



impact compared to the conversion of an existing building into 8 flats and this issue is discussed in the following section of this report.

**6.27** However, in principle, the proposal to redevelop the site for 8 self-build dwellings is considered to be acceptable in this particular case because of the following four reasons:

1. The site is considered brownfield land and the NPPF is supportive of brownfield land being utilised to meet identified needs for housing.
2. These housing needs are highlighted by the fact that Cheltenham is currently unable to determine its five year housing land supply.
3. There is a demonstrable fall-back position to develop the site to create 8 flats.
4. The proposal has been deemed not to be major development in the AONB.

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

**6.28** The site is located on Greenway Lane at the top of Harp Hill. 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. The site is a self-contained residential planning unit which is bounded by two roads (Harp Hill and Greenway Lane to the north and east) and natural hedging and trees to the south and west.

**6.29** The development would be confined to the existing planning unit and is therefore not considered to be one of an encroaching nature in terms of impact on the AONB. The proposal must simply be assessed on the basis on determining how increasing the number of dwellings on site from one to eight would affect to character and appearance of the AONB.

**6.30** The site lies on the edge of Cheltenham's PUA with dwellings located immediately to the west. There are also new dwellings approximately 300 metres to the north of the site that reside on the former GCHQ site, although this is located outside the AONB and it is separated from the application site by an undeveloped field and the Harp Hill road. There is open countryside to the east and south although this does not directly adjoin the application site because it is separated from it by Greenway Lane. Harp Hill and Greenway Lane act as a clear visual and physical divide in the locality and they disconnect the site from the wider countryside.

**6.31** Cromwell Court sits above the level of the two roads as the land rises up towards the Battledown Camp site to the west. There are some boundary trees and hedges which partially screen the site although some of these trees have been felled in recent years (this is discussed in more detail in the section of this report relating to trees below) particularly towards the rear (west) of the site. The proposal involves the retention of existing trees and the planting of new ones in accordance with a Forestry Commission licence obtained by the applicant; some of these new trees have already been planted. In all other respects, the site lacks any distinguishing features and has no particular visual interest. The County Council Archaeologist has confirmed that the archaeological significance of Battledown Camp is "very low".

**6.32** The site is visible in various places along four separate public footpaths (references: ZCK4, ZCK6, ZCK7 and ZCK8) which traverse the fields to the east. Despite the loss of some trees, the remaining trees still provide some screening to the site although eight dwellings would certainly become more visible when the site is viewed from the public realm including the aforementioned public footpaths. Given the self-contained, residential characteristics of the site, its redevelopment would not affect the character or appearance of the surrounding countryside in any significant way, or the recreational enjoyment of

these footpaths within the AONB. If it were developed as now proposed, the site would lose its openness, but given the physical context that has been described above and the fact that the site is entirely residential, and not undeveloped agricultural land, this loss would not be unduly harmful.

- 6.33** In 2016 a technical update was published to the Landscape Character, Sensitivity and Capacity Assessment of the Cotswolds AONB (2015) by Ryder Landscape Consultants ("Ryder report"), which forms part of the evidence base for the emerging Cheltenham Plan, which has now been through examination (February 2019) but it has not yet been adopted. The application site is considered to be part of the 'Wooded Pasture Slopes' Character Type of the AONB and it is designated in the 'Greenway Wooded Farmed Slopes' Character Area.
- 6.34** The Ryder report states that the visual sensitivity, landscape character sensitivity and landscape value of this area are classed as 'High'. The report states that "High Sensitivity Landscapes are those which would be of high quality with distinctive elements and features making a positive contribution to character and sense of place. They are likely to contain features and elements that are rare and could not be replaced". However, as previously established in preceding paragraphs, this residential site does not possess any such distinctive elements primarily due to its previously developed state. It is acknowledged that the Ryder report identified this part of the AONB to have high landscape sensitivity, however when assessing the site on the ground, its residential characteristics are very different from the undeveloped fields to the east, even though they are both part of the same Landscape Character Area.
- 6.35** There are no specific policies within the Ryder report or indeed the Cotswolds AONB Management Plan that deal with the redevelopment of existing residential land. Ultimately, it is considered in accordance with NPPF paragraph 172 that the development would not cause any significant harm to the aim of conserving and enhancing the AONB's landscape or natural beauty in light of the site's specific characteristics described above.

### Design and Layout

- 6.36** In terms of the appearance of the proposed dwellings, they would have a contemporary design using materials including local stone, modern glazing systems with brise soleil (external louvers which deflect sunlight) and flat green roofs. The dwellings would be self-build plots but individuals would have to adhere to the designs as shown on the drawings and in accordance with a design code to be submitted by the applicant by condition (if permission is granted).
- 6.37** The Cheltenham Architects' Panel have welcomed the design of the dwellings but raised concerns about the site layout and boundary treatments. In terms of the site layout, the dwellings would be arranged around a single access road which terminates at the rear of the site at plot 1, with each dwelling being directly accessible from this estate road. 6 of the 8 dwellings would be positioned on the edge of the site facing inwards with plots 7 and 8 being located more centrally. The 6 dwellings on the edge of the site would utilise the existing soft boundary treatments that enclose the site, while the side boundaries would be provided by traditional black painted metal estate fencing.
- 6.38** The angled orientation of each dwelling is such that separation distances are acceptable and no direct overlooking into neighbouring habitable rooms would be prevalent. Plots 7 and 8 would be positioned on lower ground compared to plot 1 but neither of them would be directly overlooked due to the orientation of the buildings and the adequate separation distances. The combination of estate fencing, new planting and also retaining walls will allow for each dwelling at the site to have its own private amenity space without compromising the parkland setting.

- 6.39** The flat-roof design of the dwellings and their green roofs would mitigate their visual impact when viewed from the public realm, particularly from wider views. The dwellings would continue the pattern of development of dwellings that encircle Battledown Camp around Harp Hill, namely Kings Welcome, Rose Orchard, Beech House, The Oaks, High View and the two recently permitted dwellings on land adjacent to The Gray House (ref: 18/01169/CONDIT).
- 6.40** In this context, the design and layout of the proposed dwellings is considered to be in accordance with the relevant design guidance found within JCS policy SD4, Cheltenham's Infill SPD and the NPPF.

### **Impact on Trees**

- 6.41** The applicant had to apply for a Forestry Commission (FC) felling licence as the trees within the woodland compartments were dead, dying or dangerous. As part of the felling licence there is a condition included which requires the restocking of the woodland compartments. The restocking activities were completed in autumn last year. Due to the presence of the valid felling licence the woodland compartments are now under the jurisdiction of the FC and before they relinquish control back to Cheltenham Borough Council the woodland compartments have to be managed for a 5 year period by the FC to ensure the restocked trees are maintained and replaced if there are any that die or become diseased. Effectively, if the woodland compartments are not in an appropriate condition come the end of the 5 year period (Autumn 2023) then the FC will retain control and ask the applicant to remedy any issues across the woodland compartments by replanting trees if necessary.
- 6.42** Cheltenham Borough Council's Tree Officer has been consulted throughout the FC felling licence and tree stocking process. The Tree Officer has also been consulted as part of this application and has not raised any objection to the proposal, subject to clarification on certain matters which can be agreed by condition.
- 6.43** The proposal is not dependent on the removal of any more trees at the site. In fact, the development would facilitate the planting of more trees, hedges and soft landscaping which would be controlled by a landscaping condition. It is acknowledged that the loss of trees at the site in recent years has been regrettable; a combination of the FC licence and the proposed landscaping would ultimately ameliorate the current situation having regard to Local Plan Policies GE5 and GE6.

### **Highway Issues and Sustainability**

- 6.44** The Local Highway Authority at Gloucestershire County Council has been consulted for this application and they have raised no objection in terms of the impact it would have on the local highway network. The site is an existing residential property with a vehicular access off Greenway Lane which benefits from good levels of visibility in both directions.
- 6.45** The site is not accessible by public transport and due to its position at the top of a steep gradient with no street lighting, pavement or cycle lane means that it is not sustainable in terms of future residents avoiding the need to rely on private car journeys to access local services and amenities. If the site was not already in a residential use this issue could potentially be considered to carry significant weight against the proposal.
- 6.46** However, it has already been established that not only is the site in a residential use but permission also exists to intensify the use by subdividing Cromwell Court into 8 flats. This planning permission is a material consideration when comparing the vehicle movements that would be generated by 8 flats to those generated by 8 self-build dwellings. The difference in vehicle movements generated by the permitted application compared with the proposed development is considered to be negligible, thus the proposal would not conflict with JCS policy INF1 or NPPF paragraph 109 in this regard.

## **Other Considerations**

### *Impact on Existing Dwellings Adjoining the Site*

- 6.47** There are four existing dwellings that share a physical boundary with the application site: Turnpike House, Kings Welcome, Beech House and The Oaks.
- 6.48** In the case of Turnpike House and Kings Welcome, although they share a common boundary with the site they are both set away from this boundary by at least 20 metres. The location of the plots that would be closest to them are also set in from the boundary to create private gardens so these two neighbouring properties would not be unduly affected.
- 6.49** Beech House and The Oaks are situated closer to the common boundary but each face the site side-on and the separation distance and window positions in both cases is not a threat to the living conditions of the occupants of the existing or new dwellings.

### *Self-build Dwellings*

- 6.50** The application is for the construction of 8 self-build dwellings, which means that rather than a single developer building all 8 dwellings, 8 plots of land would be sold to individuals that are on the Council's self-build register who wish to build a dwelling for themselves. In this case, because planning permission is sought in full rather than outline, individuals would be bound by the approved drawings and could not deviate in terms of size, scale or design.
- 6.51** The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that local planning authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. At the moment there are 48 individuals on the self-build register for Cheltenham.
- 6.52** It is acknowledged that, if permitted, the proposal would help to fulfil the requirement to provide self-build plots in Cheltenham. However, it must be stressed that due to the reasons already explained within this report, the Officer's view is that the proposal is acceptable in any event, and not because the proposal is for self-build dwellings. Although it is perhaps a side benefit, the provision of self-build dwellings is not necessarily a determining factor in this case.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** The proposal to redevelop the site for 8 self-build dwellings is considered to be acceptable in principle in this particular case because of the following four reasons:
- i. The site is considered brownfield land and the NPPF is supportive of brownfield land being utilised to meet identified needs for housing.
  - ii. These housing needs are highlighted by the fact that Cheltenham is unable to determine its five year housing land supply at the moment.
  - iii. There is a demonstrable fall-back position to develop the site to create 8 flats.
  - iv. The proposal has been deemed not to be major development in the AONB.
- 7.2** It is acknowledged that the construction of 8 new build dwellings has a greater visual impact on the AONB compared to converting the existing dwelling into 8 flats. However, in

light of the above, the character of the area in relation to undeveloped fields nearby and the good design of the dwellings themselves result in a development that is not unduly harmful to the character and appearance of the AONB.

- 7.3** The proposal would accord with the Forestry Commission licence and the Tree Officer has not raised objection to the proposal with regard to the impact on trees at the site. The proposal is an opportunity to manage the growth and long term health of the existing trees and the new trees.
- 7.4** The proposal would not have any discernible impact on the local highway network or existing residential properties that share a common boundary with the site.
- 7.5** For these reasons, the proposed development is considered to be acceptable and the application is recommended for approval, 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 A document setting out the design principles (hereafter referred to as a 'Design Code') for the development hereby approved shall be submitted to the Local Planning Authority for written approval. The Design Code shall set out how the principles and objectives of the Design and Access Statement by Ian Singleton shall be met by the development hereby approved and shall include the following matters:

- (i) The design, form and general arrangement of external architectural features of buildings including the walls, roofs and fenestration;
- (ii) The hierarchy for roads and public spaces;
- (iii) The colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;
- (iv) The design of the public realm to include the colour, texture and quality of surfacing of footpaths, streets, parking areas and other shared surfaces;
- (v) The design and layout of any street furniture.
- (vi) Waste and refuse bin storage arrangements

The development shall be carried out in accordance with the approved Design Code.

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 policies SD4 and SD7 of the Joint Core Strategy (2017).

- 4 No external facing or roofing materials shall be applied unless in accordance with:
- a) a written specification of the materials; and/or
  - b) physical sample(s) of the materials.

The details of 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 policy CP7 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

- 5 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 18.0048.AP01B with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway safety impact by ensuring that a safe and suitable access is laid out and constructed that minimises the conflict between pedestrians, cyclists and vehicles in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

- 6 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 40m north east (Left) and 53m south west (Right) distant in both directions (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.

- 7 The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan drawing no. 18.0048.AP01B, 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.

- 8 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.

- 9 Prior to the occupation of the building(s) 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 facilitates for charging plug-in and other ultra-low emission vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

- 10 The development hereby approved shall not be carried out unless in accordance with the approved Arboricultural Impact Assessment (ref: DTCL.137.AIA.2018). The protective measures specified within the Arboricultural Impact Assessment shall remain in place until the completion of the construction process.

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

- 11 A specific Arboricultural Method Statement (AMS) needs to be submitted to and agreed in writing by the Local Planning Authority for the construction of the boundary wall adjacent to tree ref: T2 at the proposed entrance to this site. This tree has been described in the approved Arboricultural Impact Assessment as a veteran tree and as such no development should take place from a distance of 15 times the radius of the trunk diameter. This AMS should also give a detailed description and supervision of the described no-dig road. This no-dig road needs to be of a porous nature so that water is not diverted away/off tree T2 roots.

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

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

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

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

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

- 13 Prior to the commencement of development, a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall

include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

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

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

- 15 Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for the construction of self-build dwellings as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall not be used for any other purpose without express planning permission.

Reason: To ensure there are enough serviced plots of land to meet the demand for self-build and custom housebuilding in the borough, having regard to the self-build register and the provisions of the Joint Core Strategy (2017).



<b>APPLICATION NO: 18/02581/FUL</b>		<b>OFFICER: Mr Joe Seymour</b>
<b>DATE REGISTERED:</b> 19th December 2018		<b>DATE OF EXPIRY :</b> 13th February 2019
<b>WARD:</b> Battledown		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Mr And Mrs Cassidy	
<b>LOCATION:</b>	Cromwell Court, Greenway Lane, Charlton Kings	
<b>PROPOSAL:</b>	02581/FUL CDemolition of existing dwelling and construction of 8 x self & custom build dwellings with associated works and infrastructure, including sustainable drainage, new internal access roads, improvements to existing internal access road, site regrading and landscape planting	

### REPRESENTATIONS

Number of contributors	<b>84</b>
Number of objections	<b>10</b>
Number of representations	<b>0</b>
Number of supporting	<b>73</b>

Hewletts Reservoir Lodge  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PP

**Comments:** 16th January 2019  
Letter attached.

29 Delancey Crescent  
Cheltenham  
Gloucestershire  
GL53 9EZ

**Comments:** 9th January 2019  
I support the proposed development as it encourages good design and delivers plots for people who wish to build their own home. I believe the development is well designed and will be a real asset for the area.

Wadleys Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 25th February 2019  
Letter attached.

21 Rosehip Court  
Up Hatherley  
Cheltenham  
Gloucestershire  
GL51 3WN

**Comments:** 30th January 2019

I travel past daily during the summer and have noticed the application and taken an interest in seeing what's proposed.

New houses look good and appropriate. There is no difference between these and the ones being built on Harp Hill.

Proposal will be an improvement on existing building and will provide further housing to the area. Site is already developed. Seems to be a comprehensive development plan.

2 John Moore Gardens  
Cheltenham  
Gloucestershire  
GL50 2LY

**Comments:** 1st February 2019

Letter attached.

354 London Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YT

**Comments:** 1st February 2019

Letter attached.

6 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AB

**Comments:** 4th February 2019

Letter attached.

3 Chargrove Villas  
Shurdington Road  
Cheltenham  
GL51 4XA

**Comments:** 4th February 2019

Letter attached.

Nutfield Ridge  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6PE

**Comments:** 4th February 2019  
Letter attached.

3 Morlands Drive  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8LP

**Comments:** 4th February 2019  
Letter attached.

11 Fairfield Park Road  
Cheltenham  
Gloucestershire  
GL53 7PQ

**Comments:** 4th February 2019  
Letter attached.

West Winds  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RT

**Comments:** 4th February 2019  
Letter attached.

8 School Road Flats  
School Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8BB

**Comments:** 4th February 2019  
Letter attached.

Chadwick  
The Reddings  
Cheltenham  
Gloucestershire  
GL51 6RL

**Comments:** 4th February 2019  
Letter attached.

4 Griffiths Avenue  
Cheltenham  
Gloucestershire  
GL51 7BH

**Comments:** 21st January 2019  
I write in SUPPORT of the application for the construction of 8 x self & custom build dwellings at Cromwell Court, Greenway Lane, Cheltenham.

The proposed development is in keeping with the local area in terms of the proposed number of properties versus the available land space. It is good to see the applicant has not looked to overdevelop the land with volume housing units but to propose a bespoke development sympathetic to the local area.

The designs of the properties are modern but in keeping with the surrounding area. These designs I think when completed will be worthy to compete in the awards scheme made by Cheltenham Borough Council in association with Cheltenham Civic Society for properties that improve the built environment within Cheltenham.

8 Moreton Close  
Bishops Cleeve  
GL52 8AW

**Comments:** 31st January 2019  
Letter attached.

64 Byron Road  
Cheltenham  
Gloucestershire  
GL51 7EZ

**Comments:** 31st January 2019  
Letter attached.

March House  
Cleeve Hill  
GL52 3QE

**Comments:** 31st January 2019  
Letter attached.

11 Edgeworth  
Miserden Road  
Cheltenham  
Gloucestershire  
GL51 6BW

**Comments:** 31st January 2019  
Letter attached.

1 Parkwood Grove  
Cheltenham  
Gloucestershire  
GL53 9JW

**Comments:** 21st February 2019  
This is an area of outstanding natural beauty and should be kept as such!

Many trees have already been felled in this area and the building of these dwellings will only negatively impact the environment further.

The additional dwellings will also negatively impact the hugely congested 6 ways junctions.

Please prevent this build from happening

Sandford House  
44 Sandford Mill Road  
Cheltenham  
Gloucestershire  
GL53 7QS

**Comments:** 23rd January 2019  
Letter attached.

20 Ledmore Road

**Comments:** 23rd January 2019  
Letter attached.

26 Gallops Lane  
Cheltenham  
Gloucestershire  
GL52 5SD

**Comments:** 29th January 2019  
Letter attached.

Flat 1  
Station Garage  
Station Road  
GL52 8HL

**Comments:** 29th January 2019  
Letter attached.

11 Moorend Glade  
Cheltenham  
Gloucestershire  
GL53 9AT

**Comments:** 14th January 2019

As a regular dog walker and a qualified Landscape Architect, I have taken an interest in the development proposals for Cromwell Court.

I am very much of the opinion that the proposed development will improve the site, which currently has a very ugly mock Tudor building dominating the site. I have looked through the design proposals and feel that they are sympathetic to the landscape. Indeed, they appear to be very similar to properties being built currently on Harp Hill.

I note that there is an comprehensive (and no doubt expensive) impact assessment for the proposal. I personally have no issue with the removal of many of the poor quality older trees (there used to be a lot of Scot's Pine from memory) and see that extensive new planting has already taken place, whilst the best trees have been preserved.

I conclude that this is a well considered and thoughtful proposal and certainly an improvement on the eye-sore 1980's building.

Flat 10  
Hammond Court  
College Lawn Cheltenham  
Gloucestershire  
GL53 7AF

**Comments:** 29th January 2019

I regularly use this lane and consider the development to be appropriate and not dissimilar to other houses in the area.

The current building is not particularly attractive either.

11 Moorcourt Drive  
Cheltenham  
Gloucestershire  
GL52 2QL

**Comments:** 29th January 2019

As someone who regularly uses Greenway lane I feel the new homes look appropriate and compare well with other new properties being built on Harp Hill.

## Page 121

The site is already part developed, with the the current mock tudor house not exactly in keeping in the area and the new scheme appears to fit in well without overcrowding the area of land available.

Birchfield  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NX

**Comments:** 22nd January 2019  
Letter attached.

Piccadilly Farm  
Aggs Hill  
Cheltenham  
Gloucestershire  
GL54 4ET

**Comments:** 22nd January 2019  
Letter attached.

The Hewletts  
Aggs Hill  
Cheltenham  
Gloucestershire  
GL54 4ET

**Comments:** 22nd January 2019  
Letter attached.

3 Natton Cottages  
Ham Lane  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 1st March 2019  
[Letter attached.]

I refer to the above plans which are for land in the AONB and for which there is no justification for any development of the size proposed. I note that there is some reference that the land is Brown Field - when does gardens become brownfield?

It is also noted that wholesale destruction of the gardens has taken place previously, destroying habitat and changing the AONB character for the area. Why was this allowed?

As planners well know, there are all sorts of regulations and requirements for the AONB which govern the area as to what can be built. All of these have to be applied in this case and all confirm that no development of this size should be allowed.

Either there is an area nominated as AONB or there is not - a firm message of refusal has to be sent to those trying to destroy an area which is important to all of Cheltenham and beyond.

Cedar House  
20B Ledmore Road  
Charlton Kings Cheltenham  
Gloucestershire  
GL53 8RA

**Comments:** 16th January 2019

I drive past Cromwell court everyday on my way to work. I feel that this scheme, with the removal of the old house and significant improvements to the landscaping, will only enhance the appearance of what is otherwise a bit of an eye sore.

The layout of the new development looks well planed with interesting and low impacted designs.

72 Redmarley Road  
Cheltenham  
Gloucestershire  
GL52 5GA

**Comments:** 30th January 2019

I use this lane each day as part of my commute to work and consider the development to be appropriate and not dissimilar to other houses in the area.

The current building is not particularly attractive either and this development will make sure it's more in-keeping with the current houses on Harp Hill and surrounding.

23 Hearne Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8RE

**Comments:** 18th January 2019

Letter attached.

17 Croft Gardens  
Cheltenham  
Gloucestershire  
GL53 8LQ

**Comments:** 18th January 2019

Letter attached.

61 Copt Elm Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8AN

**Comments:** 18th January 2019

Letter attached.



190 London Road  
Cheltenham  
Gloucestershire  
GL52 6HJ

**Comments:** 31st January 2019

I commute along Greenway Lane on daily basis and have taken a keen interest with regard to the developments in and around the area. It is a readily accepted fact that we need more housing, and I have no objection to environmentally friendly housing being built on an existing footprint of land.

22 Croft Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8LA

**Comments:** 31st January 2019

I noticed the application recently and was interested in seeing what was proposed - i pass the site regularly and find the current house on the site an eyesore!

The proposed development looks like it will be appropriate to the surroundings; it seems to be similar to those being i passed being built on Harp Hill, and certainly will be an improvement on the current site. The proposal seems thorough and considered.

3 Medoc Close  
Cheltenham  
Gloucestershire  
GL50 4SW

**Comments:** 5th February 2019

Letter attached.

Berengaria  
Tobyfield Close  
Bishops Cleeve  
GL52 8NP

**Comments:** 5th February 2019

Letter attached.

27 Libertus Road  
Cheltenham  
Gloucestershire  
GL51 7EJ

**Comments:** 5th February 2019

Letter attached.

Flat 1  
Hesters Way Road  
Cheltenham  
GL51 0SE

**Comments:** 5th February 2019  
Letter attached.

4 Charlton Court Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6JB

**Comments:** 11th March 2019  
Letter attached.

Avalon  
Stanley Road  
Cheltenham  
Gloucestershire  
GL52 6PB

**Comments:** 27th February 2019  
Letter attached.

Wellswood House  
Birchley Road  
Cheltenham  
Gloucestershire  
GL52 6NY

**Comments:** 27th February 2019  
Letter attached.

5 Grovelands Close  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8BS

**Comments:** 27th February 2019  
Letter attached.

3 Bradley Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8DX

**Comments:** 27th February 2019  
Letter attached.

6 Castlefields Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YW

**Comments:** 27th February 2019  
Letter attached.

Wadleys Farm  
Ham Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6NJ

**Comments:** 27th February 2019  
Letter attached.

33 Bath Parade  
Cheltenham  
Gloucestershire  
GL53 7HT

**Comments:** 29th January 2019

I feel that Cromwell Court is a large, unattractive building. The new houses planned look good and appropriate, there being little difference between these and the ones being built on Harp Hill. The development is tidy and within the confines of the current property.

I consider that the proposal will be a great improvement to Greenway Lane and its immediate area.

I have seen the application as I am a member at CKCC.

High Grove  
Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LA

**Comments:** 14th February 2019

I object to the proposal to build eight houses on the Cromwell Court site on the grounds of unacceptable visual intrusion.

I also believe that acceptance of this proposal for development of sensitive Cotswold AONB land would create a precedent that could lead ultimately to the urbanisation of much of the bowl of the Ham Brook valley - all of it AONB land of very high quality indeed.

The Cromwell Court site itself is highly visible from the surrounding hills and from the network of footpaths which cross them. Because it is one of the highest points of Battledown Hill it can be seen from many miles distant, and it currently has a most attractive rural appearance, typical of the Cotswolds and marred only by the intrusion of the existing Cromwell Court house itself.

Most importantly, Cromwell Court is located prominently on the watershed below which the AONB valley around the Ham Brook extends, from the line of the Cotswold Way in the east, on the escarpment above Ham Hill, to Aggs Hill in the north. This is AONB landscape of the highest quality, and - if the current proposal is accepted - how will the Planners be able to resist further residential developments in this lovely place?

It seems to me that a small scale and sensitive replacement of the existing Cromwell Court house could be a positive element in this priceless environment - but not an eight-dwelling estate that would be likely to lead to multiple similar propositions.

### **Comments:** 3rd March 2019

I wish to make a second observation regarding this proposal to build a new residential development comprising eight luxury homes in the Cotswolds AONB.

It has come to my notice that in 2015 Cheltenham Borough Council commissioned an assessment of the landscape character, sensitivity and capacity for development of those parts of the AONB that fall within the Borough's administrative area. The research was carried out by Ryder Landscape Consultants and a final revised version of their report was published in May 2016. The report is lengthy, extremely detailed and thorough. Its methodology involved assessing all the relevant component parts of the AONB within our area, classified by landscape type. The Cromwell Court site falls within its tenth classification 'Wooded Pasture Slopes'. This is by far the largest of the classifications and different sub-sections within it are found to have different capacities to absorb development, depending on their assessed specific landscape sensitivity and value.

Cromwell Court falls into the subsection 10.11 (Greenway Wooded Farmed Slopes) of the tenth classification. This subsection includes, in addition to Cromwell Court, The Camp, the area north west of Greenway Lane from The Chase to Cromwell Court, and the area south east of Greenway Lane from the allotments to the Hewlett Reservoir southern boundary and across to the Ham Brook. The entire area is assessed as having the highest level of landscape sensitivity, the highest category of landscape value and the lowest capacity for development of any part of the Cheltenham AONB. It is found to have the same 'scores' in all respects as the farmland high on the escarpment. There are no higher scores to be found in our Borough.

I would like to quote directly from the Report the definitions of High Landscape Sensitivity and High Landscape Value (as embodied in the land currently proposed to be developed):

"High Sensitivity Landscapes are those which by nature of their character would be unable to accommodate change caused by development. Typically, these would be of high quality with distinctive elements and features making a positive contribution to character and sense of place. They are likely to contain features and elements that are rare and could not be replaced."

"High Value Landscapes have many positive qualities associated with landscape value, e.g. seen as important by the community, having no degradation or erosion of features resulting in a mainly intact landscape with limited or no intrusions, and having a character with strong aesthetic and sensory qualities."

This then is how the Cromwell Court site and the much larger Ham Brook valley below it have been assessed by experts, in a submission requested and accepted by the CBC. It seems to me inconceivable that a proposal to commandeer a very significant site within it for luxury residences and private profit could be approved by the members of the Council's Planning Committee.

72 The Cornfields  
Bishops Cleeve  
GL52 7YQ

**Comments:** 5th March 2019  
Letter attached.

30 Bramley Close  
Bishops Cleeve  
GL52 8GF

**Comments:** 5th March 2019  
Letter attached.

4 Chargrove Villas  
Shurdington Road  
GL51 4XA

**Comments:** 5th March 2019  
Letter attached.

8 Medoc Close  
Cheltenham  
Gloucestershire  
GL50 4SP

**Comments:** 5th March 2019  
Letter attached.

12 Imjin Road  
Cheltenham  
Gloucestershire  
GL52 5LX

**Comments:** 5th March 2019  
Letter attached.

10 Baker Street  
Cheltenham  
Gloucestershire  
GL51 9HQ

**Comments:** 5th March 2019  
Letter attached.

17 Harvesters View  
Bishops Cleeve  
GL52 7WD

**Comments:** 5th March 2019  
Letter attached.

59 Welch Road  
Cheltenham  
Gloucestershire  
GL51 0EA

**Comments:** 5th March 2019  
Letter attached.

63 The Highgrove  
Bishops Cleeve  
GL52 8JB

**Comments:** 5th March 2019  
Letter attached.

8 Read Way  
Bishops Cleeve  
GL52 8EL

**Comments:** 5th March 2019  
Letter attached.

129 Mandarin Way  
Cheltenham  
Gloucestershire  
GL50 4RT

**Comments:** 5th March 2019  
Letter attached.

Kings Welcome  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 8th January 2019  
Letter attached.

The Oaks  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 28th January 2019

The proposed development fails on number of planning issues

- 1) The area and grounds are covered by a Tree preservation order number 1 1980 . This was disregarded and not enforced by Cheltenham council when a mass deforestation took place. Whilst there was merit in reducing the numbers of dead trees , the replanting scheme is non consequential and will not replace the lost trees and forestation for many decades. The loss to wildlife has been substantial and net. (the site does not allow arial photos to be added, but before and after deforestation views confirm the extent of destruction)
- 2) The development is in a rural location and in a designated Area of outstanding natural beauty. Having already lost the forest on these very grounds, the views from the Cotswolds escarpment is already damaged and the view from Ham Hill farm along footpath ZCK-22 which should be a rural view would become an urban one with this development.
- 3) A Landscape Character , Sensitivity and Capacity Assessment of the Cotswolds AONB within the Cheltenham Borough Administrative Area was commissioned and reported as recently as April 2015. This site clearly falls within Landscape Character Area 10.11 , Greenway wooded farmed slopes . The area deemed a medium-high visual sensitivity area , high landscape sensitivity , high landscape value , and detailing its landscape capacity for development as low.
- 4) Policy SD7 of the joint core strategy states "all development proposals in or within the setting of the cotswolds AONB will be required to conserve and, where appropriate , enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. It is very clear that the current proposal does not meet any of those criteria, and indeed with the disregard of the TPO and deforestation, has deteriorated almost all aspects with regard to this policy.
- 5) DS4 policy precludes development within AONB and stipulates that only a replacement dwelling or subdivision of and existing dwelling is permitted. This application contravenes this policy.
- 6) The level of light pollution for surrounding properties due to the scale of proposed developoment will be dramatic and substantially reduce natural lighting in an AONB.
- 7) There is a covenant as formalised with the Land Registry dated 8.11.89 Title Number GR 81489

It details very clearly that the site in question has an area identified and indicated clearly as

" Conveyance of the land tinted pink on the filed plan dated 4 May 1979 made between 1. [name supplied] (Vendor) and 2. [name supplied] (Purchaser) contains the following covenants ( system does not allow map to be added , but allows current house and a thin strip of land to connect to Greenway lane)

"The purchaser for himself and his successors in title hereby covenants with the vendor and his successors in title to the intent that benefit of this covenant shall be annexed to and run with the adjoining land of the vendor and every part of it that the purchaser and his successors in title will not erect nor allow to be erected on the land hereby conveyed any building capable of being used for residential purposes"

Due to these significant and notable breaches of planning regulation, reference to policy on AONB in the Cotswolds, TPO adhesion and the restraint of development covenant the planning proposal should be rejected.

A replacement to the exiting dwelling should be the only planning considered for this site and would fall within planning guidelines.

**Comments:** 31st January 2019

This article from the planning portal is something that should be considered when taking into account the total disregard for the historical TPO at Cromwell Court where dramatic deforestation was left unchecked and uncontrolled by Cheltenham Council . Once the damage has been done, planting saplings that cost a few pounds and that will take 50 years to replace anything destroyed is not an adequate recompense for the devastating impact on the wildlife and AONB.

[https://www.planningportal.co.uk/news/article/613/planning\\_news\\_-\\_31\\_january\\_2019?utm\\_source=PPQ+Newsletter&utm\\_campaign=11395efa80-Newsletter\\_31012019\\_HTML&utm\\_medium=email&utm\\_term=0\\_734e0b63a9-11395efa80-8275777#one](https://www.planningportal.co.uk/news/article/613/planning_news_-_31_january_2019?utm_source=PPQ+Newsletter&utm_campaign=11395efa80-Newsletter_31012019_HTML&utm_medium=email&utm_term=0_734e0b63a9-11395efa80-8275777#one)

14 Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6LB

**Comments:** 27th January 2019

I wish to object to the proposal, 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 site is within the Cotswolds AONB and is highly visible from local footpaths. The NPPF (with great weight) and JCS both require that proposals should conserve or enhance the landscape and scenic beauty. Increasing the density of housing and driveways on this plot would absolutely not do so.
- The transport statement is misleading. It quotes local amenities and food-stores within 1.3kms. It fails to note that the route is almost entirely up/down Harp Hill - which has gradients over 16%, and is regularly featured in guides to 'hard cycling hills' in Gloucestershire. And the predicted use of supermarket home delivery van trips is not better, as implied, for the environment or local amenity than single occupancy car trips.
- This stretch of Greenway Lane is a narrow, unlit rural road, without any separate footpath/pavement provision for pedestrians. Yet it provides an important route for runners, cyclists and walkers to access the wider AONB. Development such as this, which increases the traffic flow, will make accidents more likely. If traffic volumes continue to increase I will no longer feel it is safe to walk my young children on that route to access the countryside.

I agree that it would be an improvement to replace the existing house with one of similar size, in a style such as those proposed here. I would support such a development.

However, I urge the council to respect the national and local policy on AONB development by not allowing this significant increase in the scale and density of development on this site.

Glenfall Lodge  
Mill Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL54 4EP

**Comments:** 11th January 2019



Letter attached.

Kyle Lodge  
Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PN

**Comments:** 17th January 2019  
Letter attached.

2 Castlefields Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YW

**Comments:** 31st January 2019

i use this route reguarly and very much welcome more housing in this area, it is much needed, i completly support this application and welcome the idea of more housing being available in this area, it is needed!

54 King William Drive  
Cheltenham  
Gloucestershire  
GL53 7RP

**Comments:** 4th March 2019

I wish to object to the Cromwell Court application.

I am in absolute agreement with the Cotswolds Conservation Board's objections to the scheme.

In addition, I believe some weight must now be given to the Pre-Submission Cheltenham Local Plan whose Examination in Public ended on 28 February 2019.

Development at Cromwell Court was neither put forward as an allocation in the draft plan nor introduced in any way at the Matter 3 Hearing on Housing and Mixed development conducted on 14 February 2019.

From this I would draw the conclusion that the Cromwell Court development does not, and will not, accord with or form part of the eventually-adopted Local Plan.

The Cheltenham Plan also, in Chapter 8:The Cotswolds AONB, states in Paragraph 8.4 that the Council will be guided by "the advice of the Cotswolds Conservation Board with reference to the Cotswolds AONB Management Plan".

I hope this guidance will be the case, as will Cheltenham's other commitment under the Countryside and Rights of Way Act 2000, namely, to conserve and enhance its precious part of the Cotswolds Area of Outstanding Natural Beauty.

Please refuse this application.

1 New Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8JJ

**Comments:** 8th January 2019

I think the development would be great for the area, most new housing developments add nothing in terms of architectural merit.

I believe the site is well placed for this kind of development, as the area is well known for this type of housing.

The Council recently allowed an application for the conversion of the existing house into flats, which I don't particularly want to see happen.

7 Battledown Drive  
Cheltenham  
GL52 6RX

**Comments:** 9th January 2019

Letter attached.

19 Hearne Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8RE

**Comments:** 15th January 2019

Letter attached.

Rose Orchard  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PR

**Comments:** 30th January 2019

Letter attached.

25 Hopwood Grove  
Cheltenham  
Gloucestershire  
GL52 6BX

**Comments:** 30th January 2019

Letter attached.

**Comments:** 30th January 2019

Letter attached.

6 Hertford Road  
Bishops Cleeve  
GL52 8DA

**Comments:** 30th January 2019  
Letter attached.

7 Seneca Way  
Cheltenham  
Gloucestershire  
GL50 4SG

**Comments:** 30th January 2019  
Letter attached.

19 Medway Crescent  
Brockworth  
GL3 4LD

**Comments:** 30th January 2019  
Letter attached.

Orchard House  
Harp Hill  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6QG

**Comments:** 30th January 2019  
Letter attached.

50 Hartlebury Way  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6YB

**Comments:** 30th January 2019  
Letter attached.

8 Pumphreys Court  
Pumphreys Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8BX

**Comments:** 10th January 2019

I support the redevelopment of Cromwell Court, I think a sympathetic scheme liked the one being proposed will have a positive impact on The local area.

Hales House  
111 Hales Road  
Cheltenham  
Gloucestershire  
GL52 6ST

**Comments:** 12th January 2019

Very pleased to see some much needed new homes which have clearly been well considered and sympathetically designed, I feel this can only add benefit to the area. As a local resident in the area I am encouraged to see there are people out there who are looking to improve the housing situation with quality, modern dwellings. I see this as a positive addition and I am happy to offer my full support.

7 Moorend Glade  
Cheltenham  
Gloucestershire  
GL53 9AT

**Comments:** 29th January 2019

I drive past this site every day and noticed the application had been submitted. I support the granting of consent as the existing site is not aesthetically pleasing and new development is welcome. The proposal looks appropriate and is no different to the other developments in the vicinity (Harp Hill).

Greenway Farm  
Greenway Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL52 6PL

**Comments:** 28th January 2019

Letter attached.

32 Finchcroft Court  
Cheltenham  
Gloucestershire  
GL52 5BE

**Comments:** 28th January 2019

Letter attached.

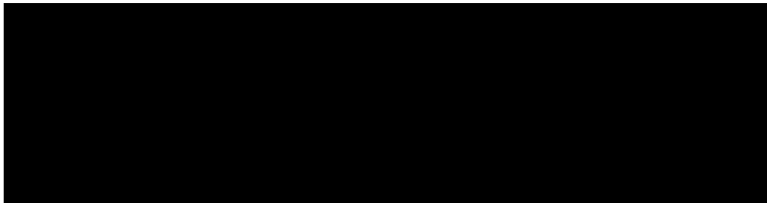
Rec'd 16 JAN 2019

Hewletts Reservoir Lodge  
Harp Hill  
Charlton Kings  
Cheltenham  
GL52 6PP

18/02581/FUL | Demolition of existing dwelling and construction of 8 x self & custom build dwellings with associated works and infrastructure, including sustainable drainage, new internal access roads, improvements to existing internal access road, site regarding and landscape planting | Cromwell Court Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6PW

It is my opinion that the proposed development will be an improvement on the existing house and will have a lesser impact on the AONB.

The designs of the homes are of a very high standard, the style and size are characteristic of the area.



Yours. ref.

18/02581/FUL

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PLANNING

Rec'd 25 FEB 2019

SERVICES

WADLOYS FARM,

HAM LANE,

CHARLTON KINGS,

GL52 6NJ

22-2-19.


Dear Sir,

I am totally opposed to the application to build houses on land surrounding Cromwell Court. This house was once surrounded by woodland, which has since been removed, leaving it totally exposed. The whole plot is within the Cotswold AONB, and there is no justification in permitting extra housing here. If it were to be permitted, what is to stop the owners of the land further down Greenway Lane applying in the same way?

Please refuse this application,

Yours faithfully,

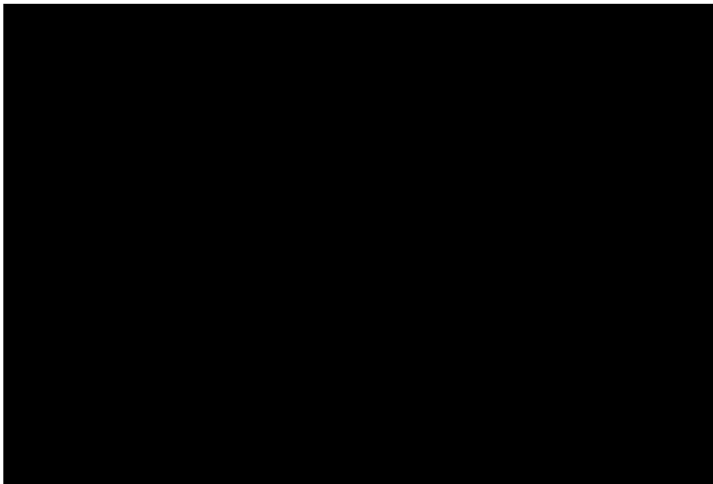


  
2 John Moore Gardens  
Cheltenham  
GL50 2LY



RE.Cromwell Court 18/02581/FUL

I wish to add my support to this application the sympathetic landscape first approach has worked well in the AONB, the high quality individual house designs & settings with generous plots which are much more in keeping with the Battledown Estate.  
This is much more desirable & better use of the land than the flats permitted or the existing house.





Page 138 35th London Rd,  
Charlton Kings,  
Cheltenham

Re Cromwell Court 18/02581/FUL

Glos  
GL52 6YT.

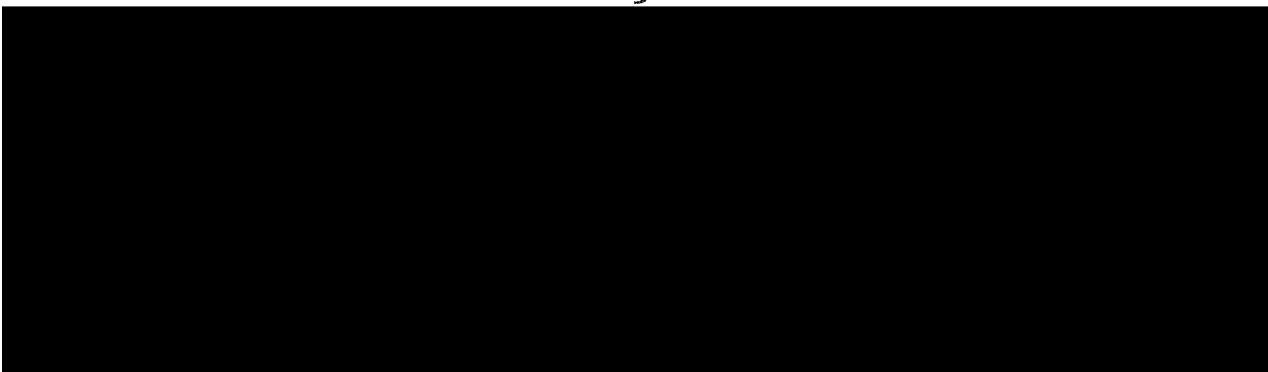
Dear Sir/Madam,

I am writing in support of the  
proposed development of Cromwell court.

Having looked at the plans I can see no reason  
this would be detrimental to the AONB.

As keen hikers we are sensitive to any  
developments that affect landscape but in this  
case we see no negative effects to the  
surroundings.

Yours Sincerely







Planning Reference 18/02581/FUL

I drive past Cromwell Court regularly and believe that the proposed application will enhance the area if the original house is removed and replaced with low impact scheme that's been proposed and I offer my support because its much more environmentally friendly.



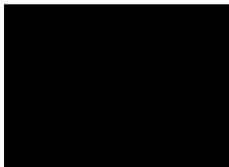
6 COPPERS ROAD  
CHARLTON WILKS  
CHARTON HAM



3 Chargrove Villas  
Shurdington Road  
Cheltenham  
GL51 4XA

Ref. Cromwell Court 18/02581/FUL

I give my support to this application because its forward thinking with being gated almost an American style development where houses are all individually designed with similar materials keeping a common theme with well spaced plots with great landscaping.



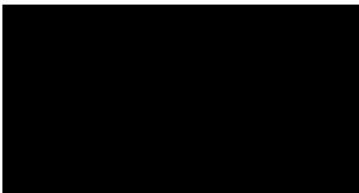


Nutfield Ridge  
Stanley Road  
Cheltenham  
GL52 6PE

Letter of Support

RE. Cromwell Court 18/02581/FUL

The proposed development at Cromwell Court for eight self build houses and the demolition of the existing house will be an improvement to the visual impact on the AONB.  
The proposal is a good use of an existing brownfield site which is currently Under-utilised and when the proposal is completed will add even more landscaping between the new houses.



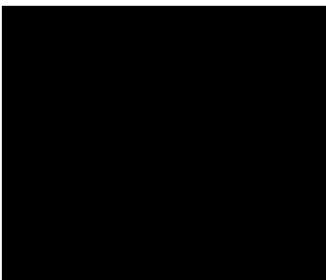



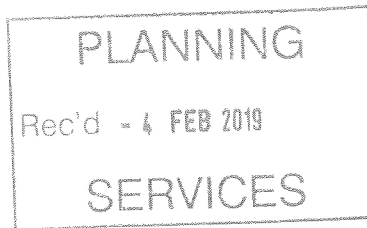
3 Morlands Drive  
Charlton Kings  
GL53 8LP

RE: 18/02581/FUL Cromwell Court

I support this planning application to demolish the existing unsightly mock Tudor house & replace it with eight self build houses that are very well designed architecturally & are similar to the houses currently being built on Harp Hill.

This development has been landscape led & its benefits are obvious in minimising the impact on the area of outstanding natural beauty which will be an improvement visually on the area when finished

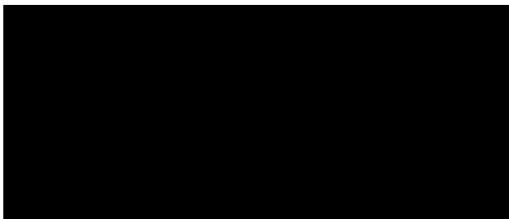




N FAIRFIELD PARK ROAD  
LESLAMPTON  
CASTLEHAM  
GL53 7PQ

Re. Cromwell Court 18/02581/FUL

Cromwell Court is already a brownfield site and has the benefit of planning for eight units which would not enhance the area. Because of this I believe the current application to be of great merit and the aesthetics of the landscaping and materials of the houses is the reason I fully support the application.



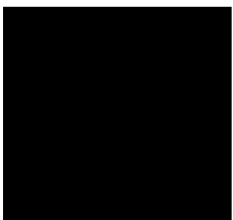


West Winds  
Stoke Road  
Bishops Cleeve  
GL52 8XT

Re: Cromwell Court 18/02581/FUL Demolition of existing dwelling & construction of 8 self & custom build dwellings with associated works.

Comment support

This is a sustainable location that already has the benefit of being a brownfield site that is now offering a great scheme the likes of have not been seen in Cheltenham before.  
The uniqueness of the setting of eight high quality self build dwellings in a self contained gated Community with sympathetic landscaping is something the council should submit for awards.

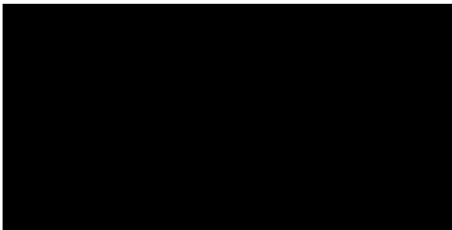




[REDACTED]  
8 School Road Flats  
Charlton Kings  
GL53 8BG

RE: Cromwell Court I8/02581/FUL

This Development if permitted would win awards for the contemporary architecture the scheme has been designed with the landscaping being the most important feature of the development. I whole heartedly support this sustainable application





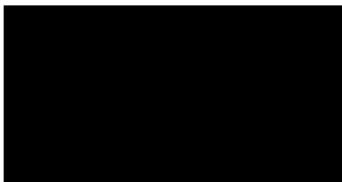
Chadwick  
The Reddings  
Cheltenham  
GL51 6RL

Ref: Cromwell Court18/02581/F

The proposed planning application looks fantastic and I am interested in purchasing one of the plots I have been looking for a substantial plot in this location for years.

According to the landscape architects report the the impact on the area of outstanding natural beauty is minimal which is important to me. She has achieved this partly by using seedem grass roofs which help slow water release & are green to look at.

Its so close to the shops & bars as well as the cricket club on the doorstep for summer afternoons You have my total support for the application.





[REDACTED]  
8 Moreton Close  
Bishops Cleeve  
Cheltenham  
Glos  
GL52 8AW

Re Cromwell Court  
18/02581/FUL

I Would Like To Add My Support To This Application, The Development Looks Like A Good Use Of Space And Would Fit This Location Well In My Opinion. I Feel The Proposed Plans Are A Better Fit In The AONB Than A Mock "Tudor Hose" And A Better Use Of The Land.

Regards

[REDACTED]

30-1-2019

[REDACTED]




64 Byron Road  
St Marks  
Cheltenham  
GL51 7EY

Cheltenham Borough Council  
Planning Department  
Municipal Offices  
Promenade  
GL50 9SA

Re : Cromwell Court 18/02581/FUL

I walk my 3 dogs on the public footpaths around this site and think the proposed development will enhance the AONB compared to looking at the existing eyesore

Regards

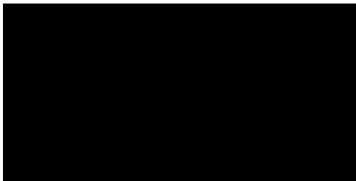


[REDACTED]  
March House  
Cleeve Hill  
GL52 3QE

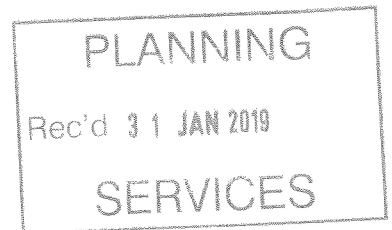


RE Cromwell Court 18/02581/FUL

I wish to offer my full support for this unusual development its architecture is of a very high quality & the landscape led approach to this development in the AONB has undoubtedly worked very successfully.



[REDACTED]  
11 Edgeworth  
Miserden Road  
Cheltenham  
GL51 6BW



Cromwell Court 18/02581/FUL Letter of support.

The apartments that have been passed are out of keeping for this area & so is the existing house the proposed planning development is aesthetically much better in the area of outstanding beauty than the other options.



I



[REDACTED]  
Sandford House  
44 Sandford Mill Road  
Cheltenham  
GL53 7QS

21<sup>st</sup> January 2019

Cheltenham Borough Council  
Planning Department

Dear Sirs,

**Comment:** Support

**Planning ref:** 18/02581/FUL

**Property:** Cromwell Court Greenway Lane Charlton Kings Cheltenham  
Gloucestershire GL52 6PW

We drive past Cromwell Court regularly and have taken a keen interest in the development proposals.

We feel that this scheme, will massively enhance the appearance of a site that is now massively outdated. The existing mock Tudor property in the centre of the site is not the most attractive property by any stretch of the imagination!

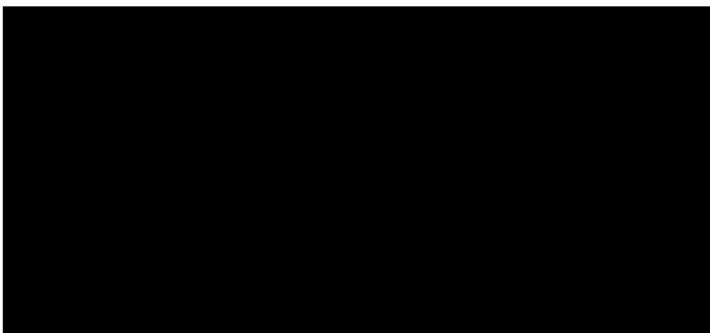
The layout of the new development looks well planned with interesting and low impacted designs. It looks very clean and is far more appropriate to its surroundings.

We have looked through the design proposals in some detail and feel that they are sympathetic to the landscape. Indeed, they appear to be very similar to properties being built currently in the same area.

We have looked at the impact assessment for the proposal. We see no issue with the removal of many of the poor-quality older trees, particularly as a large amount of work in respect of new planting has already taken place. It is clear also that the best trees have been preserved.

We fully support the proposed development as it encourages exceptional modern design and delivers plots for people who wish to build their own home in any area in which, frankly, there are few plots available. Indeed, having looked at this carefully for some time, we would seriously consider the purchase of a plot ourselves.

Yours sincerely





  
20 Ledmore Road  
Charlton Kings  
Cheltenham  
GL53 8RA

Cheltenham Borough Council  
Planning Department  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

Dear Sirs

**Ref: Cromwell Court Planning Application 1802581-FUL**

Please find attached an extract from the planning portal whereby we're unable to make our comments online due to maintenance issues with the website.

Please note that we happy to support the above application and planning permission for Cromwell Court.

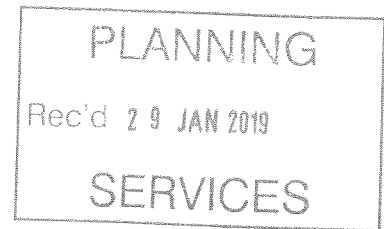
Having been consulted on the proposal at the property we fully support the proposed planning scheme and see it as an enhancement of the area and keeping in line with the ecology and amenity of the area.

Yours sincerely ✓



[REDACTED]

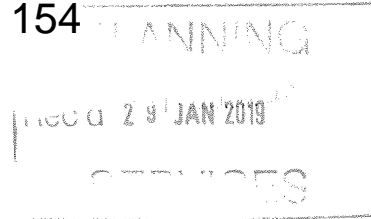
26 Gallops Lane  
Prestbury  
GL52 5SD



**18/02581/FUL | Demolition of existing dwelling and construction of 8 x self & custom build dwellings with associated works and infrastructure, including sustainable drainage, new internal access roads, improvements to existing internal access road, site regarding and landscape planting | Cromwell Court Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6PW**

I would like to express my support for the above planning application, as I believe the proposed development would offer many local benefits.

- Locating new homes close to jobs and existing physical and social infrastructure;
- Improves place-making through creating vibrant communities and supporting Cheltenham town.
- Enhancing the overall quality of the built environment.
- Encourages greater efficiency and innovation in design.
- Potential to accommodate a greater capacity in an existing residential unit.



Flat 1  
Station Garage  
Station rd  
GL52 8HL

**Re. 18/02581/FUL | Demolition of existing dwelling and construction of 8 x self & custom build dwellings**

Cromwell Court would be an award-winning development of sustainable contemporary homes, it's clear the architect has a passion to put nature first. Cheltenham needs a place where like-minded people can build their own beautiful homes.

The site is close to a range of shops and amenities in the Sixways Neighbourhood Shopping Centre, and transport links to the center of Charlton Kings and Cheltenham Town Centre.

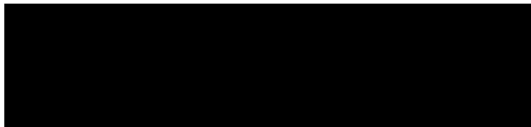


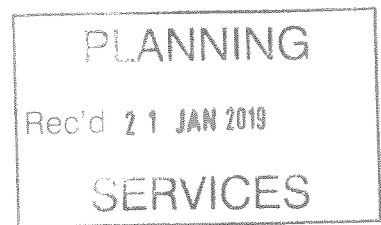
Birchfield  
Birchley Road  
Battledown  
Cheltenham  
GL52 6NX



18/02581/FUL - Cromwell Court

Cromwell Court already benefits from residential use and the existing house clearly has an intrusive visual impact on the landscape, as it is very large and constructed out of concrete block, rendered and painted white. The aesthetic of the proposed dwellings with grass roofs, natural stone and glass has a more natural and subtle look. For these reason I fully support the application.



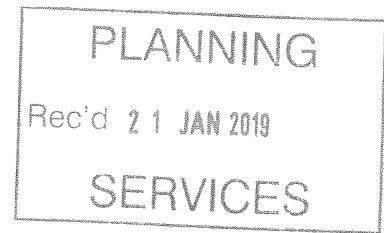


  
Piccadilly Farm  
Aggs Hill  
Cheltenham  
GL54 4ET

Letter of support for planning application (18/02581/FUL) Cromwell Court

The application site is approximately 0.7 miles from a range of shops and amenities in the Sixways Neighborhood Shopping Centre, and transport links to the center of Charlton Kings and Cheltenham Town Centre. The application site must therefore be considered as a sustainable location for new residential development. Additionally, highways have been shown to be achievable within the application site.

  
The Hewletts  
Aggs Hill  
GL54 40T

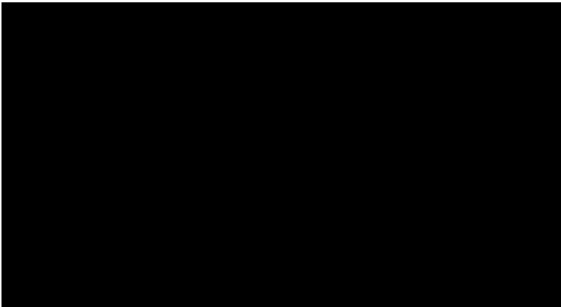


19<sup>th</sup> January 2019

Comment: Support  
Planning ref: 18/02581/FUL.

I have looked at the plans and think the proposed scheme will be an improvement on the existing house and I support the application.

Regards



3, Natton Cottages,  
Ham Lane,  
Charlton Kings,  
Cheltenham.  
Gloucestershire.  
GL52 6NJ

28th February 2019

Cheltenham Borough Council,  
PO Box 12,  
Municipal Offices,  
The Promenade,  
Cheltenham,  
GL50 1PP  
Attn:- Planning Officer.

Dear Sir / Madam,

**Re:- Planning Ref:- 18/02581/FUL – Cromwell Court, Greenway Lane Charlton Kings Demolition of Existing Dwelling and Construction of 8 large dwellings-OBJECTION.**

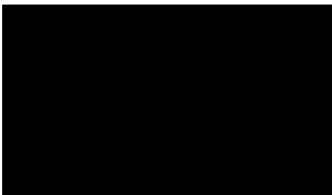
I refer to the above plans which are for land in the AONB and for which there is no justification for any development of the size proposed. I note that there is some reference that the land is Brown Field – when does gardens become brownfield?

It is also noted that wholesale destruction of the gardens has taken place previously, destroying habitat and changing the AONB character for the area. Why was this allowed?

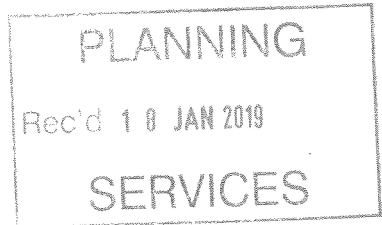
As planners well know, there are all sorts of regulations and requirements for the AONB which govern the area as to what can be built. All of these have to be applied in this case and all confirm that no development of this size should be allowed.

Either there is an area nominated as AONB or there is not – a firm message of refusal has to be sent to those trying to destroy an area which is important to all of Cheltenham and beyond.

Yours sincerely,



23 HERBERT ROAD  
Cheriton Kings  
Cheltenham  
GL53 8RE

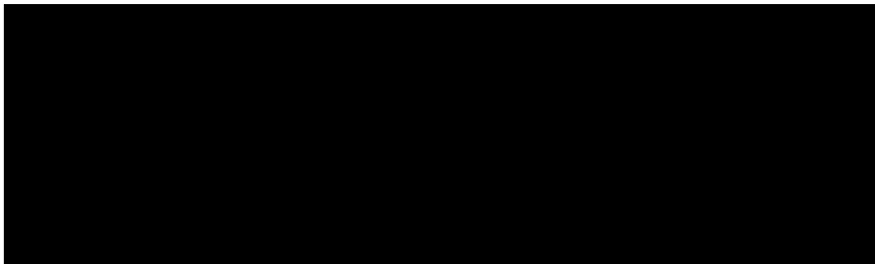


Ref Cromwell Court 18/02581/FUL

Dear Sirs

I would like to support  
the proposed development  
as it enhance the area  
and make better use  
of the land.

Yours faithfully



CHELTENHAM Borough Council

Planning Department

MUNICIPAL OFFICES

PROMENADE

CHELTENHAM

GL50 9SA.

Page 160

17 CROFT GARDENS  
CHARLTON Kings  
CHELTENHAM  
GL53 8LQ

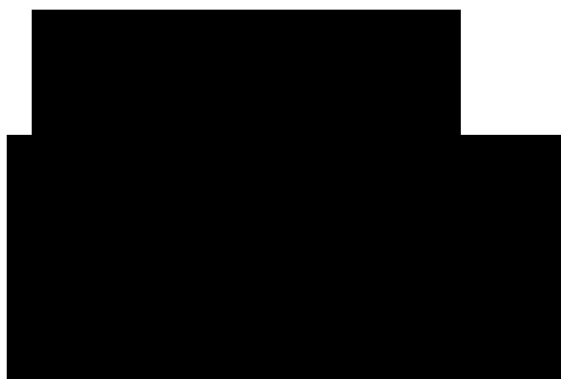
PLANNING

Rec'd 18 JAN 2010

SERVICES

CROMWELL COURT 18/02581/EU1

I SUPPORT the PROPOSAL AS it will be an IMPROVEMENT FROM  
the VISUAL impact of the Mock Tudor House that is there.



PLANNING

Rec'd 10 JAN 2019

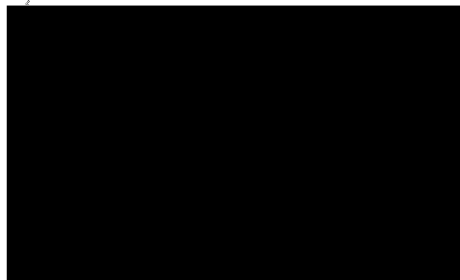
SERVICES

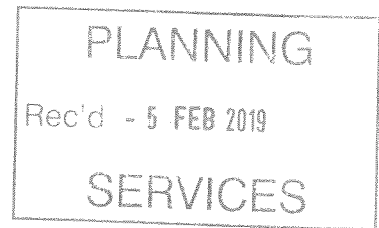
61 Copt Elm Road  
Cheltenham  
GL53 8AW

Re. Cromwell Court 18/02581/FUL

I have viewed the plans for the proposed development of  
Cromwell Court. I fully support the plans and feel that  
they will fit well into the space and enhance the  
local area - more so than the existing house.

Yours Sincerely,





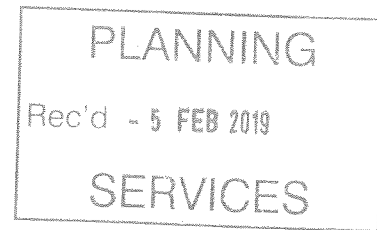
3 Medoc Close  
Wymans Brook  
GL50 4SW

REF Cromwell Court 18/02581/FUL

After viewing the the plans and booklet I have no problem supporting this project as its exciting and innovating and deserves to win awards for Cheltenham.  
Deigns like this can only enhance Cheltenham and surrounding area.



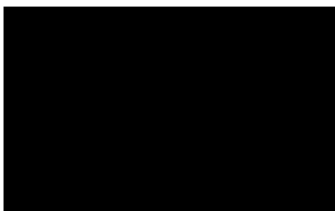


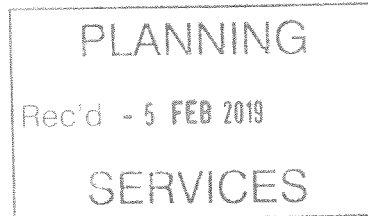


[REDACTED]  
Berengaria  
Tobyfield Close  
Bishops Cleeve  
Cheltenham  
GL52 8NP

Cromwell Court Ref 18/02581/FUL

This site is well know to me being a keen hiker over the years & it has in my opinion always looked unkept,  
I hope this application is passed & look forward to seeing it built out in the near future, because it will be a big improvement to the area.

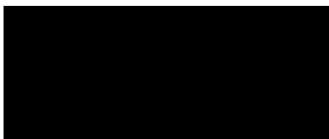


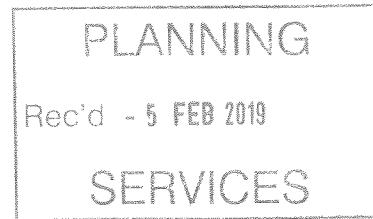


27 Libertus Road  
Cheltenham  
GL51 7EJ

Letter of Support Ref. 18/02581 Cromwell Court

I Love the idea of self-build, its most peoples dream at some point and I am pleased to see Cheltenham Borough Council has a register with around fifty people on it recognising this fact.  
The effort that's gone into this landscape led approach is good to see and the high quality designs are fantastic as it has a low impact on this sensitive area.





Flat 1  
Hesters Way Road  
Cheltenham  
GL51 0SE

Cromwell Court RE. 18/02581/FUL

I am writing today to give my support to the above application it meets the planning guidance notes and is a good fit in the AONB .  
The site is under developed and is a better land use with eight houses.



4 Charlton Court Road  
Charlton Kings  
Cheltenham  
GL52 6JB



Cheltenham Borough Council  
Planning Department  
Municipal Offices  
The Promenade  
Cheltenham

8<sup>th</sup> March 2019

Ref: 18/02581/FUL

### PLANNING APPLICATION FOR CROMWELL COURT

To Whom it may concern

This proposed development is leaving me with the impression that the pursuit of profit alone is driving greed beyond all reason. The effects on the surrounding area should be evident to the most obtuse minds. However, to make them plain I will repeat my previous objections. A common practice of cutting from their plans anything that may affect the result of any perusal by people without knowledge of the area seems to prevail. As in Reference 18/02171/FUL where the culvert directly affected by the plans is not mentioned in the hope it will not be noticed.

The area is NOT a Brownfield site as suggested in some of the so-called supporting letters by people who cannot have any knowledge or direct interest in the area. Much clearing has been carried out already disturbing the natural flow of surface water and, when buildings have been erected, much more disruption will occur. Part of this site will impact on the same culvert with similar results. The culvert in question follows the line of GREENWAY LANE until it goes underground at the boundary of the above property.

The culvert passes from the surface to underground at the boundary between St Edwards school and 4 Charlton Court Road via an old pipe of undetermined diameter said to be in good order on the purchase in 2001. It is too small to cope with any increase in water from the open culvert. This was confirmed in 1971 by Severn Trent Water who deemed the culvert to be AT CAPACITY. After the flooding, work was carried out by Cheltenham Borough Council (CBC) on the culvert to alleviate the pressure on the entrance to the underground pipe and control the flow further up the watercourse. This has so far been effective but it does not alter the fact that the flow can be controlled but the CAPACITY cannot be increased without enlarging the pipe which surfaces the other side of Charlton Court Road.

After the flooding in 2007 I carried out some research on the land behind the above property and discovered that there were a number of planning applications on file in the CBC Planning Department, each stating 'existing facilities' as a means of dealing with surface water. As far as I could ascertain none existed. The fact that there has been no further flooding since the work by CBC is an indication that the work was successful, however, there has been no increase in capacity. The water at the start of the underground pipe has reached the top of the entrance on a couple of occasions but not overflowed.

Any disturbance of the ground at the proposed development site is certain to change the flow of surface water resulting in additional water entering the culvert. From my perusal of the paperwork related to this aspect I cannot see any realistic solution to this problem within. The reports etc. conveniently gloss over the germane issues and stress the solutions, which to me, are the crux and should not be accepted without challenge.

This is not an issue that can be a 'wait and see', once it is started it cannot be returned to its original state.

There are many other issues involved in this development but I am very sure that they have been aired so I will not waste your time repeating them here.

Yours Sincerely



P.S. These comments were also submitted in the case of LAND ADJACENT TO OAKHURST RISE application Reference: 18/02171/FUL which would also have an impact on the same culvert.



Avalon Stanley Road  
Battledown  
GL52 6PB

Ref, Cromwell Court

Planning 18/02581/FUL

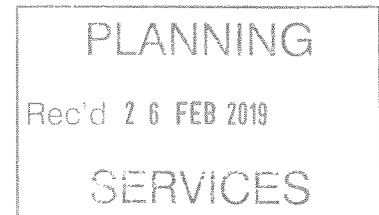
Dear sir/madam,

I support this planning application because its a brownfield site and a much nicer development than the eight apartments passed recently, the location suits eight larger houses with good proportioned gardens and enhanced landscaping scheme as part of the proposed application.



Wellswood House  
Birchley Road  
Battledown  
GL52 6NY

Comment Support  
Planning Reference: 18/02581/FUL



As the principle of sustainable development on this site has been accepted previously, this makes the current application an improvement on the area of outstanding natural beauty and a big improvement for the location.

[REDACTED]

5 Grovelands Close  
Charlton Kings  
GL53 8BS



RE: 18/02581/FUL

*This proposed development is within the the curtilage of Cromwell Court and makes effective use of previously developed land.  
It would be good to demolish the existing house and build the new contemporary deigned houses with the added landscaping this development would bring unlike the permission already granted for eight apartments and no landscaping so I support this application.*

[REDACTED]



3 Bradley road  
Charlton Kings  
GL53 8DX

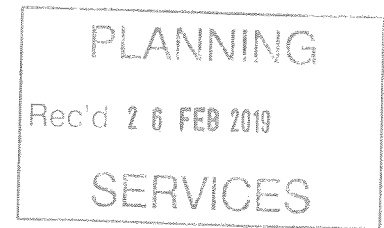


Cromwell Court letter of support 18/02581/FUL

I wish to offer my support to demolish the existing ugly mock Tudor house and replace it with the high quality contemporary designed Houses that blend in to the landscape its a big improvement to the area of outstanding natural beauty and sits nicely in Battledown.

[REDACTED]

6 Castlefields Road  
Charlton kings  
GL52 6YW



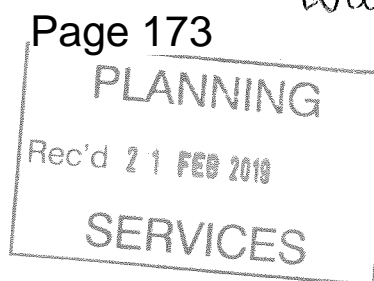
*Cromwell Court planning ref: 18/02581/FUL*

*The design of the homes are of a very high standard , the style and size are characteristic of the Battledown area. The proposed development will be a vast improvement on the existing house and therefore will have a lot less impact on the Area of Outstanding Natural Beauty. Cheltenham needs more self build houses and love the idea.*

[REDACTED]

Ref: 18/0258/FUL

Page 173



Wadleys Farm,  
Ham Lane,  
Charlton Kings.  
GL 52 6NJ  
21st Feb. 19.

Dear Sir / Madam,

Re: Development at Cromwell Court, Greenway Lane,  
Charlton Kings.

I did not realise that new plans had been submitted for this site, having no computer nor having received notification of this application. I hope my previous letter will be considered when the decision is made with regard to the development at Cromwell Court, as well as this one.

I am appalled at these plans proposed for an area on the outskirts of Cheltenham which is within the Cotswold Area of Outstanding Natural Beauty.

Cheltenham Borough Council has been extremely diligent in protecting the AONB, from indiscriminate development such as this - Glenfield, Glenfall Way, Charlton Kings, is a very good example.

I see absolutely no mitigating circumstances why the development at

Cromwell Court should in any way differ from  
Page 174 previous AONB decisions.

Mature Trees have NOT been retained, the landscape will certainly NOT be enhanced by these huge houses and there has already been disturbance of a woodland habitat & its impact on wild life there. All these contravene Policy D3 of the latest town plan.

I sincerely hope you will REFUSE this application and thus give developers the message once again, that the AONB on the outskirts of Cheltenham is sacrosanct and not for negotiation.

Yours faithfully,



72 The Cornfields  
Bishops Cleeve  
Cheltenham  
GL52 7YQ



**CBC planning ref: 18/02581/FUL Demolition of existing dwelling and construction of 8 x self & custom build dwellings Cromwell Court Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6PW**

Re. Support Comment

The problem for individuals wanting to build their own home is that it can be very difficult for them to get access to single plots. Many new houses being built in Battledown come from the existing housing stock.

I believe there is a net gain to the area by demolishing the existing house, which has permission for 8 flats, and replacing it with a sympathetic development such as the one being proposed.

Regards



1<sup>st</sup> March 2019

30 Bramley Close  
Bishops Cleeve  
GI52 8GF



Your ref: 18/02581/FUL

Support

The proposal is well designed to respect the character of the landscape. The scheme would assist with the self and custom build aims. The concerns raised do not appear to be substantial enough to the extent they would warrant withholding planning permission.

[REDACTED]

Mr Joe Seymour  
Planning Department  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

[REDACTED]  
4 Chargrove Villas  
Shurdington Rd  
Cheltenham  
GL51 4XA

1<sup>st</sup> March 2019



Planning Portal Reference - 18/02581/FUL

I support the proposed regeneration of the Cromwell Court site on Greenway Lane for 8 Self-build houses. The current house looks out of place, and it is good to see plans to reuse it in an efficient way.

This development would provide much needed plots for individuals wishing to build their own home, as identified by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). It would provide open market plots to meet local needs, particularly those of families.

I am pleased that sustainable transport issues have been addressed in the planning process.

Kind regards

[REDACTED]

CBC

Planning Department  
FAO: Joe Seymour



8 Medoc Close  
Cheltenham  
GL50 4SP

I am writing in **support** of planning application: 18/02581/FUL IDemolition of existing dwelling and construction of 8 x self & custom build dwellings with associated works and infrastructure, including sustainable drainage, new internal access roads, improvements to existing internal access road, site regarding and landscape planting I Cromwell Court Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6PW

The development would make better use of an existing residential site and provide plots for self/custom builders.

There are many economic benefits that support of the proposal, as typically smaller site provide opportunities for local builders and suppliers.

Regards

[Redacted signature]





**12 Imjin Rd  
Cheltenham  
GL52 5JX**

**1<sup>st</sup> March 2019**

**Please accept this letter in support of the proposed development at Cromwell Court (18/02581/FUL).**

**The planning process is inhibiting supply of suitable land by dissuading smaller builders from doing more. The Council cannot currently demonstrate a sufficient supply of housing land, and this site already benefits from residential use.**

**Battledown is well known for this type of housing and a bespoke development like this would be well suited for this location.**

**In my opinion, if permission were granted, I believe it would enhance the scenic beauty of the AONB. The existing mock Tudor house is large and unsympathetic. If the extant permission for 8 flats were implemented this would also diminish the character of the area, and lead to further ad hoc development within the grounds of Cromwell Court.**

**Yours sincerely**

A solid black rectangular box used to redact the signature.

1<sup>st</sup> March 2019

10 Baker Street  
Cheltenham  
GL51 9HQ

Planning Officer  
Cheltenham Borough Council  
Planning Department



I write to give my support for planning application, 18/02581/FUL Cromwell Court for the following reasons.

1) Land market

The land market sees too few plots come forward for development, hampering the efforts of Self build and Custom Housebuilders and the public sector has shown little interest in splitting up large sites to back this type of builder.

2) Design

The buildings project outward from the hill; especially plot 6 with its 4m cantilever. The houses find balance in the topography of the land, creating an extensive open living space whilst respecting the sensitive nature of the site by using natural materials.

3) Tree's

The applicant's tree strategy of preserving the best trees already on the site, and then successfully integrating new trees in other built up areas is brilliant. By protecting them above and below ground, managing and providing for delicate root systems, I feel they have, as far as possible recreated optimum conditions for the trees to establish.

For the reasons set out above I encourage the Council to permit this application.

Yours faithfully



17 Harvesters View  
Bishops Cleeve  
Cheltenham  
Gloucestershire  
GL52 7WD

Cheltenham Borough Council  
Planning Department



1<sup>st</sup> March 2019

Re. Planning application 18/02581/FUL.

I have reviewed the submitted documents and responses from the council's consultation and feel happy to share my observations and support the application.

The architect's panel said "each new dwelling was generally liked very much" and "each house is a well proportioned individual building of distinction composed of an attractive mix of high quality materials". I am therefore confused as to why they did not support the scheme, or what they found so offensive about the site layout, as to reject the scheme entirely?

The Cotswold Conservation Board concluded "the development would extend the built environment of Cheltenham around to the eastern side of Battledown Hill, further into the AONB and beyond the boundary of the principal urban area". For the following reasons I do not agree. First, from the plan, it can be seen that there is no open (agricultural) land between the physical development at Cromwell Court and the PUA. In fact, it appears to be within the development boundary, not in a technical sense as referring to the identified settlement boundary in the local plan, but the actual development boundary as seen on the ground and from which Cromwell Court and Turnpike seem to be attached. Second, the application site (in part) benefits from planning permission for the subdivision of the existing unit in to 8 dwellings. The principle of development on this site and the creation of additional dwellings is therefore, to some extent, established.

With the above in mind, I support the application and urge the Council to permit development.

Regards

[Redacted signature]


Cheltenham Borough Council  
GL50 9SA  
Planning Department



1<sup>st</sup> March 2019

I write in connection with planning application 18/02581/FUL. I'm happy to support the application. I think the design is exceptional and the site provides a sustainable location.

Large areas of countryside surrounding Cheltenham are allocated for housing; many 100s of hectares of greenfield are soon to be lost near my home. It's only right we develop brownfield sites first and distribute new housing across the entire town.

  
59 Welch road  
Cheltenham  
GL51 0EA

*Planning Officer: Joe Seymour  
Cheltenham Borough Council  
Planning Department*

  
*63 The Highgrove  
Bishops Cleeve  
Cheltenham  
GL52 8JB*



*Your ref (18/02581/FUL)*

*I write to give full support to the above planning application.*

*The proposal would bring a underutilised site into positive use which would benefit the area. The removal of the existing buildings would improve the visual appearance of the area as the buildings are in disrepair.*

*In addition, the proposed dwellings would significantly improve the visual appearance of the site from public footpaths and roads.*

*Yours faithfully*



Municipal Offices  
Promenade  
Cheltenham  
Gloucestershire  
GL50 9SA



85 Read Way  
Bishops Cleeve  
Cheltenham  
GL528EL

1<sup>st</sup> March

Dear Mr Seymour

**Cromwell Court planning proposal.**

I attended a public presentation on site and reviewed the 3d drawings. I am very impressed with the proposals and feel confident in supporting the application.

Each of the 8 dwellings has been individually designed and sits well within the site.

The fact the plots will be made available to people who wish to build their home is a fantastic concept, and there is a strong demand for this sort of development in the area.

Sincerely



Rec'd - 4 MAR 2019

SERVICES

129 Mandarin Way  
GL50 4RT

1<sup>st</sup> March 2019

Letter in support - 18/02581/FUL Cromwell Court

The design of the houses look really good, if the development were to be permitted I think it would be good for the town. It would bring a lot of money to the town and entice new people to the area.

It would provide a lot of work for local builders and make good use of a redundant house. It's nice to see a proposal like this come forward, as typically this sort of site is overdeveloped with little or no concern for the area, because they are promoted by out of town developers. Many new housing estates are overpopulated where the developers only concern is profits.


[REDACTED]

PLANNING

Rec'd - 7 JAN 2019

SERVICES

Cheltenham Borough Council  
Planning Department  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA



Kings Welcome  
Harp Hill  
Cheltenham  
GL52 6PR

Re. Proposed Development for the demolition and redevelopment  
of Cromwell Court, Greenway Lane, Cheltenham. (18/02581/FUL)

I have lived next door to Cromwell Court for a many number of  
years and feel confident expressing my full support for the  
development. I have examined the plans and know the site well.

I believe the proposed development would be a great fit for  
the area of Battledown and make better use of the site than  
the existing house and garden. It will clearly improve the  
visual amenity of the surrounding area and particularly to  
users of Greenway Lane and Harp Hill.

Regards





Rec'd 11 JAN 2019

SERVICES

[REDACTED]  
Glenfall Lodge  
Charlton Kings  
Cheltenham  
GL54 4EP

9<sup>th</sup> January 2018

Dear Sir/Madam

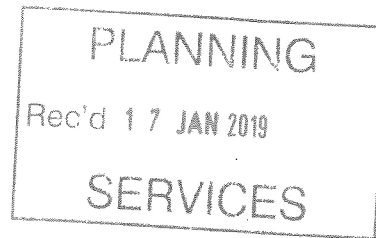
I am in support of planning application 18/02581/FUL.

Using brownfield site conserves rural and agricultural land and the consequential environmental, ecological and economic benefits of this.

Yours faithfully

[REDACTED]

Kyle Lodge  
Greenway Ln  
Charlton Kings  
Cheltenham  
GL52 6PN



15<sup>th</sup> January 2019


Comment: Support  
Planning ref: 18/02581/FUL.

The principle of residential development in this location has been considered and accepted in the recent planning permissions upon sites adjacent to this application (15/01165/FUL, land adjacent to Gray House and 17/00015/FUL The Bredons).

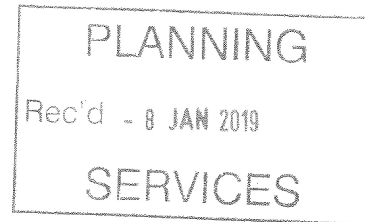
The sites are adjacent and share similar characteristics with the applications proposing very similar layouts with units fronting the road and dwellings set behind.

The proposed development is within the curtilage of Cromwell Court and would therefore make effective use of previously developed land.

Yours faithfully

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

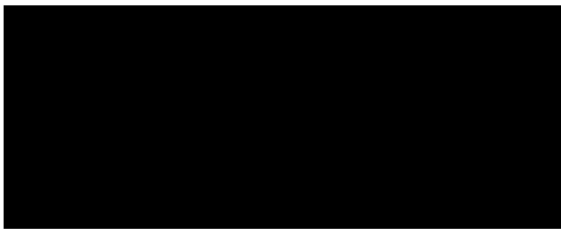
  
**7 Battledown Drive**  
**Cheltenham**  
**GL52 6RX**

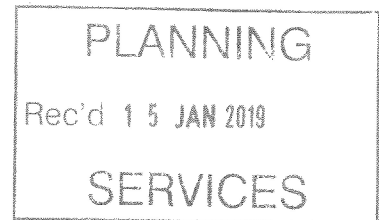


**Ref. Cromwell Court 18/02581/FUL**

**I support the proposed development as it would reflect and complement the existing settlement pattern and achieve the maximum density compatible with good design.**

**Kind Regards**



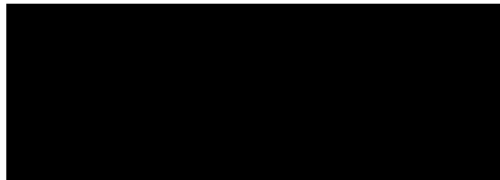


Support comment for planning ref: 18/02581/FUL.

I feel confident in supporting such a high quality and unique development. The latest application is in keeping with existing house types of Battledown. I think this development is much more suitable than the flats previously permitted.



19 Hearne Road  
Charlton Kings  
GL53 8RE





Rose Orchard  
Harp Hill  
Charlton Kings  
Cheltenham  
GL52 6PR

Planning Officer  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SA

29<sup>th</sup> January 2019

**18/02581/FUL Cromwell Court, Greenway Lane, Cheltenham, GL52 6PW**

Support Comment

Of the 8 units proposed, 100 per cent would be self-build. Cheltenham Borough Council's Self-build register contains around 50 people looking for plots in the area. There is a clear need for housing within the housing market and an acute need for Self-build land.


The provision of such housing would bring economic benefits in terms of short-term job creation through construction but also through the support and additional custom for local shops and services as a result of additional residents.

With regards to the AONB, the development would not be unduly prominent in comparison to the existing house. To my mind the proposal would not cause harm to the wider landscape character of the AONB; conversely, it would reflect the established character of the built environment, which is already visible within the landscape

Kind regards





  
25 Hopwood Grove

Cheltenham

GL52 6BX

25 January 2019

To: The Planning Officer

Cheltenham BC

Ref: 18/02581/FUL

Dear Sir or Madam


I am writing to voice my support for the above planning application for Cromwell Court on Greenway Lane.

I regularly commute between my house and Charlton Kings and take an interest in the developments in the local area. I have seen the new building going up on Harp Hill and also looked at the proposals for Cromwell Court. I think both developments show imagination and I don't personally have any objection to them.

I note that the owner has planted significant numbers of trees on his land, having cleared some of the older pine trees. The existing building at Cromwell Court is an ugly 1980's mock-tudor mansion and I will not miss it when it goes!

Kind Regards



  
25 Hopwood Grove

Cheltenham

GL52 6BX

25 January 2019

To: The Planning Officer

Cheltenham BC

Ref: 18/02581/FUL

Dear Sir or Madam

I am writing to voice my support for the above planning application for Cromwell Court on Greenway Lane.

I regularly commute between my house and Charlton Kings and take an interest in the developments in the local area. I have seen the new building going up on Harp Hill and also looked at the proposals for Cromwell Court. I think both developments show imagination and I don't personally have any objection to them.

I note that the owner has planted significant numbers of trees on his land, having cleared some of the older pine trees. The existing building at Cromwell Court is and ugly 1980's mock-tudor mansion and I will not miss it when it goes!

Kind Regards



6 Hartford Road  
bishops Cleeve  
Cheltenham  
GL52 8DA

Cromwell Court 18/02581 Ful

I would like to offer my support for this application as i believe it offers a high standard of design and would be a real asset to the area. I also like the idea of self build plots and would intrested in living here myself!

Yours faithfully





7 Seneca Way  
Cheltenham  
Glos  
GL50 4SG  
07866305641  
29/1/19

FAO Cheltenham Borough Council

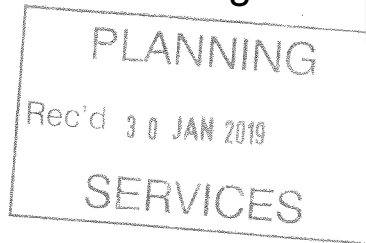
To whom it may concern

I write in connection to support the planning application 18/02581/FUL.

I have been trying to register on your online portal but I am having no success so please accept this letter instead.

I travel past the area to collect my daughter from childcare on a daily basis so I have noted the application and taken interest in the proposal. I believe the new houses look good and appropriate and they are very similar to the ones on Wasp Hill that I also pass. I believe the proposal will allow an aesthetic improvement on the current ugly building. The site seems developed already and the development plan seems comprehensive.

Yours faithfully,



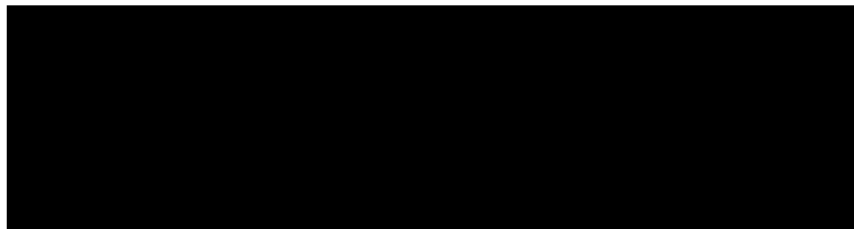
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Brockworth  
Glosters  
GL3 4LD.

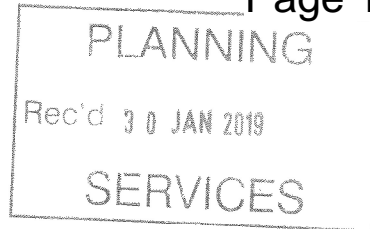
Planning Ref. - Cozent Court  
18/02581/Ful.

I fully support the ~~proposed~~ development  
with the above planning Ref.

I travel pass most days and love  
the architecture, all who wants flats  
in this area when luxury houses can be  
achieved.

This is an area which I would like  
my retirement to be part of, as we already  
frequent the area for walking, and using  
the local facilities.





ORCHARD HOUSE

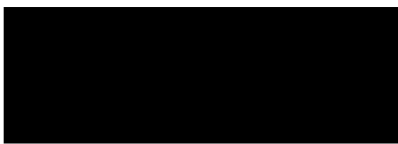
HARP HILL

GL52 6QG

REF CROMWELL COURT 18/02/581 FUL

I SUPPOURT THIS DEVELOPMENT BECAUSE I FEEL  
THIS APPLICATION IS FAR SUPERIOR TO THE  
FLATS THAT HAVE JUST BEEN PASSED AND THE  
CURRENT BUILDING IS AN EYE SORE !

YOURS FAITHFULLY





50 HARTHEBURY WAY  
GL52 6WB

Re. Cromwell Court 18/02581/FUL

I support this application as I love the idea of self build in this area of Cheltenham as there is a lack of available sites. The architecture is in keeping with the new buildings in the area and would enhance the area.



Greenway Farm  
Greenway Lane  
Charlton Kings  
Cheltenham  
GL52 6PN

The Planning Officer  
Cheltenham Borough Council  
The Promenade  
Cheltenham  
GL50 1PP

25<sup>th</sup> January 2019

PLANNING APPLICATION- 18/02581/FUL – CROMWELL COURT GREENWAY LANE CHARLTON KINGS

Dear Sir/Madam,

This application for demolition of the existing residence and construction of 8 self/custom build residential dwellings is on a land area of either 3.1 or 2.8 hectares ( depending on which figures are used from the detailed application, a difference of three quarters of an acre! ), which is in the Cotswolds AONB and outside the Cheltenham Principle Urban Area.

We therefore agree with the points raised in the letter dated 16<sup>th</sup> January 2019 from the Gloucestershire Branch of the Campaign to Protect Rural England and in particular we consider the design of properties proposed would constitute a totally inappropriate residential development lacking sensitivity and in keeping to the Cotswold style of nearby properties and those on the private Battledown Estate. With due respect to the design architecture, some of the proposed elevations appear to be more in keeping with isolated industrial units which would have a very negative visual impact on the landscape character. We now understand that there is also existing at the Land Registry, a " live" covenant on the land prohibiting any further building capable of being used for residential purposes.

If the local Planning Authority were to consider some further residential development on the site (presumably after removal of any existing restrictive covenants) we would be sympathetic to low density of dwellings designed in the appropriate style, but not before the following structural defects and inadequacies in Greenway Lane are addressed and made good.

These comments are made in the light of the fact some 50 new occupied residences -Eden Villas- and their associated traffic now exit onto Aggs Hill and ultimately Harp Hill, Greenway Lane and Mill Lane. We also understand that some further 70 residential units of phase 4 of the Persimmon Oakley site and associated traffic are likely in the future to also exit onto Aggs Hill.

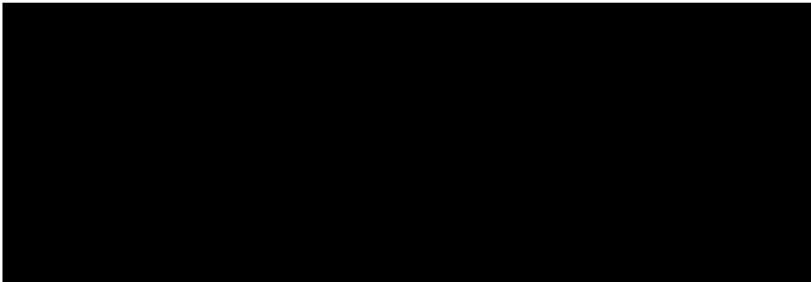
Having lived in Charlton Kings for 54 years and resided in Greenway Lane for the past 42 years, farming land on both sides of the Lane, we estimate traffic flow rates have increased some hundredfold in that time. Greenway Lane itself has no substantial stone base construction and with


land drainage coming off the Battledown pasture slopes resulting in overflowing and inadequate road side water course ditching between Cromwell Court and Kyle Lodge, the surface even after repair, is soon eroded and holed. Those driving the Lane will be testament to these facts. It is a Class 4 highway, with no pedestrian facility. Whilst this planning application has what is claimed to be a sustainable Drainage Scheme, water would presumably ultimately be diverted to the currently inadequate roadside ditches.

So in conclusion, until the Lane is structurally significantly improved, the increasing traffic and surface water is increasing the danger to the lives of the growing population in the area of pedestrians, horse riders and cyclists, activities being promoted as healthy leisure pursuits, but with little or no attention at all to the necessary infrastructure, by the Local Authority.

Therefore in the light of the above factual considerations, we cannot at this time support this application for the development of 8 more residential properties in Greenway Lane.

Yours sincerely,



  
32 Finchcroft Court  
Prestbury  
Cheltenham  
GL52 5BG

Cromwell Court planning reference 18/02581/FUL.

I enjoy walks in the woods and paths near my home and frequently walk down Greenway Lane and past this site.

After careful consideration of the application and the responses from the consultation, I feel confident in supporting this application.

Land is a precious resource, and must be used wisely. Just like the CPRE policy on brownfield land, I also support a 'brownfield first, greenfield last' strategy as a general principle.

Wherever possible, it is generally better to use already developed urban land and buildings than to build on green fields.

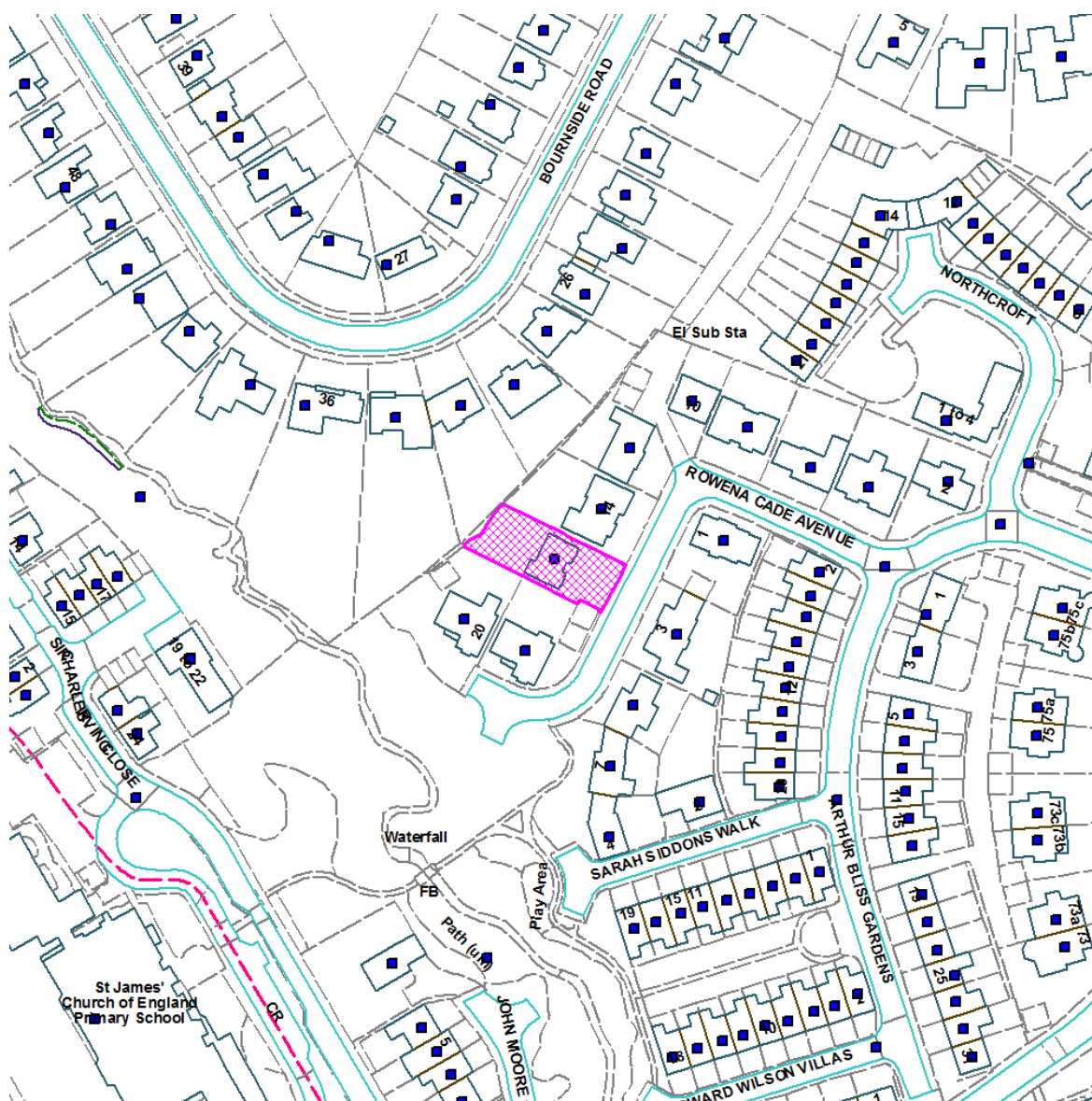
It makes social, environmental and economic sense for most new development to occur in built-up areas, where infrastructure and services are already in place, or can easily be provided, rather than in the countryside. Brownfield development is essential for urban regeneration. Done well, it brings homes, jobs and services closer together, reduces car dependence and enhances communities.

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<b>APPLICATION NO:</b> 19/00088/FUL	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 17th January 2019	<b>DATE OF EXPIRY:</b> 14th March 2019
<b>DATE VALIDATED:</b> 17th January 2019	<b>DATE OF SITE VISIT:</b> 28th January 2019
<b>WARD:</b> Park	<b>PARISH:</b>
<b>APPLICANT:</b>	Dr & Mrs Saha
<b>AGENT:</b>	Cotswold Structures Ltd
<b>LOCATION:</b>	16 Rowena Cade Avenue, Cheltenham, Gloucestershire
<b>PROPOSAL:</b>	Single storey rear extension and alterations to front and rear elevations to include Juliette balconies

**RECOMMENDATION:** Permit



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

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a two storey, detached dwelling located within the residential cul-de-sac of Rowena Cade Avenue. The site is within The Park Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for a single storey rear extension and alterations to the front and rear elevations to include new Juliette balconies.
- 1.3 The application is at planning committee at the request of Councillor Harman.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area

### Relevant Planning History:

**00/00649/OUT**

**11th January 2001**

**PER**

Outline application for redevelopment of existing college (D1 use) and associated buildings to residential (C3 use)

**02/00446/CAC**

**6th September 2002**

**GRANT**

Demolition of all buildings and structures comprising the GLOSCAT campus with the exception of Glenmore to enable redevelopment of part of the site by the erection of 70 houses with associated roads, drainage etc.(revised plans 16.08.02)

**02/00447/REM**

**6th September 2002**

**APREM**

Erection of 70 houses with associated access roads and drainage infrastructure (Approval of matters reserved under permission 00/00649/OUT granted 11/01/01) (In accordance with revised plans received 16.08.02)

**12/01825/CACN**

**23rd November 2012**

**NOOBJ**

Five Day Notice for felling: Damson plum in rear garden - Fell

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

### Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

### Saved Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

### Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

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

## 4. CONSULTATIONS

### **Building Control**

*18th January 2019*

No comment

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

*23rd January 2019*

Report available to view on CBC website.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters have been sent to adjoining land users; two neighbouring properties have raised objections to the proposal.
- 5.2 The proposal has been amended throughout the course of the application process; the proposed roof terrace has been omitted from the scheme and amendments made to the front elevation.
- 5.3 A summary of the main concerns raised include;
  - Overly large and not subservient
  - Overshadowing
  - Loss of light
  - Overlooking and a loss of amenity and privacy as a result of the proposed roof terrace
  - Loss of outlook

## 6. OFFICER COMMENTS

### 6.1 **Determining Issues**

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

### 6.3 **Design**

- 6.4 Section 12, Paragraph 124 and 127 of the NPPF set out a requirement for development to achieve well designed places; a key aspect of sustainable development to create better places to live. Further to this, policy SD4 of the Joint Core Strategy and saved Local Plan Policy CP7 require development to be of a high standard of architectural design that positively responds to and respects the character of the site and its surroundings.
- 6.5 The council's Supplementary Planning Document: Residential Alterations and Extensions emphasises the importance of extensions achieving subservience in relation to the parent dwelling. The document sets out that an extension should not dominate or detract from the original building, but play a supporting role.
- 6.6 The application has been revised throughout the course of the application. The initial scheme included a roof terrace above the proposed single storey rear extension and alterations to the front elevation introducing a glazed frontage. Officers raised concerns

relating to a loss of amenity as a result of the proposed roof terrace, this was later omitted from the scheme and the proposal to the front elevation has been scaled back and amended.

- 6.7 The application now proposes a single storey rear extension and the introduction of Juliette balconies to the front and rear elevations.
- 6.8 The single storey extension would project a maximum of 4.2 metres beyond the rear elevation and a minimum of 3 metres; this is due to an existing projecting two storey wing. The extension would have a flat roof and be 2.7 metres in height. The extension is not overly large and is considered to sit comfortably within the site without dominating or detracting from the parent dwelling.
- 6.9 The alteration of two first floor rear and on first floor front windows to Juliette balconies is considered to be of an acceptable design.
- 6.10 The proposed external facing materials would be rendered blockwork; concern has been raised by neighbours regarding the proposed materials. The front elevations of the properties in the cul-de-sac are rendered with red brick side and rear elevations. It is considered that a rendered extension to the rear of the property is acceptable and will not result in harm to the character of the conservation area.
- 6.11 As such, it is considered that the proposed development complies with the relevant policies and guidance in terms of achieving an acceptable design.
- 6.12 **Impact on neighbouring property**
- 6.13 Section 12 of the NPPF sets out that development should ensure to create places that are safe, inclusive, with a high standard of amenity for existing and future users. Policy SD14 of the JCS and saved Local Plan Policy CP4 require development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.14 Letters have been sent to neighbouring properties, two residents have submitted objections, and a summary of main concerns raised is set out in section 5 of the report.
- 6.15 Initial concerns were raised in regards to a loss of privacy as a result of the proposed roof terrace, although privacy screening was proposed, due to the nature of the site it was considered by officers that a roof terrace in this location would be unacceptable. This element has since been omitted from the scheme. To ensure the flat roof is not used, a condition has been added to the decision to ensure that the flat roof is not used as an external amenity space.
- 6.16 It was noted on site that the properties to the south of the site are at a lower land level than the application site, therefore the extension would seem higher to these properties. The proposed extension would be 8 metres from the rear elevation of an existing conservatory at no. 20 Rowena Cade Avenue, and would be 13 metres from the centre point of a ground floor window at no. 18 Rowena Cade Avenue to the south of the application site. However, the extension would not be overly high; measuring at 2.7 metres and it is not considered that there would be an unacceptable overbearing impact or loss of amenity as a result.
- 6.17 Concerns have also been raised in regards to the single storey rear extension in terms of a loss of light. The relevant light test has been carried out and whilst the neighbouring property to the north of the site may experience a loss of light as this property is set further forward in the site; the loss is not considered to be unacceptable in terms of the relevant policies.

- 6.18 The extension is single storey and is not considered to result in overlooking or a loss of privacy to adjoining land users.
- 6.19 In regards to the Juliette balcony, the first floor front elevation balcony is considered to be acceptable. Concerns have been raised in regards to the two rear balconies by residents in terms of potential noise disturbance, however whilst these concerns have been noted and taken into consideration, it would not warrant a refusal of planning permission.
- 6.20 As such, the proposal is considered to comply with the relevant policies in terms of protecting neighbouring amenity.
- 6.21 **Other considerations**
- 6.22 A neighbour raised an objection in regards to a loss of outlook as a result of the proposed extension; a loss of a view is not a material planning consideration.
- 6.23 **Environmental impact**
- 6.24 Whilst records show important species or habitats have been sighted near to the application site in the past, it is not considered that the scale of the proposed development will have a harmful impact on these species.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Based on the above, and following the submission of revised plans, the proposed single storey rear extension and installation of Juliette balconies is considered to be in accordance with the relevant policies and guidance in terms of achieving an acceptable design and will not result in unacceptable harm to the amenity of adjoining land users.
- 7.2 The recommendation is to therefore permit this 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 The flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or other external amenity area at any time. Access to the flat roof shall be for maintenance purposes only.  
  
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 overcome concerns relating to an unacceptable impact on neighbouring amenity;

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

<b>APPLICATION NO:</b> 19/00088/FUL		<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 17th January 2019		<b>DATE OF EXPIRY :</b> 14th March 2019
<b>WARD:</b> Park		<b>PARISH:</b>
<b>APPLICANT:</b>	Dr & Mrs Saha	
<b>LOCATION:</b>	16 Rowena Cade Avenue, Cheltenham, Gloucestershire	
<b>PROPOSAL:</b>	Single storey rear extension and alterations to front and rear elevations to include Juliette balconies	

## REPRESENTATIONS

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

Minack House  
14 Rowena Cade Avenue  
Cheltenham  
Gloucestershire  
GL50 2LA

### Comments: 5th February 2019

We write in connection with the planning application at 16 Rowena Cade Avenue, namely a substantial ground floor extension with roof terrace over. The proposed extension and roof terrace are immediately adjacent to our southern boundary and, at 4.20m in depth, will extend approximately half way along our southern boundary fence.

The property at number 16 is set back further from the road than our home and at certain times of the day this results in the rear of our house being overshadowed, particularly to our lounge and patio. To compensate for this we added large glass sliding doors to our lounge to maximize light into these areas, which also allows light to flow through to the patio, dining room and kitchen.

We wish to strongly object to the proposal on the following grounds:

#### Extension

- The scale of the extension is out of keeping with the size of the small gardens in the development and is not subservient to the existing building. It will dominate the rear of the property/plot and affect the residential amenity and privacy we currently enjoy.
- The scale and height of the extension will dominate our rear garden and due to the orientation of our garden and house in relation to the sun, we will suffer an increase in overshadowing throughout the day including loss of light and sunlight in both our rear garden, patio and our rear ground floor rooms, namely lounge, dining room and kitchen i.e. the principle living rooms of our house. This will adversely impact upon the enjoyment of our home and our rear garden.

### Roof Terrace

- The roof terrace will add to and increase the overshadowing, loss of light and privacy in all of the above areas.
- The roof terrace will overlook all of the adjacent gardens, including our own. We presume the inclusion of such a large roof terrace is not just for decoration but for the actual use by the householders and as such will significantly impair the enjoyment of our garden and amenity, both in terms of privacy and the potential of creating additional noise and disturbance.
- Once built, the future use of the roof terrace cannot be controlled. It is of such a size that, for example, children could easily play up there, it could be used for alfresco dining, whether it is a coffee in the morning, lunch or a BBQ and drinks in the evening, or indeed for any other form of entertaining. It is our belief that any form of recreational and leisure use on the roof terrace will mean the privacy and enjoyment of the rooms on the rear of our home, including our main bedroom which is adjacent to the proposed roof terrace, as well as our patio and garden, would be adversely impacted. The residential amenity and privacy that first attracted us to this house, and that we have enjoyed since moving here 9 years ago will disappear.
- The simplistic inclusion of frosted glass at either end of the roof terrace as well as the clear glass along its width, does not, we believe, respect neighbour's privacy. Any form of roof terrace here, however constructed, will intrude upon the privacy of our garden and home, and accordingly we strongly object to any proposal of this type.

20 Rowena Cade Avenue  
Cheltenham  
Gloucestershire  
GL50 2LA

### **Comments:** 4th February 2019

I write to state our opposition to the planning application submitted by and at 16 Rowena Cade Avenue. Our house is directly adjacent to this house and the proposed development. The rear of our property and small garden directly abuts the proposed development area and has a ground level approximately 80cm below the ground level for No 16.

The proposed development comprises three parts, from our perspective: a single storey rear extension, the changes at the front of the property and the third part being the first floor roof terrace.

We can understand the desire for a single storey extension. We would have no objections to this, providing it complies with all local plans and policies, that the scale of any extension is in proportion to the existing building, and does not dominate, nor detract from, the amenity for the rear gardens of the houses affected here in this corner of the development. In our opinion, the current proposal is at the limit of this dominance.

On the second item, the front of the house, we have no objections.

On the third item: the first floor roof terrace, we have strong and substantial objections on several principles, but mainly due to the impact on our enjoyment and amenity of our current living spaces:-

- Loss of privacy: the roof terrace would have direct views into 3 bedrooms, a kitchen, a dining room and a lounge. As the property at no16 is also built at a higher ground level, this intrusion would be exacerbated.



- Loss of amenity: the roof terrace would have unimpeded views over 100% of our rear garden. We have no private area at the front of our house, due to the conservation area being public. Therefore, our only private external space is limited to our rear garden, and our private use of that amenity would be completely compromised. Again, the higher build level exacerbates this.
- Increased noise and disturbance: the sole reason for designing an open terrace into the proposed design would be to make use of that space. Use of that space would generate noise, which would transmit in an unimpeded manner into all of our garden and patio, making those areas less usable for us, and affecting our ability to enjoy our garden leisure time in peace.
- Ensuring equity in the planning process: A previous planning application at No 14, which included a much less intrusive Juliet balcony, was rejected on similar grounds. It would be difficult to explain why No 14's application was rejected, if this application were allowed. Therefore, we request that local plans and policies are applied in the same manner here.
- Loss of light; to a much lesser degree, the terrace and its balustrade would impact light into our garden and house, particularly in the morning, again exacerbated due to the raised building height compared to our property.

These objections persist for any form of increased first floor access over the current built property: we would have strong objections to any form of roof terrace of any variety. We believe the currently proposed frosted glass ends are merely an architectural conceit, to attempt to make the terrace appear less intrusive and do not reduce the valid concerns mentioned above in any meaningful way.

We therefore request that the current application is brought to committee, such that any potential alterations have the forum for adequate public review, and Member discussion, prior to any decision being made.

**Comments:** 11th March 2019

Revised plans for development at 16 Rowena Cade Avenue

We note the revised plans, and welcome the recognition from both our neighbours, and from the planning department, on the removal of the roof terrace element. We do remain concerned, however, on the use of the balcony doors at the rear of the property on two main principles:

1. The reasons to extend the current windows into doors would either be to improve light to the bedrooms (they are both west facing, so should not have an issue with light) or to give access beyond the doors. As the doors, as drawn, all open outwards, this concern is exacerbated. We are concerned that, in the future, secondary planning permission may be sought to use that area, or that the roof area is used informally, without permission - both of which would give us great concerns on lack of privacy. We also note that the balcony doors have no opening portions, therefore the only way to get ventilation into those rooms would be to open the doors themselves, supporting our privacy concerns. We would therefore be very happy should these glazed areas remain with windows, as is, rather than be changed to patio doors.
2. On the subject of planning process equity, it would also be difficult to explain why a similar proposal from No 14 for first floor balcony doors was rejected, if that same proposal for No 16 were accepted.

On the subject of the revised plans themselves, we can understand our neighbours' desire to extend their house and enlarge their kitchen area. We are willing to find a compromise on their desires, whilst maintaining light and amenity into our property. This area is directly behind our own kitchen, and is therefore well within the 45 degree rule. We have examined the first floor plans more clearly and note:-

There is a build height, and therefore amenity and light issue. On our side of the property, the proposed kitchen extension protrudes 3.2m from the furthest rear point of the house (I believe the protrusion is 4.25m at the other side). The build height of the opaque parts of the extension is 2.7m above their ground level, with another 1.0m height for a substantial lantern. There is a fence between our properties of 1.8m - the proposed extension would therefore project 0.9 - 1.9 metres above the current fence. Our neighbour's build level is 0.5m above the build level for our property. This means that we would look out from our kitchen onto additional walls built 3.2m (2.7m + 0.5m) above our ground level and directly into our line of sight. This would have a detrimental impact on us, and we still have significant concerns in respect of this particular aspect of the application.

Overall, we appreciate that changes have been made to the application to mitigate the effects, but we believe there are three further steps that must be taken before any permission is considered.

Firstly, we would like the planning department to confirm that the scale of the proposed extension is within normal guidelines for a conversation area. Secondly we would wish to reduce the visual impact of the proposed development. Thirdly, we would wish to make absolutely sure that the built dimensions do not exceed in any way the dimensions approved.

Lastly, we would expect suitable planning conditions to be applied to any permission, such that our present amenity and wellbeing are not affected without further formal planning permission being sought.

We understand that the current block plans, as used to calculate light impact, are incorrect, so are unclear how any party looking to assess that impact can do so without visiting the site. We are happy to assist with any parties who wish to do so.

As any extension would be visible from both the ground and first floors of our property, we would also ask that materials used are in line with the existing development and build style, so as to keep continuity and amenity at a consistent level.

In summary, the plans, as they currently stand would reduce the light into our kitchen area and impair the amenity we currently enjoy. This issue could be mitigated by either reducing the proposed height of the build, or by reducing the depth of the build proposed: either would be an acceptable outcome for us. We are willing to find a mutually acceptable outcome, and one that passes all planning requirements.

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