



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 18 April 2019
6.00 pm**

Membership	
Councillors:	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, Simon Wheeler, 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 - 18)
To approve the minutes of the meeting on 21st March 2019.
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**
 - a) **18/02053/FUL, 48 Swindon Road, Cheltenham** (Pages 19 - 42)
[Planning Application Documents](#)
 - b) **19/00304/FUL, 99 Painswick Road** (Pages 43 - 64)
[Planning Application Documents](#)
 - c) **19/00388/FUL, Berkhamstead School, Pittville
Circus Road, Cheltenham** (Pages 65 - 72)

[Planning Application Documents](#)

- d) **19/00550/FUL,103 Linden Avenue, Prestbury,
Cheltenham**

(Pages 73 - 76)

[Planning Application Documents](#)

**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 remaining agenda items 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 paragraph 5, Part (1) Schedule (12A) Local Government Act 1972, namely:

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

9. EXEMPT MINUTES

(Pages 77 - 80)

To approve the exempt minutes of the meeting on 21st March 2019.

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

Planning Committee**Thursday 21st March 2019****18:00 – 19:55 pm****Present at the meeting**

Councillor Garth Barnes (Chair)	Councillor Alex Hegenbarth
Councillor Paul Baker (Vice-Chair)	Councillor Karl Hobley
Councillor Stephen Cooke	Councillor Paul McCloskey
Councillor Diggory Seacome	Councillor Tony Oliver
Councillor Bernard Fisher	Councillor Dennis Parsons (Reserve)
Councillor Dilys Barrell	Councillor John Payne
Councillor Mike Collins	Councillor Rowena Hay

Officers in attendance

Michelle Payne, Planning Officer
Claire Donnelly, Planning Officer
Chris Chavasse, Senior Trees Officer
Gary Dickens, Planning Officer
Nick Jonathan, Solicitor
Joe Seymour, Senior Planning Officer
Mike Holmes, Interim Head of Planning

1. Apologies

Apologies were received from Councillor Wheeler and Atherstone. Councillor Parsons was in attendance as substitute.

2. Declarations of Interest**1. 18/01320/FUL Hilden Lodge Hotel, 271 London Road, Charlton Kings**

Councillor McCloskey - Is quoted at the start of the officer report in a way which seems to suggest he has a closed mind on this application. Would like to state for record that this is not the case; has an open mind, will listen to the speakers and the debate before deciding on how to vote.

2. 19/00088/FUL 16 Rowena Cade Avenue, Cheltenham, Gloucestershire

Councillor Cooke - Noted from the papers that the applicant's name is the same as someone he once worked with, but would state for the record that he has not had any dealings with the applicant or the application.

3. Declarations of independent site visits

Councillor Fisher had visited 18/02547/FUL Glenfall Farm Stables, Ham Road, Charlton Kings on a previous occasion; he had also visited 18/02581/FUL Cromwell Court, Greenway Lane, Charlton Kings.

4. Public Questions

There were none.

5. Minutes of last meeting

GB: Explained that Members had received notification of alterations to the draft minutes from the meeting on the 21st February from the County Highways Officers. He requested that Members approve the draft minutes subject to the changes proposed by the Highways Officers.

MC: Noted that the changes from the original draft minutes and the amended version provided by the highways officer were minimal and as they were non-material changes, he didn't agree with incorporating them.

BF: Felt that what was originally minuted better reflected what was said and considered the amendments to be pedantic.

GB: Agreed that they were fairly minor changes but requested Members vote on whether they were happy to approve the amendments.

Vote on minutes as amended

7 in support

3 in objection

2 abstentions

PERMIT

The minutes of the meeting held on 21st February 2019 were signed as a true record subject to the highway's comments being amended to the following:

Lucas Arinze, Highways Officer, in response:

- To address the comments made by Cllrs BF, JP and MC, regarding the gradient of Oakhurst Rise, Oakhurst Rise is a publicly maintainable historic highway which has served 30+ dwellings and a sub-station for a number of years. There is nothing to suggest that this section of highway is unsafe and there has been no personal injury collisions recorded. Manual for Gloucestershire Streets is only guidance and what it sets out is not absolute values. It provides guidance for developers and tells them what is definitely acceptable. There is nothing to say such gradient wouldn't be acceptable; if all developments had to meet the values contained within Manual for Gloucestershire Streets, many developments in Stroud and the Forest of Dean for example wouldn't be possible.
- To MC, yes, highways officers have visited the site and appreciate the concerns raised;
- To JP, it would be unreasonable to request the developer to re-profile the whole of Oakhurst Rise, and it could make the development unviable;
- Highways officers would look at the gradient of highways within site should the developer choose to have them adopted.

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

7. 18/01320/FUL Hilden Lodge Hotel, 271 London Road, Charlton Kings

Application Number:	18/01320/FUL		
Location:	Hilden Lodge Hotel, 271 London Road, Charlton Kings		
Proposal:	Demolition of existing building and erection of 5 new dwellings, forming of access for parking and landscaping.		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	9	Update Report:	None

Officer introduction

JS: Introduced the application and explained that the proposal was for the demolition of the hotel and replacement with five dwellings, as above. He advised that it was at Planning Committee at the request of Councillor McCloskey, and the recommendation was to permit for the reasons set out in the report.

Mr King, agent in support

Advised that he was the agent speaking on behalf of Green Spinnaker, the owners of Hilden Lodge who were fully supportive of Mr Seymour's committee report.

With regards to the exploration for retention, he explained that due to the increase in applications being granted within Cheltenham centre for larger commercialised hotels, along with the rise of Airbnb, the B&B business was no longer viable and as such, had led them to the difficult decision to close the family owned business.

He highlighted that the building itself has been altered and extended significantly in its life, namely in 1987, to consider the needs of a B&B. This has made the capability of converting it back into meaningful residential properties impossible. He reasoned that in order to create something practical and to suitable building standards, the building needed to be demolished.

With regards to the proposals and design, he reported that they had considered all the constraints and opportunities of the site along with the clear need for family housing within Cheltenham. He confirmed that the pre-application proposals were submitted in April 2018.

He explained that they had worked very hard with the planning department and relevant consultees in order to rectify the various concerns raised throughout the process. Whilst chapter 6 of the officer report highlighted the primary issues involved, the greatest consideration and most time consuming element was the architecture for the proposals. He advised that they had initially tried to create a uniformed shell from a relatively standard approach and then repeat it across the site, although he acknowledged, with hindsight, that this wasn't the correct approach.

He noted that the Architects Panel had initially not supported the first or second proposal due to the elevational style. However, this had led to alterations and the proposal was now being supported with a recommendation for approval.

He confirmed that having been a family owned business, the decision to close after 12 years of ownership had been extremely upsetting. However, having worked closely with the Council over the past 12 months on the proposals, he felt there was now an exciting opportunity, as part the Hilden Lodge legacy, that would create some exciting, well considered, truly modern housing for several young families in Cheltenham for years to come.

Member debate:

PM: Acknowledged that it was a family-run business and sympathised with the applicant with regards to the competition from Airbnb and budget hotels who were offering cheap accommodation. He highlighted that 12-roomed hotel such as this has no headroom to cover costs. He did not feel it necessary to keep the existing building and as such was minded to vote in support of the application.

PB: Noted that the proposals were extremely different to the existing structure, however, welcomed the contemporary design. He acknowledged the Parish Council's objection to this development with regards to it being at the gateway to the town, but disagreed and felt that it was stunning architecture, and on balance a good scheme.

DS: Was also in favour of contemporary design but did not feel that this scheme was a good design.

Vote on officer recommendation to permit

12 in support

1 in objection

PERMIT**8. 18/02547/FUL Glenfall Farm Stables, Ham Road, Charlton Kings**

Application Number:	18/02547/FUL		
Location:	Glenfall Farm Stables Ham Road Charlton Kings		
Proposal:	Conversion of stable buildings to form three dwellings plus demolition of existing farmhouse and erection of new dwelling (revised scheme ref: 18/00633/COU)		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Refuse		
Letters of Rep:	19	Update Report:	None

Officer introduction

GD: Introduced the application which was seeking permission to convert three farm buildings to three dwellings, and to demolish and rebuild the existing farmhouse. He highlighted that there was an additional condition, requiring a landscape scheme and advised that it was at Planning Committee because of an objection from the Parish Council and at the request of Councillor Babbage.

Mr Maloney, in objection

Explained that he was speaking against this application on behalf of the residents of Ham. He stated that the prime objection related to the demolition of a partial Cotswold Stone House, which was good enough to be currently occupied, and replacing it with a relocated modern new build. He highlighted that the site sits on the Lower Slopes of Ham Hill within the Cotswold AONB. He cited policy CO13 of the current town plan which states that;

“The conversion of rural buildings will only be permitted where: the building is appropriately located and suitably constructed and otherwise is suitable for conversion without substantial demolition, rebuilding or extension.”

He highlighted that the Courtyard Farm Buildings, which were originally part of Glenfall Farm, have a development history covering a 200-year period and are shown on Survey Maps of 1859 & 1883. He reiterated that this is the only Courtyard Complex of Cotswold Stone Barns within Ham, and felt that this application would needlessly demolish part of it. He noted that as per policies HEP1, DTP1 & CO3 now SD7 of the AONB and the JCS, such buildings should be preserved whenever possible.

He explained that data extracted from published survey documents provides a comparison between the current dwelling and the proposed replacement and highlighted that the new build would have a footprint 1.4 times bigger, a volume that is 2.4 times larger and a ridge elevation increased by 3.54 meters which is 11' 7" higher. He felt that with such increases, bearing in mind the design, construction materials and position on site, the building would be overpowering and dominate the area to the detriment of the farmstead's history. He felt this was clearly shown by the developer's visualisation, titled "street elevation" dated March 8th.

He highlighted that the previously approved plans demonstrated that all the buildings could be converted without demolition or relocation. Thus, preserving the character of the settlement, he felt there was no justification for the demolition of the existing dwelling, other

than to build a vastly larger, modern structure that does not sit comfortably within the landscape, to the neighbourhood's detriment and urbanisation of the AONB.

Councillor Savage, in objection

He reasoned that the tiny and historic hamlet of Ham is one of the most picturesque and unspoilt areas of Cheltenham, lying outside the principal urban area and within the AONB.

He highlighted that the application site itself is situated at the crossroads between Ham Hill, Ham Road and Mill Lane, and thus is at the heart of this ancient settlement, overlooking the small village green and post box, and visible from many directions. He noted that paragraph 172 of the NPPF states that 'great weight should be given to conserving the landscape and cultural heritage of the AONB', and he felt that both of these would be adversely impacted by permitting this application. He also highlighted that paragraph 172 of the NPPF states that when considering applications in the AONB the committee should consider 3 things:

- The need for the development;
- The scope for meeting the development need in another way; and
- The extent to which the detrimental effects of the development could be moderated or mitigated.

He explained that in considering these three points the committee should be mindful of the fact that in May last year permission was granted to develop the same site in a manner which conserved the existing farmhouse, and did not negatively impact on the landscape or character of the AONB in which the application site sits. He highlighted that the previous application (00633) was not objected to by the Parish Council, nor was it objected to by local councillors or local residents. He felt it was sympathetic to the context and preserved the existing historic building.

He stressed that the replacement dwelling proposed was both significantly larger in terms of footprint and would sit higher in terms of the surround street scene, meaning it would be both prominent and highly visible. He felt that the overall result would be an overbearing development, out of keeping with the surrounding area and be in breach of both national planning policy and the local plan, including SD7 of the JCS which states that development in the AONB should only be in exceptional circumstances, and when it is in the public interest.

He further stressed that the application would not help address our need for affordable housing, nor make a significant contribution to housing supply. It was also evident from the previously acceptable application, that the need for development on this site, such as it is, could be met in a manner sensitive to the AONB. As such, he felt that there were no clear or compelling reasons to depart from national or local guidance by permitting the application.

In summary, he requested that Councillors be mindful of the robust planning reasons for refusal, the strength of local objection from residents, the objection from the Parish Council, and the objection from external agencies including the CPRE when reaching a decision. He highlighted that the AONB is one of this town's most precious resources, enjoyed by residents and visitors alike.

Member debate

BF: Noted that the applicant already had permission and this application was just for a different scheme. He agreed with the comments of Councillor Savage and Mr Maloney. He felt that there was so little AONB in the town and as evidenced by the Council's decision in Local Plan and as per national legislation they have a duty to respect and look after it. He further acknowledged that the application doesn't contribute to the five year land supply and is not in keeping with its surroundings.

PB: Felt that it was a fantastic scheme which combined traditional and contemporary design out of redundant buildings. Was originally minded to support, however, having heard the points made by speakers agreed that the scheme was unacceptable and too big and felt that the applicant should go back to the previous scheme and retain the original building. Whilst he did not feel the existing building was particularly attractive, he reasoned that it was made out of Cotswold stone and appropriate in scale. He noted that the officer recommendation was to permit, however, felt on-balance there were several reasons for refusal, including over-development, the fact that it was not in keeping with the surrounding area and the fact it doesn't respect the AONB, the locality, and the other buildings around it.

RH: Agreed with the points raised by BF and PB.

JP: On planning view had been impressed with the craftsmanship that had been put into the existing farm buildings, but was not impressed with the quality of the farmhouse; and felt that if the farmhouse remained, it would be to the detriment of the current scheme. However, agreed with PB that the proposal is not acceptable in the AONB and would not support the application.

GD, in response:

- Respected and appreciated Members comments, and conceded that his recommendation was an on-balance decision. He highlighted that there was extant permission to convert the barn, stable and farmhouse, and everyone was satisfied with the proposed conversion;
- Noted that the proposal would not increase the number of homes on the site. He confirmed that the proposed new building would be 50 sq metres bigger than the existing farmhouse, but highlighted that there are no policies regarding how big replacements in AONB can be or taking on board how it affects the landscape setting. He explained that given the mix of dwellings on site, and the materials on site and in the vicinity, officers felt that the design was acceptable and would sit well in the site;
- Confirmed that the replacement farmhouse was designed to make the flow of the site better as there were pinch points. He reported that there were concerns that although the house was lived in, it was not of a good standard with regards to insulation and flooding and that by removing the farmhouse and introducing a new dwelling, the site would work and flow better.
- Confirmed that the building in discussion was a stable building for Glenfall Farm which was converted to a dwelling in 1976 for the equestrian business.

PB: Did not agree with the argument regarding the site flow as felt that they could alternate the existing footprint and didn't feel such a big scheme was necessary. He was also disappointed that there were no comments from the Architects Panel.

SC: Questioned whether, if permission was refused, the applicant would revert back to the previous proposal?

GD, in response:

- From looking at the drawing of the approved site plan, he advised that traffic would come up the left hand side and into the site that way. However, there were concerns that this could cause problems for residents and visitors, and that replacing the farmhouse would improve the flow.

GB: Queried whether PB was proposing refusal on the grounds of overdevelopment.

PB: Confirmed that he would suggest refusal on policies SD6, SD7 and paragraph 172 of the NPPF with regards to the impact on the AONB, over development, and design.

Vote on officer recommendation to permit

4 in support
 8 in objection
 1 abstention
NOT CARRIED

Vote on PB's move to refuse JCS policies SD6 and SD7, and Paragraph 172 of the NPPF

9 in support
 0 in objection
 4 abstentions
REFUSE

8. 18/02581/FUL Cromwell Court, Greenway Lane, Charlton Kings

Application Number:	18/02581/FUL		
Location:	Cromwell Court, Greenway Lane, Charlton Kings		
Proposal:	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.		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	87	Update Report:	Additional Representations

Officer introduction

JS: Introduced the application for the demolition of the existing house, and construction of eight self-build dwellings. He confirmed that it was at committee at the request of Councillor Babbage, due to concerns about the impact on the AONB. The recommendation is to permit for the reasons as set out in the officer report.

Mr Cassidy, in support

Advised that he owns and lives at Cromwell Court, he explained that he and his wife had a long held ambition to build their own home and building out one of the new homes provided a great opportunity for them to fulfil this ambition. He highlighted that they had great affection for the AONB and as such strived to develop a scheme that is to an architecturally high standard, interesting, unique and sympathetic to the AONB.

He advised that the scheme was landscape led and they had employed a team of experts with significant experience and understanding of working in sensitive landscape locations. Similarly, the design was led by a local landscape architect with extensive experience of working with the AONB board. He highlighted that the sensitive design also extends to the retention and enhancement of existing trees which would be maintained through a long-term management plan. The trees would also assist the site blend with the wider AONB and it was in their interest to protect them in the long-term.

He felt that the site could clearly accommodate a number of homes. The planning officer's report acknowledges the benefits of introducing additional homes at the site and how this is an efficient use of existing residential and brownfield land. He highlighted that these would be self-build homes which would give other likeminded self-builders the opportunity to realise their own ambitions. He noted that the council had a duty to consent to self-build plots and felt this scheme helped the council meet this requirement.

He explained that the proposal had a central design theme which was key to ensuring the site would be developed sensitively; hence the submission of an application for full planning permission with lots of detail. He highlighted that other self-builders would need to comply with the consented plans to ensure the designs didn't change, and acknowledged that as owners of the site they had control over the contracts of sale. He advised that they had had conversations with many people interested in the units as proposed and was confident that they would be built as shown.

He felt it significant that the proposal had local support, with 75 letters of support, including four from immediate neighbours. He noted that the Parish Council also had no objections. Given the positive nature of the officer's report, he felt there was clearly a strong planning justification in support of the proposal.

Councillor Savage, in objection

Explained that he and Cllr Babbage had referred the application to committee given the level of public interest and the sensitive nature of the application site. He noted that the current building occupying the site is out of keeping with the local area, and acknowledged that the many responses to consulted comments were indeed positive, including from the Architect's Panel and the public. He was, however, mindful of the comments from the Cotswold Conservation Board and the CPRE included in the officer's report. He was concerned that this development, if permitted, would potentially make subsequent applications in this part of the AONB difficult to refuse.

Member debate:

BF: Noted that paragraph 172 of the NPPF gives great weight to conserving and enhancing the landscape and felt that eight buildings would never enhance it. He acknowledged that the dwelling currently there was not the most attractive but had approval for conversion to eight flats already. He noted that whether the applicant built houses or flats, there would be no gain against the five-year land supply, however, felt that with eight separate self-build houses, the landscape would be altered irreversibly. He further stressed that the construction period would cause chaos with up to 100 contractors at any one time. He also had concerns that the individual applicants could come back with altered plans, which could harm the AONB even more.

He felt that the applicant had two alternatives, to continue with the eight flats, which would cause less damage to the landscape, or demolish the existing house and build one dwelling in its place. He noted that there were existing problems at Cromwell Court, including outstanding enforcement issues concerning the erection of a 2m fence and gates, and trees cleared out without planning permission. Whilst he acknowledged that these issues were not material to the application, he felt it showed the applicant's disregard for planning law. He was minded to refuse on the same grounds as used for the previous application.

DB: Liked the scheme, however, felt it important to protect the AONB and was moved by the comments of the Cotswold Conservation Board. She acknowledged their comments regarding NPPF Paragraph 172 and reasoned that there were no exceptional circumstances here to agree to the scheme. She noted that the applicant already had permission for eight flats and felt the application should be refused.

PM: Acknowledged that as stated in the officer report, Cromwell Court is a unique brownfield site, and allowing eight dwellings here wouldn't encourage other landowners to do same. He requested assurance that while Cromwell Court may be classed as brownfield, the same won't apply to other parts of Greenway Lane as this could potentially be very dangerous, particularly given the AONB has the highest level of sensitivity.

He also had concerns regarding the surface run-off water from Harp Hill. He noted that the report had mentioned a culvert and questioned whether a contour map was available. With

regards to Hewlett Reservoir, he questioned where all the water was coming from and noted that the applicant had said this would be detailed in the contracts. However, he was concerned that this would be too big an area to be covered by conditions if the scheme were to be permitted. He had further concerns about the sedum roofs as he noted they often turned brown and suggested that the water run-off be caught by the roofs. Another consideration was the fact that the removal of trees and addition of buildings would increase run-off down Greenway Lane. He had further concerns about how refuse collectors would access the properties and he suggested a proper robust road was needed, to allow ambulances etc. to get to the top.

KH: Felt that the scheme was exciting and noted that it was rare to be presented with a scheme of this quality and kind. He felt that the existing building had little to no merit and was unattractive. In his opinion, sub-dividing the existing house into eight units would be a waste of effort and time and felt that the scheme before them was much more interesting, and would provide far greater amenity to residents. He acknowledged that it is a brownfield site and he had no problem with the principal of building more units on the site as he felt it could clearly accommodate eight units, if not more. He approved of the architecture and felt it was a bold scheme, sensitive, and of high quality. He did, however, have slight concerns that as all eight dwellings were self-build, during the building process self-builders may want to deviate in materials, design code and theme. As such, he questioned whether they were able to place conditions on the application to ensure they were built as presented.

BF: He did not consider this to be a brownfield site, he reasoned that one dwelling in a large garden doesn't make the whole site brownfield. In his opinion, brownfield meant something which had been built on before. He noted that up to two years ago, a lot of woodland hid Cromwell Court from the road, however, the trees had now been taken down and the area was now extremely open. He cited paragraphs 170 and 172 of the NPPF which state that development should enhance the AONB and he felt that building on it did not enhance it. He further noted that swimming pools and multiple cars per household were not environmentally friendly.

PB: Stressed that Cheltenham's surroundings and setting within the AONB were what made it special and that any sites on its edge were extremely sensitive. He felt they needed to be resolute, to avoid setting a precedent. He also had concerns about the site being deemed as brownfield. Whilst he accepted that it was a great scheme, he felt that protecting the town and the AONB was of greater importance. He noted that the scheme would not provide additional housing and felt it important they abide by the Cotswold AONB management plan. He suggested that Policy CE12 of the management plan - development priorities and evidence of need - be used as a refusal reason. He felt that the brownfield site argument referred to in paragraph 117 of the NPPF gave compelling reasons not to support. He explained that he was minded to propose refusal on JCS Policy SD7 10, Policy CE12 of the Cotswold AONB Management Plan, and paragraphs 170, 172 and 117 of the NPPF.

DP: Was mindful that refusing against officer advice and disregarding previously legal activity could result in a successful appeal against the council.

JS, in response:

- Noted that there was evidently a lot of concern about the AONB and impact of the proposed development upon it. It is a judgement for individuals to make as to whether it is harmful or not;
- With regards to concerns about whether the site should be considered as brownfield or not, he confirmed that this is a court of appeal decision that is applicable country wide and not for the council to decide. He explained that there is a loophole in the definition of previously-developed land in the NPPF as it excludes land in built-up areas such as residential gardens if they are not situated in a built-up area;

- With regards to suggestions that the same could apply to any large country estate, he explained that it would only apply to the residential curtilage, and would not open floodgates in that sense. In this site, every part of the red line is the garden of Cromwell Court; the site has development on it, and is therefore classed as previously developed, on account of it not being in a built- up area.
- Regarding the bins, he confirmed that the simple site layout shows one road in, one road out, which is quite common for housing developments of this size. He explained that residents wouldn't have to take bins down to end of Greenway Lane and the access road into the site allows for vehicle turning.
- In response to concerns about the weight of the refuse truck, he confirmed that they would just go up main service road, not each drive;
- Regarding concerns about the built houses not resembling the drawings, he explained this is a full application, not an outline, and confirmed that the houses would have to be built in line with approved drawings. There is a design code for self-builders to adhere to and it has to be agreed first as a basic premise.

SC: Felt that the scheme proposed was better than the application for eight flats, in his opinion it was more elegant, and would enhance the neighbourhood better than a converted mock-Tudor house. However, he had concerns that if the present application leaves a lot of undeveloped land on the site, the applicant would come back with further applications in the future. He agreed that if permitted, the scheme would need to be closely conditioned to make sure it was built like the plan. He had further concerns about setting a precedent for similar applications within the AONB.

PM: If the committee were minded to permit, he suggested a condition be applied to ensure the access for refuse trucks was up to standard. He questioned whether the surface water run-off could be managed as part of an elegant eco-friendly design?

JS, in response:

- Confirmed that there was a condition for sustainable drainage on site, and the green roofs would help in that regard.
- Ensuring the access road was suitable for UBICO and other heavy vehicles was not a particular problem.

BF: Reminded Members that the principal of development of the site for eight dwellings had been agreed, however, the applicant now wanted to build eight totally different dwellings which could change in design. He acknowledged that this would require a further application but felt that the precedent would be set.

Vote on officer recommendation to permit

7 in support [including Chairman's casting vote]

7 in objection

PERMIT

8. 19/00088/FUL 16 Rowena Cade Avenue, Cheltenham, Gloucestershire

Application Number:	19/00088/FUL		
Location:	16 Rowena Cade Avenue, Cheltenham, Gloucestershire		
Proposal:	Single storey rear extension and alterations to front and rear elevations to include Juliette balconies		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	3	Update Report:	None

CD: introduced the application as above, to create a single storey extension to the rear, and Juliet balconies, to a detached residential property. It is at Committee at the request of Councillor Harman. The recommendation is to permit for the reasons as set out in the report.

Public Speaking:

Mr Calvert, neighbour, in objection

Thanked the officers and the committee Members for looking at the proposals from their homes and gardens. He explained that they were pleased the plans had been revised with the omission of the roof terrace and they were fully supportive of the conditions suggested. He explained that they did, however, still have concerns about the impact of the proposed extension, materials and the inclusion of doors and Juliet balconies at first floor level. He stressed that they were not opposed to the principle for the extension and believed overall that it was a good design. However, felt that with a few minor tweaks they could ensure that the amenity and enjoyment to their homes was less impacted.

He confirmed that the extension was 4.2m in depth at the north elevation and would impact on the amenity they had enjoyed for the last 9 years. He highlighted that loss of light, sunlight and an increase in overshadowing to the main living areas, lounge, dining room and patio, would also occur due to the orientation of their home. He acknowledged that one light test had failed when performed by CBC officers. He explained that at the South elevation, the proposed extension was 3.2m in depth and 2.7m high and less than 1m from the joint boundaries between number 16 and number 20, with a difference in the ground level of approx. 0.5m, with number 16 at the higher elevation. He highlighted that the proposal would be in the direct line of sight of the kitchen area of number 20 and so would be overbearing, resulting in a reduction of light into a main living area and therefore the loss of amenity. He felt that a reduction in the depth of the proposed extension would mitigate the effect to both properties, whilst still allowing number 16 to achieve their plans.

He highlighted that in this part of the Park Character Area of the central conservation area, all properties have red brickwork at the rear elevation and therefore, in order to protect the character of the area requested that this condition be applied.

He also had concerns about the balconies at the rear, which overlooked their property and resulted in a loss of privacy. Whilst recognising that this was a compromise to a roof terrace, he felt that their inclusion meant that the doors and balconies would be used. He advised that they had French doors at ground floor level, and unless restrained they swung open and slammed close in any slight wind. He stressed that at first floor level this would happen and would be more of an issue; as such he suggested an amendment or condition be applied.

Member debate:

PM: Questioned whether if this was just a ground floor rear extension, permitted development rights would allow it up to 4m, and as such, they were just discussing the additional 0.2 m?

DB: Noted that one of the letters of objection referred to a 'substantial lantern' 1m above the level of the extension and queried what this was. She also questioned what condition had been applied to the glass doors on the first floor and queried the significance of the failed light test.

CD in response:

- Confirmed that a single-storey extension up to 4m would be acceptable under permitted development rights, however, such rights had been removed for these properties;
- She advised that the lantern was shown on the elevation drawings and was a roof lantern to let in more light;
- There is no condition re. restraining doors, as mentioned in the neighbouring letter;

- Regarding the light test, she explained that these are done on floor plans and elevations and the proposal failed the light test on the floor plan but passed on elevations, and therefore passed overall.

Vote on officer recommendation to permit

13 in support

1 abstention

PERMIT

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

10. Local Government Act 1972 -Exempt Information

The committee voted unanimously 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

11. A Planning Matter

Members reconsidered the reasons for refusal on the 18/02171/OUT Land adjacent to Oakhurst Rise application and the likely extent of costs should there be an appeal and debated whether to remove the highways reason for refusal.

Vote on PB's move the delete concerns about highways as a refusal reason

12 in support

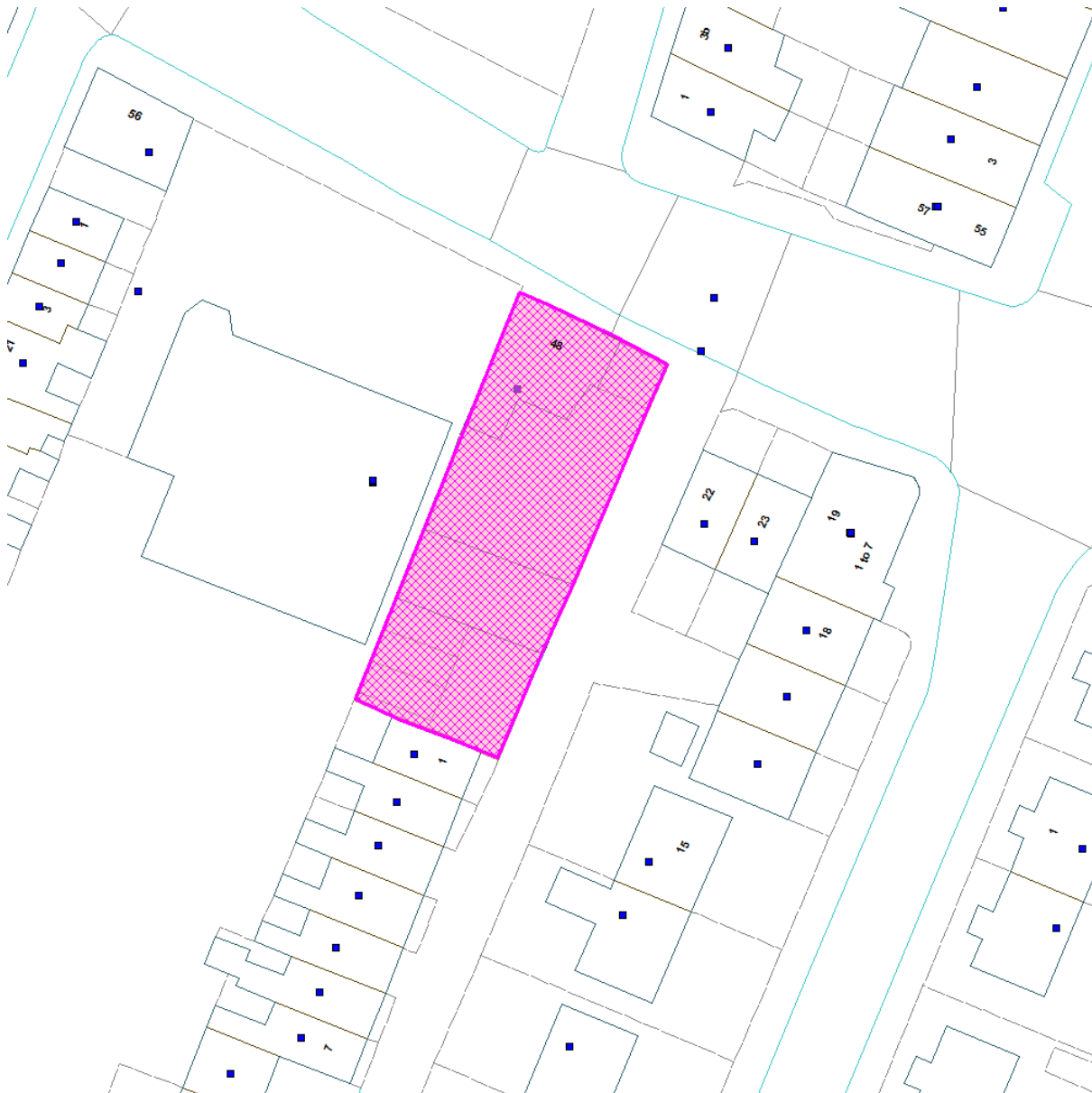
1 in objection

Highways reason removed

Chairman

APPLICATION NO: 18/02053/FUL		OFFICER: Mr Joe Seymour	
DATE REGISTERED: 12th October 2018		DATE OF EXPIRY: 7th December 2018	
DATE VALIDATED: 12th October 2018		DATE OF SITE VISIT: 23rd October 2018	
WARD: St Pauls		PARISH:	
APPLICANT:	Scott McArdle		
AGENT:	SF Planning Limited		
LOCATION:	48 Swindon Road, Cheltenham		
PROPOSAL:	Demolition of existing buildings and redevelopment of site comprising 7 apartments and 2 semi-detached houses		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site is located at 48 Swindon Road in the St Paul's ward of Cheltenham. Swindon Road is one of the main roads navigating the centre of Cheltenham and the buildings alongside the road range in age, architectural style and use. The site is located within Cheltenham's Central Conservation Area and many of the surrounding streets, including Normal Terrace which also forms the eastern boundary of the site, were constructed in the 19th century and they have retained their form to this day.
- 1.2 The buildings on site consist of a three-storey building which has the appearance of a former dwelling, but it was most recently used as the office for the vehicle rental business Enterprise, who have recently relocated to a site nearby on Tewkesbury Road. To the rear of the office building lies an open-fronted vehicle storage building and a more conventional garage block.
- 1.3 The proposed development involves the demolition of the buildings on site and the construction of a three-storey building containing 7 flats and a pair of semi-detached dwellings fronting onto Normal Terrace.
- 1.4 This application has been referred to the Planning Committee for determination at the request of Cllr Brownstein due to concerns relating to parking and highway safety in Normal Terrace.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Residents Associations
Smoke Control Order

Relevant Planning History:

81/01184/PF 29th October 1981 PERMIT

Change of use from shop/storage to service and repair motor vehicles

97/00129/PC 20th March 1997 PERMIT

Change Of Use From Business Yard, Workshop And Offices To Premises For The Hire Of Motor Vehicles Refurbishment Of Building To Include Replacement Of Existing Windows And Door For New Timber Sashes

97/00531/AI 31st July 1997 PERMIT

Erection of Two Illuminated Fascia Signs (Retrospective)

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 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

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

Central conservation area: Lower High Street Character Area and Management Plan (July 2008)

4. CONSULTATIONS

GCC Highways Planning Liaison Officer

26th March 2019

I refer to the above planning application in regards to revised plan ref: 21835/03E to which no highway objection is raised.

Heritage and Conservation

7th December 2018

It is one of the core principles of the National Planning Policy Framework 2018 (NPPF) that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16, paragraph 192 of the NPPF requires local planning authority to identify and assess the particular significance of any heritage asset... taking into account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 193 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." Paragraphs 193-196 set out the framework for decision making in applications relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

48 Swindon Road, Cheltenham is within the Central Conservation Area: Lower High Street Character Area and adjacent to the boundary with the Central Conservation Area: St Paul's Character Area. It identified within the Central Conservation Area: Lower High Street Character Area Appraisal and Management Plan (2008) as being a building that makes a positive contribution to the conservation area. 48 Swindon Road and its curtilage have undergone a number of unsympathetic alterations including extensions, outbuildings, boundary treatments, advertisements and the loss of its historic windows and doors, which diminish its appearance within the conservation area. The site is currently vacant. The proposed works are for demolition of the existing building and associated buildings and structures and its redevelopment comprising seven apartments and two semi-detached dwellings to its rear.

No objection is raised to the loss of the modern additions on the site as these are not considered to have heritage significance. Their loss would enhance the character of the conservation area. However, concern is raised over the proposed loss of main building. It is important to understand the character of the area to determine the heritage significance of this building. Swindon Road is characterised by a variety of uses, building typologies and periods. Building uses include residential, commercial and industrial with building types varying between terraces, flats and detached properties. There are a number of period properties including Regency and Victorian buildings and a number of fairly sympathetic modern buildings. Notably there are many side roads leading off Swindon Road. This results in there being many ends of buildings, terraces and several detached buildings located on corners at these junctions.

48 Swindon Road is characteristic of this established pattern of development, it being a detached building located at the junction of Swindon Road and Normal Terrace. It is a former artisan house, likely Victorian, although possibly earlier. It is very simply detailed, as is characteristic of residential properties within this part of the Central Conservation Area. As a result of this simplicity the unsympathetic alterations that have been made to it and its curtilage have had a disproportionately detrimental impact on its visual appearance. Also detrimental to its visual appearance is the modern garage and parking area on Swindon, Tyre City garage, which directly abuts the site, its large scale, massing and position set back from the frontage of the site resulting in it having an incongruous appearance within the street scene, adversely affecting the setting of 48 Swindon Road. It is considered these detrimental features are what undermine the character and appearance of 48 Swindon Road and, with the exception of the garage, could easily be addressed to enhance the appearance of the building and allow it to make a greater contribution to this part of the central conservation area. It is considered despite these unsympathetic alterations the former artisan house still makes a limited positive contribution to the character of the conservation area and with some minor works could make more of a positive contribution. It is considered its proposed demolition should be resisted because of the harm it would cause to the character of the conservation area.

Given the above concern over the principle of demolition of the existing historic building on site the proposal considered to neither sustain nor enhance the affected heritage assets as required by paragraph 192 of the NPPF. It should be noted an attempt has been made to negotiate an amendment to the proposal at a pre-application stage to overcome this issue by retaining the existing building. However, this advice was not followed. It is therefore considered the proposed works would cause less than sustain harm to this part of the Central Conservation Area: Lower High Street Character Area.

Paragraph 194 of the NPPF states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification." Paragraph 196 of the NPPF states, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

It is useful to draw out what the public benefits of the proposal could be. The main public benefits are considered to be the re-use of brownfield land and the provision of seven apartments and two semi-detached dwellings within a sustainable location boosting housing supply in an area without an identified five year housing land supply. It will be important the planning officer carefully consider whether these issues outweigh the great weight that needs to be given to the conservation of heritage assets as a result of this unacceptable harm as required by Paragraph 193 of the NPPF. It is the opinion of the conservation officer that alternative, more sensitive scheme for the site that retains the existing building have not been properly explored and the benefit of a limited number of additional residential units that could be located elsewhere without a harmful impact, does not outweigh the great weight that needs to be given to the conservation of heritage assets.

Approval of the loss of positive building within the conservation area is resulting in the slow erosion of its heritage significance and approval of such schemes should be exceptional. If this application is approved concern is raised this unwelcome approach will be further reinforced resulting in resisting such proposals in future becoming increasingly difficult. It will be necessary for the planning officer to carry out the exercise required by paragraph 196 of the NPPF separately.

Notwithstanding the concerns over the principle of demolition of the existing building, the general design of the proposed buildings is not objected to. The exception to this is the number of rooflights on the proposed semi-detached dwellings which are considered excessive and clutter the roofscape, detracting from the visual appearance of the building and as a result the wider conservation area where a proliferation of rooflights would normally be resisted. It is advised the rooflights be reduced in number to one on each property.

County Archaeology

22nd October 2018

In connection with the above planning application I wish to make the following observations regarding the archaeological implications of this scheme.

I advise that the application site is archaeologically sensitive since it is located in Cheltenham's medieval settlement area. Therefore, ground works required for the construction of this scheme may have an adverse impact on significant archaeological remains relating to medieval settlement.

In accordance with the NPPF, paragraph 189, I recommend that in advance of the determination of this planning application the applicant should provide the results of an archaeological field evaluation which describes the significance of any archaeological remains present on this site and how these would be affected by the proposed development.

I look forward to advising you further when this information is made available.

County Archaeology

21st March 2019

This morning I received from Rubicon Heritage the report on the results of an archaeological field evaluation at 48 Swindon Road.

Three test-pits were excavated within the proposed development area, and in each case the investigation found evidence that the land had been previously quarried and backfilled during the 18th or 19th centuries.

Therefore, any medieval settlement remains which may once have been present at this location have been removed by the quarrying activity.

For that reason it is my view that the proposed development will have no adverse impacts on archaeological remains, and I recommend that no further archaeological investigation or recording need be undertaken in connection with this scheme.

Architects Panel

6th November 2018

Design Concept:

The panel had no objections to the principle of the development. It was felt that the existing building was not of sufficient quality to be considered a heritage asset. The development was seen as an opportunity for positive enhancement to this area of town.

The panel nevertheless had reservations over the detailed design of the scheme submitted which had referenced some of the less successful recently built schemes on Swindon Road. It was felt there was an opportunity to improve the design of what might otherwise be a mediocre scheme.

Design Detail:

The composition and proportions of building elements could be improved perhaps by reference to the more historic buildings in Swindon Road. The top floor projecting eaves profile is not attractive and could be more elegant. The stepping of the elevation on Swindon Road was questioned and felt it might be better to have a more prominent principal elevation on Swindon Road.

The west elevation blank wall is very dull. It is strange that windows are shown at lower floors and not on the top floor which would benefit more from westerly views. Remodelling this elevation might consider setting back the top floor as the east elevation or breaking up the blank walling in a creative and artistic way.

The proposed semi-detached dwellings to the rear of the site were considered acceptable in terms of scale, massing and overall design.

Recommendation:

Submit revised design proposals for the apartment block.

Gloucestershire Centre For Environmental Records

15th November 2018

Biodiversity report received.

Environmental Health

5th November 2018

Cheltenham has a Borough wide AQMA however the A4019 has some of the largest exceedances of the National Air Quality Objectives in the borough (2 Gloucester Road, 422 High Street and New Rutland) as advised in CBC's 2018 Annual Status Report. There is also an automatic analyser and 3 diffusion tubes placed on the corner of St Georges Street (approx. 200m from the development site) however it is worth pointing out that the National Air Quality Objective for NO₂ is not in exceedance at this location although remains very close. As such given that this proposed development is to be located in an area where there is the potential for the National Air Quality Objective for NO₂ to be exceeded it is my opinion that an Air Quality assessment be undertaken in the interest of protecting future residents.

In addition to air quality this development is also likely to be affected by noise from traffic utilising the A4019 and neighbouring Ebley Tyres and as such a noise assessment is required to ensure that façade elements of the building ensure adequate protection to future occupants.

Page 21

I would look to recommend approval to this application subject to the following conditions being attached to any approved permission.

- During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 08:00hrs -18:00hrs, Saturday 08.00hrs - 13:00hrs nor at any time on Sundays, Bank or Public Holidays.
- No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
 - parking of vehicle of site operatives and visitors
 - method of prevention of mud being carried onto highway
 - waste and material storage
 - Control measures for dust and other air-borne pollutants
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- No development shall take place until:
 - A proposal for an air quality assessment has been submitted to and approved by Cheltenham Borough Council Environmental Health.
 - If the assessment indicates that air quality is likely to affect this proposed residential development then a detailed scheme for protecting the future residential occupiers of the building from the effects of [nitrogen dioxide/airborne particulate matter] arising from road traffic shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building hereby approved, and thereafter maintained for the lifetime of the development.
- No development shall take place until an assessment on the potential for noise affecting this proposed residential development has been submitted to and been approved in writing by the Local Planning Authority. The assessment shall consider noise from road traffic and Ebley Tyres adjacent.

If the assessment indicates that noise is likely to affect this proposed residential development then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that the following criteria are met:

- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events should not normally exceed 45 dB L_{Amax,F} by more than 15 times)
- Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
- Gardens and terraces (daytime) 55 dB LAeq

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer (member of the institute of acoustics) and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	24
Total comments received	9
Number of objections	8
Number of supporting	0
General comment	1

5.1 A site notice was placed at the site, the proposal was advertised in the Gloucestershire Echo and 24 neighbouring properties were notified of the proposal.

5.2 Nine letters were received which raised concerns regarding the following issues:

- Parking and highway safety
- Light restriction
- Archaeology
- Bin storage and collection

6. OFFICER COMMENTS

6.1 Determining Issues

- i. Principle of Residential Development
- ii. Impact on the Character and Appearance of the Conservation Area
- iii. Parking and Highway Safety
- iv. Impact on Neighbouring Living Conditions
- v. Archaeology

Principle of Residential Development

6.2 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, amenities 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.

6.3 Cheltenham Borough Council cannot currently demonstrate a five-year supply of housing land with the latest figure (August 2018) at 4.6 years. Even though the proposal for nine dwellings would not eliminate this shortfall, it would make a modest contribution towards alleviating it, which would be welcomed in a sustainable location such as this one.

6.4 NPPF paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Furthermore, 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 Cheltenham which is a town with a tight urban boundary bordered by an Area of Outstanding Natural Beauty and a Green Belt.

- 6.5** For these reasons, the principle of redeveloping the site for new housing is considered to be acceptable. However, there are other site-specific constraints and characteristics that the proposal needs to be assessed against in order to determine conclusively whether the development is acceptable overall.

Impact on the Character and Appearance of the Conservation Area

Demolition at 48 Swindon Road

- 6.6** The proposal would involve the demolition of the existing building on site and its associated outbuildings to the rear which were formerly occupied by vehicle rental company Enterprise. The principal building was used as an office/reception for Enterprise but the site is now vacant as they have relocated to a nearby site on Tewkesbury Road. In place of these buildings a three-storey building containing 7 flats would be constructed in addition to a pair of semi-detached dwellings in line with those that comprise Normal Terrace, which are perpendicular to Swindon Road.
- 6.7** The site is located within Cheltenham's Central Conservation Area (Lower High Street Character Area) where the local planning authority is required to preserve or enhance its character and appearance pursuant to section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 6.8** The office/reception building at 48 Swindon Road dates from the 19th century along with Normal Terrace and the surrounding terraced streets. The building is identified as a 'positive building' within the Lower High Street Character Area Management Plan ("Management Plan"). Modern buildings such as the neighbouring vehicle garage adjoining the site to the west are identified as 'significant negative building space'.
- 6.9** The Management Plan does not explain why 48 Swindon Road is a positive building and it is not discussed specifically within the document; it can only be interpreted that its 19th century origins thereby make its contribution to the character of the area a positive one. It is most likely the building was a dwelling when originally built and it changed to a commercial use in the second half of the 20th century.
- 6.10** This use change has led to changes in its physical appearance including the addition of a single storey flat-roof side extension, a new rendered façade and other additions including new windows and signage. The original brick walls are only visible on the side elevations. The western side elevation has been painted white and is used as advertising space for the neighbouring vehicle garage. These changes have eroded the character of the building to a significant extent.
- 6.11** The Management Plan describes 'positive buildings' as: *"those buildings which make a positive contribution to the character and appearance of each character area. They often have a collective group value. Although a small number of buildings in the overall Central Conservation Area are in a poor condition, they may still be identified as positive if the building itself makes a positive contribution"*.
- 6.12** The building does not have any group value because it stands alone. Normal Terrace is a good example of positive buildings with group value. The building is considered to be one of the smaller number of positive buildings in a poor condition in a historical context, not due to deliberate neglect (NPPF paragraph 191), but rather due to its changing commercial functions over time. Consequently, it is considered the building neither detracts from nor complements the character and appearance of the Conservation Area, and its impact is therefore neutral.
- 6.13** NPPF paragraph 193 states that: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the*

weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

- 6.14** In relation to 48 Swindon Road, it has been identified that much of its original character has been lost and its contribution to the Conservation Area is more neutral. The building is not a locally listed building and nor is it on the national list of buildings of historic or architectural significance. The building itself is therefore not the designated heritage asset in relation to NPPF paragraph 193, rather it is the Conservation Area in which it is situated.
- 6.15** The Management Plan states the Lower High Street area is characterised by the pattern and layout of its streets with a predominance of compact artisan terraced housing mixed with modern terraced and semi-detached housing. The proposed development would not compromise the character of the area as just described, in fact, in relation to Normal Terrace a pair of modern semi-detached houses would add to the character of this particular street.
- 6.16** The remaining areas of the site to the rear and side of the principal building consist of a black-painted metal gate and other fencing topped with barbed wire and a pair of utilitarian vehicle garages. It is considered that these features detract from the character and appearance of the Conservation Area as they are seen in conjunction with, and have similar visual characteristics with, the adjacent car garages which the Management Plan deem to be ‘negative building space’.
- 6.17** The existing use of the site is also considered to be harmful to the Lower High Street Character Area. When it was used by Enterprise their rental vehicles would regularly occupy all of the hardstanding areas to the side and rear of the office/reception building, creating a cluttered appearance in the street scene.
- 6.18** Policy BE3 (Demolition in Conservation Areas) was not saved when the JCS was adopted in December 2017. JCS policy SD8 (Historic Environment) advocates the conservation of designated heritage assets but because the building is not listed it does not therefore, in itself, fall within the definition of a designated heritage asset given within the NPPF.
- 6.19** The Area Management Plan has grouped the principal building at this site along with the other buildings of 19th century origin in this area as ‘positive’, but an assessment of the principal building, its outbuildings and its curtilage as they stand today has found that their contribution to the character and appearance of the Conservation Area is more neutral with some harmful elements. Consequently, in this particular case, no objection is raised to the demolition of the buildings in order to facilitate a redevelopment of the site for a residential use.

Design of the Proposed Residential Buildings

- 6.20** The buildings that would replace the existing buildings at 48 Swindon Road would be a three-storey building containing 7 flats and a pair of semi-detached dwellings. The flats would replace the principal building fronting onto Swindon Road and the semi-detached dwellings would be built in place of the outbuildings to the rear of the site.
- 6.21** The flats would be designed with a principal three-storey structure, in place of the original part of the existing principal building, with a flanking recessed two-storey section adjacent to Normal Terrace with a subservient roof section which is recessed further still. The recessed nature of the principal elevation breaks up the mass of the building and helps to emphasise its relationship with Normal Terrace. The main entrance to the building would be accessed from Normal Terrace. The elevations facing Swindon Road and Normal Terrace would be enclosed by a rail fence to provide some separation from the public realm.

- 6.22** The flats would be larger in terms of their overall height and floor area compared to the existing building they would replace. However, the flats would be a similar height to the semi-detached pair 22-23 Normal Terrace situated 6 metres to the east. The flats would also be similar in height to the 'tyre city' garage immediately to the west although this building is set back much further from the road.
- 6.23** A new building of a larger scale on this corner plot would not appear out of context. Indeed, 19 St Paul's Street South is a three-storey building adjacent to 22-23 Normal Terrace (it is 3.5 metres higher than its neighbours), which also occupies a corner plot as it intersects with Swindon Road. Three-storey buildings also form the corners of St Paul's Street North on the opposite side of Swindon Road with the remainder of this street consisting of two-storey terraced dwellings, not unlike those found on Normal Terrace.
- 6.24** Although the modern style of the flats would differ from the stone-built 22-23 Normal Terrace and the main terrace of dwellings on this street to the rear, there is no strong architectural rhythm or sense of uniformity on Swindon Road and as a consequence the proposal would not be viewed as discordant within the Conservation Area.
- 6.25** The semi-detached dwellings would be located to the rear of the flats positioned in line with 1 Normal Terrace with a 2.8-metre space separating them. The semi-detached pair would be a metre higher than the rest of the terrace in order to accommodate a habitable loft space. It is acknowledged that this deviates from the uniformity of the existing terrace but as a new addition to the street which is physically separated this is considered not to be an issue in terms of their design. There would be a clear and legible hierarchy of the heights of buildings; the block of flats would be the highest fronting onto Swindon Road with the buildings then diminishing in height towards rear of the site.
- 6.26** The materials of the semi-detached dwellings have not been specified but a condition (number 3) would be in place to control these elements. The preference would be brick to integrate with the brick-built houses of Normal Terrace. It is considered that a pair of brick semi-detached houses on this part of the site would represent an enhancement to the Conservation Area as they would replace dilapidated outbuildings and visually obtrusive barbed wire fencing.

Summary

- 6.27** The Area Management Plan has grouped the building along with the other buildings of 19th century origin as 'positive', but an assessment of the principal building, its outbuildings and its curtilage as they stand today has found that their contribution to the character and appearance of the Conservation Area is more neutral with some harmful elements. Consequently, in this particular case, no objection is raised to the demolition of the building.
- 6.28** It is acknowledged that the existing principal building at 48 Swindon Road is deemed a positive building in the Character Area Management Plan due to its 19th century origins. However, when assessing the building's current state its contribution to the character and appearance of the Conservation Area is considered to be neutral and its associated outbuildings and enclosures are deemed to be harmful.
- 6.29** In light of this the demolition of the existing buildings is considered to be acceptable and the design of the proposed flats and semi-detached houses to be built in their place is complementary to their surroundings in the Lower High Street Character Area of Cheltenham's Central Conservation Area. The development is therefore seen as an enhancement of the character and appearance of the Conservation Area pursuant to section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, JCS policy SD8 and the guidance within the NPPF.

Parking and Highway Safety

- 6.30** The main issue residents of Normal Terrace are concerned with in relation to the proposed development is the impact it would have on vehicle parking. Normal Terrace was built in the Victorian era before the invention of the motor car, or at least before their widespread use; it is a narrow street less than 6 metres wide in many places. A minority of properties such as numbers 8 and 9 are set back from the street and benefit from an off-street parking area, but the majority of the properties are mid-terrace with no private parking facilities. Residents with cars are not guaranteed a space in front of their own property, and considering the narrow confines of the street, securing any parking space is not a guarantee on Normal Terrace, especially because residents of surrounding streets could potentially park there providing they have the correct permit.
- 6.31** The site is within a residents' permit parking area (zone 11) where residents can apply for a permit to park their car in Normal Terrace and the surrounding streets. From the site visit it was evident that some residents were able to park their car on Normal Terrace despite its narrow design and lack of convenient turning facilities. Refusing the development would not alleviate this situation and Cheltenham Borough Council does not have any adopted minimum parking standards because this prevents car-free developments which can be successful in historic locations that were built before the invention of the motor car and town centre locations such as this where residents are not totally reliant on car journeys to access day-to-day facilities and amenities.
- 6.32** Future occupants of the proposed dwellings would be aware of the parking facilities (or lack thereof) in Normal Terrace and this should not necessarily preclude further development in light of the situation described above. NPPF paragraph 109 states that proposals for new development should only be refused if the cumulative impacts on the highway network would be severe.
- 6.33** The proposal may generate more demand for residents' parking permits in zone 11 but this would be true of any new residential development in a location that is subject to on-street parking controls. Parking permits are provided subject to availability so the proposed residential development is considered not to be inherently harmful to highway safety in this regard and the cumulative impact of the development would not be severe in the case officer's view. The concerns raised with regard to the difficulties of parking on Normal Terrace are a reflection of the current situation which is not for this or any other development to resolve. It is recognised that occupiers of the proposed dwellings would have the benefit of being able to access local services and amenities from this site on foot, by bicycle or by bus, thus they would not be totally reliant on private car journeys.

Impact on Neighbouring Living Conditions

- 6.34** Concerns have been raised that the proposed development would have a negative impact on the living conditions of residents of Normal Terrace, with particular reference made to the new buildings causing light restriction.
- 6.35** The pair of semi-detached houses would be positioned in line with the existing terraced houses 2.8 metres beyond the side elevation of 1 Normal Terrace. This property has a window on the first floor of its side elevation although it is a secondary window to the primary windows located on its front and rear elevations. The other properties in the terrace do not benefit from the same type of window because these mid-terraced properties do not have exposed side elevations.
- 6.36** Although the proposed semi-detached houses would restrict light into the neighbour's first floor side window to a degree, given the secondary nature of the window and the other light sources available, it would not be considered an unacceptable amount of light restriction in this case.

- 6.37** Concerns have also been raised regarding the storage of bins. The semi-detached houses would benefit from an outdoor space to the side or rear that could be utilised for bin storage and the flats have a bin store proposed on the ground floor. The collection of bins from these properties would be the same as the existing collection on Normal Terrace. The proposed change of use from a car garage / vehicle storage facility to a residential use would represent an improvement in terms of residential amenity as noise and fumes from vehicles would be less of an issue if replaced with housing.
- 6.38** In all other respects, it is considered the development would not cause any other harm to living conditions in terms of overbearing or overlooking impacts. The proposal is considered retain the same living conditions currently enjoyed by residents at Normal Terrace which accords with the guidance in NPPF paragraph 127 f).
- 6.39** The proposed dwellings (the flats in particular) would be in close proximity to Swindon Road, which is one of the busiest roads in Cheltenham and therefore also one of the noisiest and most polluted. The Council's Environmental Health Officer has therefore requested by condition noise and air quality assessments to be submitted and agreed by the local planning authority prior to development starting.

Archaeology

- 6.40** The Archaeologist at Gloucestershire County Council initially recommended the application be refused on the grounds of insufficient archaeological information being submitted.
- 6.41** The applicant has since submitted the results of an archaeological investigation which has confirmed the site had been previously quarried and backfilled during the 18th or 19th centuries. Therefore, any medieval settlement remains which may once have been present at the site have been removed by the quarrying activity.
- 6.42** Consequently, the proposed development would have no adverse impacts on archaeological remains and the Archaeologist at Gloucestershire County Council no longer raises an objection to the proposal.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The principle of residential development is considered to be acceptable in this town centre location and the contribution it would make to the Council's five-year housing land supply shortfall is welcomed.
- 7.2** The demolition of the existing buildings on site and the proposed replacement residential buildings are considered to represent an enhancement of the character and appearance of Cheltenham's Central Conservation Area.
- 7.3** The proposal would not have an unacceptable impact on highway safety, residential amenity or archaeology.
- 7.4** For these reasons, the proposal 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 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 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:

- a) All windows and external doors (including details of materials, colour, finish, cill, head, reveal, opening mechanism and glazing systems)
- b) Boundary walls/fences and retaining wall structures (including details of materials and samples when requested)
- c) Flues, vents and any other external pipework
- d) Rainwater goods

Reason: To preserve or enhance the character or appearance of the conservation area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Section 12 of the National Planning Policy Framework, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017).

- 5 Prior to the commencement of development, a demolition and/or construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The demolition and/or construction plan shall include measures to control noise, dust, vibration and other nuisance during the demolition and/or construction phase. No demolition or construction shall be carried out unless in accordance with the approved details.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable environmental impact on the area.

- 6 Prior to first occupation of the development hereby permitted, adequate refuse and recycling storage facilities shall be provided within the site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling storage facilities shall thereafter be retained available for such use at all times.

Reason: In the interests of sustainable waste management and recycling, having regard to saved policy W36 of the Gloucestershire Waste Local Plan (adopted 2004) and policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted 2017).

- 7 Prior to the construction of foundations of any new buildings or infrastructure on site, details of 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 Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 Unless shown on the approved plans, no satellite dishes or other aerials, metre boxes or external cabling shall be affixed to the external elevations of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to Policies CP3 and CP 7 of the Cheltenham Borough Local Plan (adopted 2006), section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies SD4 and SD8 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (adopted December 2017).

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

Reason: To safeguard the amenity of local residents in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 and the National Planning Policy Framework.

- 10 No development shall take place until an air quality assessment has been submitted to and approved by the local planning authority. If the assessment indicates that air quality is likely to affect this proposed residential development then a detailed scheme for protecting the future residential occupiers of the building from the effects of nitrogen dioxide/airborne particulate matter arising from road traffic shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building hereby approved, and thereafter maintained for the lifetime of the development.

Reason: To safeguard the amenity of local residents in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 and the National Planning Policy Framework.

- 11 No development shall take place until an assessment on the potential for noise affecting this proposed residential development has been submitted to and been approved in writing by the Local Planning Authority. The assessment shall consider noise from road traffic and Ebley Tyres adjacent.

If the assessment indicates that noise is likely to affect this proposed residential development then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that the following criteria are met:

- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events should not normally exceed 45 dB LAmax,F by more than 15 times)
- Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq
- Gardens and terraces (daytime) 55 dB LAeq

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer (member of the institute of acoustics) and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: To safeguard the amenity of local residents in accordance with policy SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 - 2031 and the National Planning Policy Framework.

APPLICATION NO: 18/02053/FUL		OFFICER: Mr Joe Seymour	
DATE REGISTERED: 12th October 2018		DATE OF EXPIRY : 7th December 2018	
WARD: St Pauls		PARISH:	
APPLICANT:	Scott McArdle		
LOCATION:	48 Swindon Road, Cheltenham		
PROPOSAL:	Demolition of existing buildings and redevelopment of site comprising 7 apartments and 2 semi-detached houses		

REPRESENTATIONS

Number of contributors	9
Number of objections	8
Number of representations	1
Number of supporting	0

1 Normal Terrace
Cheltenham
Gloucestershire
GL50 4AR

Comments: 18th October 2018

The creation of an additional 9 dwellings with access of two onto Normal Terrace will put significant pressure onto an already busy narrow street, where parking is already at a premium and turning access is difficult, with most vehicles having to reverse out of the road onto the busy Swindon Road. Further vehicles reversing off Normal Terrace onto Swindon Road increases the likelihood of accidents. Council must consider this when considering this application.

If each of these dwellings own two vehicles then that creates a requirement for 18 spaces, less the two created with the semi detached houses, but plus the 3 additional spaces required with the demolition of the current garages. That in total is 19 additional car spaces. Where will this be? Normal Terrace just can't cope with this additional volume.

In addition, 9 dwellings means 18 more wheelie bins. Where will these sit? If they are put onto Normal Terrace, then further chaos and disruption will ensue.

The plans include planting of shrubs along Normal Terrace. Who will maintain these, overgrown shrubs will further impact parking access along Normal Terrace and possible scratches and damage to vehicles.

The plans for the semi-detached houses are not in keeping with the local area as they are planned to be higher than the existing terraces. This will not only look odd but will impact light onto the already dark Normal Terrace. In addition, the semi-detached houses will restrict light into 1 Normal Terrace as it has a window facing northwards.

The demolition of the garages will necessitate the building of a wall to provide security to the rear of 1 Normal Terrace.

On the basis of lack of availability of car access, parking spaces, room for bins and impact on the light onto Normal Terrace I strongly object to this planning application.

7 Normal Terrace
Cheltenham
Gloucestershire
GL50 4AR

Comments: 4th November 2018

The residents of 7 Normal Terrace object to the proposed development of 9 additional dwellings at the entrance to Normal Terrace and on Swindon Road.

The introduction of 9 additional dwellings is going to have a significantly negative impact on the already overcrowded and inadequate parking on Normal Terrace and surrounding streets. The development design has not taken into consideration the local issues of parking, and has only considered the benefits of the development to meeting Government targets, and likely profits made. This is clear by the fact that the development removes 5 car parking spaces, replacing them with only 2 spaces for the new properties - leaving current residents without parking down the road. As it states in the Planning Statement (section 3.5) the garages accessed of Normal Terrace are also most likely also in sui generis use, for the parking and storage of private motor vehicles. These garages are in use by residents of Normal Terrace as there is already simply not enough on-street parking down Normal Terrace or adjacent roads - this development removes this vital space.

In addition, whilst 1 space has been made available for each of the new 3-bed properties, no parking has been made available for the flats. Although the flats are on Swindon Road rather than Normal Terrace, as Normal Terrace is the closest road for parking to the property it will inevitably introduce further issues to the already congested and inadequate parking situation down Normal Terrace and surrounding permitted roads. Properties whatever size, 1/2/3-bed, on average have 2 cars per household - meaning an additional 16 cars for on-road parking. By the development not having adequate parking to alleviate the additional cars on the roads it is not considering the sustainability of the wider environment and amenities to cope with the additional residents and vehicles to the area.

In addition it is clear in the Planning Statement, sections 5.17, 5.18 & 6.6, that a thorough impact assessment has not been carried out as the document states that (1) The impact on occupants of nearby buildings has also been considered, for example, the placement of windows ensures the privacy of neighbours, taking advantage of blank gables on adjacent properties; Therefore, the development as a whole avoids unacceptable harm to local amenity and that of neighbouring occupants, in accordance with SD14, (2) The development will have no harmful or negative impact on surrounding properties by way of, (for example), overlooking, and the buildings will be visually attractive and appropriately sited. Nowhere in the planning statement has the issue of parking been addressed it only makes reference to the issue of overlooking, which if anyone visited the site would know would not be an issue due to the location of the site compared to other properties on the street. These statements are clearly avoiding the real issues of this site.

The impact on parking should not only be considered from a space and environment point of view but also from the perspective of the health and wellbeing of residents. Residents down Normal Terrace already experience anxiety and worry about parking on a daily basis. This development is only going to increase the intensity of this and heighten the negative impact on their health and wellbeing on a daily basis. No development should be able to go ahead in the knowledge that it will directly impact people like this. Given that the wider environment is already over capacity supporting car parking, there are no solutions to resolve the impact that squeezed parking resource will have on health - this will not be a short term impact on the residents down Normal Terrace today but will be an on-going impact for future residents in years to come. What would the Councils solution be when faced with the issue of creating more car parking? Cars will always exist, the issue will not simply disappear.

This development will also devalue the desirability and value of properties on Normal Terrace as the addition of 9 properties will change the street from a quiet, unique haven in Cheltenham Town Centre to a busy avenue.

The Planning Statement describes the plot in detail for its negative look and therefore apparent negative impact on the conservation area - but what it doesn't say is that this plot sits at the front of a very tiny no-thru road with compact 2 storey 2-bed properties. The development proposal is not introducing properties in keeping with Normal Terrace or the surrounding street. Instead the proposals are for non-descript generic buildings to fill the plot to overcrowding capacity. The Planning Statement also neglects to say that the development will increase vehicles coming and going down the street and as there is no turning circle down the road which will cause increased traffic issues with turning around on the busy Swindon Road, notoriously difficult at weekends and rush-hour. This will create additional blockages and issues for local traffic on the ring road and for local residents.

If we are going to go to efforts to re-design our landscape and build new structures that are going to last a new lifetime then they should enhance the current environment and not exacerbate already prominent and impossible to rectify issues.

If any properties are going to be built on this site then they need to:

1. Not use Normal Terrace for access or be designed in a way that would cause the entrance to be regularly obstructed.
2. Be self-sufficient in terms of parking - providing at least 2 spaces per property and not take up any residents parking down Normal Terrace or adjacent streets.

This development should be rejected, and if redevelopment must be considered it should be redesigned to accommodate the requirements mentioned above, and should be designed with the consultation of local residents in order to ensure protection of the fragile environment of Normal Terrace.

And finally, there has been no effort to make residents aware of this proposal, no consultation, no letter through our door, no effort to work with residents to find a suitable solution - news of this development has only been obtained through small talk with neighbours. This in itself (no matter the design) is wholly unacceptable.

14 Normal Terrace
Cheltenham
Gloucestershire
GL50 4AR

Comments: 5th November 2018

As a resident of Normal Terrace for the last 3 years I can safely say this road has the worst parking have experienced, space wise (incredibly narrow street) and the fact that there aren't enough spaces to facilitate the number of households that currently exist.

The narrowness of the road means that every single car is damaged in some way, the only saving grace is the turning space in front of the garages.

There are currently not enough spaces to facilitate the existing residents. On this street there are elderly residents, those with children and also some with disabilities. All of us are regularly not able to park on our own road, leaving us to have to carry shopping, children etc. From streets that can often be as far away as Pittville Park. This is an awful situation for those who are more vulnerable than the rest.

Page 34

We are currently allowed to park in front of the garages which means those 2 spaces will disappear AND the removal of the two spaces opposite is adding insult to injury. Reducing the current spaces by 4 whilst adding additional households is a ludicrous and unfair decision.

I object to the building works wholeheartedly, however, if they do go ahead I would plead to the council to find a way to not allow the new households permits to Normal Terrace.

Please don't turn an already difficult road into a total mess.

13 Normal Terrace
Cheltenham
Gloucestershire
GL50 4AR

Comments: 5th November 2018

If this new development reduces ANY parking in Normal Terrace I strongly object.

This is because Normal Terrace is a very narrow street allowing barely enough parking for existing residents all of whom are paying for the privilege. Parking also works in a 'first come first serve' basis. Therefore spaces can be used by any resident at any part of the street.

Therefore ALL the residents should have been informed formally.

One solution would be for developers to arrange with Corpus Christi, owners of the huge car park at the rear of most of the Normal Terrace properties, to allow, again, residents parking to the rear of their properties.

We believe this used to be a legal right (or understood right) to park here in the past but Ebley placed a locked gate at the entrance. With a second locked gate half way down the car park last year.

I suggest the council should look at this car park as well as the new developers. In the past ambulances and fire would have used the rear entrances. Now they cannot. There is a serious safety issue here as such vehicles could not drive down the very narrow terrace itself.

If the new development removes any parking spaces, or nothing is done to assist parking at the rear, my objection will stand.

The time period for objections should also be increased as it is my belief only one resident was notified.

5 Normal Terrace
Cheltenham
Gloucestershire
GL50 4AR

Comments: 3rd November 2018

Cotswold Archeology may not be aware the street was known as Beckingsales Passage prior to it becoming Normal Terrace- the present name comes from the establishment of a Normal (rather than Church Board) college for the training of teachers in 1847. (Cf: The Training of Teachers; A History of the Church Colleges at Cheltenham; Charles More; Hambleden Press; 1992.

I am curious as to the building that seems to lie beneath the garage forecourts was that is mentioned in relation to Merrett's map of 1833: it appears to have been quite substantial. If development proceeds it might be interesting to have test pits dug to examine the nature of the

structure. George Rowe does not seem to mention it in his Pictorial History but i suspect a Regency townhouse? This is the period that saw Katherine Monson's extraordinary burst of architecture isn't it? She developed the North Field and pushed across the Swindon Road. St Pauls is largely the legacy of the dispute between Frances Close and the Tractarians; the clash between the Aggs and the Berkeleys that combined sectarian and political interests in a way that led to much of the development of the town.

Normal Terrace houses as we know them is 1838 i believe: the Swindon road and St. Margarets are much older. Still 48 Swindon Road does appear to be a survivor of slum clearances that changed the whole character of the area, but lacking any real character.

Still as a resident of Normal Terrace, access, light and above all parking - and my house doesn't have any car owners but the endless disputes still impact on me - are grounds to object. History isn't but i make these comments to clarify the lack of context in the report.

Comments: 3rd November 2018

I am trying hard to not object to this application but i just found another stipulation; at the time of writing, a friday night, there are 27 cars belonging to residents in Normal Terrace. The road is not wide enough to turn or pass, nor are there turning spaces.

As such vehicles have to reverse out of our road: and with the volume of traffic that is extremely difficult, and given the layout dangerous (the rear of the vehicle must enter Swindon Road before the driver can see if it is clear and safe to proceed). It is also worth noting that pedestrians on Swindon Road are likewise invisible and low speed impacts occur quite often.

This is currently mitigated by using the triple garage forecourt as a turning space, allowing vehicles leaving the Normal Terrace cul,-de -sac to turn and avoid the nightmare of reversing out.

One can hardly expect the developer to provide this service and once the development is completed it will not be possible, but to prevent collisions and avoid fatalities the council will need to add a new set of traffic lights to allow traffic to enter Swindon Road. Such a commitment again is something i think needs to be granted.

Comments: 3rd November 2018

At the risk of annoying my neighbours I am neutral to the development assuming it is in keeping with heritage and conservation plans.

However I will object and strongly if parking permits are to be made available for these properties. At the moment parking is an endless issue for residents of Normal Terrace, a road so narrow I can not receive parcels from courier services as my address is blacklisted; the same applies to online shopping deliveries. There are currently more cars than spaces: it has led to neighbour disputes and violence in the past. The demolition of the three garages and loss of their forecourt parking will push this in to meltdown, and while some offroad parking may be available for the new residents the existing residents can not park as is. I propose a simple agreement is made and legally stated that no MiPermit or sucesor to that contract parking permits are made available to these properties for say fifty years.

If that agreement can not be made I will shift to Object: otherwise I have no strong feelings though I still have to thoroughly review the application.

The other grounds for an objection on my part is if any part of the application further restricts vehicular access to Normal Terrace at any time. Construction must not impede access or require road closures; that would be a firm grounds for an objection.

I have no reason to believe 48 Swindon Road to be of any intrinsic heritage value, though i am not familiar with the interior. I have much sympathy for housing development, especially affordable housing. Given the current disastrous air quality in Swindon Road/Lower High Street i

Page 36

would ask for the asbestos roofing on outbuildings to be removed carefully, and the aforementioned restrictions on the issue of parking permits.

I would be very happy to discuss the proposals, and am aware that the residents of my street strongly object.

6 Normal Terrace
Cheltenham
Gloucestershire
GL50 4AR

Comments: 4th November 2018

To begin with only 1 Normal Terrace has received a letter regarding this planning application, but the whole street will be affected by this so why have we not all received one? A notice on a lamp post is not enough.

I've been told that if this building work goes ahead the end of the road will need to be closed, which will block access to our houses except through the tunnel at the far end of the street. This would mean we would either have to move our vehicles elsewhere or that they would be trapped in the street for a probably extended period of time. This is unacceptable for the whole street.

The developer has apparently claimed that the people who move in to the new properties won't be allowed to have cars, but how will this be enforced even if it is possible to put this restriction in place? Surely just by living in the area they will be entitled to apply for parking permits? Parking on Normal Terrace is already extremely limited and the loss of the garages will already add two additional cars to street parking, plus any cars accompanying people who move into the new properties. Turning space is limited, and will be even more limited with the loss of the garages, and cars and vans in particular usually have to reverse out of the street. Vans regularly cause damage to cars and buildings doing this, my wing mirror has been hit repeatedly. People's doorsteps, basement windows, corners of houses, fences have all been damaged numerous times.

The lack of turning space will mean that increasing numbers of people will need to reverse out of Normal Terrace. Swindon Road is becoming increasingly busy and this means this can be very dangerous to do. Pedestrians also often do not realise that cars may be emerging from Normal Terrace. Driving out of the road you can see them but when reversing you are unable to see pedestrians until your car is already on the pavement.

An increased number of properties will require further bins and these will need to be stored somewhere, the only option is in the street and this will reduce parking further.

The new buildings will be taller than the terrace and so will not be in keeping with the rest of the street and will cause a reduction in light, especially to No 1 who has a window looking out on to the spaces in front of the existing garages. The two houses will each have a driveway but Normal Terrace is narrow and these will effectively be pointless as it will be almost impossible to get on and off of these drives with cars parked opposite them.

I strongly oppose the proposed development.

3 Normal Terrace
Cheltenham
Gloucestershire
GL50 4AR

Comments: 13th November 2018

Page 37

I would like to object to the proposed new dwellings on the end of Normal Terrace. I have strong concerns about the addition of more houses and the planned narrowing of Normal Terrace where it joins Swindon Road. This will further restrict access to residents on the road, deny access by garbage collection trucks, and block access to ambulance or fire vehicles in the event of an emergency. The road is already only one lane wide, requiring residents to reverse on or off Swindon Road. The prospect of further restriction makes me very uneasy.

I agree with my neighbors on the subject of parking. Parking on the Terrace is already at a premium, and the reduction of at least two spaces would by itself significantly detriment existing residents. The addition of 9 additional households will only add to the parking strain on the Terrace and the local St Pauls area which we are often forced to park in.

I'm also very concerned by the lack of communication residents have received from the council. I would have been completely unaware of these plans if my neighbors had not informed me, and reading the other comments many of us have been kept uninformed. Presuming that building work at the end of the road would close Normal Terrace to vehicle access for some time, I feel like significantly more effort should have been taken to inform those of us who would be impacted.

2 Normal Terrace
Cheltenham
Gloucestershire
GL50 4AR

Comments: 28th October 2018

There is limited access to the Terrace already The parking around this area even though we pay an extra £50 in residential parking is very limited I cannot park outside my own house very often Potentially an extra 9 cars to try and park would not be great The Swindon Road is one of the busiest in the town and it will be very difficult to access our homes with building/ demolition in progress The noise will be terrible in a built up residential area I strongly object to the bottom of our small terrace with only one way in and out becoming a building site

19 Normal Terrace
Cheltenham
Gloucestershire
GL50 4AR

Comments: 5th November 2018

There is no way any cars will be able to go up and down this road if you narrow the top of the road further. The road is narrow enough as it is. Absolutely a ridiculous idea. As a young driver I am very anxious of driving up and down the road anyway, this would therefore cause me and most likely other residents as well un-needed stress we do not need!.

I currently drive up and down the road between the hours of 5am leaving to go to work and returning home to the road at 8am. And then leaving again at 4pm - 7pm. So there is no way the top of the road can be closed without putting myself and other residents out of work! None of us residents can afford to be put in this position.

I am one of the residents who also has a driveway so therefore if this goes ahead are you refusing me as well as many other residents access to and from our own driveways? If this goes ahead then I will be truly appalled and disgusted with the council as I am sure the rest of the cheltenham community would be also.

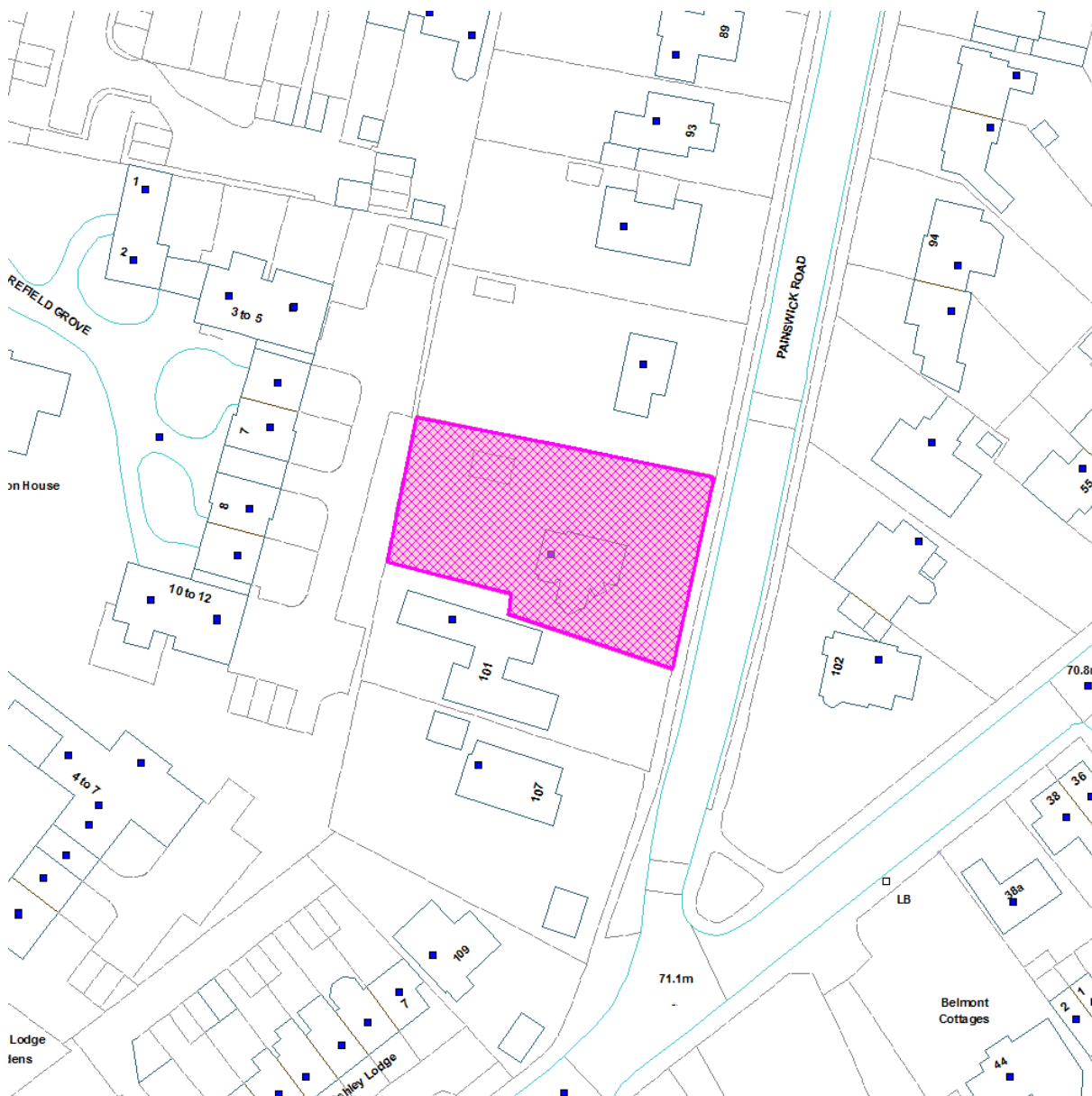
Page 38

Another note to add is me and my partner have not received a warning notice that this was going to happen, in fact it took the good will of our neighbours to inform us! which I think is very lazy on the council's behalf.

If us residents with cars are unable to access the road due to it being narrowed or closed then there will be an uproar.

APPLICATION NO: 19/00304/FUL		OFFICER: Mrs Lucy White
DATE REGISTERED: 15th February 2019		DATE OF EXPIRY: 12th April 2019
DATE VALIDATED: 15th February 2019		DATE OF SITE VISIT: 25 th March 2019
WARD: Park		PARISH:
APPLICANT:	Mr And Mrs Gill	
AGENT:	Stanley Partnership Architects	
LOCATION:	99 Painswick Road, Cheltenham	
PROPOSAL:	Erection of two and single storey side and rear extensions and various external alterations to the existing building.	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a two storey, detached dwelling with rendered and timber clad facing walls under a clay, tiled pitched roof. The property is located within the Central Conservation Area (The Park Character Area) and occupies a large and wide plot, with mature trees along the front boundary. The building is unlisted but is a late Arts and Crafts derivative style dwelling with characteristic timber clad, pitched roof gable projections to the front and rear and steel framed painted windows and doors. There are a small number of similar style dwellings adjacent to and on the west side of Painswick Road. No 99 Painswick Road is identified as a positive building within the Townscape Analysis Map of the Park Character Area Appraisal and Management Plan.
- 1.2 The applicant proposes the erection of two and single storey side and rear extensions and various minor external alterations to the existing building.
- 1.3 This application follows the withdrawal earlier in 2019 of two previous planning proposals for the site; various single, first floor and two storey extensions with extensive internal and external alterations including alterations to roof (ref 18/0237/FUL) and the erection of a new dwelling (three storeys over basement) adjacent to the existing house (ref 18/02038/FUL). During the course of determining these applications (which were considered concurrently), officers raised a number of significant concerns in relation to both. The overtly contemporary and radical approach taken to the remodelling of the existing dwelling was considered not to respect or complement the Arts and Craft character of the existing building and its surroundings resulting in harm to the character and appearance of the Conservation Area. The principle and suitability of the plot for subdivision in order to create a new dwelling was also considered unacceptable. In addition, there was significant concern regarding the design, layout, scale and appearance of the proposed new dwelling and its impact on both the street scene and amenities of occupiers of neighbouring properties; the cumulative impacts of both the new dwelling and remodelled and extended existing dwelling exacerbating these concerns.
- 1.4 The current application seeks to address all concerns previously raised and a fresh approach has been taken to the development opportunities for the site. The proposals are limited to extending the existing dwelling but retaining its original form and Arts and Craft character. However, the applicant recognises the generous width and size of plot which is capable of accommodating a more substantial extension.
- 1.5 The applicant has engaged fully with officers and various pre-application discussions took place prior to submitting the revised application; the proposals considered responsive to the advice given.
- 1.6 The scheme has undergone some minor revisions during the course of the application; a first floor rear balcony and new vehicular access removed.
- 1.7 This application has been referred to the Planning Committee at the request of Councillor Dilys Barrell. The reasons given for the referral are an inappropriate modern style of building proposed with no precedent in this conservation Character Area; loss of green aspect and the effect on the street scene in the conservation area which would blot out the view of the garden and trees; loss of an attractive period garage.
- 1.8 Members will have an opportunity to visit the site on Planning View.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Non Contact Residents Association

Relevant Planning History:

18/02037/FUL 20th December 2018 WDN

Various single, first floor and two storey extensions with internal and external alterations including alterations to roof.

18/02038/FUL 20th December 2018 WDN

Erection of new dwelling (three storeys over basement) adjacent to existing house

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 11 Making effective use of land
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
BE 1 Open space in conservation areas
BE 5 Boundary enclosures in conservation areas
BE 7 Parking on forecourts or front gardens in conservation areas
GE 2 Private green space
GE 5 Protection and replacement of trees
GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality
INF3 Green Infrastructure

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Residential Alterations and Extensions (2008)
Central conservation area: The Park Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

8th March 2019

Biodiversity Report received.

Building Control

25th February 2019

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

Trees Officer

11th March 2019

Given the previous request for tree related information on 18/02038/FUL, it is disappointing that there is still little/no accurate tree related information pertaining to this application.

Whilst it may be possible to build the proposed construction with no significant impact on existing trees, this is not necessarily the case with the spruce (marked as a birch) on the border within the adjacent garden. It may be that this tree's significant roots will need to be pruned and/or the canopy pruned back.

As per BS5837 (2012) please could a

- 1) Tree Protection Plan
- 2) Tree Removal and Replacement Plan
- 3) Arboricultural Impact Assessment

be submitted and approved as a part of this application.

28th March 2019

Following submission of A Hope arb report, the CBC Tree Section does not object to this application.

Paragraph 5.1.1 states T1 (Plane) is to be removed as a part of this application. However T1 is liquidambar, not a plane but nevertheless, it is T2 (rowan) which requires removal (5.1.1) , not T1-it is presumed this is a typo.

Providing a suitable Method Statement addressing all items as discussed within Paragraph 8 and para 7.3 of this report is submitted and agreed and details new tree planting to mitigate for the loss of T2 is also submitted, the CBC Tree section does not object to this application.

Conservation and Heritage

2nd April 2019

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that "In considering whether to grant listed building consent for any works the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets should be conserved in a manner appropriate to their significance. Chapter 16, paragraph 192 of the NPPF requires local planning authority to identify and assess the particular significance of any heritage asset... taking into account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraphs 193-196 set out the framework for decision making in applications relating to heritage assets and this assessment takes account of the relevant considerations in these

Page 43

paragraphs. Paragraph 193 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

99 Painswick Road is an unlisted building within the Central Conservation Area: The Park Character Area. It is identified as a positive building within the Townscape Analysis Map of the Park Character Area, within The Park Character Area Appraisal and Management Plan.

99 Painswick Road is a late Arts and Crafts derivative style dwelling in an area where there are a small number of similar such dwellings. The wider surrounding area is characterised by distinct periods of development including, Regency, Victorian and early, mid and some late 20th century. Most of the dwellings in this part of Painswick Road are detached with notable front gardens.

The proposed contemporary character of the extension is supported. It is considered to not be out of keeping with its context, which as stated has a diverse character. The proposed extension has a contemporary appearance, softened through the use of sympathetic Arts and Crafts style detailing found on the host dwelling and dwellings within the immediate surrounding area. The extension would be read as part of the continued evolution of development evident within the existing streetscene.

Concerning the scale and massing of the proposed extension, while large the site is unusually wide and can easily accommodate it without detriment to the characteristic openness between dwellings found in this part of Painswick Road. It is considered the contemporary appearance of the extension and its glazed link with the hoist dwelling will result in it being read as a distinct element with this 'separateness' giving visual interest to the site, helping to break up the appearance of the proposed scale and massing.

Having regard to the above, the proposed works are considered to sustain, and therefore do no material harm to, the affected designated heritage asset and therefore, having due regard to Chapter 16 of the National Planning Policy Framework, Section 16 of the Planning (Listed Building and Conservation Area) Act 1990 and Policy SD8 of the Joint Core Strategy 2017 consent should be approved subject to conditions. It is advised the following conditions or similar such conditions be attached to any approval:

Design details

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

- a) Facing materials
- b) Roof materials
- c) Windows and external doors including sills, heads and reveals and any glazing systems, rooflights, etc
- d) Rainwater goods
- e) Eaves, parapets, soffits, bargeboards, other joinery work
- f) Chimney stacks
- g) Vent, flues, other external paraphernalia

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy framework and Historic Environment Good Practice Advice (note 2).

No external paraphernalia

Unless shown on the approved plans, n, satellite dishes or other aerals or metre boxes shall be affixed to the ^IN; elevation(s) of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy framework and Historic Environment Good Practice Advice (note 2).

Hard and soft landscaping scheme

No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification and a programme of implementation.

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

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy framework and Historic Environment Good Practice Advice (note 2).

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	23
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

5.1 Letters of notification were sent to 23 neighbouring properties, a site notice displayed and an advertisement placed in the Gloucestershire Echo. A total of 6 representations have been received following the publicity and a summary of the concerns and comments made by local residents is provided as follows:-

- Impact on character and appearance of the Arts and Craft style of the existing building, street scene and Conservation Area

- Contemporary style inappropriate for this site and Conservation Area and proposals would result in an obtrusive and incongruous addition
- Size, scale and mass of proposed extensions and inappropriate choice of materials
- Loss of existing period garage
- Loss of gap in street scene, garden views and street vistas
- Overlooking, loss of privacy to neighbouring properties
- Harm to and loss of trees and erosion of front garden

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues for consideration are the design and scale of the proposed extensions and alterations and their impact upon the architectural integrity of the existing building and character and appearance of the Conservation Area. The potential harm to the amenities of occupiers of neighbouring properties will also need to be considered.

6.3 Design and Layout

6.4 Policy Context

6.5 Section 12 of the NPPF sets out that good design is a key aspect to achieving sustainable development and creating better places to live. Similarly, Policy SD4 of the Joint Core Strategy (JCS) requires development to respond positively to and respect the character of the site and its surroundings. This is reiterated in the saved Policy CP7 of Cheltenham's Local Plan which requires development to achieve a high standard of architectural design that complements neighbouring development.

6.6 Statutorily, the Council is required, pursuant to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to preserve or enhance the character and appearance of conservation areas. Policy SD8 of the JCS and section 16 of the NPPF also provide guidance with regard to development within the historic environment. Local Authorities are required *to identify and assess the particular significance of any heritage assetstaking into account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*

6.7 The Council's Supplementary Planning Document: Residential Alterations and Extensions (SPD) emphasises the importance of later additions achieving subservience in relation to the parent dwelling. The document goes on to state that an extension should not dominate or detract from the original building, but play a supporting role.

6.8 The Supplementary Planning Document: Development on Garden Land and Infill Sites in Cheltenham (Adopted June 2009) provides advice on understanding and responding to local character and aims to ensure only developments which respond successfully to the character and quality of the area are permitted. Although the proposals do not involve the erection of a new dwelling, the principles of this guidance can be applied equally to the proposed development.

6.9 Design and Impact on Conservation Area

- 6.10** The proposals consist of a two storey rear gable extension and single storey rear extension plus various minor alterations to the existing building. The existing garage would be replaced by a two and single storey side/rear extension with integral garage and glazed link attached to the main dwelling. The form and integrity of the existing dwelling is retained, including the roof and roof tiles, pitched roof gables, timber boarding and front porch. However, the windows would be replaced and the external render repaired and/or replaced where necessary. Alterations to internal layout, the bay window in the side elevation and the removal of the existing single storey extension to the front elevation are also proposed.
- 6.11** The modest two storey rear extension with first floor balcony is a continuation of the existing rear gable and projects a further 2.5 metres into the garden. The gable roof pitch is unaltered and the timber cladding at first floor is intended to replicate the existing boarding, which is a characteristic feature of this property. The two storey side extension sits alongside the existing northern gable; connected by a double height glazed link which allows better internal circulation between the new and old elements in addition to a secondary front entrance and integral double garage. The pitched roof extension is 7.9 metres in height but the ridge is set below the ridge line of the main dwelling and extends on the right to mimic the lower eaves height of the main roof. The proposed side extension then continues as a flat (sedum) roof, single storey rear addition, extending some 14.5 metres into the garden. This extension would accommodate an open kitchen and family room relocated from the main house.
- 6.12** The Conservation Officer has considered the proposals carefully and is supportive of the contemporary character of the proposed extensions which he considers would not be out of keeping with the context; characterised by distinct periods of development including, regency, Victorian and early, mid and some late 20th century. The contemporary appearance would be softened through the use of sympathetic Arts and Craft style detailing found on the parent dwelling and those of neighbouring properties. The extension would be read as part of the continued evolution of development evident within the existing street scene. There is also evidence of previous infilling and sub-division of wider plots within Painswick Road, the single storey dwelling adjacent to the application site (No 101) being an obvious example.
- 6.13** Turning to the scale and massing of the proposed extensions, it is acknowledged that the two storey side extension, in combination with the glazed link, is more than half the width of the original dwelling and 400 mm lower in height than the main roof. However, this plot is unusually wide and deep with large gaps either side of the house. As such, officers consider that the site can accommodate the proposed extensions without detriment to the characteristic openness between dwellings evident in this part of Painswick Road. Gaps of 3.5 and 3 metres would be retained at the side of the property and a distance of 10 metres would remain between the rear elevation of the single storey extension and the boundary with Nos 7 and 8 Harefield Grove.
- 6.14** The Council's SPD 'Residential Alterations and Extensions' requires extensions to play a supporting role, to read as a subservient addition that should not detract from the character of the existing dwelling. With this in mind, officers consider that the more contemporary appearance of the proposed development and the glazed link providing a visual separation from the parent dwelling would, together, result in the extension reading as a distinct element. Whilst breaking up the mass and scale of the proposed extension, the glazed link also adds visual interest to the resultant building and allows the original form and Arts and Craft character of the building to be left largely intact and unaltered in appearance. Should comparisons be drawn with the previous withdrawn scheme, this is a welcome improvement.

- 6.15** Similarly, although the single storey rear extension is 14.5 in length, it would not be easily discernible from the street and therefore would have minimal/negligible impact on the character of the street scene and wider conservation area.
- 6.16** In light of the above, officers conclude that the proposed development is considered to sustain and therefore do no material harm to the conservation area. Having regard to Section 16 of the NPPF, Policies CP7 and BE1 of the Local Plan, Policies SD4 and SD8 of the JCS and Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990, the proposals are considered acceptable.
- 6.17 Impact on neighbouring property**
- 6.18** Section 12 of the NPPF requires development to create places with a high standard of amenity for existing and future users. Saved local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land users or the locality; and in assessing impact on amenity, the Council will take account of matters including, but not limited to, loss of privacy, loss of light and outlook. The policy is consistent with adopted JCS policy SD14.
- 6.19** The Council's SPD 'Residential Alterations and Extensions' sets out that in order to maintain privacy between neighbouring properties there should be a minimum distance of 10.5 metres from any rear first floor rear window to the boundary of the site. Note 3 of Policy CP4 advises that in determining privacy for residents the Council should apply a minimum 21 metre distance between dwellings which face each other where both have clear glazed windows.
- 6.20** The proposed single storey rear extension would be approximately 10 metres to the rear boundary. Although this distance falls a little short of the required 10.5 metres separation for a two storey structure, the extension would be flat roofed and single storey. The distance from the rear of the proposed two storey extensions to the rear boundary is 19.2 and 24.5 metres and to the rear elevation of Nos 7 and 8 Harefield Grove some 37 and 41.7 metres. As such the potential for overlooking into the rear of properties in Harefield Grove would be minimal and there would be no unacceptable loss of privacy to the occupiers of those properties.
- 6.21** The proposed single storey rear extension would be between 3.2 and 4 metres to the boundary with No 97 Painswick Road. The two storey side extension would be between 3.6 and 4 metres to the boundary (due to a slight tapering of the northern boundary line) and approximately 7.4 metres to the side elevation of the neighbour's side extension. The proposed first floor rear balcony would be 12.7 metres to the boundary with No 97. Having also taken into account the forward projection of the proposed two storey side extension beyond the rear of neighbour's extension, this degree of separation is considered acceptable and should not result in any significant overlooking, loss of privacy, outlook or overbearing presence. Furthermore, the first floor rear balcony initially proposed for the master bedroom has been removed and the first floor window reduced in width and recessed by 1 metre behind the flank wall and roof overhang.
- 6.22** To maintain privacy between neighbouring properties, conditions have been added to ensure that any remaining flat roof areas shall not be used as amenity space and no further windows are added to the proposed development, without the prior written consent of the LPA.
- 6.23** For the reasons outlined above, the proposal is considered to be compliant with Local Plan policy CP4 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.24 Access and highway issues

6.25 Following the submission of revised drawings, pedestrian and vehicular access to the property remains unaltered; the previously proposed additional vehicular access to create an in/out arrangement has been removed. There would still be ample space for the parking and turning of vehicles on the front driveway/forecourt.

6.26 Other considerations

6.27 Ecology

6.28 Records show that important species have been sighted near the application site in the past; the sightings recorded up to 235 metres from the site. Given the distance from the site and the scale of the proposed development, it is not considered that this development would have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

7.1 Officers consider the proposed development (as revised) a sympathetic and considered approach to extending this property. Although contemporary in style, elements of the Arts and Craft detailing of the existing dwelling and its neighbours have been incorporated successfully into the architectural design of the proposed extensions. As such, the proposed development should not look out of character within the street scene. The glazed link breaks up the scale and mass of the proposed two storey extension and creates a visual separation between the old and new thereby allowing the form and character of the original building to be read.

7.2 The proposed single and two storey extensions and external alterations to the existing building are therefore considered to be in accordance with the relevant policies in terms of achieving an acceptable standard of design, preserving the character and appearance of the conservation area and protecting the amenity of adjoining land users.

7.3 The recommendation is to permit subject to the following conditions; the pre-commencement conditions agreed with the applicant.

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

a) Windows and external doors including sills, heads and reveals and any glazing systems, rooflights, etc

- b) Rainwater goods
- c) Eaves, parapets, soffits, bargeboards, other joinery work
- d) Vent, flues, other external paraphernalia
- e) Balustrades/balcony screening
- f) Garage doors

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Policy SD8 of the Joint Core Strategy (adopted 2017), section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy framework and Historic Environment Good Practice Advice (note 2).

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 Unless shown on the approved plans, no satellite dishes or other aerials or meter boxes shall be affixed to the front and side (east and north) elevation(s) of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to saved policies CP3 and CP7 of the Cheltenham Borough Local Plan (2006), adopted policies SD4 and SD8 of the Joint Core Strategy (2017), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Historic Environment Good Practice Advice Note 2.

6 Details of a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification and a programme of implementation.

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

Reason: To preserve or enhance the character or appearance of the Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Policy SD8 of the Joint Core Strategy (adopted 2017), section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the

National Planning Policy framework and Historic Environment Good Practice Advice (note 2).

- 7 Prior to the commencement of development (including any works of demolition), a full Method Statement to include all items as per paragraph 8 of the 'Adrian Hope Arb Impact Assessment' shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details and recommendations as set out in the approved Method Statement.

Reason: To safeguard the retained/protected trees having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006).

- 8 Prior to the commencement of development (including demolition and site clearance), tree protective fencing to BS 5837:2012 shall be installed, inspected and approved in writing by the Local Planning Authority. The approved protective fencing shall thereafter 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). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 9 Other than as shown on the approved drawings, the flat roof area/s 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/s 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).

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

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

INFORMATIVES

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

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

In this instance, the authority sought revisions to fenestration and boundary treatment in the interests of local amenity.

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

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APPLICATION NO: 19/00304/FUL		OFFICER: Mrs Lucy White	
DATE REGISTERED: 15th February 2019		DATE OF EXPIRY : 12th April 2019	
WARD: Park		PARISH:	
APPLICANT:	Mr And Mrs Gill		
LOCATION:	99 Painswick Road, Cheltenham		
PROPOSAL:	Erection of two and single storey side and rear extensions and various external alterations to the existing building.		

REPRESENTATIONS

Number of contributors	6
Number of objections	6
Number of representations	0
Number of supporting	0

97 Painswick Road
Cheltenham
Gloucestershire
GL50 2EX

Comments: 6th March 2019
Background

I am the owner of the adjoining property, 97 Painswick Road and wish to object to this application.

1. The application is a significant improvement on the earlier withdrawn applications and no longer seeks to build a second property on this site. Despite the very high level of objection to the earlier applications, the applicant has not consulted neighbours before submitting this application. With consultation it may have been possible to agree an appropriate extension without an overdevelopment of the site and the loss of the existing driveway and garage.
2. This section of Painswick Road between Grafton Road and Shurdington Road has a character recognised in The Park Conservation Area: generally detached or semi-detached villas built between the late C18th and early C20th. These houses are often of architectural interest and generally sit in large gardens with trees and lawns and significant open spaces between the buildings, which typify and enhance the area. Painswick Road is noted in the Character Plan as one such street.
3. At the Shurdington Road end, to which the application relates, are 6 detached villas, built in the late 1920s. Although built as individual villas they share in the spirit of the Arts and Craft movement - rendered brick, tall chimneys, sloping roof lines, handmade clay tile roofs, cast iron rainwater goods, steel crissall windows and simple detailing. No. 97 was designed by a well-known local architect in the arts and crafts idiom in 1927 and along with 99 can be seen in the existing Street Scene drawing attached to the application. It is this street scene which the conservation area should preserve. The majority have been sympathetically extended to and maintained with care and are in good condition. Inside they have many arts and craft features such as oak staircases, quarry tiled floors and oak and stone or brick fireplace surrounds. These houses form a distinctive block in the conservation area and will soon have been here for 100 years largely unchanged.

Objection

1. The proposed extension to 99 in a modern styling has no architectural precedent amongst this group of houses and ignores the arts and crafts heritage.
2. The footprint of the extension almost doubles the footprint of the existing house and will dominate the street scene.
3. The Conservation Area policies for The Park particularly promote its expansive, green backdrop with large historic properties in generous green spaces between buildings. The policies celebrate groupings of similar buildings - which is exactly what we have here. To introduce such a substantial modern extension to a 1920s house is out of character and does not in any way preserve or enhance the conservation area.
4. The application further erodes the front garden and trees - converted to hard standing to accommodate an 'in and out' drive and the bulk of the new extension. The proposed extension will destroy the present open vista between Painswick Road and Harefield Close. The loss of front gardens and proliferation of drives are key issues in the Park conservation area and damaging to the conservation area.
5. This is particularly in the context of no.99 presently having an excellent existing landscaped driveway and garage in daily use. The garage was built in the style of a coach house, with matching clay tiles, rendered walls and elm wavy board and a traditional apple store above - probably one of the finest original garages in the area, which would be demolished to accommodate the rear flat roof extension, of a significant size and built on existing garden land.
6. As will be seen from the "as existing" street scene drawing and the existing elevations drawing, no.99 is a fine arts and crafts style house, built in the local vernacular from the 1920s, designed as part of and to complement the surrounding group of houses, enjoying a large landscaped garden and entirely at one with the Park Conservation Area policies.
7. If this application is granted and further applications inevitably follow, on a similar scale and to a modern design, then the arts and craft style and setting of this group of houses will be lost and the conservation area will be damaged.

8 Harefield Grove
Cheltenham
Gloucestershire
GL50 2SJ

Comments: 11th March 2019
Letter attached. .

9 Harefield Grove
Cheltenham
Gloucestershire
GL50 2SJ

Comments: 11th March 2019
Letter attached.

96 Painswick Road
Cheltenham
Gloucestershire
GL50 2EY

Comments: 30th March 2019

This is a disappointingly poor attempt to extend this Arts and Crafts house, that shows neither an understanding of the original design nor any imagination in how to adapt and extend it. The front elevation is dominated by double garage doors at ground floor level with what appears to be a second-rate barn conversion above. This lack of creativity is repeated in the other elevations, producing a depressing banal composition that detracts from the character of the area.

The Local Plan states that "Since the statutory purpose of (conservation area) designation is to preserve or enhance the character or appearance of an area, development is most likely to be acceptable if it harmonises with an area's special architectural and visual qualities... New buildings will normally need to respect the special character and quality of the area".

This proposal contradicts Policy CP7 which requires developments to complement and respect neighbouring development and the character of the locality. The policy on open space in conservation areas (5.17) also states that... "the open and green character often depends as much upon smaller, less formal open spaces, often in private ownership and not accessible to the public. Private gardens, including those associated with commercial buildings, are important in this respect".

The Supplementary Planning Document on development on garden land also states that "applicants need to demonstrate that they have understood the distinctive character of the neighbourhood, street and block and responded to this character with their designs".

This application fails to satisfy any of the existing policies relating to development in conservation areas and should therefore be refused.

30 Painswick Road
Cheltenham
Gloucestershire
GL50 2HA

Comments: 9th March 2019

Comments made on behalf of the St Philip and St James Area Residents' Association

General comments

We are pleased to see that both the previous two applications have been withdrawn.

The new application is a considerable improvement in several respects:

- There is no longer a proposal for a major new building in the garden
- The character of the existing Arts and Crafts building at 99 Painswick Road has been recognised and respected
- The proposed car port has gone
- Key trees have been saved.

However, there are several objectionable features of the scheme as now presented.

Detailed objections

Excessive enlargement

Page 56

We think the extension is very large. The extra footprint must be at least as large as the existing building; floor space be about two thirds greater. The impact as seen from the street (which is not illustrated in the supporting documents) will be considerable: the extension will dominate the pleasant street frontage provided by the existing house.

Loss of green aspect

The extension will largely blot out the view of the garden and trees that can at present be seen from Painswick Road to the right of number 99. This would negatively affect the quality of the area as recorded in the Park character area analysis: "There are generally large amounts of private green space but comparatively little public green space. This may be due to the majority of houses being sited within good-sized plots and containing front and rear gardens. The occurrence of public and privately owned trees and green spaces in the area greatly enhances its setting, character and appearance. Such spaces need to be well maintained and protected" (para 3.54).

While the direct loss of garden area from building the extension as proposed might be relatively small, the impression from the street would be completely different.

Loss of garage building

Few domestic garages are worth a second look but the existing garage of number 99 is. It is built in the style of the main building and makes an attractive period feature in its own right.

Suggestion

We do not object to the enlargement of the existing building, if sensitively done.

Instead of the current scheme, we suggest that the applicant be asked to redesign the extension so that it becomes instead an enlargement to the back of the house rather than to the side; and also retain the existing garage.

95 Painswick Road
Cheltenham
Gloucestershire
GL50 2EX

Comments: 11th March 2019

We live very close to this great house and we are in a conservation area so please keep the house as it is now.

The plan shows lots of trees being felled and building extensions. All this work is very unwanted by the neighbours.

If you stand back and look at the current house you will see a very fine individual property that is a great family home.

Please do not change it.

92 Painswick Road
Cheltenham
Gloucestershire
GL50 2EY

Comments: 7th March 2019

We write to register opposition to the application for an extension to this property.

The plans indicate substantial alterations that would be not only disproportionate but out of keeping with the character and visual appearance of the road.

We believe extensions to a property should be discreet and consistent with the surrounding area, if possible blending in with the architecture and environment. This proposal fulfils none of these conditions.

We would further point out that Painswick Road is in a conservation area, and is widely regarded as one of the most attractive streets in Cheltenham. Nothing, in our opinion, should be done to destroy its appearance in so conspicuous a way as this would do.

We feel the application should be refused until a more unobtrusive and appropriate design is forthcoming.



For the attention of Lucy White
The Planning Office
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 1PP

8 Harefield Grove
Cheltenham
GL50 2SJ

6 March 2019

Dear Ms White

Re 19/00304/FUL – 99 Painswick Road

We received an anonymous letter yesterday regarding this application – we received nothing from the Planning Office about the above proposal. My wife and I attach our objections to this revised proposal.

Yours sincerely

A large black rectangular redaction box covering the signature area.

A large black rectangular redaction box covering the address area.



8 Harefield Grove, Cheltenham Gloucestershire GL50 2SJ (Objects)
Comment submitted date Wednesday 6 March 2019
Expansion and alterations to 99 Painswick Road and Garage Cheltenham GL50 2EX
19/00304/FUL

Erection of two and single story side and rear extensions at 99 Painswick Road 19/00304/FUL

Background

We are the joint owners of the property directly behind 99 Painswick Road and diagonally opposite the present garage and store of which we have an uninterrupted view.

We note that the new application and details submitted by the developer of this property are an improvement on the original applications (18/02037/FUL and 18/02038/FUL – now consolidated within 19/00304/FUL). The combined result still makes a mockery by the developer to recognise the full implications required as a property within our local Conservation Area. Whilst the main building will retain some of the main buildings original charm, that cannot be said for the new garage and the TWO story side extension.

The garage extension and two story extension to the rear will look totally out of place. If it is allowed, as now proposed, it is likely to encourage other 'inappropriate' developments in our Conservation Area in future. We would also query the need for the second floor glass area between the two buildings, further spoiling the view from both sides of the property (we would query the need for the 'void' areas between the two properties).

Objection

The design of the former garage was sympathetic to the main building. The present proposal is not.

The Conservation Area was designed to protect and maintain the area, its property and its heritage - not to water it down.

The proposed materials to be used in the extension area behind the garage remain inappropriate for the period and area.

9 HarPage 60
The Park
CHELTENHAM
GL50 2SJ



Telephone: [REDACTED]

Email: [REDACTED]

Cheltenham Borough Council
Planning Dept
P O Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

7th March 2019

Dear Sir/Madam

Your references: 19/00304/FUL

Our comments are as follows:

- The proposal is out of character with the Park area and the Conservation Plan and does not complement the surrounding area and its properties, some of which are the arts and crafts traditional style buildings.
- The proposed extension in a modern style is very large and has no architectural precedent in Painswick Road.
- We recommend that the current garage is incorporated into any new extension to the main house, thus preserving this original building.
- We must comment that this application is a considerable improvement on the original application.

We therefore recommend that the application be refused for the reasons given above.

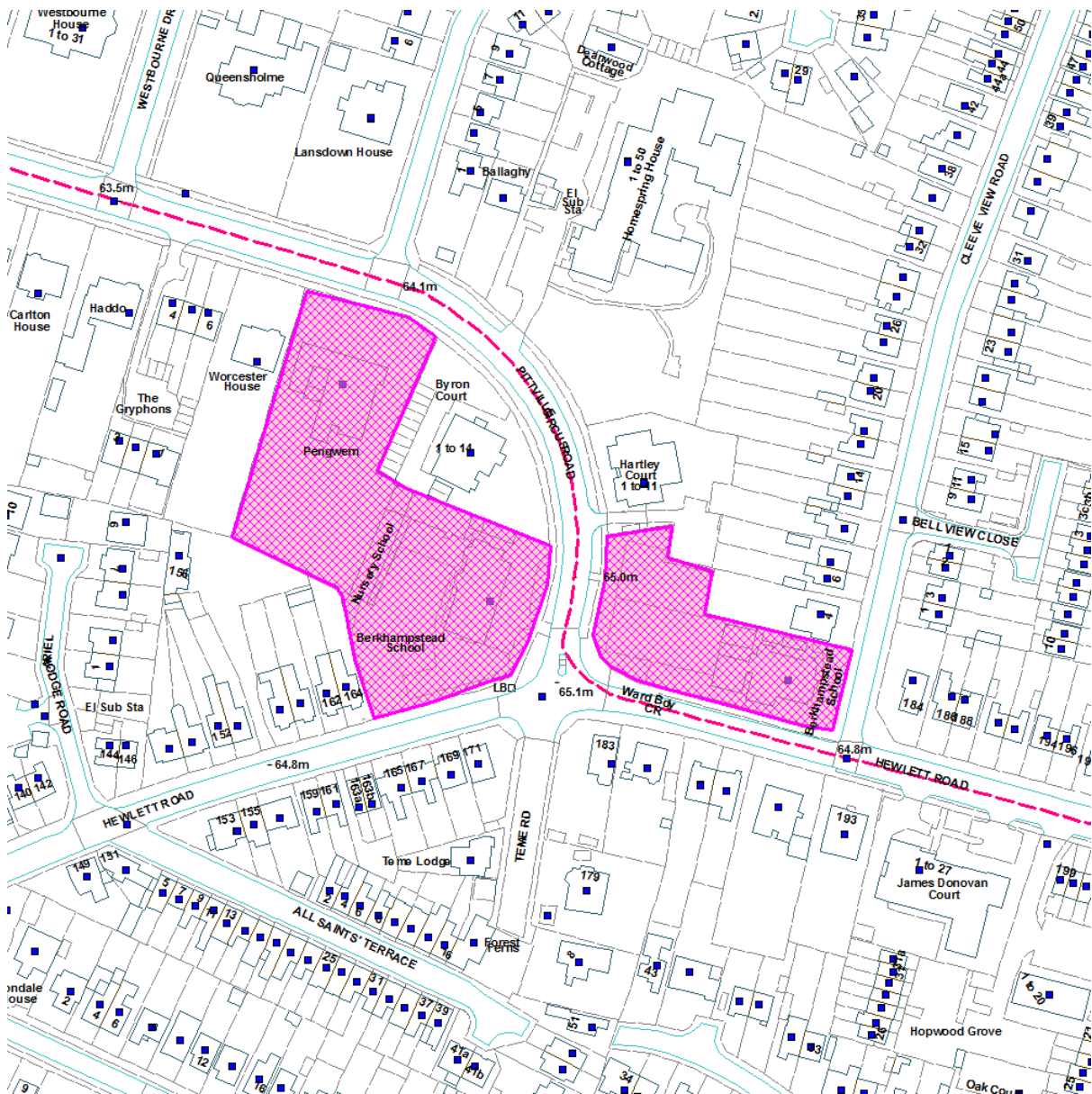
Yours faithfully

[REDACTED]

[REDACTED]

APPLICATION NO: 19/00388/FUL	OFFICER: Mr Ben Hawkes
DATE REGISTERED: 3rd March 2019	DATE OF EXPIRY: 28th April 2019
DATE VALIDATED: 3rd March 2019	DATE OF SITE VISIT: 15th March 2019
WARD: All Saints	PARISH:
APPLICANT:	Berkhampstead School
AGENT:	Future Rooms
LOCATION:	Berkhampstead School, Pittville Circus Road, Cheltenham
PROPOSAL:	Erection a timber framed building within the school grounds for use as a 'wellbeing pod'

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to part of the Berkhamstead School site, located within Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for the erection of a timber framed building for use as a 'wellbeing pod' on land adjacent to the existing school building located on the corner of Cleeve View Road and Hewlett Road.
- 1.3 The application is at planning committee at the request of Councillor Wilkinson who considers the proposal to be 'appropriate for the site and would not result in harm to the area.'

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Smoke Control Order

Relevant Planning History:

17/00784/FUL 19th June 2017 WDN

Proposed dropped kerb and parking area for school mini buses
00867/LBC

18/02081/FUL 14th December 2018 WDN

Erection of a timber framed garden room within the school grounds to provide extra school space.

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 11 Making effective use of land
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 2 Sequential approach to location of development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
BE 1 Open space in conservation areas
GE 6 Trees and development

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SD4 Design Requirements
SD8 Historic Environment
SD9 Biodiversity and Geodiversity
SD14 Health and Environmental Quality

4. CONSULTATIONS

Cheltenham Civic Society

22nd March 2019

While the Planning Forum welcomes this exciting initiative of a 'wellbeing pod', we suggest the design should be far more imaginative, especially while these children's aesthetics are still being developed. This building looks more like a storage shed, rather than a structure to inspire and enhance wellbeing.

Building Control

11th March 2019

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

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	24
Total comments received	4
Number of objections	0
Number of supporting	4
General comment	0

5.1 24 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. 3 letters of representation in support of the application have been received. The reasons have been summarised but are not limited to the below:

- Benefit to pupils/valuable resource
- Limited harm to the appearance of the area

6. OFFICER COMMENTS

6.1 **Determining Issues**

6.2 The considerations of this application are the design, impact on the conservation area, impact on existing trees and impact on neighbouring amenity.

6.3 **The site and its context**

6.4 The building adjacent to the proposed development is known as number 2 Cleeve View Road and forms part of the Berkhamstead school site. The site is located on the corner of Hewlett Road and Cleeve View Road and is within Cheltenham's Central Conservation Area.

- 6.5 The area of land to which the proposal is to be sited on is currently open garden land which is laid to lawn and includes soft landscaping and nearby mature trees.
- 6.6 Design and impact on the conservation area**
- 6.7 The proposed structure is a timber framed building measuring approximately 5 metres in length, 3 metres in depth with a maximum overall height of 2.5 metres. The building is proposed to be located to the south of the existing building running adjacent to Hewlett Road. The application site has a particularly sensitive location being on the corner of Hewlett Road and Cleeve View Road, a new structure in this location will therefore be prominent in the street scene.
- 6.8 JCS policy SD8 states ‘Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.’ Paragraph 193 of the NPPF states that ‘When considering the impact of the proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.’ In this case, we are considering the impact on the conservation area.
- 6.9 Officers do not consider the proposal of a timber built structure as detailed and in this prominent and sensitive location to be acceptable; in the proposed location it would result in an incongruous addition to the street scene and would be harmful to the character of the conservation area. In an alternative and less sensitive location this form and design of proposal may well be acceptable. However, in the supporting statement the school suggests that this is the only feasible location within the ‘Berkhampstead School’ site for the proposed building. In addition to the officers concerns, the Civic Society has raised concerns with the design of the proposed development, which officers agree with.
- 6.10 It is therefore necessary to consider the level of harm resulting from this proposed development in accordance with paragraph 196 of the NPPF which states ‘Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal’. Officers consider in this instance that the level of harm is less than substantial.
- 6.11 PPG paragraph 020 sets out that public benefits can be “anything that delivers economic, social or environmental progress” and should “flow from the proposed development” and “be of a nature or scale to be of benefit to the public at large”. Whilst the benefits to the school are acknowledged these benefits are not for the wider public. It is therefore the view of officers that there are no public benefits to outweigh the identified harm and it is for this reason that the proposal is considered to be contrary to local plan policy CP7, JCS policy SD8 and the relevant parts of the NPPF.
- 6.12 Impact on neighbouring property**
- 6.13 Due to the scale of the proposed development, its position within the plot and the relationship with neighbouring properties, the proposal is not considered to result in any unacceptable impact on neighbouring amenity in terms of a loss of light or loss of privacy.
- 6.14 The proposal is therefore considered to be compliant with local plan policy CP4 and adopted JCS policy SD14.
- 6.15 Other considerations**
- 6.16 There are a number of trees located in close proximity to where the proposed timber building is to be located, these trees are located both within the application site and adjacent to the site. No relevant tree information regarding the tree root protection area or the proposed foundation type has been submitted to support this application. The

council's tree officers are therefore unable to consider whether the development will have any harmful impact on these existing trees.

- 6.17 In the absence of this information the proposal is considered to be contrary to local plan policy GE6, Joint Core Strategy Policy INF3 and relevant guidance within the NPPF.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Having considered all of the above, officer recommendation is to refuse the application for the reasons detailed above.

8. INFORMATIVES / REFUSAL REASONS

- 1 The application site forms part of Berkhamstead School, is located within Cheltenham's Central Conservation Area and has a prominent position on the corner of Cleeve View Road and Hewlett Road.

It is considered that the proposed timber framed building in the proposed location fails to preserve or enhance the character or appearance of Cheltenham's Central Conservation Area and would appear as an incongruous addition in the street scene. The proposal is deemed to be contrary to the design guidance contained within Local Plan Policies CP7, BE1, Joint Core Strategy Policy SD4 and the relevant guidance within the NPPF.

- 2 Insufficient information has been submitted to demonstrate that the proposed timber framed building will not have an unacceptable impact on the roots of the trees located within and adjacent to the site. The proposal is therefore considered to be contrary to local plan policy GE6, Joint Core Strategy Policy INF3 and relevant guidance within the NPPF.

INFORMATIVES

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

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

In this instance, having had regard to all material considerations, the authority cannot provide a solution that will overcome the harm to the conservation area.

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

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APPLICATION NO: 19/00388/FUL		OFFICER: Mr Ben Hawkes	
DATE REGISTERED: 3rd March 2019		DATE OF EXPIRY : 28th April 2019	
WARD: All Saints		PARISH:	
APPLICANT:	Berkhampstead School		
LOCATION:	Berkhampstead School, Pittville Circus Road, Cheltenham		
PROPOSAL:	Erection a timber framed building within the school grounds for use as a 'wellbeing pod'		

REPRESENTATIONS

Number of contributors	4
Number of objections	0
Number of representations	0
Number of supporting	4

5 Cirencester Road
 Charlton Kings
 Cheltenham
 Gloucestershire
 GL53 8EP

Comments: 1st April 2019

This proposed 'Wellbeing' pod would greatly benefit our pupils, particularly those feeling anxious and in need of tranquility and tender loving care. Our School is all about happy children, and we make every effort to ensure they remain so.

5 Lansdown Lodge Drive
 Cheltenham
 Gloucestershire
 GL51 6QJ

Comments: 4th April 2019

I am sure that the council will believe that teaching children about how to support their mental health will be vital to ensuring the future good mental health of our town. This facility is designed to enable that to happen for the children of Berkhampstead School.

It is a garden room like many Cheltenham residents have in their gardens for use as office spaces, studios or just a relaxing extra space. It is not "a storage shed". The room was designed to be in keeping with the existing buildings and those of the neighbours some of whom also have these garden rooms. It will be a quiet, calm and relaxing space, a space to share worries and problems and to enable private counselling to happen. The parents and children have worked really hard to raise the funding for this room which will open out on to a restful garden area nowhere near other properties. It will not impact negatively on anyone but could be a very positive space for a child in need.

13 Sinclair Road
Shurdington
Cheltenham
GL51 4SL

Comments: 27th March 2019

This well-being pod will be a valuable resource for children to visit when they have problems they need to talk through with someone; in this stressful modern age, more and more children have the need to have someone to discuss things with. It will be a relaxing, non-schoolish environment for them, accessible from the playground.

From the point of view of impact on the appearance of Hewlett Road, it will make little difference; it will be a single storey structure behind the boundaries already present.

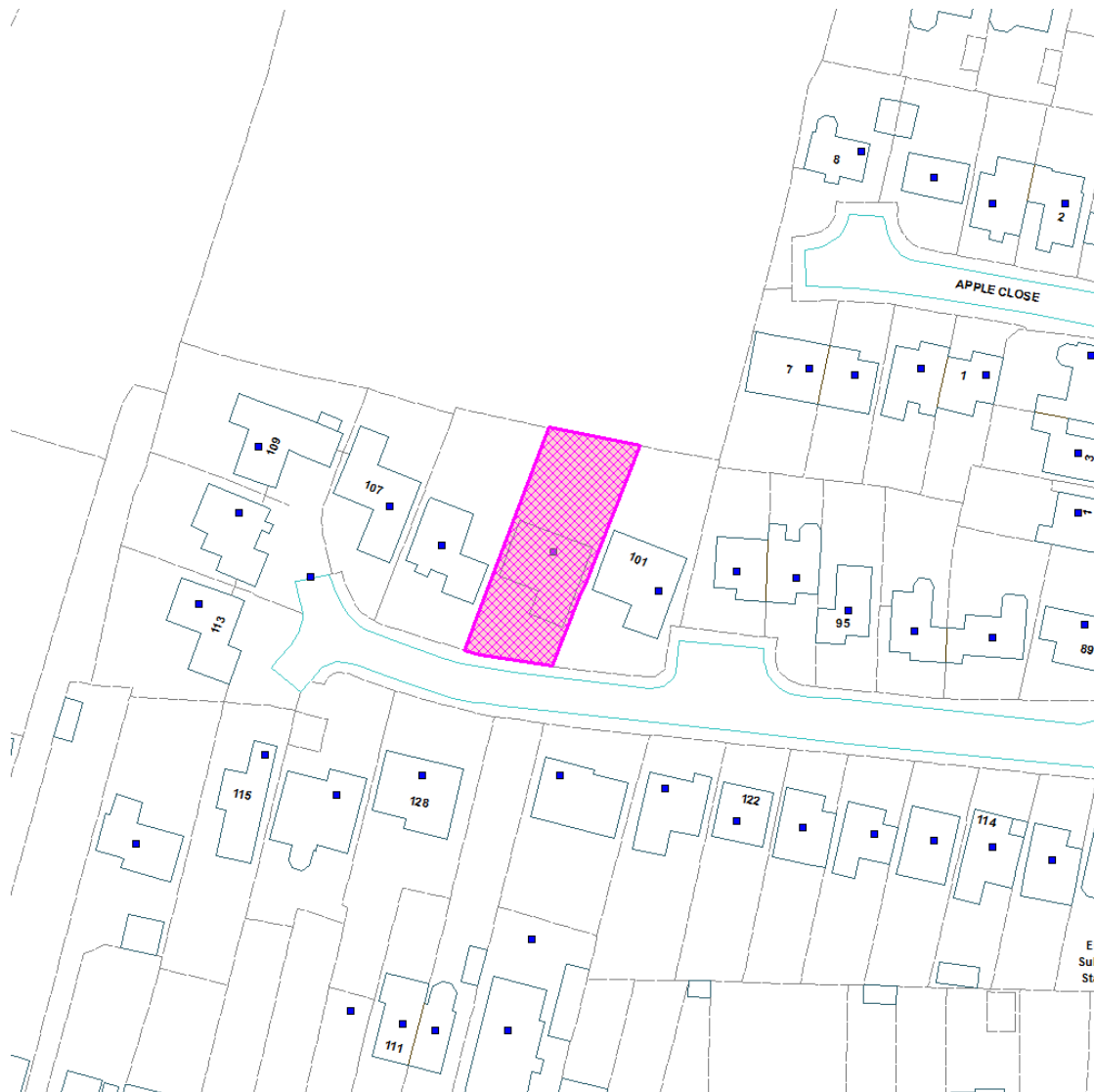
Court Cottage
Pamington
Tewkesbury
GL20 8LX

Comments: 1st April 2019

Ensuring the happiness and wellbeing of the pupils at Berkhpstead is central to our aims. The Wellbeing Pod will provide a tranquil and private space where pupils can share their worries, receive counselling or simply escape the noise and bustle of the playground. Its impact on the appearance of Hewlett road will be negligible. Its impact on the wellbeing of the pupils will be huge.

APPLICATION NO: 19/00550/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 19th March 2019	DATE OF EXPIRY: 14th May 2019
DATE VALIDATED: 19th March 2019	DATE OF SITE VISIT: February 2019
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Mr Patrick Durkan
AGENT:	M and L Designs
LOCATION:	103 Linden Avenue, Prestbury, Cheltenham
PROPOSAL:	First floor front extension to provide additional bedroom and conversion of garage to storeroom and habitable space (revised scheme following withdrawal of planning application ref. 19/00196/FUL)

RECOMMENDATION: Refuse



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to a detached two storey dwelling which sits within a good sized plot on the northern side of Linden Avenue, within Prestbury parish. The property is facing brick beneath a pitched tiled roof, with brown uPVC windows and doors; and a double garage with hipped roof projects forward of the front elevation. The property has also been previously extended by way of a single storey, lean-to, front extension.
- 1.2 The application proposes the erection of a first floor front extension over part of the existing garage to provide an additional bedroom with ensuite, and the conversion of the garage to provide a storeroom and additional habitable accommodation. It is a similar albeit amended scheme following the recent withdrawal of application ref. 19/00196/FUL.
- 1.3 Councillor Stennett has requested, on behalf of the applicant, that the application be determined by the Planning Committee if the officer recommendation is to refuse planning permission.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

19/00196/FUL

WITHDRAWN

13th March 2019

First floor front extension to provide additional bedroom and conversion of garage to storeroom and habitable space

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 12 Achieving well-designed places

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATION RESPONSES

Parish Council

27th March 2019

No objection.

Building Control
26th March 2019

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to four neighbouring properties. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The main considerations when determining this application are the design of the proposed extension, and any potential impact on the amenity of neighbouring residents.

6.2 Design

6.2.1 Adopted JCS policy SD4 sets out the design requirements for new development proposals. The policy seeks to ensure that all new development is of a high standard of design, and responds positively to, and respects the character of, the site and its surroundings. The policy is consistent with saved local plan policy CP7 and advice set out within Section 7 of the NPPF.

6.2.2 Prior to submitting an application, the applicant attended an appointment with the duty planning officer to discuss the possibility of an extension to the front of the property. The applicant was advised that the principle of extending the property above the garage in the same way as the neighbour at no.101 Linden Avenue was likely to be supported by officers; however, it was also pointed out that it was likely to be difficult to increase the width at first floor to achieve access from the landing at the top of the stair, due to the existing roof pitch, but that there may be a solution and it may be worth exploring.

6.2.3 Unfortunately, the extension as submitted is not one that can be supported by officers. As proposed, the extension appears overly wide and at odds with the character and appearance of the existing property and the locality.

6.2.4 The Council's 'Residential alterations and extensions' Supplementary Planning Document (SPD) identifies that the pitch and shape of a roof, window design, and fenestration pattern are some of the key characteristic features of a dwelling which should influence the design of an extension. It goes on to state that whilst a varied street scene may allow for *"some diversity in the design of a house extension...total contrast in every design element such as roof profile, windows, materials and footprint produce discord, and if repeated in another house, lead to incoherence"*.

6.2.5 As proposed, the excessive width to the extension results in an unequal pitch to the hipped roof and would fail to reflect the relatively steep, 37 degree, roof pitch of the existing dwelling and its immediate neighbours; the sides of the hipped roof being at a 26 degree pitch. Additionally, the fenestration to the extension fails to adequately reflect the existing window design. For example, the proportions of the arched windows at ground floor, in the front of the garage conversion, do not reflect the proportions of the window in the earlier sun room extension despite the existing garage door openings providing a clear opportunity to do so. The upper floor full height window also appears out-of-character;

whilst the relocated roof light to the sun room is poorly located and should be positioned so as to line through with the upper floor window, not centrally within the roof slope.

6.2.6 Overall, officers consider the proposed extension to be of a poor design and contrary to the requirements of the adopted SPD, saved local plan policy CP4 and adopted JCS policy SD4.

6.3 Impact on neighbouring amenity

6.3.1 Saved local plan policy CP4 and adopted JCS policy SD14 seek to ensure that new development does not result in unacceptable harm to the amenity of adjoining land users and the locality, with particular regard to loss of light, loss of outlook, and loss of privacy.

6.3.2 The property that would be most affected by the proposed extension is no. 101 Linden Avenue to the east. There are no concerns in relation to privacy as the upper floor window in the side elevation facing this neighbouring property would serve an en-suite and could reasonably be expected to be obscurely glazed; and, in any case, this could be controlled by way of a condition. Additionally, given the depth of the first floor addition, which is approximately 3.1m, the extension would be unlikely to result in any significant impact in terms of outlook.

6.3.3 With regard to daylight, the proposed extension would undoubtedly have an impact on the ground floor windows in the front of the neighbouring property. However, the downstairs room appears to be served by two large windows, one of which comfortably passes the 45° daylight test used to assess the effect of an extension, and to ensure adequate daylight and prevent excessive overshadowing. As such, officers do not consider that the extension would have a significant harmful impact on the amenity of neighbouring residents.

6.3.4 It is noteworthy that no objection has been raised by local residents or the parish council.

6.3.5 The extension would therefore comply with the requirements of saved local plan policy CP4 and adopted JCS policy SD14.

6.4 Other matters

6.4.1 The proposed extension would result in the loss of two car parking spaces; however, adequate space for car parking would continue to be available on the driveway.

6.5 Recommendation

6.5.1 With all of the above in mind, the officer recommendation is to refuse planning permission for the following reason:

7. REFUSAL REASON

- 1 The proposed extension, by virtue of its excessive width, roof pitch, and fenestration pattern, is poorly designed and would be at odds with the character and appearance of the existing property and the locality.

The proposed extension would therefore fail to achieve an adequate standard of architectural design and would be contrary to the requirements of the adopted 'Residential alterations and extensions' Supplementary Planning Document, saved policy CP4 of the Cheltenham Borough Local Plan (2006) and adopted policy SD4 of the Joint Core Strategy (2017).

Document is Restricted

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