



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

Thursday, 19 September 2019
6.00 pm
Council Chamber - Municipal Offices

Membership	
Councillors:	Karl Hobley, Garth Barnes (Chair), Paul Baker (Vice-Chair), Stephen Cooke, Diggory Seacome, Victoria Atherstone, Bernard Fisher, Dilys Barrell, Mike Collins, Alex Hegenbarth, 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

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Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. PUBLIC QUESTIONS**
- 5. MINUTES OF LAST MEETING** (Pages 7 - 24)
- 6. PLANNING/LISTED BUILDING/CONSERVATION AREA CONSENT/ADVERTISEMENT APPLICATIONS, APPLICATIONS FOR LAWFUL DEVELOPMENT CERTIFICATE AND TREE RELATED APPLICATIONS –**

SEE MAIN SCHEDULE

- a) **19/01436/FUL, The Quadrangle, Imperial Square, Cheltenham** (Pages 25 - 34)
[Planning application documents](#)

- b) **19/01506/FUL and ADV, 138 High Street Cheltenham, Gloucestershire** (Pages 35 - 42)
19/01506/FUL - [Planning application documents](#)

19/01506/ADV - [Planning application documents](#)

- c) **19/01591/FUL, 29 Unwin Road, Cheltenham, Gloucestershire** (Pages 43 - 52)
[Planning application documents](#)

- d) **19/01598/CACN, 1 Moorend Street, Cheltenham** (Pages 53 - 56)
[Planning application documents](#)

- e) **19/01779/CONF, 27 - 33 Swindon Road, Cheltenham, Gloucestershire** (Pages 57 - 68)
[Planning application documents](#)

- 7. **APPEAL UPDATES** (Pages 69 - 70)

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

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
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**Thursday, 22nd August, 2019
6.00 - 8.25 pm**

Present at the meeting

Attendees	
Councillors:	Councillor Garth Barnes (Chair) Councillor Bernard Fisher Councillor Stephen Cooke Councillor Mike Collins Councillor Rowena Hay Councillor Dilys Barrell Councillor Paul Baker (Vice-Chair) Councillor Simon Wheeler Councillor Karl Hobley Councillor Paul McCloskey Councillor Tim Oliver Councillor Chris Mason (Reserve) Councillor Roger Whyborn (Reserve)
Officers in Attendance:	David Oakhill, Head of Planning Michelle Payne, Senior Planning Officer Ben Hawkes, Planning Officer Claire Donnelly, Planning Officer Nick Jonathan, Legal Officer Chris Mead, Gloucestershire County Highways Officer

1. Apologies

Cllr Seacome, Cllr Atherstone, Cllr Payne, Cllr Hay

2. Declarations of Interest

19/01296/FUL 3 Wendover Gardens

Cllr Mason: supports the residents opposing the proposal – will leave the Chamber during this debate

19/01141/FUL 2 Bethesda Street

Cllr Barrell: – is ward councillor, lives in the area, and has attended events and activities at the church, but has taken no public view and been advised that this constitutes no prejudicial interest.

Cllr Barnes: is a friend of the objector. Will leave the Chamber during this debate; Cllr Baker will take the chair.

19/01375/FUL 21 Canterbury Walk

Cllr Fisher: lives in Canterbury Walk but does not know the applicant, so no prejudicial interest.

3. Declarations of independent site visits

Cllr Mason: visited all the sites on Tuesday evening

Cllr Wheeler: has looked at all on the sites on Google, and driven past **21 Canterbury Walk** to get an idea of the scale.

4. Public Questions

There were none.

5. Minutes of last meeting

The minutes of the meeting held on 18th July 2019 were approved and signed as a true record.

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

6a. 19/01141/FUL 2 Bethesda Street

Cllr Barnes left the Chamber; Cllr Baker took the chair.

Officer introduction

BH introduced the application as above. It is situated in the central conservation area, and will have frontage to Chapel Lane, similar to No.1 Bethesda Street. It is at Committee at the request of Councillor Harman, due to residents' concern about over development, loss of amenity, access issues, and the impact on Bethesda Church Hall. All of these issues have been considered, as set out in the report. The recommendation is to permit.

David Terry, on behalf of Bethesda Church members and regular hall users, in objection

Two years ago, Bethesda spent £650k on refurbishment, to create a modern, community-serving church centre, which includes the large hall opposite the proposed dwelling. On a weekly basis, this is used, amongst other things, for two mum and toddler groups, a lunch club for the elderly, cubs, scouts, brownies, a dementia support group – adding up to approximately 500 people a week. The hall has three large south-facing windows directly across to gap on Chapel Lane, and receives 90% of its natural light from those windows; there is one other small window in the hall. For 150 years, the hall has had the benefit of daylight flooding in, but now that will be blocked by a building 10 feet away. This will have a detrimental effect on all users, as sunlight has many benefits, especially on the needy. Strip lighting is not used all the time in the hall, only when needed. In addition, while the existing buildings only slightly overlook the hall, the windows of the proposed dwelling will directly overlook it, giving rise to safeguarding concerns. The report states that the proposal won't cause unacceptable loss of light, but would respectfully disagree with this, and question whether it is based on the experience of standing inside the hall and looking out.

Understands that the law doesn't give the right to light, but would suggest that a 150-year-old listed building serving as a vibrant, modern community centre deserves some right to light. Church members and hall users are very concerned, and ask Planning Committee members to reject the application.

Public Speaking

Mr Otter, applicant, in support

Moved to 2 Bethesda Street two years ago with his partner, with the intention to make it into a family home. This work is now complete, but the parking space to the rear is used as a parking space for other people, by dogs, and for other anti-social behaviour. One solution would be to build a wall to alleviate the problem, but would rather do more. Parking is not an issue in the area – it is residents' parking only, and there are two big car parks nearby which are cheap by day and free at night. There are concerns that the new dwelling will overlook the church hall, but it is not true to say that the existing houses on Chapel Lane and Bethesda Street don't already have windows overlooking the hall – from No. 2 Bethesda Street, it's possible to see right into the hall from the back windows. The hall is used by his own child, and is unaware of any complaints about overlooking; if it was a problem, suggests that more could be done by the church to prevent it. The new dwelling will be closer to the church, but the two ground floor windows will be opaque glass to reduce any worries about views into the church hall. Regarding construction techniques and disturbance, most of the houses in Chapel Street have been built in back gardens of Bethesda Street, and suggests a better construction method statement to ensure disturbance is kept to a minimum. In addition, as he owns the existing house, the new dwelling can in effect be built from the inside out

Cllr Harman, in objection

Doesn't call applications in to Committee lightly – there are real concerns here, as Members hopefully saw on Tuesday. Mr Terry has made a lot of good points, and in the agenda pack, Members will have read many comments and objections from various users of the hall and neighbours, including a well-argued objection from a neighbour at 2 Chapel Lane who is unable to attend the meeting tonight. On planning view, they will have observed that Chapel Walk has a particular character, and is a nice area of sanctuary. Understands that the applicant wants to improve the standards of his home, but this area is special and if the proposal goes ahead, it will have a significant effect on Chapel Lane and this cannot be ignored. Bethesda Church plays a vital role in the community in that part of town, and objections from church users and residents are not frivolous; the Civic Society has also raised concerns. Hopes Members will consider the application carefully and hopes they will not approve it; if they do, however, hopes they will consider measures to soften its impact, or defer pending improvements to the scheme.

Member debate

PB: notes that the biggest issue is the loss of light to the church hall and the impact on its users.

BH, in response:

- when considering loss of light and protection of habitable spaces in residential properties, officers apply the 45 degree rule; guidelines state that this can also be applied to non-domestic buildings, including schools, hotels, hospitals, small workshops and some offices. Village halls are not specifically listed, so the decision is needed as to whether church hall use falls into one of the categories which can have reasonable expectation of daylight.

RW: drilling down on light protection, has read the officer statement and noted that the examples given don't include church halls, but these are only examples. The import is that occupants have reasonable expectation of daylight, and the Committee seems to be of the opinion that the community hall can have that expectation. Has experience of this – daylight is good for a community hall, and it is reasonable that the Committee takes it on board.

KH: thinks on this occasion we should support applicant in what feels like the creation of a mews house - looking along Chapel Lane, practically everyone else has done it. This in itself isn't a reason why this applicant should do it too, but he could feel aggrieved if all the neighbours have built structures of this kind, and he is not allowed to do it. We shouldn't deny him the opportunity in this instance.

Respects the concerns raised by objectors – neighbours and users of the church hall - but feels that if their safeguarding concerns are that strong, the onus should be on church hall to obscure their windows in some way. It seems odd to put this responsibility on the builder. Notes that the applicant has offered to consider obscure glass, and this should be done, if it works.

Doesn't agree that the proposal will have a significant impact on parking - the applicant is right to say there are large car parks in area, and we can't constantly turn down applications on parking grounds. This is a sustainable location, already densely populated, but by and large very nice area to live. Doesn't think the addition of this property will significantly impact that.

SW: agrees with RW in thinking that public halls should be included in the list of places that have a right to daylight. Another point is that looking down Chapel Street, most of the houses that have been built there are opposite houses with small gardens, while the church hall is right up against against the narrow alley-like road - to build another property directly opposite, on what from a birds-eye view is the only little piece of green land in the area, could be seen as over-development. The church hall deserves the right to some natural daylight.

CM: coming back to the list of non-domestic buildings read out by the officer, this isn't exclusive, which means other types of building can be taken into consideration. Functions and users of Bethesda Hall are entitled to expect daylight. Notes that the Civic Society expressed surprise that the drawings it viewed on 26th June were conceptual – are the final drawings available now? Would also suggest that dormer windows are not in keeping with the area.

DB: parking space will be lost, and there are major parking problems in this area, but realises that is not seen as a major concern. Also believes that church hall is entitled to expect some daylight – it is like a school, and is regularly used without electric light. Another important issue which has not yet been brought up is that the church is a Grade II-listed asset, and although the hall itself isn't listed, it would seem that it is part of the setting of the heritage asset, and all sorts of things should be taken into consideration when looking at a heritage asset, the impact of the proposal on its significance, and the potential harm – this requires clear and convincing justification. It is also an important and well-used community asset, and all this should be taken into consideration.

PM: is primarily concerned about the light for hall users, but DB has raised another important issue about the setting of the heritage asset. The guidance list, including hospitals and schools, is significant, and there is a difference here: domestic use means 365 days a year, hospitals all day every day, but guides, brownies and other hall users only use the hall for 2-3 hours a week – has sympathy with this argument, but this isn't a domestic property and the question of light is different.

DB talked about the listed building and its environment – the listed status relates to the whole of the church – this application is just affecting the windows to the hall. Cannot see that one building will make that much difference in this particular setting; the buildings are much of a muchness and there are a lot of buildings just as close to it as the proposed.

SC: this building is a heritage asset with community use, in a conservation area – it is not just a church. There have been 13 objections, not just from individuals, but also from community groups; it is clear that many users will be affected, maybe for only a few hours a week but in perpetuity. Is concerned for all users of the hall; the applicant is just one individual. The hall was built with windows facing directly due south, to receive direct sunlight at all times of day – this is a good thing. The proposed house will be just a few feet away, directly south of windows, and will block out light, having a material impact on all users.

PB: it's clear that a lot of Members feel this sympathy, but the question is whether there are any planning grounds for refusal here.

DO, in response:

- the guidance used by officers is prepared by a national lighting specialist, and lists buildings other than dwellings - the primary consideration is how intensely and how frequently the buildings are used. This can obviously range from eight hours a day to once every few days. Use of the church hall is transitory, and this makes a difference. The windows are on the south elevation because they can't be on north, west, or east, where the roof of the hall drops away;
- regarding the listed status of the church, the church hall is not included in the listing; the case officer has engaged with conservation officers who have considered the scheme and have no objections – they do not consider it causes any unacceptable harm to the setting of a listed building.

(**Note:** Mr Terry stated at this point that the church hall is included in the listing of the church).

PB: is there any requirement for amenity space in new properties?

BH, in response:

- the Civic Society noted that the drawings were only conceptual, but this was an oversight on agent's part; the revised plans no longer are no longer titled 'conceptual', and if approved, these will be the drawings used;
- regarding the dormers, these were changed during the process, reduced in size and location on the front elevation; they are not a common feature, but recently approved in another local application;
- regarding amenity space, there is no requirement for new development to provide amenity space for a new dwelling; bin, bike and recycling space are provided as part of development.

MC: noted on Planning View that this is a tight site, but it is sustainable development, and the applicant has said he is prepared to obscure the windows in some way. Is happy with the application as it stands; will vote in support.

PB: the church could obscure its windows if necessary.

BF: members are getting carried away with the light issue. The new dwelling will be 14 foot away, and on an average day, ambient light will be similar to what it is now. It is immaterial why the church hall windows are on the south of the building – it will receive ambient light, it is non- residential, and a lot of activities take place in the evening and rely on electric light. Another way to prevent overlooking would be to put up curtains.

PB: looking at planning policies, is unhappy about the impact the application will have on the church hall, but is struggling to find any planning reasons to support this.

DB: the NPPF talks about preserving historic environment, but the issue here is the significance of the church and the important spiritual and community support it provides. The harm that the loss of that significance will cause is clear and convincing justification; the proposal will cause substantial harm to the building, as set out in Paragraph 194 of the NPPF.

DO, in response:

- looking at the website, can confirm that the Methodist church is listed, but the hall is not. The two designated heritage assets to be taken into account are the church and the conservation area.

BF: another family will live in the new house, and this will be an asset for the church; church is about the people and the community, not the buildings. Has attended non-church events at Bethesda and realises it is a good community asset; another family in the area will be another community asset.

RW: was leaning towards refusal at start, but having listened to the debate, is not convinced that there are reasons strong enough for refusal. As DO explained the examples set out in policy guidance and how long users spend in the building, is persuaded that it isn't strong enough reason to refuse and it would therefore be better to provide another much-needed dwelling in Cheltenham. If the application is refused and goes to appeal, it would be lost if the only appeal grounds were the light issue.

PB: residents will hear Members' predicament and understand that there is a lot of unhappiness, but the Committee has to go by planning rules and the additional dwelling won't prevent church providing a community function.

Vote on officer recommendation to permit

7 in support

4 in objection

PERMIT

6b. 19/01230/FUL 151 Old Bath Road

Cllr Barnes back in Chair.

BH introduced the application, seeking planning permission for a detached single garage to the front of the property. Councillor Sudbury asked for a Committee decision, as she is concerned for highway safety and about the impact the garage will have on the character of the area.

Public Speaking

Cllr Sudbury was unable to attend the meeting to speak on traffic implications of the application, but had submitted comments for Members to read.

Member Debate

SC: Cllr Sudbury makes good points - hadn't appreciated how difficult it might be to get in and out of the garage and into road. In a different application in Leckhampton, where there was a similar issue, the applicant provided a sweep view to show how to get in and out safely. Here, the residents may have to reverse into the road, on a bend, with trees obscuring the view and traffic travelling at 30mph. Is there evidence of a sweep view or analysis to confirm it will be safe to get in and out without having to reverse into the road?

CM: notes the tree officer's comments and condition to protect the tree roots during construction work, but has seen this sort of condition in writing many times – does anyone go back and check that it's been done properly? Can a condition be included to require an enforcement officer to visit the site once the groundwork has been started, to provide reassurance that tree has been protected?

SW: looking at the paperwork, can see these are big houses with big frontages. Currently the owner can drive in and park with or without a garage. Shares SC's concerns, and would add that technically it would be illegal to reverse onto the road. Would like to see something in a drawing to show the sweep and turning point, making it quite clear that a car can reverse into garage and come out forwards. It needs to be made clear to the applicant that reversing onto the road is criminal and stupid – this is a very fast stretch of road. Provided that the applicant drives out forwards, there is no problem as the residents could park there with or without a garage building.

PM: having seen the garage, cannot think it would be possible to drive straight into, and if driving in off the road, it would be very difficult to reverse into the garage without taking the gate post off. Would also welcome schematics to show how it will work. Noted more than one car at the property on planning view, including one very large one.

BF: the highway code is advisory – it is not a criminal offence to back onto the main road. If the owners want to build a garage, we need to check it complies with planning rules and that that they want it to put their car away at night – garages are not always used for cars.

PB: the highways officer can advise on this.

RW: it might be question for the highways officer if the designation of 'garage' is important. There is no reason to believe the applicant will put a car in it – most people don't. If the applicant was to change the name of the building to shed or store, would we have grounds to it turn down? Is it a garage or a building? If it is a garage, is it practical and safe?

CM, in response:

- it would be daft to reverse onto the road but not illegal;
- is confident that turning can be achieved, and satisfied that if the garage is for its intended use, the owners will be more worried about scratching their car – it may be tricky, but there is enough room to turn so this is their issue and their choice. There is no highways reason why this is not acceptable.

BH, in response:

- the description of the development is 'garage' – whether it is used for a vehicle is up to the applicants. Ultimately, as the highways officer has said, it would be silly to build a garage that they can't get a car into, but permitting the garage isn't in itself giving permission to enter and exit the driveway via main road;
- to CM, re the suggested condition regarding groundworks from the tree officer, this is a standard and typical condition, and wouldn't require a follow-up visit. If there is any suggestion that works aren't being carried out in accordance with the condition, and officers are made aware, the matter could be followed up from an enforcement point of view.

Vote on officer recommendation to permit

12 in support – unanimous

PERMIT**6c. 19/01237/FUL 1 Hamilton Street**

MP introduced the application for a new single-storey, one-bedroomed dwelling at 1 Hamilton Street, situated just outside but adjacent to the conservation area and opposite a GII-listed building. It is sustainably located in the area. The application is at Planning Committee because of parish council objection, and a number of objections from local residents. These have been taken into account, but when considered against local and national planning policy, the recommendation to permit.

Public Speaking**Mr Munro, on behalf of neighbours, in objection**

Neighbours are strongly opposed to the splitting of this site for any kind of dwelling. Members will have read their letters and visited the site, and the key points can be summarised as follows: the sole purpose of the application is to build a house and sell it as a separate dwelling, and as such it will become part of the conservation area and should be treated as such; the site is too obtrusive and constrained for a new dwelling – it was designed as a garden, to protect Cudnall Street and match the open plan of the junction. Building here will breach the building line which has been retained by architects and planners for all infill development in Cudnall Street until now, protecting the unique period mix that defines the area and merits its conservation area status. Its poor design will not enhance Cudnall Street or Hamilton Street – it looks like a shipping container and could not be in less sympathy with the period properties around it; it will disrupt the views of one of the finest Elizabethan houses in Cheltenham as well as other period properties in Cudnall Street. All these objections are fully supported by the Parish Council, which has unanimously rejected all three proposals at this site. In addition to the above, the proposal does not conform with relevant planning frameworks and serves no wider social purpose. Urges Members to reject the proposal.

Member debate

CM: looking at the design of the building, and the requirement that new building makes a positive contribution to an area, considers this to be the wrong design for the area and completely out of character. Will not support the application.

PB: has serious concerns about the application. Looked at it again today to refresh his memory of the frontages, noting that no houses currently stick out – all respect building line, and if a precedent is set, there could be opportunities for similar proposals along Cudnall Street. Struggles to see why this site is outside the Cudnall Street conservation area when it is so very near and development on the site will impact significantly. The architects say that the site is a mess now and this proposal will tidy it up – but they don't need to build this house to make it acceptable. Cannot support the design or location, and it is wrong to say it has the support and endorsement of the Civic Society and Architects' Panel. Members need to look at grounds for refusal, and for the impact on the conservation area would suggest would suggest NPPF Paragraph 105c and JCS SD8. Will move to refuse if no-one else does.

BF: the application is on Hamilton Street, not Cudnall Street. Its front door is on Hamilton Street, and although it is visible from Cudnall street, it is sunk down, with a very low profile. The existing wall there will be replaced. Opposite in Cudnall Street is a very interesting house, possibly a Tudor building, with leaded windows etc, but there is no set pattern of architecture - Hamilton Street is largely 70s semis, of no great architectural value. This design won't win prizes, but it's not that bad – it will a good home for someone, small but useful. Will vote in support.

RW: takes a different view. There has been a lot of discussion about the site being on the edge of the conservation area, but the design so poor and will have such an impact on the street scene, would object wherever it is. It wouldn't be that difficult to come up with a better-looking design with the same footprint. Is all for using small sites for much-needed housing, but this not good enough. Will support PB's move to refuse.

PM: Understands that the principle of developing this site was agreed, though there has been no outline planning permission granted, where the suitability of the site for a new dwelling could be considered. Bearing in mind the earlier discussion about the chapel and house opposite, was not so bothered about that proposal as it is a mirror image of the one next door; would have objected if it was like a shipping container. Cudnall Street has evolved over the years but not to the point of needing to install a shipping container as a house. Looked again at the site today – the building line and flow through to the development, from the 1970s dwellings to the shipping container. The proposed dwelling is larger than a shipping container – it is 52 sq metres; looked a minimum space standards on the internet which suggests a one-bed dwelling for two people should be a minimum 50 sq metres. This proposal at 52 sq metres is trying to get the maximum building possible into a very small plot. One of the core principles of the NPPF is high-quality design, providing a good standard of amenity for occupants. This proposal is small and over-development of plot – there is not much dwelling within it. Is very supportive of comments about Cudnall Street, the conservation area, building line – coming from Cirencester Road, this shipping container is right in the eye-line. Supports PB, and suggests local policies CP7 and CP3 may be included as refusal reasons.

BF: PM talks about size and height, but this proposal does comply. The application is in Hamilton Street, not Cudnall Street, and car parking space needn't have been provided at all at this location. The proposal could have been for two shipping containers, one on top of the other, with the profile lowered so little or none of it could be seen from Cudnall Street. Is not

a fan of pastiche, and this is a modern design for the 21st century. People are making fun of shipping containers, but this may be the size of house people will be happy to have in future. We can't keep building on greenbelt or in the AONB; people need homes like this, somewhere to start life.

MP, in response:

- this is an application for a new house, and without a 5-year supply at the moment, paragraph 11 of the NPPF states that new development must be approved without delay unless the impact outweighs the benefit;
- officers don't feel the dwelling will have adverse effects, and the conservation officer has no concerns. Regarding the design approach, it is not to everyone's taste, but there is a diverse mix of buildings in the area, and this proposal actually acknowledges the variety of buildings to add to the special interest of the conservation area. Where there is variety, the garden land SPD identifies there is scope for creativity. This is the work of a well-known and respected architect, and members need to be certain that the harm is significant if they vote to refuse;
- to PM, regarding space standards, as an authority CBC has no minimum space standards that the developer needs to adhere to.

PM: been in the Chamber during the week at enquiry for 69 houses at Oakhurst Rise, where the opening statements talked about the 5-year housing supply and that development tipping the balance; this is one house and therefore doesn't feel too much consideration needs to be given to that argument regarding this.

Vote on recommendation to permit

3 in support

9 in objection

NOT CARRIED

GB: Members now need to propose specific reasons to refuse the application.

PB: the application site may be in Hamilton Street but there is no question that it will impact more on Cudnall Street. Members need to take a view on the pressure from government to build more houses: this proposal represents just one more dwelling towards our supply; this area cannot support it - the location is not appropriate. There is a mix of dwellings in the area, but Cudnall Street is traditional old houses all through. Suggests JCS SD8 paragraph 2, NPPF paragraph 16c, and local plan policies CP3c and CP7c. Some members would like to refuse on design, but this is subjective, so wouldn't want to include that specifically.

RW: would suggest the design would be detrimental to the street scene, but defers to PB as to whether relevant or not.

PB: is streetscene covered by NPPF 16c?

DO, in response:

- Chapter 16 of NPPF paragraphs 184-202 relate to historical environment, with paragraph 192 talking about the desirability for new development to make a contribution to an area. Would urge caution here – the paragraph refers to proposals

affecting heritage asset, which could be the listed building opposite or the conservation area as a whole, and Members need to consider is it both or just one of those heritage assets;

- they should bear in mind that the NPPF talks about how to weigh up harm – if they consider the proposal will cause significant and substantial harm, they should refuse on those grounds. If they consider the harm to be less than substantial, this must be weighed against public benefit;
- comments from the conservation officers are included in the officer report, and their conclusion is that it won't detract from the setting and that the significance of the heritage assets is not harmed. This is their expert advice.

PM: the NPPF requires that new development is always high-quality design with a good standard of amenity, and how this translates to policy is that this plot is not big enough to sustain a dwelling which will provide good standard of amenity for future occupants. Would also beg to differ with the conservation officer – it is a matter of opinion.

GB: understands that Members may disagree but this would be a consideration at any future appeal. If refused, it would be beneficial to use reasons we can establish at appeal which won't be countermanded by officer recommendations.

PB: it is difficult when Members disagree with officers, but planning is subjective and it is a question of how policies are interpreted. This proposal is a carbuncle on a valued, prominent conservation area and doesn't feel right. Paragraph 192 refers to heritage assets – local character and distinctiveness – and would therefore like to keep this as a refusal reason. The local community doesn't like it and there is strong feeling against it in the Chamber. It may be necessary for the Chair and Vice to work later with officers for defensible refusal reasons.

DO, in response:

- understands that Members are concerned with two main issues – heritage and design. Regarding design, two policies have been mentioned: CP7 and SD4. CP7 requires that development is high standard, reflects the principles of urban design and complements the character of the locality;
- regarding heritage, this has been talked about, and the conservation officer found no harm;
- these are two distinct matters, and it may be better if Members focus their minds on design – this is the crux - rather than heritage.

PB: would like to continue with heritage – the applicant will keep coming back with different designs. The bigger issue is impact on the conservation area and heritage asset opposite.

GB: if Members choose to use this as a refusal reason, which officers have advised is a weak one, it could cause issues, but if they are adamant, will put it to the vote.

NJ, in response:

- as the conservation officer has no objection, there would be a risk of costs against the council at appeal.

GB: is always reluctant to allow this possibility to affect voting, but it is an issue that affects us. Is PB happy to go continue down that route?

PB: it wouldn't be the first time Members have gone against officer recommendation and won. At an appeal, CBC would need a consultant conservation officer to support Members' opinion. Sometimes the principle is at stake; this is important, and will therefore move to refuse on grounds as before.

GB: is just making sure that all are clear about what they are voting for.

SC: is it possible to vote on the refusal reasons separately? Regarding design, thinks the proposal looks like static caravan.

GB: on advice from NJ, Members can vote on design and heritage separately.

VOTE in favour of design as a refusal reason

9 in support

1 in objection

2 abstentions

CARRIED

VOTE on heritage impact as a refusal reason

6 in support

1 against

5 abstentions

CARRIED

Vote on PB's move to refuse on design and heritage

8 in support

2 in objection

2 abstentions

REFUSE

6d. 19/01296/FUL 3 Wendover Gardens

Councillor Mason left the Chamber.

MP introduced the application for a replacement dwelling, situated in Wendover Gardens, a cul-de-sac off Christ Church Road, in the central conservation area. Planning permission for remodelling and extension of the existing house was granted in 2016 – this is extant and a material consideration. During the course of the application, revised plans have been submitted, including a reduction of the first-floor balcony. The application at Committee at

the request of Councillor Mason, on behalf of local residents. The recommendation is to permit, subject to conditions.

Public Speaking

Mr Ireland, neighbour, in objection

Represents seven neighbours, all of whom consider the proposal is too large a building for the plot. These concerns are shared by the Civic Society. Neighbours welcome the planning officer report - the reduction in the size of the balcony, and the conditions, should the application be permitted. Neighbours have three main worries: the proposal will reduce the distance between the dwelling and the boundary fence, bringing it right up to the fence, 2.5m closer than previously. It will be 3m high, so clearly visible above the garden fence, dominating the neighbours' view and changing the character of their garden – the owners are very upset.

The first floor windows are higher than those previously approved though this was not initially clear. The applicant says they are 60cm higher, which might not seem much but will allow a less obstructed view into gardens, as well as making people inside more visible. These are two bathroom windows and loss of privacy is a concern.

The bedroom balcony has a sightline directly into the main bedroom of the neighbours, and these residents are worried about overlooking.

Neighbours are very worried about these three aspects, all of which could be addressed in ways that won't affect amenity: the rear corner edge of new dwelling could be maintained, the height of the first floor windows reduced – as in the previous plans profile – and the main bedroom balcony reduced to a Juliet balcony or taken away altogether. These minor changes will help maintain current levels of privacy and amenity.

Member debate

PM: just a quick question on the subject of windows – has floor of bedrooms gone up or are windows getting taller?

SC: the difficulty with this is that the red outline of the previously accepted plan shows that the elevation and footprint is not much different. Considers the building to be too large for the plot but it is not hugely different from what is already approved. In the report, there is a comment about a covenant requiring that development should be agreed by all neighbours. Has sympathy with this, but there is no basis for it in planning law and it can't be taken into consideration.

DB: hadn't realised all neighbour concerns about overlooking – can officers confirm that is has been considered?

MP, in response:

- to PM, floor levels and sill height are the same as approved previously; the windows are taller and there is an increased eaves height. They will not allow more view out, although the windows may seem bigger;
- SC is correct – a covenant is not a planning issue;

- to DB, overlooking has been considered, as it always is – it is covered at paragraph 6.2 in the officer report – and the view taken that this proposal will have no greater impact on amenity than the approved scheme.

SW: on the overlooking business, has concerns about the balcony – can't see how it won't affect neighbours, though there is no issue from officer point of view. The siting of the balcony and the view from it in respect of neighbours is disconcerting – it will raise people to a greater height from which they can look down.

BF: the design is acceptable though not very good - not 21st century, but not replacing something of great design. People buy an address now, not a house, because of the lack of land to build new houses; this design doesn't reflect our time - there will be a minimum of building regs and nothing to improve carbon footprint, but can't vote against it. It is a pleasant house in a pleasant area.

MP, in response:

- regarding the balcony, there is an approved balcony in the same location on extant scheme, where it was considered that, given its access is via the master bedroom only and doesn't extend beyond the doors, its use will be limited – the residents are unlikely to hold parties or invite guests to use it. It is not directed towards the boundary and is a similar footprint and size, and there were no objections to the previous scheme from neighbours.

Vote on officer recommendation to permit

10 in support

1 abstention

PERMIT

6e. 19/01298/FUL 26 Hatherley Court Road

Cllr Hopley leaves

Cllr Mason back

CD introduced the application, to extend a 2-storey detached house into the central conservation area. The proposal is to remove the conservatory, and construct front and rear extensions, and a loft conversion. It is at Committee at the request of Cllrs Barrell and Harman, and the recommendation is to permit.

Public Speaking

Mr Seymour, agent, in support

Is speaking on behalf of the applicants to support the officer recommendation to permit. Determination centres on two main issues: the design of the extension and how it affects the conservation area, and the impact on neighbours. These four houses were built in the 1990s, are not historic, and therefore contribute less to the character and nature of the conservation area; the other side of Hatherley Court Road is not in the conservation area. The house is set back, and the proposals to the rear of the property will have limited

visibility, protected by trees and hedges, which screen views from Court Gardens and the flats in Hatherley Court. Even if it were more visible, it is only a 2.3m projection from the original house, typical in size of similar extensions, and subservient to the main house. It is simple and modern in design, and will match the existing dwelling. The changes to the front of the house will be more visible, but as the officer report sets out at paragraph 6.9, will have no significant impact on the street scene, and give the house a greater symmetry.

Of the neighbouring properties, 27 Hatherley Court Road is the only one to be affected; the Hatherley Court flats are 40m away, at an angle and with mature hedges in between. The case officer does not consider the proposal will have any impact on these properties. The roof terrace has been removed from the plans, so is no longer an issue. The applicant has worked in collaboration with the case officer to work out extensions appropriate to this type of house in a conservation area, without causing any harm to neighbouring residential amenity. Hopes that Members will vote in favour and permit the scheme.

Cllr Harman, in objection

There have been several objections from Hatherley Court Road residents who do not agree with the view that this proposal will not have a significant impact. No. 23 considers it to be excessive, almost doubling the size of the existing house, which cannot be regarded as subservient. No. 25 states that the houses were originally planned carefully in respect of their relationship to Hatherley Court itself, and this extension will make No. 26 stand out awkwardly. A letter from Foxley Tagg on behalf of No. 27 states that the extensions are much too large and will have an adverse impact on No. 27. The proposal fails to respect the character and scale, and causes unacceptable harm to dwelling itself, the conservation area, and the adjacent heritage asset.

Member debate

MC: on site visit, thought the existing property is quite ugly, though realises this is a matter of opinion. Has had a good look at sight lines, some of which were highlighted in the objections, and couldn't see much issue. Thinks the proposal is an improvement, and will vote in support.

SW: the main objection seems to be that the house will be oversized. Can see that it will be bigger than the current building but no bigger than Nos. 27, 28 and 29, looking at the indicative on the street plan. We can't use the size of the proposal as a reason to refuse. It will be squarer but imagines the square footage is about the same. Will support officer recommendation.

SC: obviously this is an already large house made larger, and it will be a lovely dwelling. The problem is, looking at existing and proposed site plan side by side, how much larger the proposed dwelling is to what currently exists. The footprint is much greater, and regarding subservience, it seems more like a new house. This will have an effect on the immediate neighbour to the west, but the real problem is that it will be a very large property jammed into small plot, with loss of green space around it. Is uneasy with this; is there any rule about the amount of space/garden a house should have?

DO, in response:

- there are no policies relating to size of gardens.

Vote on officer recommendation to permit

10 in support

1 abstention

PERMIT

6f. 19/01375/FUL 21 Canterbury Walk

DO introduced the application, as the case officer is on leave. The proposal is a 2-storey side and single-storey rear extension, similar to many others in the area. There has been one objection from the immediate neighbour, and the parish council has requested a Committee decision. Regarding the impact on No 23 and loss of light, there will be some impact on a secondary window, but the rooms in question have primary windows; according to the Local Plan, the proposal will cause no unacceptable harm on neighbouring amenity, and the recommendation is therefore to approve.

Public speaking

Mrs Hughes, applicant, in support

Has lived at 21 Canterbury Walk with her husband and two children since 2012, and now wants to improve the house for better family life and to allow the children separate bedrooms. The family enjoys living in Warden Hill and wants to stay in the house long-term. They understand their neighbour's objection, but this is only part of the application – the loss of amenity through a reduction in available light. The careful analysis of the case officer demonstrates that this is not as great as may be thought, and not of a level to be a basis for rejecting the application. There will still be a distance of 2.4m between the neighbour's side windows and the exterior wall of No. 21, which would not result in a very substantial loss of light to the neighbour's living room and office because the side windows of these rooms are not the main source of light. Planning permission wouldn't be needed to build a single storey extension with a pitched roof along the boundary with No. 23, that would arguably have a similar effect on the available light. There is concern about a precedent being set that would be detrimental to the whole neighbourhood, but there have been no such concerns raised from other residents who have been consulted. Has submitted a number of photographs of similar two-storey extensions in the local area, which would suggest there would be no detrimental precedent set by this particular proposal. Thanks Members for their consideration, and hopes they will permit the application in accordance with the officer's clear recommendation.

Member debate

MC: knows the area well, having been born and raised nearby, and commends the applicant on her research. It is hard not to notice around the area that lots of similar properties have similar and even larger extensions than this. This house only has two bedrooms, and to be a family home it needs a third bedroom. Has no problem at all with this application, and is sorry the neighbour has objected.

TO: also has no problem with the principle of extending, but the issue is that the design of these sets of houses along Canterbury Walk has the front doors on the side. All the examples of similar extensions in the area have their front doors at the front. The effect of this on the neighbour will be the loss of amenity, being immediately faced with the extension when coming out of the front door.

BF: it is nice to hear the applicant say the officer worked well with them to make sure the scheme complies. This doesn't always happen – long may it continue.

SW: when first reading the report, and looking at the drawings, thought this extension couldn't be done, as it came right to the boundary line. Drove past this evening and noted that in fact, the space between the two houses is not great but it looks quite open. A number of photos of similar properties and extensions show we have been here before; if No. 23 wants to do what No. 21 is proposing, we could end up with a terrace effect, and would need to look at it again. As TO has said, the front door 23 is on the side, and the distance to the neighbouring boundary is no more than 3 ft, but that is how the houses were designed. Has no issues with this application, and it would be difficult to refuse, with so many similar examples throughout the town. Is surprised the house only has two bedrooms. More space is clearly needed for a family, to make this modest house more liveable.

PM: recalls similar applications at 70 and 72 Rosehill Street which fill the gap entirely. The principle is well-established, that whoever gets there first is more likely to get the permission – that's just the way it, and the message is that if anyone is thinking of extending in this way, they should get on and do it.

RW: there are a lot of houses in Hatherley and Warden Hill with plots this shape, and has been involved in some animated debates on planning applications that maybe shouldn't have been permitted. The issues that have to be considered are the effect on the neighbour and their view of brick wall – is there going to be anything to break that up, such as obscure windows in side wall, to make it less oppressive to the neighbour, and reduce the sense of loss of amenity?

DO, in response:

- the simple answer to that is no. The wall will get 2m closer; it will have a brick finish and no windows are proposed.

Vote on officer recommendation to permit

10 n support - unanimous

PERMIT

7. Appeals Update

DO updated Members on appeals received and decided since the previous meeting.

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

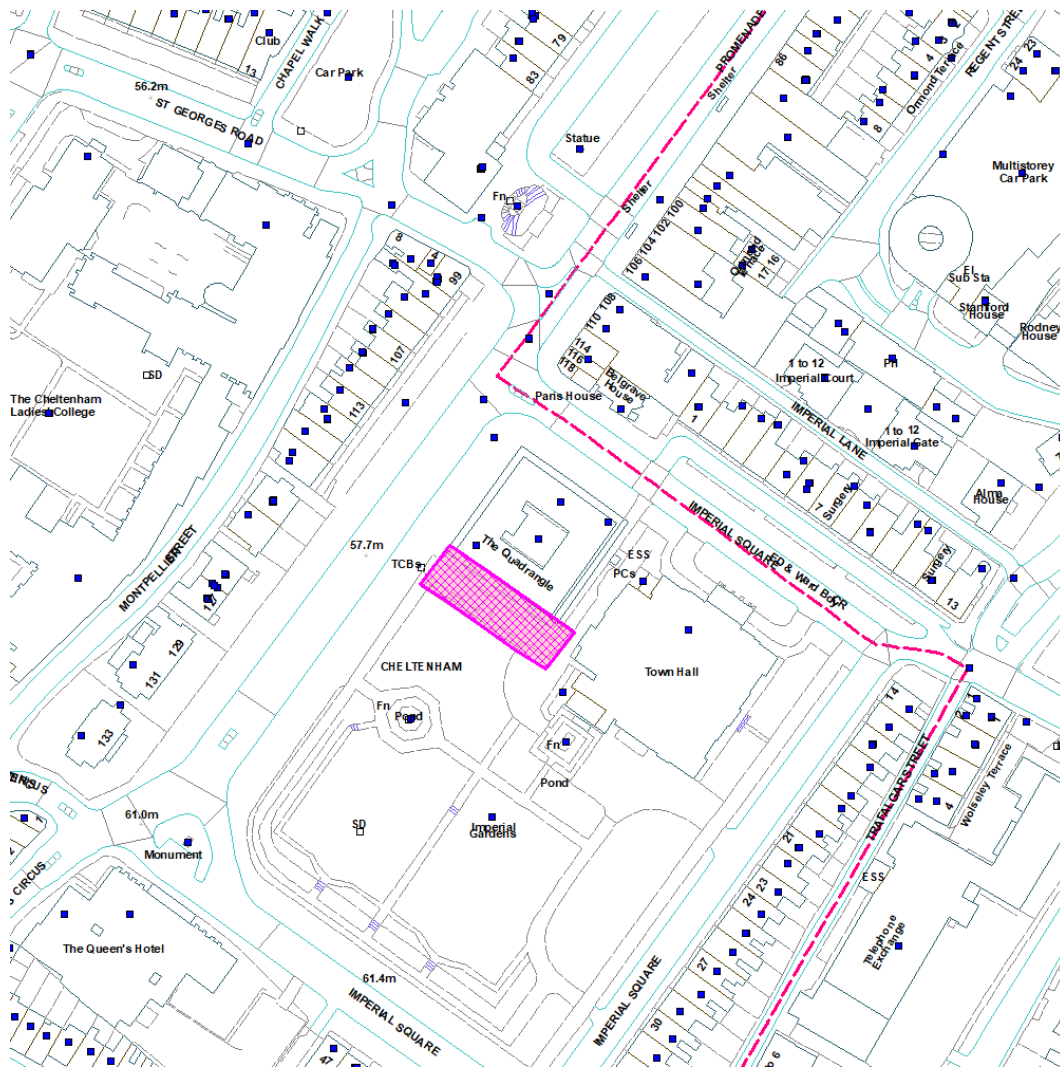
There were none.

Chairman

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APPLICATION NO: 19/01436/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 19th July 2019		DATE OF EXPIRY: 13th September 2019
DATE VALIDATED: 19th July 2019		DATE OF SITE VISIT: Various dates
WARD: Lansdown		PARISH: n/a
APPLICANT:	ABF Pension Trustees LTD	
AGENT:	SF Planning Limited	
LOCATION:	The Quadrangle, Imperial Square, Cheltenham	
PROPOSAL:	Public realm improvements to external areas including new public exhibition facilities, external seating area, replacement planting and hard landscaping works	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located to the southwest of The Quadrangle building and extends into Imperial Gardens. The site is wholly located within the Montpellier Character Area of Cheltenham's Central Conservation Area; and in proximity to a number of grade II and II* listed buildings, including the grade II listed Town Hall.
- 1.2 The application is seeking planning permission for improvements to the public realm, to include new public exhibition facilities, external seating areas, replacement planting and hard landscaping works. The application has been submitted following pre-application discussions.
- 1.3 The works are proposed in connection with the refurbishment, alteration and extension of The Quadrangle, for which planning permission was granted in 2018. The approved scheme proposes improvements to the building's façade, extensions to the ground floor commercial space, and the provision of a new roof top restaurant.
- 1.4 The application is at committee for reasons of transparency as the site extends onto land within the Council's ownership, which is designated as Public Green Space.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Smoke Control Order

Relevant Planning History:

18/00277/FUL	PERMIT	10th April 2018
Refurbishment, alterations and extensions to the existing building including facade improvements, extensions to ground floor commercial space and new roof top restaurant		

18/01722/CONDIT	PERMIT	2nd October 2018
Variation of condition 10 on planning permission ref. 18/00277/FUL to amend the wording to read "Prior to the internal fit out of the roof top restaurant element of the scheme, a detailed lighting scheme for the roof top restaurant shall be submitted to and approved in writing by the Local Planning Authority. The agreed lighting scheme shall be fully implemented prior to first occupation of the roof top restaurant and shall be retained as such thereafter"		

19/00417/DISCON	DISCHARGED	12th April 2019
Discharge of condition 4 (Tree Protection Plan) on planning permission ref. 18/00277/FUL		

19/00961/CONDIT	PERMIT	20th June 2019
Variation of condition 5 on planning permission ref. 18/00277/FUL to amend the wording to read "Prior to the occupation of more than 50% of the floorspace of the building, hard and/or soft landscaping works shall be carried out in accordance with a robust hard and soft landscaping scheme which shall have first 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 treatments 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 to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation. The landscaping works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority"

19/01169/CONDIT

PERMIT

29th July 2019

Variation of condition 2 (approved plans) on planning permission ref. 18/00277/FUL to allow minor material amendments to the approved scheme

19/01538/DISCON

DISCHARGED

22nd August 2019

Discharge of condition 3 (construction method statement) on planning permission ref. 19/01169/CONDIT

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 4 Decision-making

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

GE 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

Supplementary Planning Guidance/Documents

Montpellier Character Area Appraisal and Management Plan (2007)

4. CONSULTEE RESPONSES

Historic England

5th August 2019

Thank you for your letter of 19 July 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Tree Officer

13th August 2019

The CBC Tree Section does not object to this proposal subject to minor modification.

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The existing northern border of the Imperial Gardens is not a successful aesthetic design in the longer term. There are few trees of individual particularly special merit and tree planting appears to have been somewhat ad hoc over the years and visually the border does not sit well as a whole. The current proposal involves the removal of all trees and the replanting with new 9 trees:

- 5 X Sweet Gum-medium/large trees with strong autumn colour (and delicate fragrance). These trees will be very large when planted (8-10 meters);
- 2 X 'Emerald Queen' Norway maple-a variety of Norway maple with a most attractive shade of green foliage-ultimately growing tall and broad;
- 2 X Katsura ' a multi-stemmed small/medium size tree with strong autumn colour and sweet fragrance.

There is a proposal to introduce much new structural soil under the existing border. Currently the existing soil depth is shallow and it is anticipated that the quality of this soil is not very fertile. This new structured soil is a good growing medium and new trees should establish and grow well.

This combination of trees to be planted on the existing border as well as within the park should be a good basis for an aesthetically pleasing arboricultural vista (on the assumption that all trees establish quickly and grow!) However, this is a relatively high level of casual vandalism in this part of town and these proposed trees may be prone to such damage. It is recommended that tree protection (high quality spec) tree protection guards are fixed in place around all tree trunks to deter vandalism

It is also noted that Sweet gum trees cast dense shade and the proposal to plant these over a coffee/sitting area and to the south of office space could lead to demands for pruning (or felling) and as such it is recommended that 1-2 examples varieties of this species (Eg 'Stella')are planted which have a less dense canopy (though not all trees need to be such a variety)

It is recommended that new more acidic soil is incorporated into the tree planting pits of the Katsura. This tree species gives the best autumn colour when in acid soil and as such the existing soil ph where these trees are to be planted should be lowered.

It is understood that the engineering of the new Root Cells is quite involved and as such, supervision by suitably qualified and experienced arboriculturist of the installation is necessary.

Green Space Manager

13th August 2019

I support the proposal, the proposed perennial scheme looks like a positive introduction into the garden, increasing biodiversity and habitat for pollinating insects. It also makes better use of what is currently an unused and uninviting space. Could the consent be conditioned subject to the submission and approval of detailed planting plans, hard materials list, and maintenance plan. The scheme crosses over onto CBC land, so we need to be clear as to who is responsible for which bits and ensure maintenance is co-ordinated.

Building Control

1st August 2019

No comment

Gloucestershire Centre for Environmental Records
19th August 2019

Report in documents tab

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Given the nature of the site and the proposals, individual letters of notification were not sent; however, site notices were posted and an advert published in the Gloucestershire Echo. In response to the publicity, representations have been received from Friends of Imperial Square and Gardens, and Cheltenham Art in the Park (AitP), both of which generally support the proposals; albeit, AitP do raise some specific concerns in relation to the exhibition display stands. The comments have been circulated in full to Members.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of development; design and impact on the historic environment; and trees and landscaping.

6.2 Principle

6.2.1 As previously noted, part of the application site, where it extends on to the Council's land, is identified as Public Green Space (PGS); and relevant Local Plan (LP) policy GE1 sets out that the development of PGS will not be permitted. The preamble to the policy at paragraph 6.20 of the LP highlights that the visual, environmental and recreational value of these spaces is enhanced by its public accessibility, and that the Council will safeguard it from loss or erosion as a result of development.

6.2.2 In this instance, the proposals would not result in the loss of any public access to the site but would provide an opportunity to significantly enhance this part of the public realm. As such, the proposals are not in conflict with saved LP policy GE1 and are, in principal, supported by officers.

6.3 Design and impact on the historic environment

6.3.1 The application seeks to improve the relationship between The Quadrangle building and Imperial Gardens to the south, in connection with the significant improvements to the building's façades, and extensions to the ground floor commercial space. Currently, The Quadrangle effectively turns its back on the gardens and fails to make the most of its prestigious position.

6.3.2 Whilst the approved Quadrangle scheme made some attempt to improve the building's relationship with the gardens, through the creation of a ramped and stepped access route, it was limited in its scope; and the applicant's subsequently expressed a concern that this might be a missed opportunity to greatly improve this area of public realm.

6.3.3 This application now proposes the creation of a 'plaza', predominately with a sandstone effect finish to match the existing façade of the building, broken up using a stone effect grey tile. Similarly, the walls that make up the plaza, the raised planters, and the curved landscaping wall that retains Imperial Gardens, will be a mix of grey tiles or a

sandstone effect finish. Subject to the use of high quality materials, which can be secured by way of condition, the proposed palette of materials is considered to be acceptable, and appropriate in its context. New tree planting and soft landscaping would be integrated throughout the scheme.

6.3.4 The Conservation Officer has not formally commented on the application but did provide the following comment at pre-application stage:

No objection to the principle of the proposed works is raised by the Conservation Officer as the development could sustain and, if done well, enhance...However the scheme needs to be worked up further to give a proper appreciation of what is proposed and its impact. Assurances will be required that the scheme will be high quality, befitting its context and this can be done through the submission of further, more comprehensive, information.

6.3.5 The Conservation Officer has reviewed the more comprehensive information which accompanies this application and has verbally confirmed their support for the proposals.

6.3.6 Overall, officers are satisfied that the scheme would represent a significant enhancement to the locality, and accords with the aims and objectives of saved LP policies CP3, CP4 and CP7, and adopted JCS policies SD4, SD8 and SD14. Additionally, the proposals would be in accordance with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990.

6.4 Trees and landscaping

6.4.1 The approved Quadrangle scheme previously gave consent to remove some Council owned trees within the existing landscaped border at the edge of the gardens. This application now proposes the wholesale removal of this landscaped border but provides for replacement planting to mitigate its loss.

6.4.2 The landscaping proposals which include 9 new trees and perennial planting, both on the applicant's land and within the gardens, have been agreed by the Tree Officer and Green Space Manager; all of the recommendations made by the Tree Officer have been incorporated into the revised landscape planting plan.

6.4.3 A condition requiring the submission of a management and maintenance plan for the lifetime of the development, as suggested by the Green Space Manager, is recommended.

6.5 Other matters

6.5.1 There are no amenity concerns arising from the proposals; the proposed plaza is located away from the nearby residential properties.

6.5.2 The concerns raised by AitP have been duly noted but mostly fall outside the remit of the planning application. Nevertheless, the applicant's Design and Access Statement highlights that they are "keen to ensure that groups like Art in the Park could still operate and enjoy the use of the space"; and that should planning permission be granted they will look to engage with groups like AitP in developing the final design of the stands. A condition is recommended which requires the detailed design to be submitted and agreed by officers.

7. CONCLUSION AND RECOMMENDATION

7.1 The proposals seek to provide an enhancement to the public realm in this prominent town centre location, and would represent a significant investment by the applicant. The

scheme incorporates high quality landscaping proposals, and no objection has been raised by any party in response to the application.

- 7.2 The proposals accord with all relevant national and local planning policy; and the recommendation therefore is to grant planning permission subject to conditions.

8. CONDITIONS

- 8.1 The following conditions are suggested should Members be minded to grant planning permission but at the time of writing the report they are still to be agreed by the applicant:

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

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

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

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

- 3 Notwithstanding the approved plans, prior to the commencement of development, physical samples of the proposed hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be permeable or drain to a permeable area and shall be carried out in accordance with the approved samples.

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). Approval is required upfront because the hard surfacing is an integral part of the development and its acceptability.

- 4 Prior to the commencement of development, a management and maintenance plan (MMP) for the hard and soft landscaping, for a minimum period of two years, shall be submitted to and approved in writing by the Local Planning Authority. The MMP shall cover:

- a) weeding;
- b) pruning;
- c) feeding;
- d) replacement of any dead trees or plants;
- e) sweeping; and
- f) repair and maintenance of hard structures.

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

- 5 Prior to the commencement of development (including demolition and site clearance), an Arboricultural Monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of (i)

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person(s) to conduct the monitoring; (ii) the methodology and programme for reporting; and (iii) a timetable for inspections. The works shall not be carried out unless in accordance with the approved details.

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.

- 6 Prior to their installation, the detailed design of the demountable exhibition display stands shall be 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).

APPLICATION NO: 19/01436/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 19th July 2019	DATE OF EXPIRY : 13th September 2019
WARD: Lansdown	PARISH:
APPLICANT:	ABF Pension Trustees LTD
LOCATION:	The Quadrangle Imperial Square Cheltenham
PROPOSAL:	Public realm improvements to external areas including new public exhibition facilities, external seating area, replacement planting and hard landscaping works

REPRESENTATIONS

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

Friends Of Imperial Square And
Gardens
41 The Broadwalk
Imperial Square
Cheltenham
GL50 1QG

Comments: 6th August 2019

We have been privileged to see the visuals submitted as part of the above Planning Application and are of the opinion that, as long as they are carried out as shown, this will enhance the area facing Imperial Gardens from The Quadrangle.

The area at the moment is most unkempt and unworthy of such an iconic spot in the centre of town.

Therefore, we lend out support to the developer's intentions as long as they translate into reality the high quality visuals as set out in their application.

20 Grosvenor Road
Gloucester
GL2 0SA

Comments: 5th August 2019

Comments from Cheltenham Art in the Park (AitP)

The Cheltenham Art in the Park exhibition celebrated its 50th continuous summer exhibition this year and the organising committee would like this showpiece event to continue into the future supporting the vibrant cultural environment of Cheltenham, its residents, visitors and of course its artists.

SF Planning Ltd have been helpful and open in the way that they have shared plans and listened to our concerns with regard to the approved development's impact on this year's exhibition.

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Further the Committee can confirm they have met and communicated with SF Planning Limited about their application to extend the development into the park by creating the plaza proposed in this application.

By reading the Design and Access Statement we can see that SF Planning Ltd have listened to our initial views which were made before seeing the submitted plan and that this proposal could allow AitP to continue into the future and remain adjacent to the Imperial Gardens.

SF Planning Ltd have provided a proposal that:

- incorporates the outputs from our initial discussions
- offers us the opportunity to join with them in developing their design which we welcome and are committed to do
- that improves the environment and facilities available to the users of the Imperial Gardens

We do have some concerns over the proposal which include:

- how the bespoke exhibition stands are erected
- how their provision will be managed
- how space can be provided for stewards and sales
- whether the proposed stands are capable of protecting exhibited paintings from adverse weather
- any costs to AitP that may arise from utilising this space
- when the construction project will be complete and the facilities are made available.

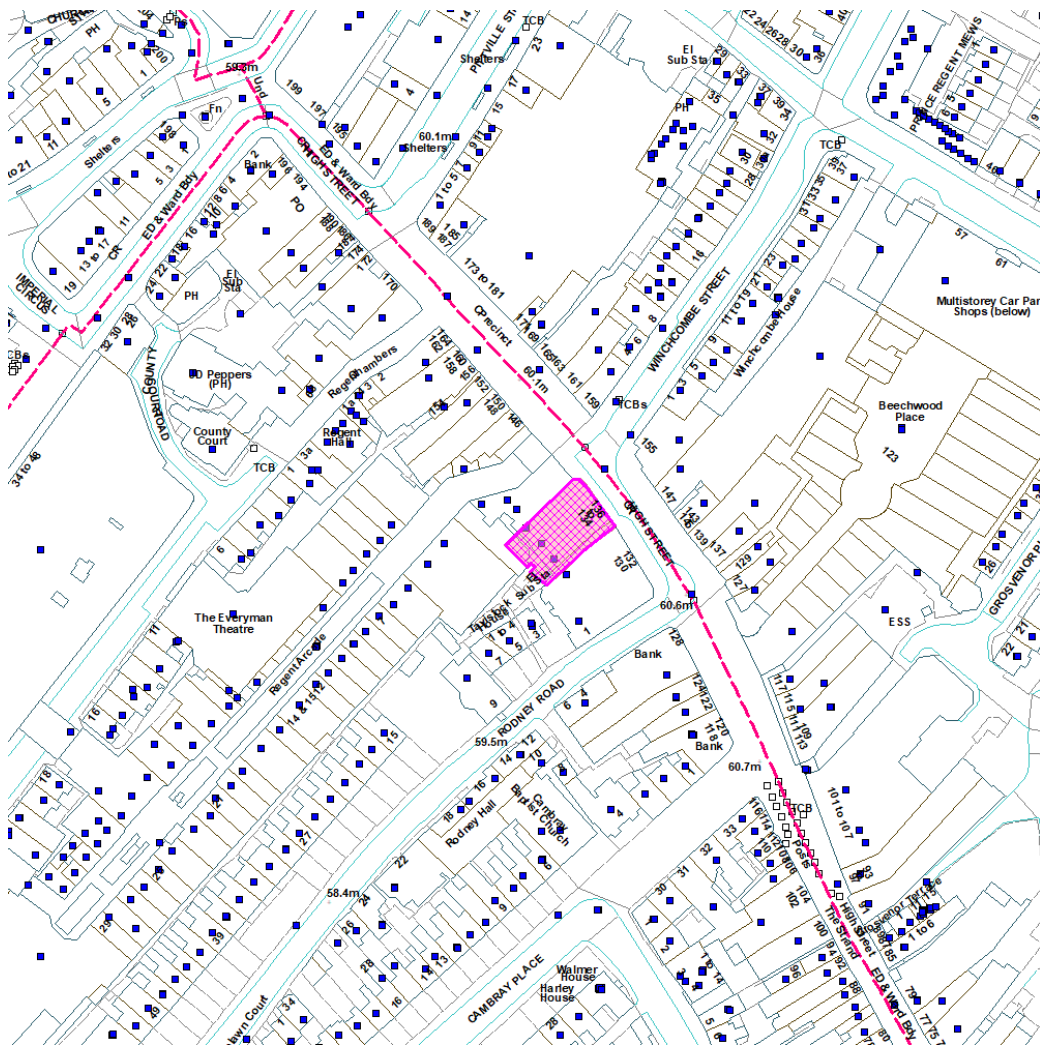
The approved development project is late starting and if this proposal is permitted, we would assume that the new exhibition facility will not be ready in time for our next exhibition which should start about 20th June 2020, so we do have concerns over how and where the 2020 exhibition will be held.

We will need to seek early clarification as to whether it will be feasible to use the current pitch for an exhibition in 2020, given any projected timescale regarding whichever development ultimately goes ahead. A loss of continuity for the Art in the Park exhibition may hamper our chances of retaining sufficient volunteer support going forward, particularly given the drive required to 're-boot' the event successfully post-development.

We would ask that the Developer, or their representative is asked to consider how they might support a replacement 2020 exhibition if it is unable to be held in the Imperial Gardens during development of the site. For example, perhaps we might be able to make use of any empty retail space within the Quadrangle around that time. We could put on a limited show in such an environment, also allowing us to share plans about the future of 'Art in the Park' with the wider community

APPLICATION NO: 19/01506/FUL & ADV	OFFICER: Michelle Payne
DATE REGISTERED: 31st July 2019	DATE OF EXPIRY: 25th September 2019
DATE VALIDATED: 31st July 2019	DATE OF SITE VISIT: 7th August 2019
WARD: College	PARISH: n/a
APPLICANT:	Metro Bank PLC & Trustees of the Regent Arcade Trust
AGENT:	Planning Potential Ltd.
LOCATION:	138 High Street, Cheltenham, Gloucestershire
PROPOSAL:	<p>19/01506/FUL: Installation of new shopfront and alterations to include redesign of the unit façade</p> <p>19/01506/FUL: New signage comprising 3no. illuminated sign-boxes, 1no. illuminated pin-mounted sign, 2no. illuminated ATM signs and 2no. logo door handles</p>

RECOMMENDATION: Permit & Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 138 High Street is a two storey retail unit which is currently occupied by 'River Island'. The site is located within the Core Commercial Area, Central Shopping Area and Business Improvement District.
- 1.2 The site is also within the Old Town character area of the Central Conservation Area and adjacent to Lloyds Bank, a Grade II listed building.
- 1.3 The application is seeking planning permission for the installation of a new shopfront and alterations to the façade, and advertisement consent for new signage; the works are proposed in connection with a change of use from A1 retail to an A2 bank. The application has been submitted on behalf of Metro Bank PLC & Trustees of the Regent Arcade Trust.
- 1.4 Schedule 2, Part 3, Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for A1 retail units to be changed to A2 financial and professional units without requiring planning permission; the principle of the change of use must therefore be acceptable.
- 1.5 The application has been submitted following pre-application discussions.
- 1.6 The application is at committee for reasons of transparency as the Council has a property interest in the building.

2. CONSTRAINTS AND RELEVANT PLANNING DECISIONS

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Principal Urban Area
Central Shopping Area
Smoke Control Order

Relevant Planning Decisions:

18/00681/FUL	Allowed on appeal	1st February 2019
Demolition and reconstruction of the Regent Arcade High Street entrance		

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 7 Ensuring the vitality of town centres
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Saved Local Plan (LP) Policies

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

BE 13 Advertisements and signs in conservation areas

Adopted Joint Core Strategy (JCS) Policies

SD1 Employment - Except Retail Development

SD2 Retail and City / Town Centres

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Shopfront design guide (2007)

Old Town Character Area Appraisal and Management Plan (2007)

4. CONSULTEE RESPONSES

Building Control

5th August 2019

No comment.

Heritage and Conservation

19th August 2019

Significance

The building is located in a prominent position in the Central Conservation Area (Old Town Character Area), a designated heritage asset. Cheltenham's Central Conservation Area was designated on 28 May 1973 and its boundary was extended on 14 August 1987.

The building is adjacent to 130 High Street (Lloyds) bank which is listed at Grade II (list entry number: 1104358). The building was purpose built as a bank in 1900 by Waller and Son.

To the north of the building are 159 and 161 High Street listed at Grade II (list entry number: 1104360).

Legislation and policy

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission, to '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.'

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission with respect to any building or land in a conservation area, to pay special attention 'to the desirability of preserving or enhancing the character or appearance of that area.'

Paragraph 184 of the National Planning Policy Framework 2019 (NPPF) states that 'Heritage assets' are an irreplaceable resource, and should be conserved in a manner appropriate to their significance'.

Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that 'Designated' heritage assets and their settings will be conserved and enhanced as appropriate to their significance.'

Comment

The existing building has an asymmetrical façade and the proposed scheme presents an awkward addition that will exacerbate the existing contrived design. The resultant incongruous form would detract from the setting of the listed buildings by the introduction of a visually distracting, intrusive and overbearing façade that would disrupt how the buildings were experienced and would be detrimental to the character and appearance of the conservation area. Therefore the proposal would detract from the significance of the designated heritage assets, the degree of harm would be less than substantial as per the provisions of NPPF and the balancing exercise it prescribes.

Notwithstanding the above, an acceptable proposal may be presented through revisions to the existing scheme; which may consider, but not be limited to, the following.

With regard to the proposed two storey element, this could be increased in width to the left, when in elevation, towards the listed building (bank). This would go some way in providing a somewhat more unified/consistent form to this section of the façade and appropriate consideration would need to be given to the junctions between this element and the wider existing buildings. The removal of the two pilasters above the cornice of the far left hand bay would assist with giving a more cohesive form and some suitable design response/alteration should be considered given the contrasting forms of the pilaster to the second storey, immediately to the right of the mansard, and the clad vertical of the proposed frontage.

The proposed scheme presents too much signage all of which is internally illuminated and which will detract from the character and appearance of the conservation area and the setting of the listed buildings; due to it being visual overbearing and dominant. As such this aspect of the scheme is unacceptable.

The document Shopfront Design Guide: A guide for owners, designers and shopfitters, was adopted as a Supplementary Planning Document (SPD) on 23 February 2007 and is a material planning consideration. Paragraph 2.5 of the SPD states that the Local Authority is obliged to preserve and enhance the conservation area, 'which may require traders preferred shopfront treatments, including the extent of glazing' to be modified accordingly.' The paragraph also states that the Local Authority 'accepts no obligation to perpetuate any corporate image' and that where a design would detract from the building and/or its location, it would be expected that the scheme be altered.

If a revised design is pursued which will enlarge the two storey element then the signage as per the left hand bay will be dispensed with. It is also questionable as to whether the signage to the bay to the right of the two storey section is required as the signage to the upper section (1st floor level) will be clearly visible from Winchcombe Street to the north-east of the proposal site.

Conclusion

The proposal will detract from the significance of the designated heritage assets due to its visually incongruous form and is contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the JCS, and is therefore unacceptable.

Notwithstanding the above, a thoughtful revision that better incorporates the frontage within the asymmetrical façade and its classical/polite architectural elements, together with a reduction in the amount of signage, is likely to present an acceptable scheme that would overcome the above.

GCC Highways Development Management

6th August 2019

No highways objection.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to five neighbouring premises. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. No representations have been received in response to the publicity.

6. OFFICER COMMENTS

19/01506/FUL

- 6.1 The main consideration when determining the application for planning permission relates to design and its impact on the historic environment.
- 6.2 Adopted JCS policy SD4 sets out the local design requirements for development proposals and highlights the need for new development to “respond positively to, and respect the character of, the site and its surroundings”; the policy reflects the aims and objectives of saved local plan policy CP7.
- 6.3 Additionally, with particular regard to development within the historic environment, Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area, and the setting of listed buildings. This requirement is reflected in JCS policy SD8.
- 6.4 The existing façade is entirely modern and forms part of the wider replacement of the Regent Arcade shopping centre frontage carried out in 2013. In a recent appeal decision (APP/B1605/W/18/3209957) relating to the replacement of the Regent Arcade entrance, the Inspector recognised that *“As a pastiche façade it makes a minor contribution to the significance of the conservation area.”*
- 6.5 Early on in the application process, the applicant/agent was advised that the Conservation Officer had concerns in relation to the proposals; the Conservation Officer having concluded that the *“proposal will detract from the significance of the designated heritage assets due to its visually incongruous form”* resulting in less than substantial harm. The comments can be read in full at Section 4 above.
- 6.6 Notwithstanding these concerns, the Conservation Officer suggested that *“a thoughtful revision that better incorporates the frontage within the asymmetrical façade and its classical/polite architectural elements, together with a reduction in the amount of signage”* might overcome their concerns; and a number of suggested amendments were forwarded to the applicant.
- 6.7 However, the applicant has chosen to pursue the submitted scheme as the changes sought by officers would cause significant issues; their agent stating that *“the current design has evolved out of the initial pre-app discussions, which originally proposed a full double height approach across the frontage, more similar to the amended scheme now sought. This was resisted at the time...but we have...tried to achieve an appropriate compromise position to achieve an element of double height on the shopfront”*.

- 6.8 The agent has also highlighted that the submitted scheme has been *“the subject of extensive consultation and agreement with a number of third parties”* and that a substantial redesign would be likely to cause significant delays. The application must therefore be determined on the merits of the submitted scheme.
- 6.9 The application proposes the creation of a double height entrance framed by Limestone cladding with the remainder of the building’s façade remaining unchanged. The new shopfront and altered façade will undoubtedly appear as a contemporary addition within the street scene and, in this regard, the appeal decision on the new Regent Arcade entrance is pertinent, whereby the Inspector stated that whilst the new entrance *“would appear as an obviously contemporary element, and its proportions would not reflect the classical theme of the rest of the façade, or mimic the proportions of the nearby shopfronts”* it *“would fit in satisfactorily with the wider mix of building designs in this part of the conservation [area], and would provide the high standard of design that is sought by both local and national policies.”* The Inspector goes on to find that *“the proposal would at least preserve the character and appearance of the Cheltenham Conservation Area”*.
- 6.10 With the above in mind, officers are of the opinion that although the proposals might not necessarily be considered an enhancement, they will, at the very least, preserve the character and appearance of the wider conservation area. It is important to acknowledge that the entire frontage was rebuilt only a few years ago and no historic fabric remains. The building, as it currently stands, simply does not fit with Metro Bank’s core design principles.
- 6.11 Nevertheless, in accordance with paragraph 196 of the NPPF, the less than substantial harm to the significance of the designated heritage assets, as identified by the Conservation Officer, must be weighed against the public benefits of the proposal; whilst also acknowledging the statutory duty to consider the desirability of preserving the settings of the heritage assets, as set out at paragraph 6.3.
- 6.12 The NPPF (Paragraph: 020 Reference ID: 18a-020-20190723) sets out that public benefits can *“be anything that delivers economic, social or environmental objectives... should flow from the proposed development...and be of benefit to the public at large”*.
- 6.13 Officers consider that in this instance the socio-economic benefits of the scheme will almost certainly outweigh the ‘less than substantial’ harm. The proposal represents a significant long term investment in the High Street and will make a positive contribution to the ongoing vitality and viability of the town centre. The challenges facing High Streets throughout the UK are well documented and new appropriate investment in the town centre should, in officer’s opinion, be welcomed. Paragraph 4.4.2 of the JCS identifies that the nature of the town centre is changing due to the increase in internet shopping, and highlights the importance of allowing the flexibility to diversify, and promoting competitiveness in order to provide individuality, choice and diversity.
- 6.14 In this respect, the Planning, Design and Access Statement which accompanies the application sets out that Metro Bank’s *“ambition is to revolutionise the UK banking market – creating real competition and choice for personal and business banking customers”*. The bank offers extended opening hours, 7 days a week, including evenings, Sundays and Bank Holidays, and is *“genuinely accessible to all, regardless of personal circumstances and commitments”*.
- 6.15 With all of the above in mind, on balance, the proposals are considered to be acceptable in terms of design and impact on the historic environment.

19/01506/ADV

- 6.16 In considering the application for advertisement consent, the only matters that can be taken into account are visual amenity and public safety.

- 6.17 Overall, the proposed signage is considered to be acceptable. Although the Conservation Officer considers that too much signage is proposed, the signage is commensurate with the width of the proposed unit; there are a number of buildings within the vicinity whereby the fascia signage extends the full width of the building and is repetitive in its content. Additionally, the glass mounted signage at first floor is reflective of the signage recently implemented on the nearby 'Next' retail store, and that proposed to the new Regent Arcade entrance.
- 6.18 Moreover, with regard to public safety, the signage will not result in any harm to the safety of highway users. The method and level of illumination proposed for the signs is considered to be acceptable in this town centre location. The site is located on the main High Street within the Core Commercial Area and Central Shopping Area, and no Highway objection has been raised.

Recommendation

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

7. CONDITIONS

19/01506/FUL

- 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.

19/01506/ADV

- 1 The advertisement consent hereby granted shall expire after a period of five years from the date of this decision.

Reason: To accord with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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

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

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

ii) No advertisement shall be sited or displayed so as to:

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

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

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

Reason: To accord with the provisions of Schedule 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

INFORMATIVE

19/01506/FUL

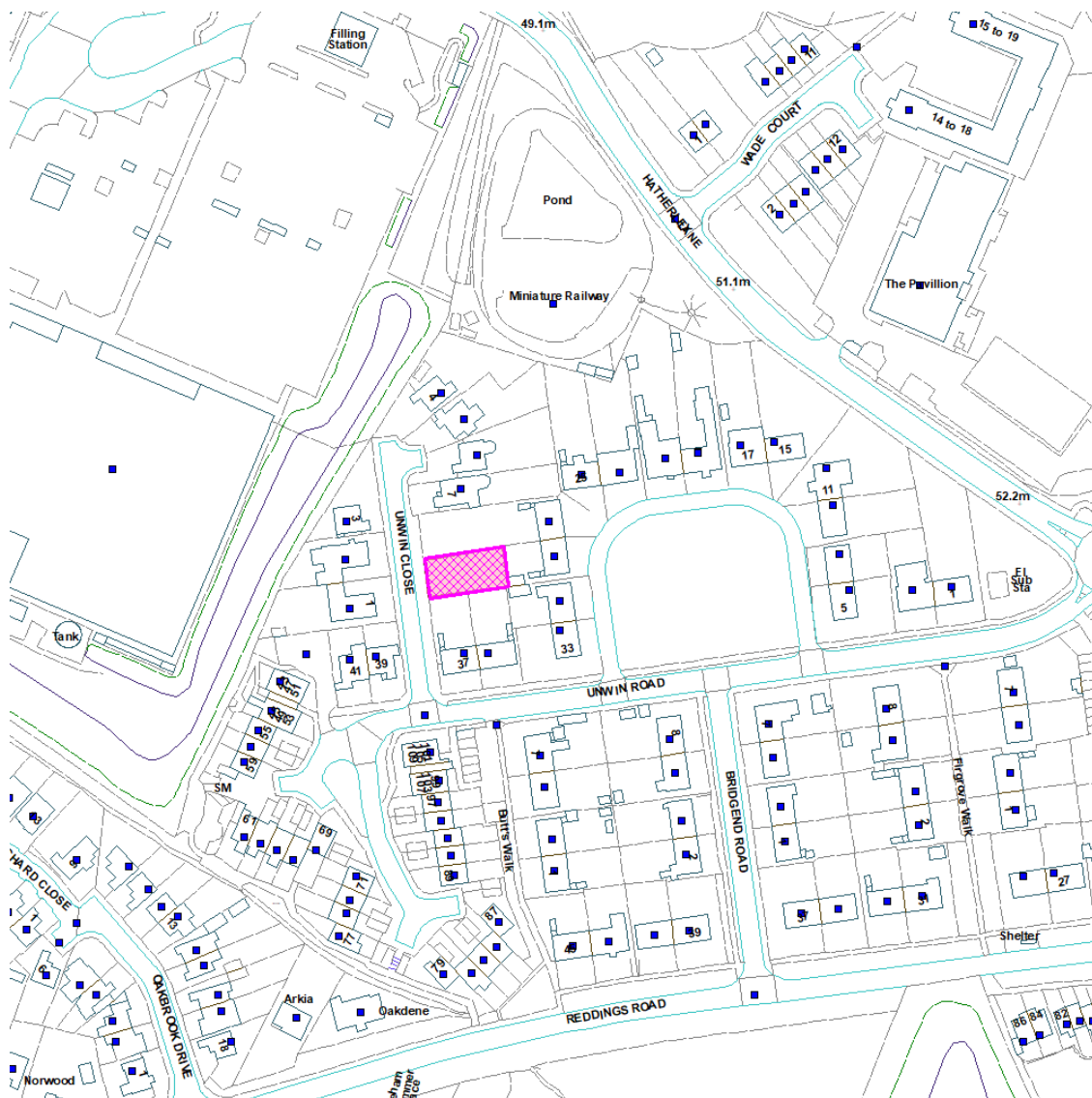
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions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

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

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

APPLICATION NO: 19/01591/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 9th August 2019		DATE OF EXPIRY: 4th October 2019
DATE VALIDATED: 9th August 2019		DATE OF SITE VISIT: Carried out on previous application; April 2019
WARD: Benhall/The Reddings		PARISH: n/a
APPLICANT:	Mr And Mrs Smith	
AGENT:	Urban Aspects Ltd	
LOCATION:	29 Unwin Road, Cheltenham, Gloucestershire	
PROPOSAL:	Proposed detached bungalow and associated parking	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located within the existing curtilage of no. 29 Unwin Close; a single storey, residential, 'pre-fab' dwelling dating to approximately the 1950s. The application site currently forms part of the rear private amenity space of 29 Unwin Road.
- 1.2 The site is located within the ward of Benhall/The Reddings and the Principle Urban Area (PUA) of Cheltenham. The site is not located in a conservation area.
- 1.3 The application proposes the erection of a detached bungalow and associated parking within the rear garden of no. 29 Unwin Road and accessed from Unwin Close. As part of the application the site would be subdivided to provide for the new detached dwelling.
- 1.4 This application is a revised application, following the approval of a detached bungalow and associated parking, ref. 19/00597/FUL, in May 2019. The main change as part of this revised application is the re-siting of the dwelling; moving the building back 2 metres into the site to address land ownership and ensure that the development and associated parking can be wholly contained within the application site.
- 1.5 The application is at planning committee at the request of Councillor Britter due to the level of interest from neighbouring residents.
- 1.6 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Principal Urban Area
Residents Associations

Relevant Planning History:

19/00597/FUL 21st May 2019 PER
Proposed detached bungalow and associated parking

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

Adopted Joint Core Strategy Policies

SP1 The Need for New Development
SD4 Design Requirements
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network

Saved Local Plan Policies

CP 3 Sustainable environment
CP 4 Safe and sustainable living

CP 7 Design

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

19th August 2019

Report in documents tab

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	17
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1 Letters have been sent to 17 neighbouring properties; three responses have been received during the statutory consultation phase of this revised application.
- 5.2 A summary of the main points raised include but are not limited to the following;
- Strip of land to rear of site not owned by applicant,
 - Visual impact,
 - Noise,
 - Business run from property,
 - Impact on local environment.
- 5.3 As mentioned in the introduction to this report, a similar proposal has recently received planning permission on this site. During the processing of that application, 7 objections were received raising concerns (as set out below). For the avoidance of doubt, those comments have been considered as part of this application.
- Noise from increase vehicle movements,
 - Parking of commercial vehicles within Unwin Close,
 - Design and materials not in-keeping with the surroundings,
 - Out of character,
 - Loss of privacy/increased overlooking,
 - Noise associated with applicants business,
 - Traffic increase associated with applicants business,
 - More traffic and parked cars on Unwin Close,
 - Commercial business impact on Unwin Close,
 - No provision for storage of business equipment,
 - Loss of garden land,
 - Visual impact,

- Loss of a view/impact on existing views,
- Highway safety.

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are the principle of a new dwelling, the design and layout, any impact on neighbouring amenity and any highway safety concerns.

6.3 Site and context

6.4 As mentioned above, this is a revised application to a previously approved scheme. The design and scale of the proposed dwelling is unchanged. The only change proposed is to move the dwelling back 2 metres further into the site to address issues which have arisen relating to land owned by highways. A strip of land adjacent to Unwin Close is owned by County Highways and not the applicant; as such to address this issue, this revised application has been submitted.

6.5 Principle of development

6.6 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.

6.7 Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal; as it stands, the Council is currently unable to demonstrate such a five year supply.

6.8 Policy SD10 of the JCS supports new housing development in Cheltenham where it is infilling within the existing built-up area of the PUA.

6.9 As such, based on the above, it is considered that the principle of developing the site for housing is acceptable; subject to the material policy considerations set out below.

6.10 Design and layout

6.11 Paragraph 124, Section 12 of the NPPF requires development to be well-designed; a key aspect to achieving sustainable development and creates better places in which to live. Paragraph 127 of the NPPF sets out that planning decisions should ensure development will add to the quality of the area, is visually attractive and is sympathetic to local character. Drawing from this guidance; policy SD4 of the JCS and saved Local Plan policy CP7 require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.

6.12 Additional design advice for new dwellings is set out within the Council's adopted SPD relating to development on garden land and infill sites, the document sets out that various elements combine to create the character of an area including; layout, context, grain and design.

- 6.13 The existing plot would be subdivided to provide a plot for the new dwelling. The new dwelling would be accessed from Unwin Close; to the rear of Unwin Road. The aforementioned SPD sets out guidance for new development which states should respond to the layout and grain of a site's surroundings. When looking at the site location plan it is considered that the addition of the new dwelling would not result in harm to the character, layout or grain of the area given the siting of neighbouring properties. As such, the proposal would comply with the aforementioned SPD.
- 6.14 The proposed dwelling is considered to be an appropriate size and design for its location. There is a mix of house types in the vicinity; single storey, two storey and flats. In addition to this, the dwelling would sit comfortably within the plot; providing a good sized private amenity space and 3no. off street parking spaces.
- 6.15 The proposed dwelling would have a rendered finish. It is noted by officers that these materials would not match the materials used in the vicinity. The existing materials which are present include red brick, buff brick, cream coloured prefabs; demonstrating an existing mix. As such, it is considered that the proposed dwelling would be a modern addition to the area and given the existing mix of materials, the design of the proposed dwelling is considered to be acceptable and would not result in harm to the street scene or wider character of the area.
- 6.16 Impact on neighbouring property**
- 6.17 Policy SD14 of the JCS and saved Local Plan policy CP4 require development not to cause unacceptable harm to the amenity of adjoining land users and the locality. This draws from the guidance set out within Section 12 of the NPPF.
- 6.18 Letters have been sent to neighbouring properties, three responses have been received as part of this application, however the concerns raised as part of the previous application will also be taken into consideration.
- 6.19 Concern has been raised in regards to an increase in noise, specifically from traffic as a result of the proposal. Whilst there will be an increase in the number of vehicles accessing Unwin Close, the number is not going to increase significantly which would result in an unacceptable harm to the amenity of the neighbouring residents. Unwin close is small, and traffic will be moving at slow speeds, as such it is unlikely there would be a noticeable increase in noise from traffic.
- 6.20 The proposed dwelling would not result in an unacceptable harm to the amenity of adjoining land users in terms of a loss of light or loss of privacy; and therefore comply with the relevant policies.
- 6.21 Parking and highway safety**
- 6.22 Policy INF1 of the JCS emphasise the need to encourage the use of sustainable modes of transport, and to ensure a safe and suitable access can be achieved for all users; development should only be refused on highway grounds where the impacts of the development result in an unacceptable impact on highway safety. The policy reflects the advice set out within Section 9; paragraphs 108-110 of the NPPF.
- 6.23 A number of residents have raised traffic and parking as concerns within their representations. These concerns relate to increased traffic and parking concerns. The application proposes 3no. parking spaces; as such this will provide off street parking ensuring less vehicles are parked on Unwin Close causing the road to be more narrow.
- 6.24 The highways officer initially raised concerns with the number of spaces provided for a 3 bed bungalow, however given the existing situation on Unwin Close and the concerns that

there would be further on street parking; it is considered that this level of parking is acceptable. As such, the highways officer no longer raises an objection.

6.25 Other considerations

6.26 Many residents have raised concerns relating to a business being run from the application property, or that the proposed dwelling will be used for business purposes. This application is for a single storey dwelling and is not seeking permission for any business use; as such this is not a consideration of the application.

6.27 However, given the level of objections received during the previous application and this application, this matter has been investigated by Council officers. The applicant has confirmed that he runs a Bouncy Castle business, predominately at weekends. The bouncy castles are not stored at the subject site and bouncy castle events are not held at the subject site. There are two vans associated with the Bouncy Castle business that are parked on the site/surrounding area. As such, this business is considered to be ancillary to the main residential use of the site and does not require planning permission. If in future the business were to be 'run' from the site (i.e. bouncy castles stored and bouncy castles events held on a regular basis from the site) it may be the case that planning permission would be required. As it stands, this is not a matter that needs to be considered in arriving at a decision on this application.

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons set out above, the proposed new dwelling is considered to be appropriate in terms of its design, would protect neighbouring amenity and would make a positive contribution to Cheltenham's housing supply. With this in mind, when weighing up the proposal, the recommendation is to grant planning permission subject to the following conditions.

8. SUGGESTED 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 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions to the building hereby permitted shall be constructed without express planning permission.

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

- 4 All landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, having regard to saved policies CP7, GE5 and GE6 of the Cheltenham Borough Local Plan (2006), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

INFORMATIVES

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

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

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

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APPLICATION NO: 19/01591/FUL		OFFICER: Miss Claire Donnelly
DATE REGISTERED: 9th August 2019		DATE OF EXPIRY : 4th October 2019
WARD: Benhall/The Reddings		PARISH:
APPLICANT:	Mr And Mrs Smith	
LOCATION:	29 Unwin Road Cheltenham Gloucestershire	
PROPOSAL:	Proposed detached bungalow and associated parking	

REPRESENTATIONS

Number of contributors	3
Number of objections	3
Number of representations	0
Number of supporting	0

1 Unwin Close
Cheltenham
Gloucestershire
GL51 6PF

Comments: 3rd September 2019

Regarding the application for a bungalow (19/01591/FUL) I will further state that as you must be aware by now that the owner of 29 Unwin Road does not own the strip of land he wishes to cross for access to the development. Its all very well to argue that this does not affect the planning decision but it does. By ignoring this fact the planning dept is condoning the illegal encroachment of public land and the destruction of public property ie land the belongs to you and I. This planning application should never have gone this far and should have been thrown out when it first turned up. I trust this will go before the full planning commitee and not just the delegated panel as it deserves it.

2 Unwin Close
Cheltenham
Gloucestershire
GL51 6PF

Comments: 3rd September 2019

Our comments still remain for the objection as stated on the previous 19/01591/FUL application.

Moving the plot back 1.9 mtrs to the actual boundary line does not alter the VISUAL or NOISE aspect of the development. The 1.9 mtr strip of land is the property of Gloucestershire County Highways and is maintained by them. About a third of this screening hedge was remove without permission prior to application.

The applicant has NOT stated the business use involved on his application. This is paramount to the overall noise pollution and disturbance to the Close. All the relevant tasks parking lorries and vans let alone the checking and cleaning of Bouncy Castles all in full view of the lounges of existing properties in the Close. We have already had the lorry and van parked in the Close (trial run?)

We feel the applicant must be asked by the COMMITTEE PRIOR TO PERMISSION how or where he will run his business seeing as he's applied for RESIDENTIAL USE for the development only.

5 Unwin Close
Cheltenham
Gloucestershire
GL51 6PF

Comments: 30th August 2019

I write as a resident of Unwin Close and object strongly to this application. All points from previous objection still stand.

I am not sure why there are now 2 properties in Unwin Road linked to this application ??

I appreciate that permission was granted before and the system means that there is not really much point resubmitting an objection. Please see previous reasons for objections.

The application is contrary to the Local Plan in relation to garden grab. The local authority has set out policies to resist inappropriate development of residential gardens where proposals would not only harm but impact adversely on the overall local environment. Trees were removed when they should not have been last year by the applicant.

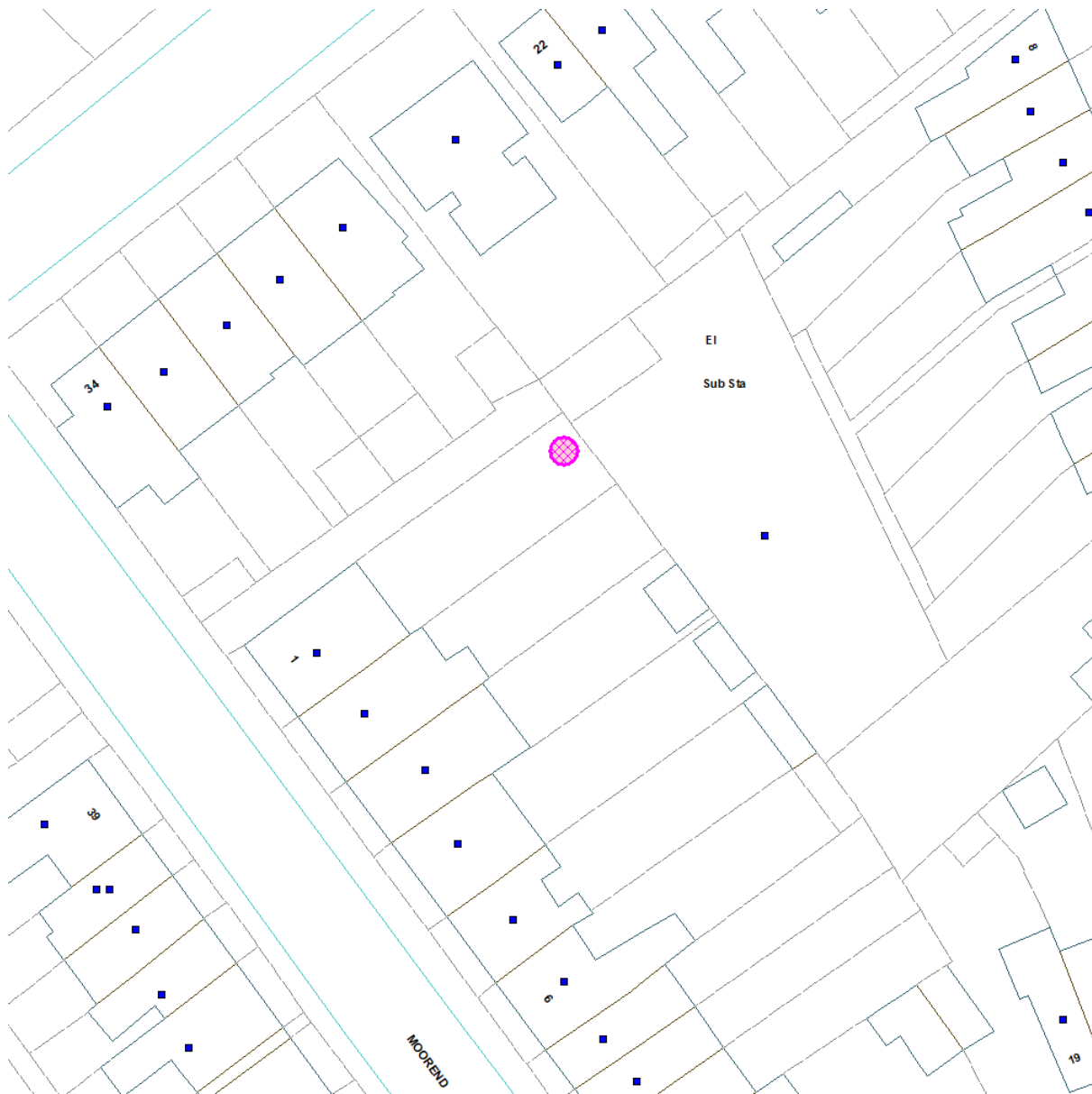
Our main issue is the fact that the applicant uses their current address to run their Bouncy Castle business. Whilst I have been told frequently that planning will not look at this because it is an application for a domestic residence only, BUT the basic principle is that business use doesn't need planning permission if it's considered to be incidental to normal residential use. This planning application (if then used to run business) is far more than incidental to normal residential use.

It is likely to generate levels of noise, visitors, traffic, fumes or any other external effect that goes above and beyond what might normally be expected at a house.

Please can the question be asked if the business will be run from this new property. As per our previous objections there are large vehicles, business equipment etc all linked to the current 'domestic' premises that may potentially be moving to our quiet residential cul de sac.. And then consideration be given to restrictions.

APPLICATION NO: 19/01598/CACN		OFFICER: Miss Ann Holdstock	
DATE REGISTERED: 8th August 2019		DATE OF EXPIRY: 19th September 2019	
DATE VALIDATED: 8th August 2019		DATE OF SITE VISIT: 9 th August	
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill	
APPLICANT:	Mr C Chavasse		
AGENT:	n/a		
LOCATION:	1 Moorend Street, Cheltenham		
PROPOSAL:	Hazel in rear garden on rear boundary- reduce width of tree on east side (where it overhangs property boundary) by 1-2m.		

RECOMMENDATION: No Objection raised



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This Conservation Area Notification is to prune a Hazel in the rear garden of 1 Moorend Street, a property situated within the Central Conservation Area. The proposed pruning would reduce the hazel back to the property boundary removing the overhang into the neighbours property.
- 1.2 This Conservation Area Notification has been brought before Planning Committee because Senior Trees Officer is the applicant.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area

Relevant Planning History:

00/01138/FUL 23rd October 2000 PER
Internal alterations and two storey rear extension

13/01268/FUL 23rd September 2013 PER
New railings to front of property

3. POLICIES AND GUIDANCE

GE5

The Council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders when appropriate.

4. CONSULTATIONS

Parish Council

29th August 2019

The Parish Council has no objection to this application

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	0
Number of objections	0
Number of supporting	0
General comment	0

- 5.1 Letters were sent to adjacent neighbours who would be able to view the tree from their property. Site notices were not erected as this tree is at the rear of the property whilst it

can be accessed via the side lane, this is a private lane and as such the tree is not visible from the public realm.

5.2 Comments Received No comments from neighbours were received.

6. OFFICER COMMENTS

6.1 Determining Issues

The proposed works to the hazel are relatively minor in that it would not dramatically alter the appearance of the tree from all but one side. This tree is a healthy vigorous tree and the proposed pruning works would not cause undue harm to the health of the tree and the tree will regrow well from this pruning.

6.2 The site and its context

The tree is in a domestic rear garden, adjacent to the site are similar rear gardens and a private lane servicing the properties along Shurdington Road. The tree currently overhangs into the adjacent neighbours property, it is this overhang which is proposed to be removed. The tree cannot be seen from the public realm.

6.3 Impact on neighbouring property

Part of the hazel overhangs into the adjacent property. Removal of this overhanging limb would increase the light into the neighbouring gardens and reduce any potential seasonal nuisance of leaf/fruit drop.

7. CONCLUSION AND RECOMMENDATION

7.1 Taking into consideration the relatively minor works proposed to the hazel and the works will not adversely impact either the tree or any neighbouring properties it is recommended that no objection is raised to this Conservation Area Notification.

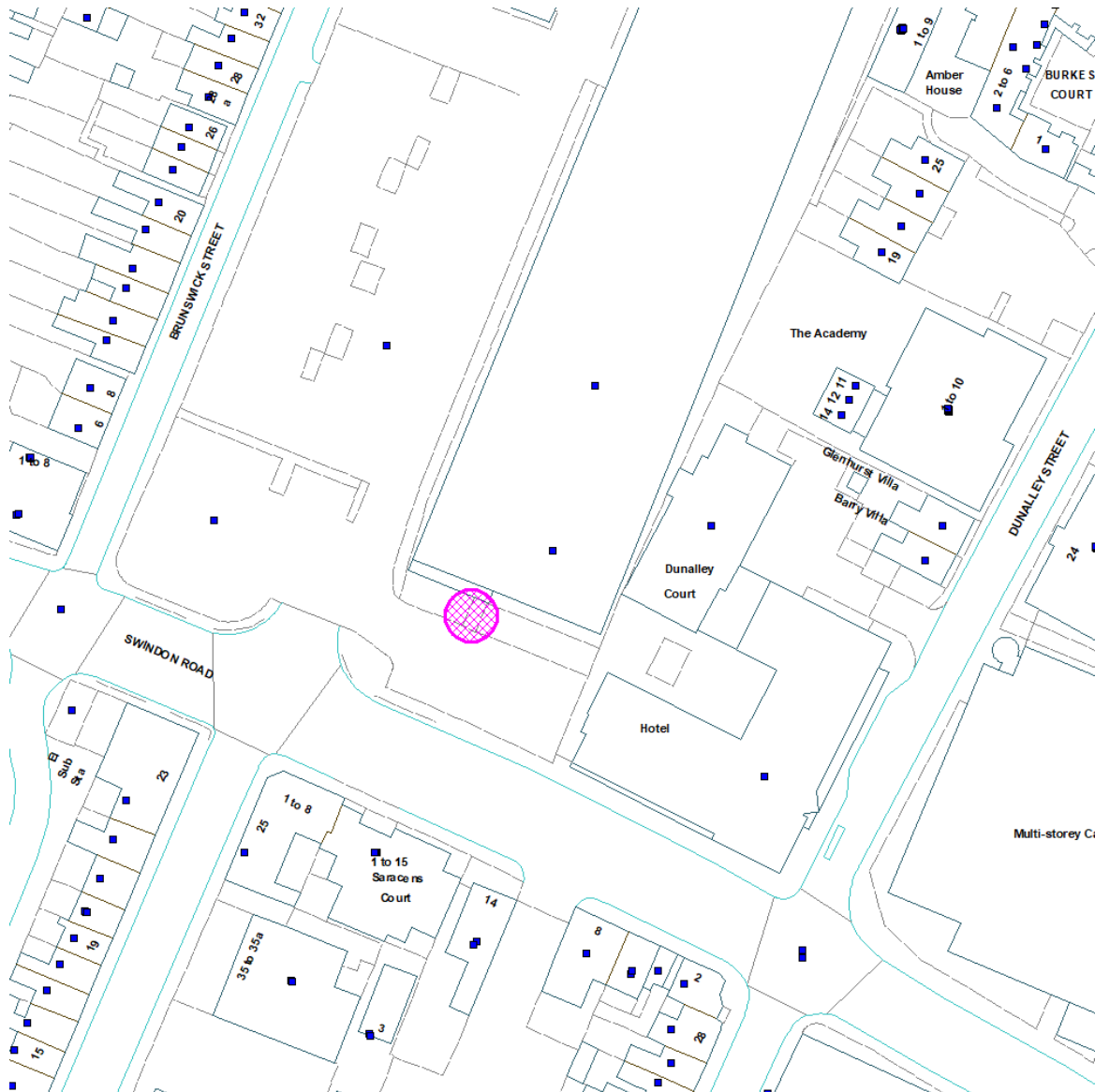
8. CONDITIONS / INFORMATIVES

None.

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APPLICATION NO: 19/01779/CONF	OFFICER: Miss Ann Holdstock
DATE REGISTERED: 6th September 2019	DATE OF EXPIRY: 6th March 2020
DATE VALIDATED: 6th September 2019	DATE OF SITE VISIT: 1 st August 2019
WARD: St Pauls	PARISH:
APPLICANT:	Lidl Great Britain Ltd
AGENT:	n/a
LOCATION:	27 - 33 Swindon Road, Cheltenham, Gloucestershire
PROPOSAL:	Confirmation of TPO 775, 4 Cedar trees at 27-33 Swindon Road

RECOMMENDATION: Order is Confirmed



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 27-33 Swindon Road is the former Matalan site, there is a current planning application (19/01285/FUL) from Lidl Great Britain to redevelop the site. This application is to decide whether to confirm the new Tree Preservation Order created on the four Cedar trees fronting on to Swindon Road.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Core Commercial Area
Conservation Area

Relevant Planning History:

87/01197/PC 26th November 1987 REF

30 Swindon Road Cheltenham Gloucestershire - Change Of Use From Light Industrial To Wholesale Electrical Outlet

10/01267/CACN 31st August 2010 NOOBJ

4 x Cedar on south side of Matalan building - crown lift by 2m from ground level.

19/01285/FUL PCO

Sub-division of existing Use Class A1 retail unit to create two Class A1 units, internal and external refurbishment of building to provide new entrances, shopfronts and other openings, re-cladding elevations, relocation of delivery dock and plant area, re-arrangement of car park and associated works following minor demolition works to the existing building and removal of existing trees and hedges.

3. POLICIES AND GUIDANCE

Policy GE5

The Borough Council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders in appropriate cases.

4. CONSULTATIONS

Letters were sent to the Ward Councillors, the Parish Council and Cheltenham Tree Group.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 Three site notices were erected but neighbours were not written to as part of the TPO creation as the trees do not overhang any boundaries and as such neighbours do not have any pruning rights over the trees.

5.2 Comments Received

An objection to the Tree Preservation Order was received from Lidl Great Britain. The objection is attached.

Cheltenham Tree Group objected to the planning application at this site as it involves the removal of the four cedar trees. It is therefore not unreasonable to conclude that they would support the creation of the Tree Preservation Order to protect these trees.

The Tree Group comments for **19/01285/FUL** are as follows :

'The Cheltenham Tree Group would strongly object to this planning application insofar as it concerns the felling of four cedar trees. This part of Swindon Road has a great paucity of trees and here we have four healthy specimens, none posing a potential safety risk or evident damage to property, with three of them quite young and many future years before them to make their contribution to the air quality of a road with a heavy amount of traffic purely for what appear to be purely commercial reasons.

One might wish that the oldest tree was not growing at such an incongruous angle for no obvious reason but some judicious pruning would increase its aesthetic appeal and its size means it is making a larger contribution to reducing the carbon footprint than the others.

Admittedly they may look isolated and the fact that they are the only conifers in the vicinity may make them seem incongruous, but they should be seen as trailblazers for a tree deprived area urgently needing more trees whenever an opportunity presents itself. '

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 Planning application 19/01285/FUL was validated on 2nd July 2019 to redevelop the current Matalan site at 27-33 Swindon Road. Within this application tree removals were proposed and the Trees Section was consulted to comment on the proposals.

- 6.3 Several trees on the site were proposed to be removed; many of these are low quality trees which were intended to be replaced. However the four cedars fronting

on to the car park and Swindon Road were also proposed to be removed. Tree Officers considered these trees worthy of a Tree Preservation Order to protect them from such proposed felling.

- 6.4** To aid the evaluation of the tree's worthiness of a TPO, a tree evaluation method for Tree Preservation Orders (TEMPO) assessment was undertaken. The tree was scored by Tree Officers as 'TPO defensible'. TEMPO is a widely used system in the industry by Trees Officers as a tool assisting decision making of TPO worthiness.

6.5 The site and its context

- 6.6** These trees are situated to the South of the current Matalan building on a bank between the building and the car park. These trees are one of the few green areas along this stretch of Swindon Road and can be seen clearly by any vehicles driving past or waiting at the nearby traffic lights. These are evergreen trees and as such provide amenity throughout the year. Whilst trees of this species can live for hundreds of years, previous management of these trees has impaired their form and as such reduced their lifespan. That being said these trees could be retained in this location for at least another 20 years.

6.7 Design and layout

- 6.8** The trees are adjacent to the side elevation of the Matalan building, this elevation is to be redeveloped and the trees in their current location would conceal this. The trees are at the top of a sloped border between the building and the car park with a path and steps separating the four trees into two pairs. There is another smaller tree within this border, a Norway Maple which has been suppressed by these trees and as such has a 'one sided' canopy, this Norway Maple is not being proposed for protection as part of the Preservation Order. There are also other low lying shrubs in the border.

6.9 Impact on neighbouring property

- 6.10** These cedar trees can be seen along Swindon Road and are one of a very limited number of green areas along this stretch of the road. Apart from the visual amenity these trees provide they do not have any impact on neighbouring properties as they do not overhang any boundaries and are completely enclosed by the site.

6.11 Sustainability

- 6.12** This species of tree are recognised for their long lifespan, these trees are still fairly young being described as Early Mature. However the form of these trees is impaired and as such their lifespan has been reduced. These trees appear to have been topped before and the most south-westerly tree has a girdling root which may compromise this trees longer term viability.

6.13 Other considerations

- 6.14** In the objection from Lidl Great Britain Ltd. they stated one of the reasons for removing the trees was to reduce the incidence of antisocial behaviour which occurs in the sunken footpath behind the trees. When Trees Officers were on site no evidence of anti-social behaviour paraphernalia could be seen. There are methods other than complete removal of these trees which would reduce the incidence of antisocial behaviour in this area.

6.15 Another objection reason given by Lidl is in reference to the previous Conservation Area application (10/01267/CACN) to crown raise the cedar trees. Tree Officers raised no Objection to this application. When deciding on a Conservation Area Notification Tree Officers have two options; to either not object or to place a Tree Preservation Order on the trees. At the time of this application to raise the canopy of these trees the trees were not under threat of removal or inappropriate management and as such the protection afforded them by being within a Conservation Area was sufficient. However, now there is a proposal to remove these trees, the appropriateness of a Tree Preservation Order to afford these trees more substantial protection was reconsidered.

7. CONCLUSION AND RECOMMENDATION

7.1 These trees provide visual amenity and an important greening in an otherwise urban setting, Tree Officers recommend that the Tree Preservation Order is Confirmed.

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APPLICATION NO: 19/01779/CONF		OFFICER: Miss Ann Holdstock	
DATE REGISTERED: 6th September 2019		DATE OF EXPIRY : 6th March 2020	
WARD: St Pauls		PARISH:	
APPLICANT:			
LOCATION:	27 - 33 Swindon Road, Cheltenham, Gloucestershire		
PROPOSAL:	Confirmation of TPO 775, 4 Cedar trees at 27-33 Swindon Road		

REPRESENTATIONS

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

Plan A (North West) Limited
 32 Aughton Road
 Southport
 PR8 2AG
on behalf of Lidl

Comments: 9th September 2019
 Letter attached.

Miss A Holdstock
Planning Department
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA



28 August 2019

Ref: 002132/L005

Dear Miss Holdstock,

PROPOSED TREE PRESERVATION ORDER AT 27-33 SWINDON ROAD, CHELTENHAM

On behalf of Lidl Great Britain Limited, we object to the recently made Tree Preservation Order relating to 4 Cedar trees at 27-33 Swindon Road in Cheltenham (the subject trees). The grounds of objection are presented below.

Principle of the Tree Preservation Order

Government guidance advises that the purpose of a Tree Preservation Order is to *'protect trees that bring significant amenity benefit to the local area'*.

The Council has previously considered whether the subject trees are worthy of such protection in the context of an application to undertake crown lifting of the trees in 2010. However, the decision notice (reference 10/01267/CACN) confirms that *'a decision has been made under authority delegated by the Council not to place a Tree Preservation order on the trees'*. This evidence confirms that the trees were not considered to *'bring significant amenity benefit to the local area'* at that time. Little has changed to warrant a different conclusion now being drawn.

It is a material consideration that the subject trees remain located within Central Conservation Area and, therefore, are already protected from unauthorised works being undertaken without prior permission from the Local Planning Authority. They are already protected.

Indeed, the only reason that a Tree Preservation Order has been made appears to be as a result of my client's planning application (reference 19/01285/FUL), which proposes a package of physical enhancements to the existing building at 27 Swindon Road and its associated areas. Whilst this application proposes that the subject trees be felled in order to open up the building frontage to Swindon Road and allow a new shopfront to be installed, replacement planting is proposed to compensate for the tree loss. The removal of the subject trees must be assessed in the wider context of that planning application. If the Lidl application is approved, the planning permission will supersede the Tree Preservation Order.

The subject trees are, therefore, already protected from unauthorised works due to their location in a Conservation Area and the Council has previously decided not to impose a Preservation Order on them. Whilst the trees are under threat from development proposals, the imposition of a Tree Preservation Order will have no bearing on this. Accordingly, the imposition of a Preservation Order serves no purpose.

Quality of the Trees

A tree survey has been submitted in support of application 19/01285/FUL, which provides an assessment of the subject trees undertaken by a qualified arborist in accordance with British Standard 5837:2012. The survey categorises the subject trees as Grade B2, which means that they are '*moderate quality*' with a remaining life span of less than 20 years, with their value mainly being their contribution towards the character of the area. The subject trees are not, therefore, high quality specimen trees.

Contribution to Conservation Area

The Conservation Area Character Appraisals for the Old Town, St Pauls and Lower High Street areas confirm that there are few street trees in these parts of the Central Conservation Area. The appraisals refer to individual and groups of trees that are located in prominent positions and make a positive contribution to the character of the area. However, no reference is made to the subject trees.

The subject trees are set back approximately 13m from the back of the footpath and views of the trees are obscured by neighbouring buildings, which are typically 3 or more storeys in height and built at the back of the footpath. The contribution that the subject trees make towards the character and setting of the Conservation Area is very limited.

The limited value of the trees to the character of the area, together with their moderate individual quality, indicates that they are not worthy of a Tree Preservation Order. The loss of the trees would not result in unacceptable harm to the wider heritage asset.

Social Issues

Public comments have been submitted in the context of planning application 19/01285/FUL that indicate that the subject trees currently attract acts of anti-social behaviour, which occurs in the area between the trees and the Matalan store, which has a slightly lower ground level. Residents confirm that this location attracts rough sleepers, drug dealings and drug taking, amongst other issues. The use of this area in this manner is encouraged by the presence of the trees, which provide visual screening and decrease natural surveillance.

It is in the public interest to discourage such activity and the Council has previously concluded that the subject trees should not be subject to a Tree Preservation Order as a result.

The imposition of a Tree Preservation Order would prolong the time required to secure consent to undertake works to the subject trees and may even result in proposed works being refused consent. This would be to the detriment of the amenity of staff and customers at the retail store and neighbouring uses, local residents and visitors.

Other Matters

Whilst Lidl has recently submitted a planning application that requires the removal of the subject trees, that application should be given no weight when determining whether to impose a Tree Preservation Order. The subject trees are already protected from unauthorised works as a result of their Conservation Area location, so may not be removed without the Council's prior consent.

Conclusions

Tree Preservation Orders seek to protect trees that bring significant amenity benefits to a local area and proposals to introduce new Orders must be assessed on this basis.

It has been demonstrated that the subject trees are only of '*moderate*' quality, not quality specimens. It has also been demonstrated that the trees make a very limited contribution towards the character and setting of the Conservation Area. The amenity benefits that they bring are not significant, especially when considered in the context of the rough sleeping, drug dealing and selling and other acts of anti-social behaviour that they currently hide from public view. Indeed, it is in the public interest for the trees to be removed.

The Council has previously concluded that the subject trees are not worthy of a Preservation Order and there has been no material change in circumstance to warrant a different conclusion from now being drawn.

Regardless of whether this Tree Preservation Order is approved or not, the trees subject cannot be felled or any works undertaken to them without the Council's prior consent. This is because the trees are located within a Conservation Area. The trees are, therefore, already protected.

Whilst the subject trees are located on a site that is the subject of development proposals by Lidl, the Lidl scheme seeks to deliver a range of positive measures to compensate for the proposed tree loss and to deliver a positive impact on the character of the Conservation Area. However, the correct forum for the assessment of those proposals is in the context of that planning application, not in the context of this Tree Preservation Order. Each application must be assessed on its own merits.

We trust that the above representations will be afforded full consideration in the decision-taking process.

Yours sincerely,



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Appeals Lodged August -September 2019

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Hectors House, Baker Street	Erection of a new terraced house	Delegated	Written	Early December 2019	19/00796/FUL Appeal ref: 19/00010/PP1
Outside Superdrug, 95-97 High Street	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	Commercial Appeals Service (CAS)	Early December 2019	18/02531/ADV Appeal ref: 19/00011/ADV1
Opposite McDonalds, 224-226 High Street	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02525/ADV Appeal ref: 19/00012/ADV1
Outside Primark, 201-207 High Street	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02526/ADV Appeal ref: 19/00013/ADV1
Outside Game, 195 High Street	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02527/ADV Appeal ref: 19/00014/ADV1
Outside Pret-a-Manger, 163-167 High Street	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02529/ADV Appeal ref: 19/00015/ADV1
Outside Longfield, 4 Pittville Street	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02528/ADV Appeal ref: 19/00016/ADV1

Outside Halifax Bank, 8 Winchcombe Street	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02530/ADV Appeal ref: 19/00017/ADV1
Outside The Quadrangle, Promenade	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02532/ADV Appeal ref: 19/00018/ADV1
Outside Russell & Bromley, 100 Promenade	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02533/ADV Appeal ref: 19/00019/ADV1
Outside Hotel Chocolate, 56 Promenade	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02534/ADV Appeal ref: 19/00020/ADV1
Outside Waterstones, 33-41 Promenade	Display of a single illuminated sequential display affixed to the frame of the communication hub	Delegated	CAS	Early December 2019	18/02535/ADV Appeal ref: 19/00021/ADV1

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
NONE					