



Notice of a meeting of Planning Committee

**Thursday, 19 December 2019
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	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

Important Notice

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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) **19/02143/FUL 15 Hartley Close Cheltenham Gloucestershire** (Pages 25 - 42)
[Planning Application Documents](#)
 - b) **19/02213/FUL 1 Bath Mews Commercial Street Cheltenham** (Pages 43 - 64)
[Planning Application Documents](#)
 - c) **19/02229/FUL 7 Nettleton Road Cheltenham Gloucestershire** (Pages 65 - 68)
[Planning Application Documents](#)
 - d) **19/02062/LBC Municipal Offices** (Pages 69 - 76)
[Planning Application Documents](#)
- 7. APPEAL UPDATES** (Pages 77 - 78)
- 8. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

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

Planning Committee

**Thursday, 21st November, 2019
6.00pm**

Attendees	
Councillors:	Councillor Tony Oliver, Councillor Roger Whyborn (Reserve), Councillor Wendy Flynn (Reserve), Councillor Garth Barnes (Chair), Councillor Stephen Cooke, Councillor Diggory Seacome, Councillor Victoria Atherstone, Councillor Bernard Fisher, Councillor Dilys Barrell, Councillor Mike Collins, Councillor Simon Wheeler, Councillor John Payne and Councillor Rowena Hay
Officers in Attendance:	David Oakhill (Head of Planning), Michelle Payne (Senior Planning Officer), Victoria Harris (Planning Officer), Chris Mead (Senior Highways Officer), Nick Jonathan (Legal Officer)

21. Apologies

Councillors Baker and McCloskey.

22. Declarations of interest

There were none.

23. Declarations of independent site visits

Councillor Collins – 18 Hatherley Lane.

24. Public questions

There were none.

25. Minutes of last meeting

These were approved and signed as a true record of the meeting, without amendments.

26. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications

27. 19/01370/FUL Imperial Garden

Officer Introduction

DO introduced the application for an ice rink and ancillary uses over two years at Imperial Gardens, in addition to the existing planning permission for the Gardens to be used for 70 days every calendar year. It is at Committee because the application site is CBC-owned land, and Councillor Mason has requested a Committee decision. The proposed ice rink will operate in the winters of 2020-21 and 2021-22, and take up a quarter of Imperial Gardens. The original application site included the pond and footpath, but this was subsequently amended to allow better pedestrian access. The applicant's position is that the proposal will be a good thing for town, with broad benefits. As elsewhere in the country, the town centre is struggling to compete, and there is evidence that the Christmas lights turn-on, the big wheel and other events in Imperial Gardens increased footfall to the Cheltenham, bringing benefits to the town centre as a whole. Residents are concerned about additional use of the Gardens, the effect on residential amenity, highways safety, traffic, impact on the heritage asset and trees, but no objections have been raised by consultees on these issues

Public Speaking

Jake Ford, neighbour, in objection

The three objections raised this evening are detailed in the letter submitted on 13th August. First, the impact on neighbouring residents. Residents in Imperial and Montpellier Square are reliant on on-street parking, with each house allowed two permits per annum. As things currently stand, residents are constantly competing for spaces during any town hall or festival event, of which there are now five a year. It is almost impossible to find a free space until after 9.00pm. There is not enough parking in town to support these events. Set-up and take-down of event structures sees the suspension of several parking bays. As a paying resident with a permit, it seems mad that he cannot park on his street, and adding a further 75 days of this is unacceptable. There is potential for an increase in anti-social behaviour. Over four years, has been victim of five separate incidents, including burglary and car vandalism, all at night and two during festivals. The rise in footfall, mainly in the evenings, may lead to a rise in antisocial behaviour, as well as an increase in noise pollution and litter.

The second objection relates to the impact of the ice rink on the sensitive central conservative area, and the listed buildings in Imperial Square that define Cheltenham's regency heritage. The ice rink will be completely alien to these surroundings, in contrast to the festivals which add to the community and bring a more cultural and educational appeal.

The third objection relates to the use of public green space for business. Cheltenham's parks are widely used all year round, especially Imperial Square due to its central location and flower displays. Policy is in place to protect these spaces, and the ice rink installation for 75 days goes completely against these. If an ice rink is needed in Cheltenham, an alternative site such as a car park or pedestrianised area should be considered over green land. There is no need for an artificial ice rink that puts business first and green space second.

Kevan Blackadder, Director of Cheltenham BID (applicant), in support

Cheltenham BID has been operating for over three years now, with the aim of attracting people to town and encouraging them to stay longer. One way this has been done successfully is by holding new events in the town centre, to attract local and regional audience, such as Light-Up Cheltenham and the Observation Wheel in Imperial Gardens. An ice rink would be a major additional attraction and significantly improve Cheltenham's Christmas offering, drawing in new and repeat visitors to skate and also to visit shops, bars and restaurants. Town centres can no longer rely on traditional retail to thrive and the BID endeavouring to improve the mix of activities in the town centre. The ice rink in Gloucester Quays attracts between 35,000 and 37,000 skaters each Christmas season, around 60 per cent of which are pre-booked, so a town centre ice rink would bring many thousands of people to Cheltenham who potentially would not come otherwise.

Imperial Gardens is the most appropriate location for the ice rink because of its proximity to town centre businesses and car parks, chosen to allow the town centre to benefit; it is the most logical place to achieve that. Other events that take place in the Gardens, including those run by Cheltenham Festivals, take up most of the available space, but the ice rink would use just 13 per cent of the space, leaving 87 per cent free. The chosen area is as far away as possible from where most of the residents live and is closest to the existing main areas of activity on the Promenade. The main footpaths would not be obstructed and the hope is to use mains power for the rink, both to minimise the noise and to be environmentally friendly. However, if that isn't possible, super-silent generators will be used, and will be sited away from the residents.

Prior to making the application, the BID consulted with the Friends of Imperial Gardens and amended its proposals in the light of their comments. Cheltenham Trust is keen to be involved, providing food and drink from the existing bar in the Gardens, which would mean there would be no need to use external operators. The BID believes the ice rink would bring huge benefits to Cheltenham, its economy and its businesses. With its small footprint at Imperial Gardens, it could operate without having any significant impact on local residents or on the town's open spaces.

Councillor Mason, ward councillor

Is present to represent local residents, having worked closely with them and at one to endorse the all the points raised by the resident speaker. Would like to concentrate first on the issue of residents' trust with the Council. Some years ago, the Council negotiated a 70-day land use agreement with residents – to which they reluctantly agreed – and since then, new residents buying or leasing their properties in the area do so in the knowledge that the parks will be used for 70 days a year for commercial purposes. This application is for an additional 75 days – adding up to 40% of the year – and runs a coach and horse through the earlier agreement. Residents are not against the ice rink itself, but it should be included in the existing 70 days' LUA, to not break their trust.

Turning to the issue of well-being, councillors have spoken many times about improving the well-being of the town, and its green space is traditionally used for relaxation, allowing people to enjoy their surroundings. They cannot do this when looking at commercial ice rink with all the noise it brings. Rejects the idea that there are no better alternative sites in Cheltenham. The ice rink at Gloucester works well because it is in the Quays, but Cheltenham has won awards for its gardens, and commercialising them in this manner will go against that. This is a conservation officer, and this is creep – officers will confirm whether this can be taken into consideration, but with a little bit here and a little bit there, four years down the line we could have events on 200 days a year.

In addition, the Overview and Scrutiny working task group is looking at CBC's policies on how to best use its parks, including Imperial Gardens, and considering the issue of commercialisation; the report is due out to go to Cabinet hopefully in January, looking at how to use all parks in town, including Imperial Gardens, and if the ice rink application isn't rejected tonight, Members may at least consider deferring their decision till January; otherwise the Council end up going against its own policy.

Finally, residents are not NIMBYs; they know that the festivals are important to the town, but just request that the use of the Gardens is limited to 70 days, bearing in mind why the parks were originally put there – not for ice rinks.

Member debate

DB: the idea of an ice rink is wonderful and will bring a lot of people into the town, but is concerned about 75 days – it seems a very long time to be adding to use of the park for commercial purposes. Is wondering about the grass recovery after being covered for 75 days – it will require a lot of rejuvenating; is there any advice about this? Also would like to know whether any decisions about opening hours has been made? If it operates late at night, it will be disruptive for residents.

BF: will support the application. Imperial Gardens is in the centre of the town, and for years its history – as the Winter Gardens, for dances, roller skating, aircraft manufacture during the

war etc – has been as a place of entertainment. This is no change – it is just the type of entertainment that has changed. The ice rink will be situated right next door to the Quadrangle, with its new roof-top restaurant and commercial premises on ground floor, so as far as possible from residential properties.

Supports FISG and Imperial Gardens - it is a fantastic facility in the centre of town. The officer said footfall in Cheltenham has increased, and shops and restaurants are not suffering as badly as elsewhere in the country but this is not reason to be complacent. The BID director says the ice rink will pull people in and benefit the town. We need to change the way we view our town centres; to survive we have got to adapt, and this will be part of it. There will be other things which have to change. Hopefully car parking will be improved, with an increase in park and ride, so people coming for evening's entertainment won't drive home and can enjoy a glass of mulled wine. Supports whole-heartedly.

JP: not for first time, is confused by this application. It is a full application – and if it was for a house, we would turn down for lack of information. We don't know how big the ice rink will be, its opening hours, its power supply – so many unknowns. It is unacceptable to grant full planning permission for a set-up for which we don't know the basic details. Will it be covered or open? What will the retail outlets around it be? Until we know, Members can't form a sound judgement on how it will fit into Imperial Gardens. Is also concerned about residents' views; they currently tolerate five festivals a year, squeezed into 70 days, yet this application for an ice rink requires 75 days, which includes 28 days for rigging and de-rigging, and must be quite an extensive operation. Is concerned with not knowing what power supply is; if it's not mains, it will rely on generators, which is not good for Cheltenham's green credentials. Cannot support the application without more details.

MC: in principle, this is a great idea, and it has to be in the town centre to maximise the effect. Both the daytime and night-time economies will benefit, and as a family activity, it will encourage people to come out together and to keep fit. Is not convinced about the location, but this is the application before us, and is minded to support

RW: on the face of it, this a wonderful idea – the additional amenity and increase in footfall is not in doubt. Has concerns however. The current 70 days' usage wasn't chosen by accident, but was hard fought over, taking account of the effect on the Gardens and on the turf. Notes a lot of people have been consulted but not the parks and gardens officer – he should have been, as it is certain that if the ice rink is in place for 75 days, in winter, it will wreck the turf underneath, and for a number of weeks after the event – this is a loss of amenity, although at least it isn't proposed to be situated in the flower bed area. To support the proposal, would want to have reassurance about reinstatement of the ground afterwards.

DS: shares a lot of JP's concerns; there are too many unknowns. Is concerned for the grass, having seen what happens with the other festivals – with replanting and re-turfing, it takes 2-3 months to recover. Can actually remember playing lawn tennis on the grass at Montpellier Gardens but certainly couldn't do this now. Is also worried about food and alcohol – there are enough outlets around the centre of town, and we don't need more. The generators aspect is also worrying, as is the possibility of loud pop music going on to 11.00pm, which won't please the residents. Cannot support the proposal.

DO, in response:

- If the application is permitted, it allow for 75 additional days for fixed 2-year period, including set-up and take-down time; the ice rink itself will not operate for 75 days. The consent will then end after two years;
- Recollects from pre-app discussions that the rink would operate from the turn-on of the Christmas lights (end November) to the first weekend in January;
- A land use agreement has been submitted with the planning application, as required for any activity. The current permission allows 70 days' use a year, and there is a LUA attached to any use within the parks. Consent doesn't include details on types of structures etc; the LUA requires the applicant to provide information and detail within a specified time, before the event takes place. This is consistent with the way all events in parks operate;
- grass and other reinstatement work is covered in the LUA, with repairs required within a certain time space, and a charge imposed if not completed. The grass will be repaired and re-seeded, with the licensee required to bring it back up to standard;
- the Parks department was engaged in pre-app discussions, and is in agreement and satisfied that the LUA does/would cover any concerns, including hours of operation and noise control.

SC: can see in principle that an ice rink will be good for the town - an attractive feature, good for bringing people in and for leisure – but has a problem with where it is. The harm to the grass is a significant issue and will last for some time, and 75 days is a very long time. To keep the ice rink open, significant energy input will be needed, and the carbon costs will be considerable. If generators are used, they will be on the go all the time, and if they are diesel-powered, will create a lot of pollutants and particulate, which is bad for residents. If not, and mains power is used, this is also unacceptable. It would be better if it could be placed elsewhere on a solid surface, and there must be other options, but the main issue is the potential diesel generator running day after day. To add another 75 days to the current 70 days seems a bit harsh on local residents.

WF: would like to know the reasoning behind the 28 days to set up and take down. Festivals get all done within 70 days, and this amount of time seems excessive. What is reason for this?

DB: as Councillor Mason said, Members might want to look at the report of the O&S committee before making decision on this; it would be helpful to know how things will pan out.

DS: it hasn't been mentioned yet, but there are two manhole covers in the proposed area, which could need to be accessed and could therefore be problematic.

JP: to respond to MC, is not opposed to the ice rink and actually thinks the work of BID bringing additional attractions to Cheltenham to be extremely beneficial, but has a problem with this application and the lack of information on size, space requirement, power, etc. If Members had some idea of these issues, they could maybe have suggested alternative locations.

GB: would remind Members that it is not our role to suggest alternative locations.

DO, in response:

- to reiterate, permission was granted in 2012 granted perm permission for 70 days a year, with LUAs to define size, location, space etc, building in flexibility as events and festivals change;
- the O&S report is presumably concerned with the medium- to long-term future, but this application is only for two years. It is up to Members to decide whether it is beneficial to know the outcome of the O&S report before they make a decision;
- regarding the days to set up and take down, presumes the 28 days will be half at the beginning and half at the end;
- regarding a possible diesel generator, understands BID is in negotiation with the Trust to secure the electrical supply from the town hall. If that is not possible, another source of power will be required. Noise would be controlled through LUA.

VA: thinks the concept is brilliant, bringing young children and families together in the town centre, providing exercise, and with benefits to local economy which cannot be ignored, but has concerns about it coming to Committee now, lacking critical information to make an informed decision. Without knowing the scale which still need to be planned out, or about the power supply, and with the concerns of local residents, it feels premature to be here already.

GB: those issues will be taken up with the LUA. Is not sure we can do more at this stage.

BF: Councillor Mason mentioned the O&S report about use of open spaces and commercialisation, but a lot of our open spaces have been used for commercial events since they were built – people used to be charged to go into Pittville Park! How relevant is the O&S report to this application? If it says this application isn't valid, we would have to think again, but doesn't think it will. The O&S report is something we cannot consider until we see it. Still supports application. It will help the town, which is already one of the finest shopping and entertainment towns in the country. We need to keep improving – is in favour of that.

SC: for him, the deal breaker is the generator – the noise and pollution it would create would be most unpleasant for local residents and shoppers. Is it possible to have a condition that the ice rink can go ahead with mains electricity but if this isn't possible, if can't?

DO, in response:

- this would risk holding the applicant to ransom, as there is only one available power supply. The applicant needs to negotiate with the Trust to see if the town hall system can be used, but doesn't know if it will be possible or will overload supply at a busy time of year;
- the two issues with generators are noise and emissions. There is room for negotiation here, and if critical, could be agreed with the chair and vice-chair following the decision. The applicant doesn't know who the operator is, and until this is settled, doesn't know what power source will be used, what the fit-out will be like etc. It is a chicken and egg situation, and that is the challenge of every application like this. The system allows flexibility on purpose. On the issue of the generator, it will put the applicant in a very difficult position for if they can't secure power supply; would require further discussion.

BF: is not an electrical engineer, but has worked with refrigerated plants – power will be needed to bring the ice down to the required temperature, and then cut in and out as and when needed, as with a fridge freezer – it will not be running 24/7. Some Members have talked about re-siting the ice rink, but if a generator is needed, it will be the same argument

wherever it goes – the same particulates and pollutants. The ice rink won't need a lot of power once it's been brought down to the correct temperature; the operator won't want to waste money unnecessarily on electricity, and it won't run it at night.

GB: these are technical details which Members are not competent to consider.

SW: agrees with DO – we can't hold the applicants to ransom, and say if they can't get power from the national grid, the proposal will be refused; this is blackmail. A condition to control the noise levels of generators is not unreasonable, however, and an easy compromise between no generators at all and keeping the disruption to a reasonable level.

GB: all these issues will be dealt with under the LUA and officers' jurisdiction, looking at air quality and noise pollution. Can see that the applicant would like to give some answers to Members' questions, but protocol does allow any public participation in debates. Would like to move to the vote. If Members want to include a condition about power, it might be acceptable to do that rather than take a decision which we will have difficulty with afterwards.

SW: as said, if this is already in the LUA, is happy with that. Couldn't support a proposal to allow the ice rink only if the national grid is used to power it.

WF: another option is to defer – wait for the O&S report in January when we will have more information, talk with the applicant about possible solutions re. power supply. Is nervous to agree to this without knowing the details.

DO, in response :

- if Members vote to defer, there is a limited amount of information to find out, as no operator will be found until the permission is in place. However, deferral is better than refusal;
- also, if they defer to wait for the O&S report, they should remember that CBC owns the land – it is in our gift. The application would probably be back at Committee in December, before the O&S report is published. However, Members have the option to defer if that is what they prefer.

GB: deferral doesn't help in every situation, but has to be proposed before a vote can be taken.

RH: DB suggested this at the beginning of the debate.

GB: nobody actually proposed it until now.

Vote on WF's move to defer

6 in support

7 in objection

Not Carried

Vote on officer recommendation to permit

6 in support

3 in objection

4 abstentions

PERMIT

28. 19/01822/FUL West Lodge, Cold Pool Lane

Officer introduction:

VH explained that the application site relates to land associated with West Lodge on Cold Pool Lane, currently occupied by a large single-storey outbuilding used for MOTs and car repairs. The site is outside the PUA, in the greenbelt. The proposal is to replace the single-storey outbuilding with a single-storey dwelling and the recommendation is to approve, subject to conditions. There have been some neighbour concerns about notification of the application - the two adjacent landowners were informed by letter and a site notice was placed on Cold Pool Lane as this is the address to which application is registered. It is at committee at the request of Cllr McKinlay.

Public Speaking:

Sarah Bamford, neighbour, in objection

Is Chair of Up Hatherley Parish Council, and at the meeting to represent the residents of Sunnyfield Lane who are shocked and concerned about the application and the lack of consultation. Strongly urges the committee to reject the application. Sunnyfield Lane is narrow and quiet, surrounded by farmland, with properties intermittently fronting the lane. It is in the greenbelt, and infill will have a massive effect, dramatically changing its character. No new houses have been built for 60 years, and several applications have been refused, one of which went to appeal where the inspector determined that in-fill would effectively turn a rural setting to a suburban one.

The officer report focuses on West Lodge and its neighbours on Cold Pool Lane, neglecting its impact on Sunnyfield Lane, where the proposed dwelling will be located. The report states this is a brownfield site, but it is clearly greenbelt. The applicant put up two large sheds without planning permission, and a high fence so nothing could be seen from the lane. When the Parish Council objected, they were told no action would be taken provided the sheds were for personal use. The applicant has never sought permission to run a business here and many residents of the lane are unaware of the activity behind the gates.

The JCS recently re-affirmed that the lane and surrounding fields are a particularly sensitive area of the greenbelt, directing development to more appropriate areas. The proposed development is right on a blind bend which unexpectedly narrows, regularly forcing vehicles onto the pavement to avoid a collision. It is unclear how construction vehicles would manoeuvre in and out of the site without causing a significant problem for motorists and pedestrians.

The proposed development will have a serious impact on the local community, and there are other options available to the applicant that would have much less severe impact on the local environment. Urges Members to reject the application as currently proposed.

Becky Brown, agent, in support

The proposal has generated a lot of interest from local residents and Parish Council representatives. The applicant would have liked to attend the meeting but is unable to do so; she sends her apologies. She has confirmed that both the dropped kerb and existing buildings were installed in 2004 on the understanding that planning permission wasn't required. The council's enforcement officer at the time confirmed this following a site visit, reported back to the Parish Council, and closed the enforcement case. Due to the length of time that has passed since, the buildings have now become lawful, as has their use as a car

repair business. The site is therefore classed as brownfield, albeit in the greenbelt. Is surprised to hear that neighbours didn't know what was going on behind the gates, as some local residents and Parish Council members have used the services of RAS Motors.

The Parish Council and residents are concerned that a precedent will be set for further development in the greenbelt, but the specifics of this case are unique, and any other sites would only be policy-compliant if they are also on previously developed land. The scheme complies with national and local greenbelt policy, because it comprises redevelopment of previously developed land, and would not have a greater impact on the openness of the greenbelt than the existing development. Is not suggesting it complies with infill policy.

The proposed dwelling is single storey and modest in size, so as to have no additional impact on the openness of the greenbelt compared to the existing development on the site. The design and materials are unassuming and appropriate for the site and vicinity. Apart from a large ash, all the existing trees on the site are to be retained, and the trees officer is happy with the scheme. The new dwelling will utilise the existing site access, currently used for the vehicle repair business, resulting in fewer trips. Gloucestershire Highways are happy with the scheme. Being single storey and some distance from neighbouring properties, there are no loss of amenity issues. The proposal complies with the development plan and, with no material considerations to suggest otherwise, planning permission should be granted.

Cllr McKinlay, in objection

Called this application in to Committee firstly due to concerns from local residents and the Parish Council – its concerns are outlined in the Parish Council submission in Section 4 of the officer report, eloquently outlining their concerns. Wearing his cabinet member hat, has other concerns with the basis on which officers have recommended the proposal for approval. The report, from 6.8 onwards, puts forward an argument that the proposal is acceptable despite not being in line with JCS because the council does not have a five-year housing land supply – the argument put by this developer and every developer in every case. At 6.10, it refers to NPPF Paragraph 11, which states that there is a presumption favour of sustainable development where there are no relevant development plan policies or the council cannot demonstrate a five-year supply of deliverable housing sites, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, the report doesn't quote from Paragraph 12 of the NPPF which goes on to say something rather different: that the presumption in favour of sustainable development doesn't change the statutory status of the development plan, and if a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Officers already stated at Paragraph 6.9 of the report that this application is in conflict and contrary to the development plan - JCS Policy SD10, and Local Plan Policies GB1 and GB2. The idea that we should wave it through on the grounds that we have no five-year housing land supply because we haven't got a plan is nonsense. We do have a plan, and if the argument is that because we don't have a five-year land supply we should wave through anything that comes forward, we won't have a policy, we won't have a greenbelt protection policy or infill policy, we won't have any sort of policy. According to the report, not having a five-year land supply trumps everything else – this is not true. Members shouldn't make a decision tonight based on Paragraph 11 of the NPPF – this would be the same as saying we have no functioning planning policy and could get the council into some considerable difficulties later on.

Turning to the application itself, it is an interesting proposal, sold as being obvious, compliant, and fitting in well. Having looked at the drawings, it looks like a large cattle shed with bedrooms in it. The dimensions are interesting - approximately 24m by 7m. This is a huge building, and whether it is appropriate or not, the applicant is trying to pull a fast one in claiming this dwelling on the site of temporary structures without planning permission is somehow approved in planning regulations - it isn't. This is a false argument.

Member debate

RW: had looked at the officer report and at the objections, but Councillor McKinlay's speech has taken the wind out of his sails with a comprehensive demolition of the proposal and a lot of valid points he had not thought of. One thing Members should be mindful of is that whilst they may understand that the question of the five-year land supply puts certain obligations on us, they shouldn't be panicked by it or compelled to make wrong decision. We are talking about one property off the five-year land supply, and JCS proposals have been designed to provide all the housing requirement we need. Housing may not be coming forward as fast as we like, but Members shouldn't be panicked into making decision.

This is about protecting JCS proposals and the greenbelt, and whether Members are serious about it or just wanting to put it in their election leaflets – this is fundamental. In this area of greenbelt, there is a clear defining boundary along distributor road; this application is an infill and could be followed by another and another along Sunnyfield Lane. There are a number of roads where infill is acceptable in the greenbelt, but Sunnyfield Lane is not such a road.

The question of development on brownfield sites is important; understands that every application is considered on its merits, but are we saying it is OK to put up a few sheds, leave them there for years, then put up a house on the same site? Even if the footprint is the same as the original sheds, it is an insult to suggest the impact of the sheds is the same as a house in constant use. Can see no reason to support this application.

BF: has read the letters of objection, listened to Councillor McKinlay, the parish councillor and officers. The buildings on this site have been there for at least ten years with or without planning permission - and have therefore acquired the right to be there, and the site has consequently become a brownfield site. Yes, it's in the greenbelt, but we know as a council that some building takes place in greenbelt; it is not sacrosanct. This application is replacing a commercial building with a residential home. Didn't like it being compared to a cow shed; it's true that it would be classed as a big house in the centre of town, but this isn't the centre of town. On the principle of developing in the greenbelt, CBC has just acquired a lot of greenbelt land to develop; it will be necessary in the future, and cannot help but think there will be major overhaul of planning laws at some stage. We must consider every application on its merits. Prefers a 3-bed house to a garage at this location, and will support the application. We need housing, and can't be hypocritical about the greenbelt.

MC: this is the application before us. Doesn't like the design. Will vote against.

DB: would like one or two clarifications. To the highways officer, a number of neighbours say this is a dangerous bend, but there is no highways objection? Also, one letter mentioned a 160-year-old tree with roots which might be affected by the building, although it is located in the neighbour's garden. Would the tree be taken into consideration? There is also a query about drainage and flooding; would appreciate some more thoughts about that.

SC: doesn't object to the house – it is replacing a shed, and is inclined to agree with BF, but RW and Councillor McKinlay have put forward well-made arguments, and it seems that the applicant is taking advantage of process a little bit - erecting a shed in the hope that no-one notices and then the site becoming a brownfield site. Would welcome further information about the points made in the letters concerning insufficient notification of neighbours. What are the rules? The issue of precedent has also been raised; what are the rules here?

VH, in response:

- on the issue of drainage, this would be covered by building control if permitted; there are no details in the application as it stands;
- regarding trees, the trees officer visited the site and considers the application acceptable, with suggested conditions;
- regarding precedent, each application is taken on its own merits; if further applications are submitted, they will be considered accordingly. This application is a bit different, as it is a replacement of an existing building, but any future applications would be assessed at the time;
- to SC, on the subject of notification of neighbours, the statutory requirement is to notify anyone whose property is adjacent to the site, in this case two landowners, who each received a letter. A site notice is not a statutory requirement, but the case officer decided to put one up on Cold Pool Lane – the address at which the site is registered.

CM, in response:

- regarding access, the point was made by the planning officer, that there is an existing access, which generates an existing number of trips. The new use will generate fewer trips, and we cannot infer that it would be less safe, using common sense and pragmatism;
- If there is an existing access, and the intention to generate fewer trips as the result of a planning decision, highways officers will deem it as safe, even if it is currently sub-standard in some capacity. Because it has operated safely for extended period of time without accidents – a simple way to ensure everyone's access to properties with substandard access continues in a safe and suitable way - this is a considered administration. If a new access will generate more trips, it will need to come up to standard – we cannot take risk that more trips can be sustained by a sub-standard junction. This is how highways officers make decisions;
- This access will be the first off Sunnyfield Lane; all other properties and static home parks generate traffic beyond this access, away from the junction. Any new trips generated by the proposal will go in and out of the first access on the road. Highways officers are satisfied access is suitable.

SW: this is another case where CBC has been caught out, having missed the sheds being put up and the business operating without permission – we need more officers and manpower, and the public should bear in mind that if they see things that 'aren't right', they need to tell the council quickly. Much like RW, felt the rug pulled from under him when AM spoke. Originally thought that as that the site was already occupied by ramshackle sheds and the owner running a garage of sorts, it was not a particularly nice situation but one that has been going on for some years and we can't do anything about it. If we could say this is misuse of land in the greenbelt and require the applicant to stop, would go with that - but we can't. The choice is to accept what is being proposed – which is not beautiful – or to allow

what is currently going on at the site to continue - which gives more cause for concern. We shouldn't just say this is better than what is there now. Has not decided yet.

Regarding neighbour notification, CBC seems to have missed a trick here too. If they are selected by simply looking at addresses, this isn't good enough. Officers should look at a map, draw a circle round the application site to ascertain who might be affected. Cold Pool Lane will not be not affected by this application, but Sunnyfield Lane will. This isn't the first time this issue has been reported – where the people most affected have not been notified. We should get to grips with this in future

BF: regarding notification, is not a parish councillor but goes to parish council meetings, and understands that they are notified of every planning application in the parish. Maybe they could have talked to their parishioners more.

Vote on officer recommendation to permit

6 in support

5 in objection

1 abstention

PERMIT

29. 19/01956/FUL 18 Hatherley Lane

Officer introduction

MP introduced the application, sited on the south side of Hatherley Lane, within the PUA. The proposal is an extension and sub-division of 18 and 20 Hatherley Lane, to create four dwellings, each with two car-parking spaces. It is at Committee at the request of Councillor Britter, due to concerns from local residents. The recommendation is to grant permission subject to the conditions set out in the update report.

Public Speaking

Rosemary Dillworth, on behalf of neighbours, in objection

Residents acknowledge that many of their concerns have been addressed, following the third revision of the plan and the officer's report. However, some objections remain. First, residents dispute that the unauthorised use of the property has been going on for over 10 years. The current low budget hotel came into use about three years ago, and prior to this, was advertised as a lodging house, with long-term residents owning few cars. The planning application shouldn't condone or enable continuation of unauthorised use.

Second, the new fourth dwelling includes a two-storey extension only 4m from the boundary of 14 Faringdon Road; 7m seems to be the distance supported by other councils, to avoid overbearing. The outdoor space for the new property is insufficient and would lack privacy, being overlooked by at least four properties, and will exacerbate an already over-developed site only ever intended for two properties, and create an unwelcome terrace effect out of character with the area. The additional dwelling will increase the number of vehicles reversing onto the busy road near a blind bend, with bus routes and heavily-used pedestrian access to two local primary schools. A similar proposal was refused on 2000 on all these grounds and the issues are still valid today, with no change other than higher volume of traffic.

Third, if the application is approved, which neighbours strongly oppose, there must be a condition stating that before the first occupation of any of the dwellings, the existing use should cease in its entirety. This would avoid approving uses that may lead to claims of statutory nuisance if the existing use continues in part, and to protect future residents of the dwellings.

Councillor Britter, in objection

Residents who live adjacent to the site have given factual and personal reasons why the application should not be permitted. Some more elderly residents have asked for their concerns to be made known. There is widespread concern that the answers given in the application form are not correct, particularly its description as two semi-detached houses – it has been a lodging house or hotel for many years and should be treated as such. A previous application in 2000 was refused on the grounds of over-development, lack of amenity space, and not being in the interest of highways safety. Local residents are asking what has changed. New proposal does nothing to address concerns raised by the original refusal.

The proposed two-storey extension by its size and position represents an unneighbourly form of development and will harm the amenity of neighbours, particularly in Faringdon Road. It will be overbearing. This is an established neighbourhood, where gardens are important in promoting the health and well-being of the residents, but this proposal will harm that amenity, and aggravate an already overdeveloped site, designed for two dwellings, not four. The proposal doesn't respect local context or street scene, creating a big, unwelcome terrace effect, out of character with the neighbourhood. Planning policy states that good design should contribute positively in making an area better for people, and should improve the character and quality of area; if it fails to do this, it shouldn't be accepted.

Local Plan Policy CP4 requires new development to avoid causing unacceptable harm to amenity of adjacent land users and locality. This application is contrary to Section 7 of the NPPF – it does not contribute positively to making the area better for people; in fact it adds to the strain on transport infrastructure, drainage infrastructure, and the health of residents through noise intrusion etc. There are concerns about car parking – cars should not project or interfere with use of the road or pavement, and vehicles parked on or straddling the pavement will cause dangerous obstruction, inhibiting the independence of many vulnerable local people and children on their way to and from school. Vehicle access and egress close to a blind bend will increase the potential hazards on this busy road.

Although the site is not in a recognised flood risk area, residents confirm that surface flooding occurs in heavy rain. National and local planning policy require that any improvements do not to increase risk of flooding against this, and state the need to incorporate substantial and sustainable drainage systems.

The owners of the property have not engaged with the community, and while residents acknowledge that some of their concerns have been addressed in the third revision of the plan, the proposal will still have a profound, detrimental and devastating effect. There are also concerns about increasing the number of letting rooms available to the hotel – which is why the additional condition has been suggested to help overcome this fear.

In conclusion, a similar application was refused in 2000, and all the refusal reasons are still relevant. The proposal fails to meet JCS policies SD4 and SD14, Local Plan policies CP4

and CP7, and paragraphs 12, 127 and 130 of the NPPF. The local community has spoken; they should be listened to, and the application should be refused.

Member debate

MC: it is nice to hear objectors making well-reasoned objections. The description of the site is that it is currently three dwellings and a fourth is being proposed; there could be an argument that this is over-development of site. Is surprised by the highways report – a previous application on this site was refused on highways grounds. Nothing has changed and, if anything, the traffic situation has got worse over the years, so why have no objections been raised by County Highways? Is appalled by the land drainage report within the officer report. This road floods on a regular basis, and cars often have to be driven through the flooded road. This is not mentioned, and Nos. 23, 25 and 27, 29, 31 Hatherley Lane are substantially lower than the road, often ending up with water in their front gardens; nothing is brought up about this, yet the application could exacerbate the situation and it should be looked at carefully. Has seen the effects of water here – some residents have created their own flood defence systems – and it would be irresponsible to allow an application to go ahead in the area which may make it worse.

Regarding the time the building has been used as hotel, the report says 10 years but residents say it is a lot less. How long is the owner allowed to illegally breach the use of building until it becomes immune from enforcement action? If the public is to have faith in planning system, they need to see people brought to book for breaches of planning system. Has anything been done in the past? What would we do in future to stop it having a detrimental effect on the property? Is this application a way to increase the number of rooms for short-term lets? The objector talked about a condition if permission is granted, requiring the existing unauthorised use to cease in its entirety. As things are, is not happy, and would like to refuse the application on the grounds of over-development – four properties on a plot intended for two – creating a terrace effect, exacerbating existing flood issues, and also on highways ground – though knows we have to be careful here.

RW: on planning view, thought this looked OK, but it is actually not. One of concerns raised by residents is the proposal's overbearing effect and overlooking for No 14. Actually, and with due respect to residents, this isn't where focus should be – the new dwelling is still quite a long way from the neighbour, and the facing wall is blank with no window. Looking at this as the main objection misses the bigger picture – that the site is now heading for over development – four dwellings on a site intended for two. The second issue is that it will alter the street scene, creating the only terrace in the area. Highway safety is dealt with too lightly – this is a busy, narrow piece of road, with a bridge close by; also pedestrian safety has to be considered. The car parking spaces provided are tight, and a long vehicle, or badly parked one, will create an obstruction for pedestrians. It is a narrow pavement as is, for parents struggling along both sides of street with small children and push chairs; there are a lot of children in the area, who walk past on their way to the schools in the area.

Has real concerns about highway safety and parking, over development and the poor street scene. Understands the multiple occupancy situation and that on the face of it this will get better if houses are created, but if the owners continue to use the houses as HMOs, they can put in a large number of people without planning permission. The main issues are over-development, poor streetscene, significant highways and parking issues, and obstruction of the pavement and carriageway.

BF: has a question for officers: was told on planning view that the number of bedrooms will be reduced from what is existing – which would mean a reduction in the number of people living there now if it was to be fully let in the future. A lot has been said about over-development, but the NPPF mentions nothing about over-development and there is no rule. Is concerned that the existing situation isn't good, but this application gets rid of it and turns the properties back to houses, as originally intended. They will be separate houses, hopefully occupied by families and adding to the housing stock, and are therefore an improvement. Regarding overlooking, the one window at the back has opaque glass, and there are no windows in the side wall. There could be a reduction in the number of cars, in reducing the number of bedrooms from 14 to 10. Is not qualified to speak on flooding and highways issues, but feels that overall this will improve the situation, and put the site back to where it was. Also asked the officer on planning view about the issue of AirBnB, but was told there are no regulations of government control to stop this. This property is currently a mess, and the proposal will put back good and substantial family homes for people who need them. Will vote in support.

MP, in response:

- regarding flooding, advice from the land drainage officer is included in the report. The footprint of the dwelling is not altered in any way – the only extension is above the garage – so there should be no impact on surface water flooding. The scheme will introduce soft landscaping and residential gardens which will be a betterment regarding surface water, and cause no additional flood risk;
- the existing use is to some extent irrelevant. The authorised use is as two semi-detached dwellings. A use needs to be in existence for more than 10 years to be immune from enforcement action. The enforcement officer was aware of the issue, sent a planning contravention notice to the applicant, met with him, and was provided with sufficient evidence to reach decision that the existing use was immune from enforcement action. That is view of enforcement officer, but largely irrelevant to what Members are considering today;
- the residents' suggested condition cannot reasonably be attached, as the application is seeking permission for straightforward C3 residential use; if it is approved and the existing use continues within the building as extended, enforcement action can be taken;
- on the question of over-development, the application amounts to just an extension above the existing garage – a common extension on a chalet-style dwelling, with many examples around the town. On the other side, a similar extension got permission – officers don't feel over-development;
- to BF, there are 17 letting rooms at the moment; the proposed use would result in fewer bedrooms;
- regarding AirBnB, this can be carried out anywhere; there are no restrictions.

CM, in response:

- can see why Members find it tricky to comprehend the different highways position in 2000 and 2019. It is a fair question, and the answer is the NPPF. This changes the way officers administer discretion – what is proposed must be significantly worse in capacity terms or have an unacceptable impact on highway safety to warrant a refusal. In balance, in this case, we have 13 vehicles currently doing the same as this application proposes eight will do, going forward – so there will be a reduction of the current impact. There is nothing on record that the current behaviour at this site is unacceptable. Any new planning permission will need to be formalised with modern

technical standards, and the access will still be subject to more technical approval from GCC if planning permission is granted, for drop kerbs etc. It is all a case of balance against NPPF since 2012; in 2000, officers could say 'that looks dangerous, let's say no' but planning has moved forwards, and how highways officers make recommendations has changed.

JP: is at a loss to understand why proposed development of this site could be seen to exacerbate flooding issues; would think the opposite is the case, with the introduction of soft landscaping. Doesn't see how it will detract from the streetscene – if anything, it will improve it - and the footprint will remain the same. On planning view, saw two properties in desperate need of renovation – as they currently are cannot be for betterment of the area. Hopes that the developers will develop the site with a view to rent or sell; it will have to be more attractive than what is currently there, and to advantage of local area.

RW: challenges assumptions upon which CM has reached his conclusions. The logic is flawless and in line with the NPPF, based on less vehicle usage in future, but there will be more cars on site – passes every day and rarely sees more than 2-3 vehicles on the forecourt, and although the current forecourt is not elegant, it allows driving on and off. With eight car-parking spaces, using good practice people will have to reverse onto the forecourt in order to drive off forwards; the other way round will be worse. There will be a lot more vehicular traffic on and off, as there is so little now by nature of the current occupancy.

CM, in response:

- regarding HMOs, has discussed the levels of car ownership previously, the different work patterns with more comings and goings at different times of day from a traditional family, higher number of vans etc. We cannot say residential properties won't have vans, but this is a residential application and it provides residential-style parking – instead of expansive frontage to be parked on as one might see fit, with no specific design, this is clearly eight well-articulated spaces for the proposed houses, two per dwelling. Last month, with the Monkscroft application, there were no concerns about this level of parking provision. This is a repetition of same highways principles;
- regarding road safety, one accident has been recorded in the area in the last five years ago – a shunt – but none on Hatherley Lane, despite all the properties with a similar style of access arrangement to what is proposed here.

SW: as an observation, would like to see this returned to a pair of semis and not what is in front of us, though many of the objections from residents have been caused by historic problems, which should now be eased. On the question of the suggested condition to stop the dwellings being used as they currently are before starting work, the officer has said that this is what will happen, in effect – if permission is granted, it will be back to square one – the current use would be unlawful and subject to enforcement action. Regarding parking, agrees with RW's view of usage – has walked past many times and not seen many vehicles, but has had complaints that the green land at the end is used for parking vehicles, and been asked to use his local money to get bollards put up – which suggests that that piece of land being used because residents can't park currently. Four dwellings with two car-parking spaces per dwellings is OK – better than the old requirement of PPG17 for 1.5 space per unit. This is two spaces per dwelling, so marginally better. Doesn't like the proposal, and agrees with the neighbours' concerns, but we should consider it a lot better than what is currently there.

SC: doesn't particularly like this proposal – it is over-development , making two three-bed houses into four dwellings – with 10 bedrooms upstairs and potentially another five downstairs which could be used for bedrooms. The officer has said if the owners use it for AirBnB, we can't do anything about it – and there will be 15 bedrooms altogether. Notes that 18A also has no bathroom upstairs. Regarding notes that on 22.10, highways officers recommended the application be refused on highways grounds, and on the same date, after additional comments, recommended no objection be raised. It seems odd to include both with the same date.

CM, in response:

- the original layout plan had two clusters of four perpendicular parking spaces, with cars parked parallel to road – they would have had to come in tight, manoeuvre in and turn, and officers' principle concern was the safety of other road users and pedestrians. Not enough space was provided, the arrangement was too complicated and frustrating, and would lead to conflict. Officers suggested an alternative layout for parking, but issued the refusal to show they were serious about not liking the first layout, and adopting the refusal position to make the applicants seek a change. This change position was accepted

Vote on officer recommendation to permit

11 in support

1 in objection

PERMIT

30. 19/01890/FUL Hearne Brook Flood Relief

Officer introduction

MP introduced the application for on flood relief alleviation scheme on land south of Beech Road, and seeks to address fluvial and overland flooding of residential property. The proposed works are approved and funded by the Environment Agency. Access is via Balcarras Road onto an existing track. The application is at Committee as the applicant is CBC. The recommendation is to permit, subject to the amended conditions.

Member debate

JP: has no objection to flood alleviation schemes – they are essential - but has a question for officers. These works are being managed by the Environment Agency, which is perfectly sound, but in Prestbury, where a flood storage area is managed by the Environment Agency, is that in recent heavy rain, the scheme didn't work, because the Environment Agency hasn't managed it properly. The issue in this proposal is whether the water courses that the scheme empties into are close to the properties, and do the boundaries on properties incorporate any part of watercourses with riparian rights. The Environment Agency is now saying in Prestbury that the watercourses are the responsibility of residents , not of the Environment Agency, which is potentially a huge burden. Could a similar situation occur here?

DB: for clarification, can the officer comment on the situation around 75 Beeches Road, where the resident believes the flood alleviation works will cause flooding in his garden?

MP, in response:

- the works are approved by and funded by the Environment Agency, with the local planning authority responsible for management and maintenance of surface water work.

The Environment Agency won't be managing the scheme; it is part of a wider package of flood relief work;

- on the plan, it's possible to see the properties in Beeches Road; they have long gardens abutting the site, with an existing ditch across the back, just within the boundaries. Doesn't know about any rights but at the moment, the land drainage officer says water running down off the hill should go into the ditch but doesn't – it goes over the ditch, This is an exercise to catch it, slow it down and direct it into the ditch. It is fairly simple work.

JP: this is almost an exact image of what happens in Prestbury. The Environment Agency still apparently manages the scheme, but in heavy rain the overflow flood storage area filled up to 1.5m deep and nothing was done to control the outflow, resulting in flooded of the watercourses. The Environment Agency says management of watercourses is residents' responsibility; this is not right. We will have to wait and see what happens there .

MP, in response:

- discussed the resident's concerns with the applicant, who has been out to speak to the residents following their objection. Even if permission is granted, it is still private land, and any works in the garden will have to be agreed between the applicant and the resident. The applicant is in conversation with resident regarding the design of the headwall in his garden, so the resident will have some control over how it is designed and what it will look like.

Vote on officer recommendation to permit

10 in support

1 abstention

PERMIT

31. Appeal updates

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

Chairman

APPLICATION NO: 19/02143/FUL	OFFICER: Mr Gary Dickens
DATE REGISTERED: 26th October 2019	DATE OF EXPIRY: 21st December 2019
DATE VALIDATED: 26th October 2019	DATE OF SITE VISIT:
WARD: Charlton Park	PARISH: Charlton Kings
APPLICANT:	Mr & Mrs Hodgetts
AGENT:	Brodie Planning Associates Ltd
LOCATION:	15 Hartley Close, Cheltenham
PROPOSAL:	A wrap around extension comprising two storey to the side and single storey to the rear.

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 15 Hartley Close. The site is a two storey link detached dwelling located within a residential cul-de-sac in the Charlton Park ward.
- 1.2 The application proposes the following works following the demolition of the existing attached garage:
- Two storey side extension;
 - Single storey rear extension, and;
 - Remodelling and general modernisation.
- 1.3 The application is before Committee at the request of Cllr Baker due to neighbouring concerns. Members will have the opportunity to visit the site as part of planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places

Saved Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Building Control

4th November 2019

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

Parish Council
5th November 2019

No objection

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	6
Number of objections	4
Number of supporting	1
General comment	1

- 5.1** Six letters were sent to neighbouring properties and six responses were received – four in objection and one in support, as well as a general comment.
- 5.2** Representations have been circulated in full to Members but, in brief, the main objections relate to:
- The design approach and negative impact on the street scene and character of the area;
 - The scale of the proposed extension and potential loss of openness; and,
 - Potential loss of car parking.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The considerations for this particular application are the impact of the proposed works on the character of the site and surrounding area, together with any potential impact on neighbouring amenity.

6.3 The site and its context

- 6.4** The site is one of 25 residential dwellings within a residential cul-de-sac to the southern periphery of the borough and on the edge of the AONB. According to the historical maps the site would appear to date from the late 1970s. The design and style of properties in the immediate area generally reflect this period of house building, with brick construction and finish with sections of hanging tiles and render to the front elevations.
- 6.5** The property is not listed and lies outside of the conservation area. Although the character of properties within Hartley Close is predominantly retained, others within the vicinity have undergone substantial renovation in the recent past. Most notably no.'s 68 and 70 Sandy Lane which lie at the junction to Hartley Close and were granted permission by Members in 2016 and 2017. These properties were originally of a similar design and style as the application site before being modernised.

6.6 Design and layout

- 6.7** The application is for a relatively comprehensive re-modelling of the existing building together with a two storey side extension which will project beyond the front and rear

elevations by approximately 1m and 4.2m respectively. This would follow removal of the existing garage resulting in two gable elevations to both the front and rear of the property positioned to the eastern side of the property. A single storey rear extension is also proposed which will span the full width of the existing property. The existing property has a buff brick appearance with a small section of render and hung tiles to part of the front elevation which will be replaced with a render finish.

- 6.8** The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (JCS) highlights in Policy SD4 how development should positively respond to and respect the character of the site and its surroundings. Furthermore, this should be of a scale, type, density and materials that are appropriate to the site. This is supported through Local Plan Policy CP7 which also seeks to avoid the unacceptable erosion of open space around the existing building.
- 6.9** The National Planning Policy Framework (NPPF) states in paragraph 130 that *“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”*.
- 6.10** The principle of a two storey side and single storey rear extension is considered to be acceptable. These are not of a scale which would result in an overdevelopment of the site and although the front elevation would have an elongated appearance, it is not considered that this would unduly disrupt the street scene. The proposed side extension will reduce the space between this and the neighbouring property however a visual gap will be retained to prevent the formation of a terrace. The introduction of a two storey gable elevation to the front of the property is also deemed to be acceptable and mirrors other properties in the vicinity.
- 6.11** The proposed materials will not match the existing property but, due to the nature and scale of the overall alterations, the proposed materials are considered acceptable. The properties within Hartley Close are generally consistent in their material finish, however it is not felt a property with a wholly render finish will harm the visual amenity of the area and adjacent AONB. As the proposal is a complete remodelling of the property it is not necessary to be prescriptive about materials and the subservience of various elements provided the overall appearance is acceptable.
- 6.12** Whilst the cumulative impact of the various elements of the proposal will undoubtedly alter the character and the appearance of the existing property, the resultant building is considered to be acceptable in appearance and will sit comfortably within the street scene. It is considered that the proposed scheme represents a high quality design which is in accordance with the general design advice set out within the NPPF and on this basis is deemed acceptable.
- 6.13 Impact on neighbouring property**
- 6.14** Policy SD14 of the JCS and Local Plan Policy CP4 both require development to not harm the amenity of adjoining neighbours. The potential loss of light, loss of outlook and loss of privacy is taken into account when assessing the impact on amenity.
- 6.15** Four objections to the application have been received from neighbouring properties within Hartley Close. The concerns raised predominantly related to design and the proposed works negatively impacting on the street scene and the character of the surrounding area. These matters have been discussed in detail above in the ‘Design and Layout’ section. Whilst officers acknowledge these concerns the proposed design is considered to be acceptable as per the reasons set out above.
- 6.16** In terms of the specific impact on neighbouring amenity the proposal is deemed to be acceptable and no objections have been raised specifically relating to this. The proposal

will not cause a loss of light or privacy, neither will it have any overbearing effect on neighbouring properties.

- 6.17** One general comment from the adjoining neighbour was received regarding potential damage to their property. The Local Authority views this as a civil matter and not a planning consideration, and whilst the demolition of the existing garage is highly likely to affect the property of no.11 it is not appropriate to control this by way of a condition. An informative has been added for the applicant's attention however to advise them to take appropriate measures prior to any works being undertaken.
- 6.18** Comments were also received regarding a reduction in off-street parking provision. The site will still retain a single garage and two off road parking spaces and it is noted that there are currently no established parking standards across the county. It is also evident that unrestricted on-parking parking is available within Hartley Close. It is not considered therefore that the reduction in on-site provision will have a significant impact on parking.
- 6.19** Based on the above, the proposal would appear to be in accordance with Policy SD4 of the JCS and Local Plan Policy CP4.

7. CONCLUSION AND RECOMMENDATION

- 7.1** In conclusion, the application is considered to be in accordance with the policy requirements of the JCS, Cheltenham Local Plan and advice contained within the NPPF. The recommendation to Members is to permit planning permission subject to the conditions below.

8. CONDITIONS

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

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

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

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

INFORMATIVES

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

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

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

- 2 The applicant's attention is drawn to the comments received from the adjoining neighbours at no.11 Hartley Close and they are advised to take the appropriate party wall advice as necessary to avoid any issues.

APPLICATION NO: 19/02143/FUL		OFFICER: Mr Gary Dickens
DATE REGISTERED: 26th October 2019		DATE OF EXPIRY : 21st December 2019
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Mr & Mrs Hodgetts	
LOCATION:	15 Hartley Close, Cheltenham	
PROPOSAL:	A wrap around extension comprising two storey to the side and single storey to the rear.	

REPRESENTATIONS

Number of contributors	6
Number of objections	4
Number of representations	1
Number of supporting	1

16 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 15th November 2019
Letter attached.

18 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 11th November 2019

I would like to object to the proposals for the extension of 15 Hartley Close on a number of grounds.

- This proposal creates a house that is not in keeping with the other houses in the Close both in its' size and materials.
- It is so large that it severely damages the existing harmonious street scene which is largely of medium sized brick built houses.
- The spacing of the existing houses is such that the sense of place created by the back drop of Leckhampton Hill will be substantially limited by the infilling of the gaps left between the houses when the estate was originally designed.
- It would appear that the proposed extension is excessively large when compared to the existing dwelling.
- Permission has not been granted for any two storey extensions within Hartley Close which create such detriment to the existing design, those extensions that have been approved have not damaged the originally designed street scene nor diminished the amenity of other residents.

- I would request that you reject this application but invite a re-application for extension on the southern aspect of the dwelling.

17 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 15th November 2019

I have no objections to the application 19/02143/FUL. from my perspective.

11 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 11th November 2019

Whilst we are not adverse to this development we do have real concerns regarding the demolition work and the excavation work to lay new foundations given our garage party wall/foundations/shared sewer/roof and driveway. With any demolition there is potential for unexpected damage to occur. Given new development work would be carried out 1-3 meters from our party wall the party wall agreement act 1996 should come into play. I would therefore welcome an appointed surveyor to visit our property to make a photographic record of condition which will show our garage and driveway to be in good serviceable condition. Included in the agreement we would appreciate our neighbours signed assurance that should any unexpected damage occur their builders liability insurance would cover prompt repairs.

Whilst we do not wish to frustrate or halt this development we do want our property legally protected from potential damage.

We are neutral regarding the actual development itself.

14 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 14th November 2019

Having studied this application online, we write to register our objections which we outline below.

The property is opposite our address and we find the size of the extension (2 storeys) to be visually overwhelming. (I emphasise that this is a very large extension as it is very nearly the width of the existing double garage) The other major impact is the white rendering to be used on most of the building. A neighbouring property has done the same but on a smaller scale and it does not 'blend' with the other properties. It also highlights the visual impact this will have.

The extension will use up a considerable amount of the existing driveway and thereby limit the amount of off road parking and increase 'on road' parking. This will impact the access of commercial vehicles, e.g. refuse and recycling as it is a narrow road.

Hartley Close was originally designed to have this open aspect with space around the properties and this extension is overbearing and spoils the Close as a whole , degrades our environment and lessens our amenity. The Councils Supplementary Planning Document: Residential Alterations and Extensions (2008) covers many aspects pertaining to this application.

Approval will also set a precedent. Should the neighbouring property wish to do the same it would present a huge development . What is proposed goes against national and local planning regulations and guidance.

We would not oppose a 2 storey rear extension.

We do hope you will consider our views and comments and that this application will be rejected as it stands now.

10 Hartley Close
Cheltenham
Gloucestershire
GL53 9DN

Comments: 15th November 2019

In principle we have no objection to the extension of property in Hartley Close.

Development of Hartley Close was sensitively monitored in the early 70's to ensure an open harmonious character & street scene that minimised the impact on the bordering ANOB. The established "group" symmetry remains in context today & is justifiably recognised as an environmental aspect meriting protection within the towns current planning guidance.

More so, no where is there perhaps a better example than within the grouping of Hartley Close properties 9,11, 15, 17, 10, 12, 14, 16 & 18 ?

The proposals as set out, contrast in material harmony, create precedent & erosion of spacing while harming the original openness secured nearly 50 years ago.

In our view it detracts rather than complements or respects the grouping while also failing to uphold the street scene character.

We also believe that the proposed 2 story side extension presents an unprecedented erosion of spacing that could leave the Close vulnerable to further unsuitable development in the future.

We would urge rejection of the scheme.

Comments: 20th November 2019

Illustrated below is the current street scene/context relating to the above proposal (Photos attached).

The grouping of the properties originally highlighted, of which 11 & 15 are such a prominent part, is not new to the development of extensions & to reaffirm in principle, it is not where our objection lies.

Further illustrated are the 3 major extensions that have been permitted previously & clearly the care taken in ensuring they both blend & enhance rather than contrast & disrupt the established environment.

We seek please, the protection of this amenity, ambience & openness, otherwise we fear Hartley Close's fine example of careful planning will be irretrievably lost.

Mr Gary Dickens
Planning Officer
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

16 Hartley Close
Charlton Kings
Cheltenham
GL53 9DN



15 November 2019

Dear Mr Dickens;

RE: Proposal for a wraparound extension comprising two storey to the side and single storey to the rear at 15 Hartley Close, Cheltenham, Gloucestershire. Reference number 19/02143/FUL

Thank you for the opportunity to comment on the above proposal which has been submitted for planning application.

We have reviewed the application online and are writing to oppose both the size and scale of this extension.

Please note that we do not object to the applicant modernising this property, or with the proposed single extension to the rear of this property but we do object to the extension to the side of this property as detailed in the accompanying plans.

As you will be aware, Hartley Close is a residential cul-de-sac which has an element of space about the properties. There are a range of two storey properties and bungalows, detached and semi-detached within the Close.

Our home is located on the opposite side of the street from 15 Hartley Close, with our principal living room looking out onto this property and therefore will be impacted visually by the changes proposed.

The current property, which is not made evident on the submitted plans, is a 4 bed two storey house, **linked** via a common garage wall to the adjacent property at 11 Hartley Close. The two houses are symmetrical in nature, with a set back, single storey garage, which allows for glimpses to Leckhampton Hill from the street and a sense of spaciousness, which is a feature of this residential area.

Please see below the photographs of these two properties, as it provides a perspective on the significant impact of any side extension.



Core Policy CP7 (Design) requires development to be of a high standard of architectural design and to complement and respect neighbouring development. The council's adopted *Supplementary Planning Document: Residential Alterations and Extensions (2008)* also sets out design guidance in terms of extension to residential properties. The document emphasises the importance of achieving subservience, and that an extension should not dominate or detract from the original building but play a supporting role. The proposed plans included in this application note the substantial size and height of the proposed extension, and in particular the two storey side extension which comes forward from the principal house. This will certainly result in the extension becoming a dominating feature of this property, creating an overbearing and oppressive impact on the street and contrary to the supplementary planning document guidance.

The design guidance also states that materials have a key role in aiding an extension to read as a subservient addition. The document states that the chosen external facing materials for an extension should match or complement those used in the existing building to achieve an appropriate addition. It is noted in the application that rendering is to be used, when the current property is predominantly constructed of brick, similar to the majority of other properties on this street. It is our view that this is not considered to be in-

keeping or complementary of the immediate neighbouring development, and that any extension should be predominantly brick so the extension complements the parent dwelling and the character of the surrounding area.

The windows proposed are to be Pebble Grey Aluminium which again is not in keeping of the current windows in the original property, which are UPVC white, similar to the other properties on the street. I would welcome confirmation be made that should this be agreed, that all windows at the front will be replaced to ensure a consistent look for the property.

The two storey side extension as indicated in the drawings submitted, seems to require a "decoupling" of the current garages, creating a walkway in between and therefore reducing the current garage size from a double to single garage along with a loss of car parking space on the drive. As the property is being altered from a 4 bed home to a 6 bed home this could create a demand for additional car parking requirements, which will need to be met by an increase in on street parking.

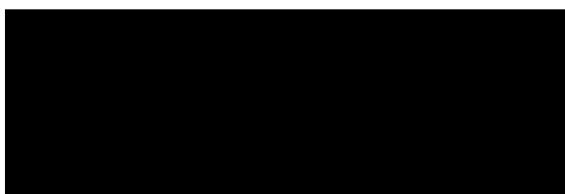
Of greater significance is that the symmetry of the two properties will be lost, a reduction in glimpses of the surrounding hills and trees from the street and spaciousness on this residential street. I am cognisant that there is no "right to a view" however the size and scale of this proposal, particularly the side extension is out of synch with the adjoining and neighboring properties. It will be overbearing and out of character for this residential street creating a negative visual impact.

We have noted on the planning web portal that the neighbours located next door, at 11 Hartley Close are neutral to this work, including the side extension. We find this surprising and this subsequently creates a further concern that should this side extension be granted at 15 Hartley Close precedent would be set that could result in the current or future owner occupiers of 11 Hartley Close requesting to do a similar change. This would significantly impact on the current space between the two properties, which would be out of character of all other houses on the street and create a terracing effect between the two properties.

In conclusion we reiterate that we are opposed to proposed alterations to the side of the property at 15 Hartley Close, but not at the rear of the property. We would suggest that their aim to create further space in their home can be achieved by a reconsideration of their current plans to a larger one or two storey rear extension, thus avoiding the need for a side extension of the size and scale proposed. This would be more aligned to the current national and local planning regulations and guidance whose purpose is to ensure any alterations *"achieve well designed places that are visually attractive and sympathetic to local character and setting... development to be of a high standard of architectural design that positively responds to and respects the site and its surroundings ... and extensions playing a supporting role and not dominate or detract from original dwellings"*

I trust that these comments will be seriously considered in the committee's deliberation and the proposal is rejected with a request for an alternative plan to be proposed. We await the outcome of the planning decision in due course.

Sincerely,



Current HartlPage 34 street scene



Current HartlPage 35 street scene



Existing extensions within the Hartley Close grouping
Page 36





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APPLICATION NO: 19/02213/FUL	OFFICER: Michelle Payne
DATE REGISTERED: 7th November 2019	DATE OF EXPIRY: 2nd January 2020
DATE VALIDATED: 7th November 2019	DATE OF SITE VISIT: Various dates
WARD: Park	PARISH: n/a
APPLICANT:	Mr D Richardson
AGENT:	Coombes Everitt Architects Limited
LOCATION:	1 Bath Mews, Commercial Street, Cheltenham
PROPOSAL:	Rooftop extensions to 1 and 2 Bath Mews (revised scheme)

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on an offshoot of Commercial Street within the Bath Road character area of the Central Conservation Area, and the Principal Urban Area.
- 1.2 The site comprises a pair of modern semi-detached dwellings completed in 2008 following the grant of planning permission ref. 06/01557/FUL. Formerly, the site formed part of the rear garden area to Fountain Cottage to the southeast.
- 1.3 The site also sits to the southwest of terraced housing in Victoria Retreat, northeast of the Bath Terrace car park and a property called The Garden House, and south east of properties in Commercial Street.
- 1.4 The existing dwellings are two storeys in height with flat roofs. This application is seeking planning permission for the provision of pitched roof to the properties to provide additional living accommodation within the roof space.
- 1.5 The application proposes a revised scheme following the withdrawal of a previous scheme prior to determination.
- 1.6 The application is before the planning committee at the request of Cllr Barrell and Cllr Harman due to the concerns of local residents.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Principal Urban Area

Relevant Planning History:

06/01557/FUL	PERMIT	7th December 2006
Erection of pair of semi-detached, 2 bedroom houses in garden		
19/00225/FUL	WITHDRAWN	11th April 2019
Rooftop extensions to 1 and 2 Bath Mews		

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 4 Decision-making

Section 11 Making effective use of land

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

Adopted Joint Core Strategy (JCS) Policies

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

4. CONSULTEE RESPONSES

Gloucestershire Centre for Environmental Records

19th November 2019

Report available to view on line.

Building Control

8th November 2019

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 27 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, objections have been received from eight local residents; an additional neutral comment has also been received. The comments have been circulated in full to Members but, in brief, the objections are:

- The height and bulk of the buildings would be overbearing and overly dominant
- Any increase in height will have an adverse effect on the residents of Victoria Retreat
- Further obstruction to light and thoughtless design
- This is a heavily populated area and our back lane cannot cope with heavy duty vehicles and vehicles blocking our access
- Unacceptable loss of light from overshadowing; and privacy from overlooking
- Detrimental impact on conservation area
- Disruption during construction in terms of noise and access
- May set a dangerous precedent of upward construction
- Proposed upward extension is not being in keeping with surrounding buildings
- There appears to be a viewing area/balcony which would affect privacy

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to design and impact on the historic environment; and neighbouring amenity.

6.2 Design and impact on the historic environment

6.2.1 Saved LP policy CP7 requires extensions and alterations to existing buildings to avoid causing harm to the architectural integrity of the building, and the unacceptable of erosion of open space around the building; all new development is required to complement and respect neighbouring development and the character of the locality. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.2.2 Additionally, with particular regard to development within the historic environment, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement is reflected in JCS policy SD8.

6.2.3 There is a wide variety of buildings within the vicinity of the site, in terms of their form, scale and appearance, and this is particularly evident from the nearby Bath Terrace car park. As such, the proposals are considered to be wholly appropriate to these modern dwellings. The application proposes the use of a standing seam metal, mansard roof with rendered parapet gables; a contemporary interpretation of the more traditional roof forms found within the locality. For this reason, officers are satisfied that the character and appearance of the existing building, and the wider conservation area, would at least be retained, if not enhanced.

6.2.4 Notwithstanding the above, the NPPF at paragraph 18(e) sets out that decisions on planning applications should *“support opportunities to use the airspace above existing residential and commercial premises...and should allow upward extensions...consistent with the prevailing height and form of neighbouring properties”*. In this instance, the proposed development, if approved, would generally be more consistent with neighbouring developments in that the majority of buildings, whilst varying in height, have pitched roofs with gables.

6.3 Neighbouring amenity

6.3.1 Saved LP policy CP4 advises that development should avoid causing unacceptable harm to the amenity of adjoining land users and the locality. The policy is consistent with advice set out within adopted JCS policy SD14 and paragraph 127 of the NPPF.

6.3.2 It is acknowledged that there are a number of residential properties in Victoria Retreat that have the potential to be adversely affected by the proposed development; however, officers are satisfied that any impact on these properties would not be so great as to warrant a refusal on amenity grounds that could be reasonably upheld at appeal. All development in densely built up areas such as this is likely to have some impact on neighbouring land users.

6.3.3 The properties that would be most affected by the proposals are nos. 9, 10, 11 and 12 Victoria Retreat as their rear elevations are located directly opposite the application site, to the northeast. However, it is the proximity of these dwellings that in many respects is advantageous to the applicant, as the close proximity, and relatively shallow 25° pitch of the roof, would actually reduce views of the new roof extension; and therefore officers are satisfied that existing levels of daylight and/or outlook would not be significantly harmed.

6.3.4 The main eaves height of the building fronting the properties in Victoria Terrace would be unchanged and the new mansard type roof would be set back 600mm from the principle elevation.

6.3.5 Moreover, whilst the concerns of local residents have been duly noted, the proposals would not result in any loss of privacy or overlooking. The glazing to the front elevation facing the rear of properties in Victoria Terrace would serve the stairwells and is annotated to be obscured; this can be controlled by way of condition. An additional condition can be imposed to ensure that the roof lights in this elevation are set no lower than 1.7 metres from the internal floor level.

6.3.6 To the rear, the proposed glazing would be located in the internal elevations only and would provide access to a small terrace which would only allow views over the car park. The extent of the terrace would be limited by a glazed balustrade; and, again, this

could be controlled by way of a suitably worded condition. All new glazing to the side elevations has been omitted in this revised scheme.

6.3.7 Overall, officers consider that this revised scheme is a more respectful addition to the building and should be supported.

6.4 Other matters

6.4.1 The granting of planning permission on this site would not set a precedent allowing upward construction and, in any case, this is not a material consideration in the determination of this application; each application must be determined on its own merits and in accordance with the development plan. That being said, it must be recognised that the NPPF supports opportunities to extend buildings upwards.

6.4.2 In any location, some noise and disruption during construction works is inevitable and is not a reason to withhold planning permission; however, an informative has been attached advising the applicant/developer of the recommended hours of work which are: Monday to Friday 7.30am to 6pm and Saturday 8am to 1pm, with no works taking place on Sundays, bank and/or public holidays.

6.5 Conclusion and recommendation

6.5.1 For the reasons set out above, the proposed development is considered to be in accordance with relevant national and local planning policy, and the recommendation therefore is to grant planning permission subject to the following conditions:

7. CONDITIONS

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

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

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

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

- 3 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), in accordance with approved Drawing No. 18.20.003 PL006E, the windows to the front elevation (to Commercial Street) shall at all times be glazed with obscure glass, to at least Pilkington Level 3 (or equivalent).

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

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), the bottom the roof lights to the front elevation (to Commercial Street) shall be not less than 1.7 metres from the internal floor level.

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

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and/or openings shall be formed in the building, or other external alteration made, without the prior grant of planning permission.

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

- 6 The flat roof areas of the building shall not be used as a balcony, roof garden or other external amenity area at any time, other than the area clearly shown as a terrace on approved Drawing No. 18.20.003 PL005B. Access to other areas of flat roof shall be for maintenance purposes only.

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

INFORMATIVES

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

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

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

- 2 The applicant/developer is advised that the recommended hours for construction work are: Monday to Friday 7.30am to 6pm and Saturday 8am to 1pm, with no works taking place on Sundays, bank and/or public holidays.

APPLICATION NO: 19/02213/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 7th November 2019		DATE OF EXPIRY : 2nd January 2020
WARD: Park		PARISH:
APPLICANT:	Mr D Richardson	
LOCATION:	1 Bath Mews, Commercial Street, Cheltenham	
PROPOSAL:	Rooftop extensions to 1 and 2 Bath Mews (revised scheme)	

REPRESENTATIONS

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

29 Bath Street
Cheltenham
Gloucestershire
GL50 1YA

Comments: 2nd December 2019
Letter attached.

7 Victoria Retreat
Cheltenham
Gloucestershire
GL50 2XP

Comments: 27th November 2019

As a near neighbour of this property I am objecting to the proposed upward extension due to it not being in keeping with the surrounding buildings. I like the modern style, in amongst the older buildings, but an extra storey would create a different type of building that is not really in keeping with the others around it. The access lane to these properties is amongst the narrowest in Cheltenham, making the houses very close to their neighbours and an extra storey would make them even more out of proportion.

13 Commercial Street
Cheltenham
Gloucestershire
GL50 2AU

Comments: 25th November 2019

Having viewed the above plan, we still find the proposals totally unacceptable for the following reasons.

1. The height and bulk of the buildings would be overbearing and overly dominant in such a confined space and immediately adjacent to predominantly small and low-rise terraced housing.
2. The original application to build the two houses reference 06/01557FUL Fountain Cottage was approved even though it was somewhat in breach of the light standard particularly with regard to 11 Victoria Retreat. The officer's report states that "The proposed houses will not significantly reduce daylight and sunlight to the occupants of neighbouring properties in Victoria Retreat; the 25 degree light test is passed for all the houses in Victoria Retreat except for the closest house, number 11, where there is a slight breach of the standard. It is considered that this is acceptable. As for the new buildings being harmful to the outlook from those properties the proposed buildings are only some 5.5 m tall and do not over-dominate the locality."

From comments made on your website it is clear that these proposals were and are not acceptable and that residents have been adversely affected already by the original Fountain Cottage application. Any increase in height will have an adverse effect on the residents of Victoria Retreat in particular and on the wider community in general. If the light standard has already been breached, increased height will only worsen the situation.

We strongly object to this proposal.

6 Victoria Retreat
Cheltenham
Gloucestershire
GL50 2XP

Comments: 2nd December 2019

I would like to object to this application on the following grounds:

- 1) the development might cause a loss of natural light to the rear of our property - this is the only natural light that our property has due to the close proximity of the buildings to the front
- 2) there appears to be a viewing area/balcony in the development which would significantly affect our privacy
- 3) the height of the proposed development sets a dangerous precedence for the future of the area.

12 Victoria Retreat
Cheltenham
Gloucestershire
GL50 2XP

Comments: 19th November 2019

I object strongly to this further obstruction to light and thoughtless design. The existing property is poorly kept and already too tall and impacts on our whole rear view.

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The last request was denied for good reason and I am distressed that the application has been resubmitted.

This is a heavily populated area and our back lane can not cope with heavy duty vehicles and vehicles blocking our access.

11 Victoria Retreat
Cheltenham
Gloucestershire
GL50 2XP

Comments: 18th November 2019

I own number 11 Victoria Retreat which is directly behind/below the 1 and 2 Bath Mews, and I strongly object to this development.

My reasoning takes the same stance as in my objection to the first proposal which is the fact that I will lose an unacceptable amount of light from overshadowing; and privacy from overlooking.

The existing building already blocks out a considerable amount of light, particularly in the winter months when light is much needed for wellbeing within my property. In 2006 the original build proposal was passed even though the maximum obstruction angle to my rear windows was breached by 20% beyond normal maximum allowance. This new proposal will be 32% beyond maximum obstruction angle and will block out even more light to my property.

This is simply unacceptable, and there should be no principle to over-ride protections to Amenity, in particular where the development in question has already taken a substantial slice my Amenity. Why should I suffer harm and denigration to living conditions in order for there to be financial gain for another. Furthermore, I will not be the only property to suffer, as my closest neighbours will also be affected by this development.

In addition, I am also concerned with overlooking as the rear skylights (and 'obscured' glass) will overlook my property entirely and will take away considerable privacy.

I consider myself a reasonable person when it comes to progression and development, however I also need to protect my personal wellbeing and my rights as a member of the community.

10 Victoria Retreat
Cheltenham
Gloucestershire
GL50 2XP

Comments: 27th November 2019

I'd like to question if an additional third story is allowed in this conservation area.

Any extra height on this side of the building is not welcome due to loss of light.

9 Victoria Retreat
Cheltenham
Gloucestershire
GL50 2XP

Comments: 18th November 2019

I am the owner of 9 Victoria Retreat. A key factor in the purchase was the bright south facing garden and the conservatory at the rear of the property. The front of the property is overlooked due to the close proximity of our neighbours, so it is important for us to have the space and light the rear of the house provides.

The legal system recognises the value of natural light and our "Right to Light". Adding a third floor to a building that already restricts our light would further reduce the amount of light into our garden and dining area. In winter, when the Sun is much lower in the sky, the third floor would actually block out natural light into all of our rooms at the rear of our property, including our second floor. As a health practitioner I understand the importance of natural light to wellbeing especially in the winter months.

The site is a conservation area and most of the surrounding properties are two stories. The Bath Mews properties are already at a higher street level than the surrounding properties so any rooftop extension would have an even greater detrimental impact.

Due to the density of the buildings in the area, neighbours' respect of each other's space helps create a harmonious community. I believe this proposal is disrespectful and has a negative impact on the living space of so many people. It is not a necessary development and is motivated by greed over a sense of community.

The proposed development is overbearing, out of scale and out of character in terms of existing developments in the vicinity. Additionally, I am concerned it may set a dangerous precedent of upward construction that would be harmful to the area.

The Bath Mews properties are located in a narrow private road used by the residents. Therefore any building work will have a negative impact in terms of noise and access to not only the residents but also the wider community. Personally, we will not have vehicular access to the rear of our property which is essential at times.

Comments: 28th November 2019

I would like to add to my previous comments by saying that if this proposal is passed I am concerned that future proposals, or alterations to the submitted plans, for this building will be easier to pass planning approval.

12 Commercial Street
Cheltenham
Gloucestershire
GL50 2AU

Comments: 28th November 2019

The purpose of this comment is to object to the planning application -

We are directly affected by the application, it will overlook our garden to a considerable extent.

We consider that the development would have an adverse effect on the residential amenity of neighbours, by reason of the following (among other factors):

1. Overshadowing
2. Overlooking or loss of privacy
3. Adequate parking and servicing
4. Overbearing nature of proposal
5. Design, appearance and visual impact
6. Layout and density of buildings
7. Effect on listed buildings and conservation areas and character of neighbourhood
8. Access or highways safety and traffic generation
9. Visual amenity including public
10. Risk of creating a precedent

1. Overshadowing

The development will overshadow nearby properties to an unreasonable and detrimental extent.

2. Overlooking or loss of privacy

The application, if allowed, will result in overlooking and loss of privacy of neighbouring properties. In particular, our residential home will be affected. The entirety of our garden and back of our house (which is largely glass at ground floor level) will be overlooked. The loss of privacy will be extreme, the design proposed includes a lot of glass which essentially will be a viewing deck for our property. The infringement of our privacy will be unquestionably compromised.

Other neighbouring properties will suffer to similar and lesser degrees and as such the application should not be allowed.

The application access and design statement states that: Local Building Types and Context The surrounding buildings are generally two and three storey properties with render walls and often parapets with either flat or slate roofs.

This is not an accurate representation. The vast majority are 2 storey only. I would suggest that an inspection by the committee is essential in demonstrating this.

3. Adequate parking and servicing

The development would increase density of population that would have a negative impact on the availability of parking, which is already at a premium and oversubscribed. Pressure on parking facilities and associated services would be saturated if the development is approved.

4. Overbearing nature of proposal

The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity.

5. Design, appearance and visual impact

The visual impact of the development would be detrimental to the skyline and is not in keeping with the 2 storey properties in the vicinity.

The proposed glass structures will act as an observatory for neighbouring properties which is entirely unacceptable.

The access and design statement states: Glazing is generally restricted to roof lights and inward facing elevations, with obscured glazing of [sic.] the stairwell circulation space

I would suggest it is entirely inappropriate for any glass to be clear. It must be obscured at a significant level to protect neighbours' privacy. Otherwise, we will effectively be living in a fishbowl being overlooked.

6. Layout and density of buildings

An additional residential level is increasing density of the buildings that is out of place in the vicinity.

7. Effect on listed buildings and conservation areas and character of neighbourhood

The site is a conservation area and allowing the application would have an adverse effect on the character and appearance of the same. The current skyline includes that of steeples, listed buildings and trees. New buildings, extensions and alterations must preserve or enhance the appearance of the conservation area; this application does not meet these criteria.

The area is near Listed Buildings, and the development would have an adverse effect on the setting of those.

8. Access or highways safety and traffic generation

The development would adversely affect highway safety or the convenience of road users: further residential developments add to the density of population and the car park; highway safety would be negatively impacted. Increased occupancy of residential premises will also contribute to traffic generation.

9. Noise and disturbance from the proposed development

It is unclear from the plans whether any of the extensive glass panels included in the design will open to provide access to the exterior of the building (roof top garden, for example). If that is the intention, then noise pollution must be considered. Having living space at height and in the environment where there is very little buffer for noise, as the building will be of unprecedented height on this side of the car park the noise will travel and cause disturbance to neighbours.

10. Visual amenity - including public amenity

The three-storey development would adversely affect the enjoyment of a view. From a personal perspective, the view from our garden and kitchen. The blue-sky aspect is an important part of the residential amenity of our home, 12 Commercial Street, and that of neighbouring properties. Loss of these views will therefore have an adverse impact on the residential amenity of those properties.

The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners.

There is also the consideration of the loss of a view from a public viewpoint; pedestrians walking through the busy car park and we submit it would have a wider impact on a neighbourhood. These important matters should ought to be considered by the Planning authority.

11. Risk of creating a precedent

This development if permitted would set a dangerous precedent that would lead to a pattern of development not sustainable.

Simply put, the design is out of place and the proposal will have a significant negative impact on neighbouring residences. We invite the planning authority to reject the application. I note that this is the second bite at the cherry for the applicant, with their previous application withdrawn. There is no improvement from the first and my concerns remain live and I invite the planning committee to reject the application.

Comments: 5th December 2019

The purpose of this comment is by way of update my previous submission. I have now had the benefit of meeting with the Planning officers, who attended our address by way of site visit. During this meeting I viewed the revised plans in full. The application is a considerable and substantial improvement to the previous scheme - for which my previous comments stand.

My view remains that it would be preferable to have a clear skyline; the development may have an adverse impact on light to our premises.

However, it is clear that a lot of thought has gone into the new plans and on balance they look reasonable from the perspective of our address. For that reason I would be grateful if my comment can be noted as neutral.

As far as it is relevant, my position would be different if I were a resident of Victoria Retreat.

Miss Michael Payne
Cheltenham Planning

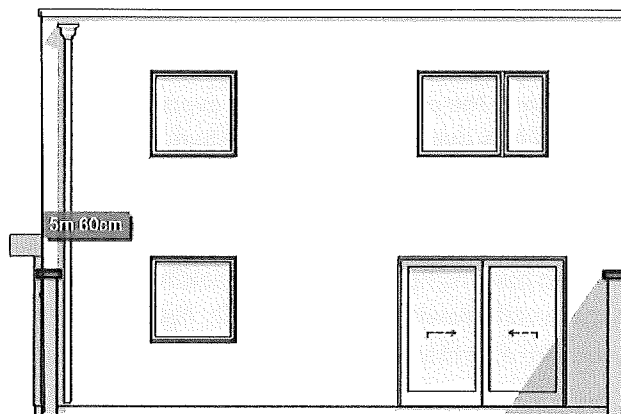
29 Bath Terrace
Cheltenham
GL50 6AL

19/02213/FUL Objection

Friday, 29 November 2019

I have been asked to look at this proposal. I do hope it is not too late.

The roof top extension is back in a new form but with the same devastating outcomes [1 and 2 Coach House Mews] as the previous withdrawn proposal



Existing Side Elevation (no.2)



In first instance the nearest front elevation of the proposal is higher than existing by at least 400mm. **Overall height increase is 2.2 mtrs.** So there will be further unacceptable overshadowing and loss of light to various houses, in particular no's 9, 11 and 12 Victoria Retreat. The D and A statement only attempts to address "overlooking" and "building form". The D and A **does not address loss of light.**

Adverse affect on 9 Victoria Retreat

The existing building overshadows no 9. The proposal increases overshadowing to the nearest ground floor window and introduces new overshadowing to the Sun Room.

Some facts:

- The existing building height is 28% beyond the maximum obstruction angle [25°].
- New proposal now wants to build higher; 44% beyond maximum obstruction angle.
- Notwithstanding present overshadowing is unacceptable, Applicant wants to increase harm to Amenity of neighbour with a further 12% loss of light to the nearest ground floor rear window.
- But that is not the end of it.
- **The block site plans are not accurate and do not offer a fair reflection of the built structure of the rear of the Houses in Victoria Retreat.** In particular, no 9 has a "Sun Room", nominally a conservatory. This is habitable living space. With the imposition of further overshadowing, at least 30% of the glass roof will fall foul of the maximum 25 degree and the rear facing window will lose 100%. Whichever way you spin it, **the Sun Room will lose >55% of its present light.**
- Presently this Sun Room is not overshadowed.
- What is proposed is extreme, to say the least.

Adverse affect on 11 Victoria Retreat

Direct quotation from Officers Report 06/01557/FUL

"the 25° light test is passed for all the houses in Victoria Retreat except for the closest house, number 11, where there is a slight breach of the standard. It is considered that this is acceptable. As for the new buildings being harmful to the outlook from those properties the proposed buildings are only some 5.5m tall and do not over-dominate the locality"

Aside from the fact the 25° is also breached for 9 Victoria Retreat in the buildings present form, the new proposals further increase height and so increase overshadowing and light loss. How is this to be judged an "acceptable loss"?

Some facts:

- The original build [06/01557/FUL], in respect of loss of light to rear ground window of 11 Victoria Terrace, is 20% beyond maximum obstruction angle [25°]. *"slight breach of the standard"* is likely a subjective position taken in 2006. It is a significant breach.
- This was and is "unacceptable" by all normal measure, yet Planning deemed this "acceptable loss" in 2006.
- New proposal now wants to build up 32% beyond max obstruction angle.
- Notwithstanding present overshadowing is unacceptable, Applicant wants to increase harm to Amenity of neighbour with a further 10% loss of light to the window that had already forcibly "donated" in 2006.
- The nearest front elevation **increases from 5.5 mtrs to 6 mtrs in height.**
- The over-all elevation **increases to 7.9 mtrs.**

The maximum obstruction angle was breached in 2006. It is now proposed to go even further? There should be no "principle" to over-ride protections of Amenity, in particular where the development in question has already taken a substantial slice of that neighbour Amenity. If Planning permits this further harm to neighbour Amenity, are they then subscribing to some new Principle where neighbouring dwellings must suffer harm and denigration to living conditions, in order for there to be a financial gain for another?

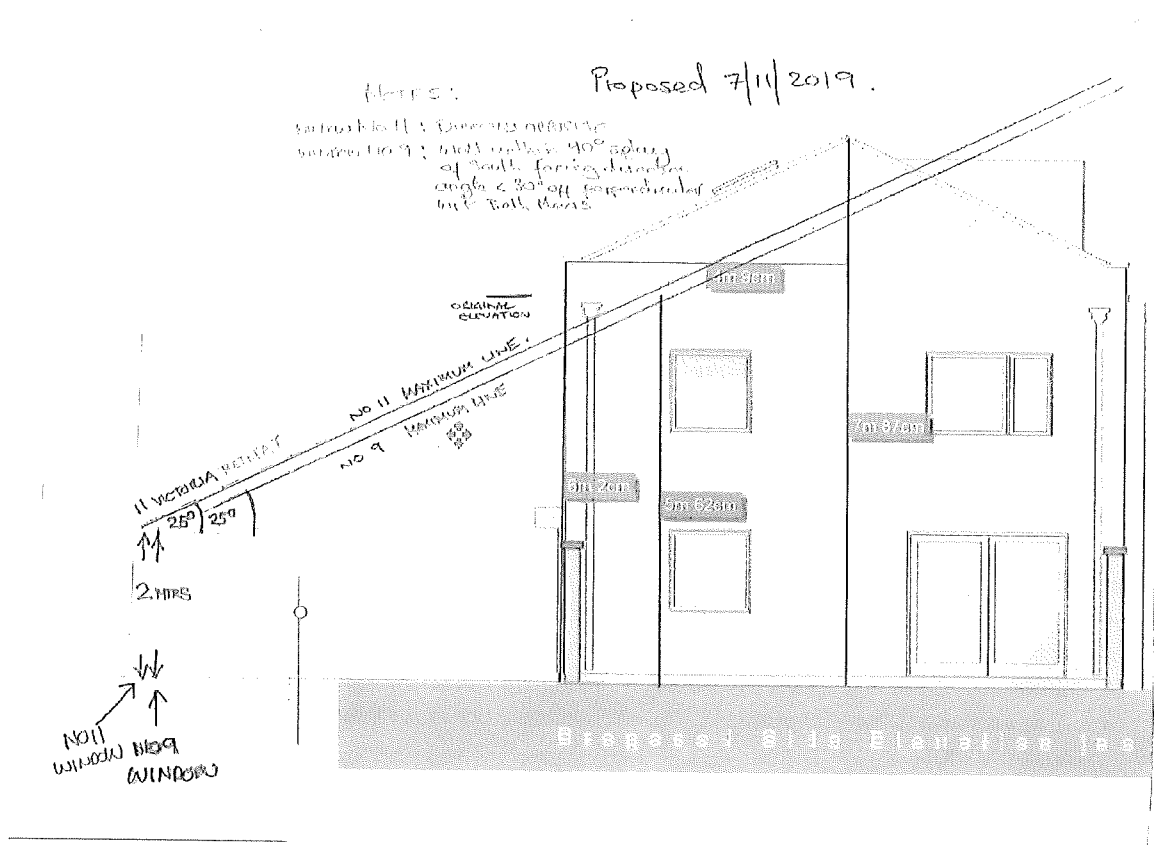


Fig A: New proposal further exceeds maximum obstruction angle for both 9 and 11 Victoria Retreat, to the nearest rear ground floor windows.

The proposal does have an adverse affect on numbers 8, 10, 12 and 13 with respect to overshadowing and loss of light. With number 9 and 12, the loss of light will be to habitable rooms.

Adverse affect on no 12 Victoria Retreat

Presently the two rear ground floor windows are not overshadowed. The new proposal will significantly breach the maximum 25° obstruction angle and result in removal of light from these windows.

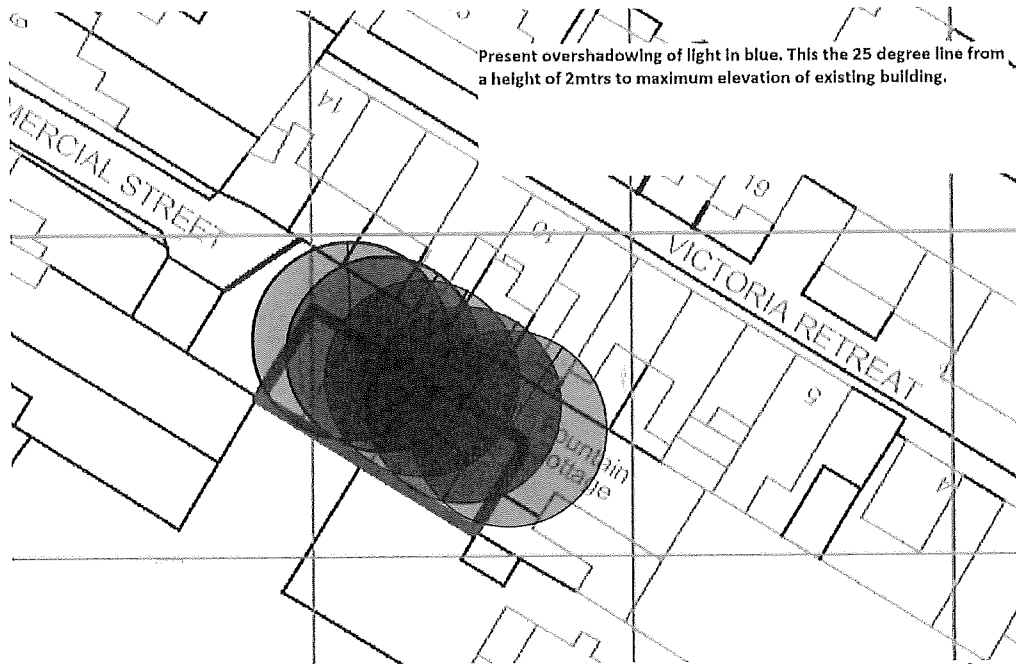


Fig B: Existing overshadowing/ loss of light where maximum obstruction angle of 25° is breached.

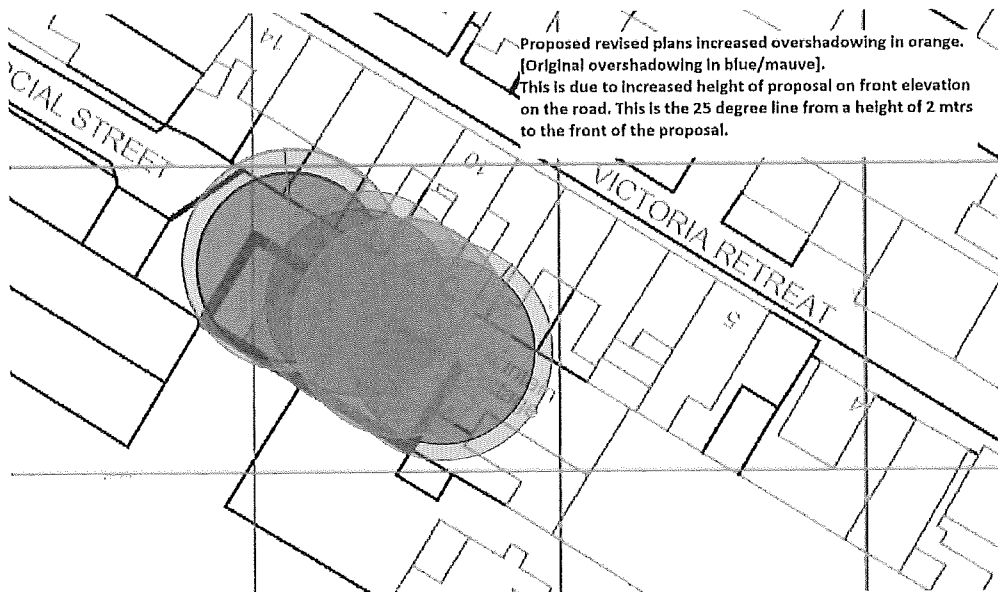


Fig C: Proposed increased overshadowing/loss of light where maximum obstruction angle of 25° is breached.

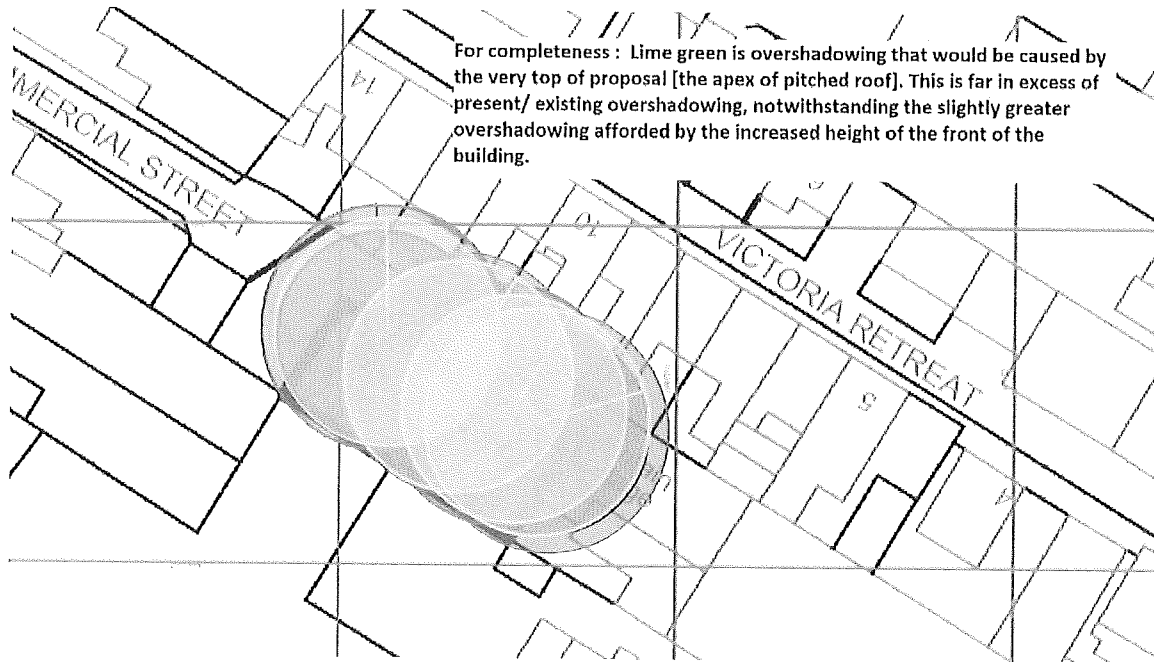


Fig D: Even if the front elevation remained the same height as existing, the overall height increase [with respect to apex of proposed pitched roof] would, in its own right, increase overshadowing and loss of light.

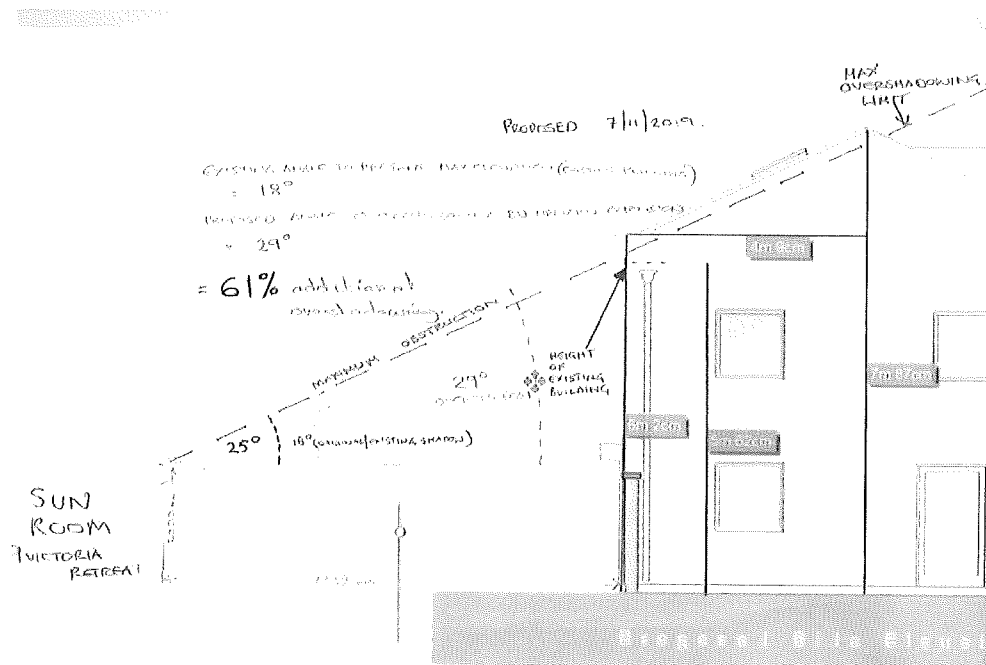


Fig E: The Sun Room to rear of 9 Victoria Retreat will be significantly overshadowed by the proposed increase in elevation.

I would invite Planning to give a full and frank explanation as to why they would deem this excessive loss of light as an "acceptable loss"?

It has already been admitted in the document from 2006 that there is existing loss. The recent "Withdrawn Plans" are similar built form, just differing angles in place; but crucially the present proposal is higher on the nearest elevation to accommodate bulk required due to a shallower angle to the mansard roof. Clearly the last proposal was "withdrawn" due to the loss of light and overshadowing being excessive. So that was "unacceptable". The new proposal increases height and overshadowing, so can not in any way be deemed acceptable.

Clearly these houses have been forced to adapt to loss of light from overshadowing. Since 2006 they have had to rearrange the use of rooms and outside space to harvest what little natural light is still available and yet it is proposed that these small crumbs of Amenity are removed also?

The increase in built form will cause harmful overshadowing and loss of light to numbers 8, 9, 10, 11, 12 and 13 Victoria Retreat. No more damage to Amenity should be inflicted on these homes and the proposal should be refused.

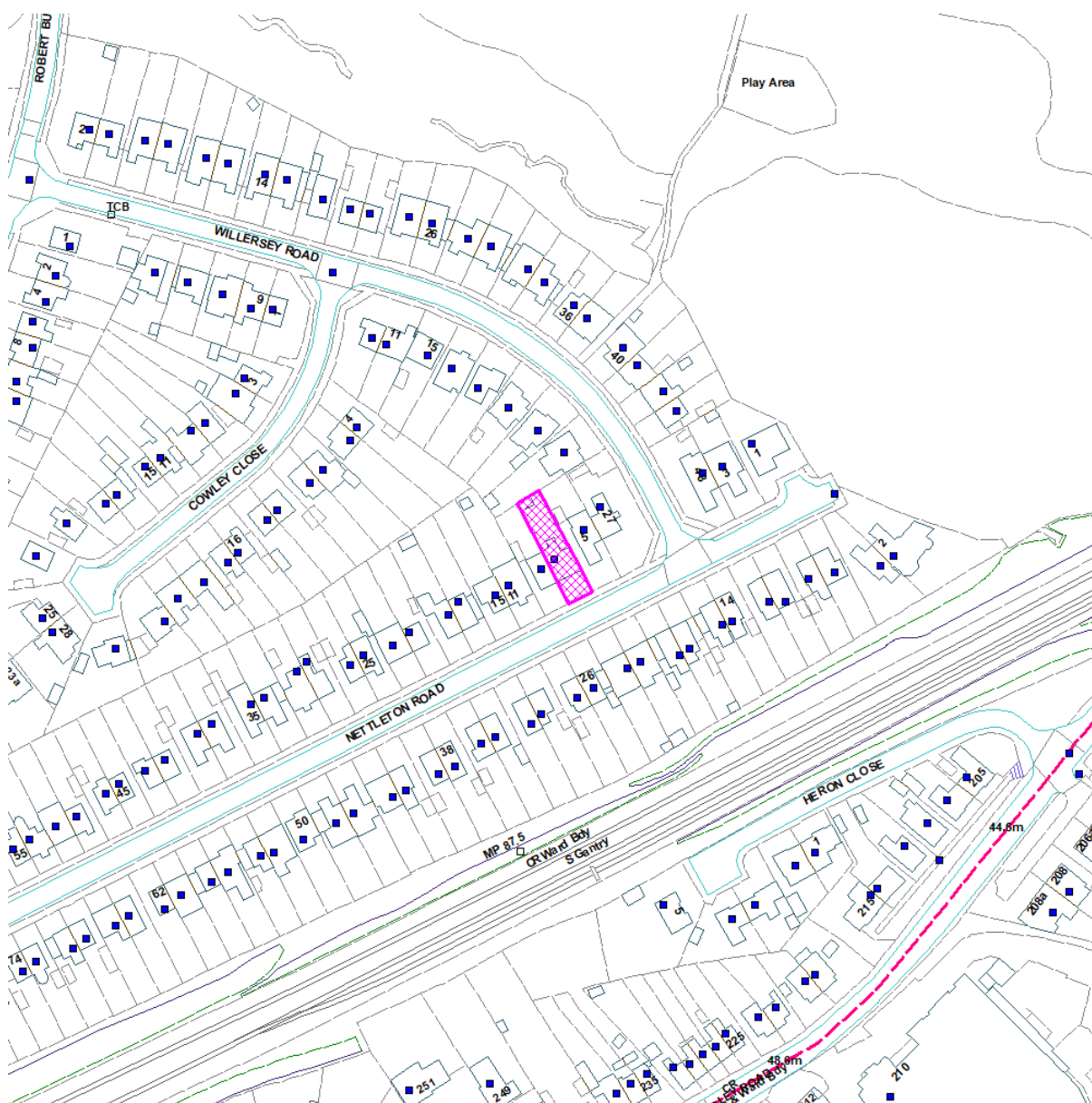
Yours sincerely

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APPLICATION NO: 19/02229/FUL		OFFICER: Mr Gary Dickens	
DATE REGISTERED: 15th November 2019		DATE OF EXPIRY: 10th January 2020	
DATE VALIDATED: 15th November 2019		DATE OF SITE VISIT: 27th November 2019	
WARD: Benhall/The Reddings		PARISH:	
APPLICANT:	Mr David Jackson		
AGENT:	Cotswold Creative Living Ltd		
LOCATION:	7 Nettleton Road, Cheltenham		
PROPOSAL:	Single storey rear extension to create orangery		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application relates to 7 Nettleton Road. The site is a semi-detached chalet bungalow located within the residential area of Benhall.
- 1.2 The applicant is seeking permission for a single storey rear extension which will be attached to an existing single storey structure.
- 1.3 The application is before Members for transparency as the applicant is employed within the Place and Growth Division of the Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Principal Urban Area
Residents Associations

Relevant Planning History:

03/01908/FUL 28th January 2004 PER

Erection of two storey side extension and single storey rear extension following demolition of existing rear extension

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 12 Achieving well-designed places

Saved Local Plan Policies

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

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Building Control

20th November 2019

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

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 Three letters have been sent to neighbouring properties and no responses have been received.

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 The site and its context

- 6.4 The site is red brick property on Nettleton Road, located close to the junction with Willersey Road. This is a residential area which dates from the 1950s / 60s and the character of properties are general consistent, utilising red brick and tile hung sections to the front elevations.

6.5 Design and layout

- 6.6 Policy SD4 of the JCS requires development to positively respond to, and respect the character of, the site and its surroundings. This is supported through Local Plan Policy CP7 which requires extensions to not harm the architectural integrity of the building.

- 6.7 The Supplementary Planning Document: Residential Alterations and Extensions highlights how extensions should play a supporting role and not dominate or detract from the original dwelling.

- 6.8 The site benefits from an existing 'L shaped' extension and measure 5m at its deepest and approximately 5.1m in width. The application proposes modest addition to the existing extension which will increase the footprint and create a rectangular shaped structure measuring 7m from the rear elevation of the original dwelling. The width and height will be retained as the existing extension.

- 6.9 This modest addition to the existing extension is not considered to result in a structure which will dominate the existing dwelling or the site as a whole to an unacceptable level. The extension will sit comfortably within its surroundings

- 6.10 Subsequently the proposal is considered to be acceptable and in accordance with the JCS Policy SD4 and Local Plan Policy CP7.

6.11 Impact on neighbouring property

- 6.12 Policy SD14 of the JCS stipulates that development must not cause unacceptable harm to the amenity of neighbouring properties and this is supported through Local Plan Policy CP4.

- 6.13 The proposed extension will be in close proximity to the boundary with no.9 Nettleton Road which has existing patio doors to the rear elevation. The proposal marginally passes

the standard daylight test and the room affected would also appear to benefit from an additional light source. Subsequently the impact on light levels is not considered to be unacceptable. The proposal will not have any overbearing impact and neither will it result in any loss of privacy for neighbouring properties.

- 6.14** Based on the above, the proposal is deemed to be in accordance with Policy SD4 of the JCS and Local Plan Policy CP4.

7. CONCLUSION AND RECOMMENDATION

- 7.1** In conclusion, the application is considered to accord with the policy requirements of the JCS and the Cheltenham Local Plan, as well as advice contained within the NPPF and the adopted SPD. The recommendation is therefore to approve this application subject to the conditions below.

8. CONDITIONS

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

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

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

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

INFORMATIVES

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

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

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

APPLICATION NO: 19/02062/LBC	OFFICER: Mr Chris Morris
DATE REGISTERED: 23rd October 2019	DATE OF EXPIRY: 18th December 2019
DATE VALIDATED: 23rd October 2019	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	
LOCATION:	Municipal Offices Cheltenham Borough Council Promenade
PROPOSAL:	Remove modern stud walls (rooms 244, 245, 246 and 247) and install x2 fire doors and associated walls to corridor to the second floor

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The Municipal Offices, Promenade, Cheltenham is a grade II* listed building within the Central Conservation Area: Montpellier Character Area. It forms part of a Regency terrace formally comprised of 19 houses, possibly by George Underwood, it was begun 1823 and continued to circa 1840.
- 1.2 The works are for the installation of two fire doors and removal of modern partition walls to the second floor south wing.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

Relevant Planning History:

15/00608/PREAPP 28th April 2015 CLO

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

00/01282/LBC 4th December 2000 WDN

Awning over front entrance door to tourist information centre

00/01698/LBC 6th March 2001 GRANT

Alterations to Tourist Information offices

01/00657/LBC 13th August 2001 GRANT

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

03/01032/LBC 14th October 2003 GRANT

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

86/00715/PF 28th August 1986 PER

Installation Of Civil Defence Radio Aerial

86/00719/LS 28th August 1986 PER

Municipal Offices Cheltenham Gloucestershire - Erection Of Civil Defence Radio Aerial

86/01084/LA 27th November 1986 PER

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

88/01536/PF 15th December 1988 PER

Alterations And Extension

88/01550/LA 15th December 1988 PER

Alterations And Extension

88/01762/LA 19th January 1989 PER

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

88/01782/LA 19th January 1989 PER

Erection Of A Temporary Sign

89/00567/LA 25th May 1989 PER

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

89/01378/LA 22nd February 1990 PER

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

90/00260/PF 24th May 1990 PER

Proposed New Wall And Motor Cycle Shelter

90/00267/LA 24th May 1990 PER

Proposed New Wall To Enclose A Proposed New Motor Cycle Shelter

91/00831/LA 26th September 1991 PER

Alterations To Existing Reception Area At Ground Floor Level

92/00131/PC 26th March 1992 PER

Proposed Change Of Use Of A Flat Into Offices

92/00137/LA 26th March 1992 WDN

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

92/00174/PF 17th December 1992 PER

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

92/00175/LA 17th December 1992 PER

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

92/00808/AN 22nd October 1992 REF

Erection Of 6 Additional Flag Poles To First Floor Balcony

92/00809/LA 22nd October 1992 REF

Erection Of 6 Additional Flag Poles To First Floor Balcony

92/01028/PF 21st January 1993 PER

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

92/01031/LA 21st January 1993 PER

Formation Of Access Ramp To Front To Assist The Disabled

94/00807/LA 20th October 1994 PER

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

95/00093/LA 27th April 1995 PER

Structural Opening Between Landing And Office On The Second Floor

Approved By D.O.E. 18 May 95 - Hbmc 19 May 95

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96/00224/LA 8th May 1996 PER

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

98/00773/LA 15th October 1998 WDN

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

98/00775/PF 15th October 1998 WDN

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

98/00979/PF 12th January 1999 GRANT

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

98/00985/LA 12th November 1998 PER

Disabled Access And Improvements To Rear Of Municipal Offices.

98/01023/NZ 14th December 1998 GRANT

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

98/01052/LA 14th May 2002 UNDET

Refurbishment Of Interior To Tourist Information Centre

99/50199/LBC 22nd October 1999 NOOBJ

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

99/50200/FUL 22nd October 1999 NOOBJ

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

99/50386/LBC 22nd December 1999 GRANT

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

04/01124/LBC 29th July 2004 REFCSS

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

82/01000/PF 29th July 1982 PER

Safety barrier to flag pole

82/01001/LA 29th July 1982 GRANT

Safety barrier to flag pole

16/00337/CLBW 14th March 2016 CERTPU

To overcover existing felt roof and re bed existing coping stones

16/01497/CLBW 5th September 2016 CERTPU

Service of sash windows

16/02132/FUL 17th February 2017 PER

Erection of war memorial interpretation board

16/02273/CLBW 10th January 2017 CERTPU

Repairs to corona mould

17/00268/LBC 21st April 2017 GRANT

Replacement of some of the fire doors in the Municipal Offices

17/01873/LBC PCO

To replace plastic window with aluminium item to match existing adjacent windows

17/01983/LBC 3rd May 2018 WDN

Removal of existing modern partition stud wall separating rooms 8 & 9B

18/00795/CLBW 11th June 2018 WDN

Alterations to reception to accommodate the relocation of the Housing Service HOS.

18/00936/LBC 21st September 2018 GRANT

Remove modern stud partitions to the Urban Room and Agile Area on ground floor (part retrospective)

19/01110/LBC 22nd July 2019 GRANT

x4 wireless receivers/transmitter boxes, associated with existing public realm CCTV cameras, affixed to the exterior of the lift shaft on the roof.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

None.

Adopted Joint Core Strategy Policies

SD8 Historic Environment

Supplementary Planning Guidance/Documents

None.

4. CONSULTATIONS

Building Control

5th November 2019

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

5. PUBLICITY AND REPRESENTATIONS

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

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

5.2 No comments were received.

6. OFFICER COMMENTS

- 6.1** Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states, "In considering whether to grant listed building consent for any works the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
- 6.2** A core principle of the National Planning Policy Framework 2019 (NPPF) is heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 193-196 set out the framework for decision making with applications relating to heritage assets. This assessment takes account of the relevant considerations in these paragraphs.
- 6.3** Local planning authorities are required by Paragraph 192 of the NPPF requires a to identify and assess the particular significance of any heritage asset... taking into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 6.4** Paragraph 193 of the NPPF states, "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."
- 6.5** The effect of the proposed works on the heritage significance of the listed building is considered minor. The works to the second floor south wing involve the removal of a number of modern walls at the far north-eastern end of the Municipal Offices to create a more open plan space and the introduction of two new additional fire doors within the central corridor. Historic fabric and details are to be retained, they are unaffected by the works. The historic layout of the building is not considered affected to an adverse degree given the extent of change the terrace has previously undergone in the 20th century.
- 6.6** The proposed works are considered to sustain the designated heritage asset and therefore comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

7. CONCLUSION AND RECOMMENDATION

- 7.1** It is recommended the application be granted with conditions.

8. CONDITIONS / INFORMATIVES

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

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The listed building consent hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

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

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

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

- 4 Details of doors

Details of the doors, to include but not be limited to: product details, materials, finish, opening mechanisms, elevations to a scale of 1:10 or similar and vertical & horizontal cross sections to a scale of 1:2 or similar, shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The external joinery shall be retained in accordance with the approved details at all times.

Reason: In the interests of the special architectural and historic qualities of the Listed Building, having regard to Policy SD8 of the Joint Core Strategy 2017 and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the National Planning Policy Framework and Historic Environment Good Practice Advice (note 2).

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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Appeals Lodged Nov/Dec 2019

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Nil Return	“	“	“	“	“

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Nil return	“	“	“	“	“

Authorised By: David Oakhill 09.12.2019

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