



Notice of a meeting of Planning Committee

**Thursday, 28 May 2020
10.30 am**

**Virtual WEBEX video conference via YouTube -
<https://www.youtube.com/user/cheltenhamborough>**

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

FILMING, RECORDING AND BROADCASTING OF PLANNING COMMITTEE MEETINGS

This virtual meeting will be recorded by the council for live broadcast online at www.cheltenham.gov.uk and www.youtube.com/user/cheltenhamborough. At the start of the meeting the Chair will confirm this. The footage will be streamed live on the YouTube channel.

If you make a representation to the meeting you are consenting to the use of those sound recordings for broadcasting and training purposes.

Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. MINUTES OF LAST MEETING** (Pages 5 - 6)
Minutes of the meeting held on 20 February 2020
- 5. PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,**

**APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**

- a) **20/00365/LBC Municipal Offices** (Pages 7 - 12)
[Planning Application Documents](#)
- b) **20/00119/COU & LBC Chapel Spa** (Pages 13 - 36)
[Planning Application Documents](#)
- c) **20/00369/FUL Imperial Gardens** (Pages 37 - 62)
[Planning Application Documents](#)
- d) **20/00587/FUL 17A Eldorado Road** (Pages 63 - 76)
[Planning Application Documents](#)
- e) **20/00229/LBC Phone Kiosks outside 43 Promenade** (Pages 77 - 84)
[Planning Application Documents](#)

LUNCH BREAK (approx. 12:30)

The Virtual Planning Committee meeting will resume at 13:15 to determine the following applications :

- f) **20/00213/FUL 303 Cirencester Road** (Pages 85 - 116)
[Planning Application Documents](#)
- g) **20/00273/FUL 21 Great Western Road** (Pages 117 - 132)
[Planning Application Documents](#)
- h) **20/00454/FUL 154 River Leys** (Pages 133 - 144)
[Planning Application Documents](#)
- i) **20/00103/LBC 42 London Road** (Pages 145 - 152)
[Planning Application Documents](#)
- j) **20/00443/LBC 46 London Road** (Pages 153 - 158)
[Planning Application Documents](#)

- 6. APPEAL UPDATES** (Pages 159 - 160)
- 7. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION**

Contact Officer: Democratic Services
Email: democraticservices@cheltenham.gov.uk

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Planning Committee

Thursday, 20th February, 2020

6.00 - 6.15 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Stephen Cooke, Councillor Diggory Seacome, Councillor Victoria Atherstone, Councillor Bernard Fisher, Councillor Mike Collins, Councillor Alex Hegenbarth, Councillor Paul McCloskey, Councillor Tony Oliver and Councillor John Payne
Officers in Attendance:	Craig Hemphill (Principal Planning Officer) and Lucy White

1. Apologies

Councillor Barrell and Councillor Wheeler

2. Declarations of Interest

Councillor Cook said that his son used to work as a lifeguard at the lido.

3. Declarations of independent site visits

Councillor Fisher stated that he went on a site visit to Sandford Park House on 20/02/20.

4. Public Questions

There were no public questions at this meeting.

5. Minutes of last meeting

Minutes for the meeting on 16/01/20 were approved.

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

7. 19/01735/FUL & LBC Sandford Park House

Lucy White (Planning Officer) explained that the permission is for the property at Sandford Park House for change of use and to convert it into 12 apartments.

There were no further questions or comments.

Chair moved to a vote.

Vote 1 - In favour of the proposal – Unanimous Result in favour

Vote 2 – Listed Building Status – Unanimous Result in favour

8. 19/02430/LBC Sandford Lido

Craig Hemphill (Planning Officer) explained that the permission is for minor internal alterations to a wall and the ceiling of the café foyer and server entrance within the existing café building.

VA stated that she is in favour of removing the fake ceiling and thinks that the property will be much improved.

SC added that he was very in favour of this as it will improve the environment for both staff and visitors.

AH Also agreed

Chair moved to a vote

Vote for Listed Building Consent – Unanimous vote in favour

9. 19/02438/FUL & LBC Sandford Lido

Craig Hemphill (Planning Officer) explained that the applicant is seeking planning permission and listed building consent for the siting of a Portakabin to be used as an office including welfare facilities. The site is located on the site of a gym building which has now been demolished.

Matter then opened to members

SC – Acknowledged that the Lido is a jewel in Cheltenham's crown and it is important to preserve it. He raised a concern that temporary buildings aren't always temporary (could be there for longer than 3 years) and this is a concern of the Civic Society as is the type of portakabin they chose. He asked that maybe the Civic Society could be consulted about this alongside the Lido. He did very much emphasise that he would be supporting the proposal.

GB – Confirmed that this is just one step of the process and that everything has to go through the Planning Committee.

Planning Officer - Confirmed that there is a 3 year consent and this matter can then be reviewed. The Lido are aware of this and will review their own directives at that point, further discussion can then take place if needed.

RH – Stated that the Lido is currently raising money for several millions of pounds of improvements, mostly for improvements more significant than this development which is bound to be temporary. There was also reference made to previous building on site that lasted a long time.

Chair moved to a vote

Vote 1 – in favour of proposal – in favour – Unanimous

Vote 2 Listed Building status – in favour - Unanimous

10. Appeal Updates

No notes on appeal updates

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

APPLICATION NO: 20/00365/LBC	OFFICER: Mr Nikita Hooper
DATE REGISTERED: 3rd April 2020	DATE OF EXPIRY: 29th May 2020
DATE VALIDATED: 3rd April 2020	DATE OF SITE VISIT: N/A
WARD: Lansdown	PARISH:
APPLICANT:	Cheltenham Borough Council
AGENT:	Cheltenham Borough Council
LOCATION:	Municipal Offices, Cheltenham Borough Council, Promenade
PROPOSAL:	Repairs and some replacement of unsafe ornamental cornice to front elevation. Stitching/minor repairs to structural crack

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The Municipal Offices are located on the north-western side of the Promenade in central Cheltenham.
- 1.2 Repairs and some replacement of unsafe ornamental cornice to front elevation. Stitching/minor repairs to structural crack.
- 1.3 The application is before the Planning Committee as the Borough Council own the building subject to the proposed scheme. #

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:

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.

19/02062/LBC 20th December 2019 GRANT

Remove modern stud walls (rooms 244, 245, 246 and 247) and install x2 fire doors and associated walls to corridor to the second floor

19/02446/LBC 21st January 2020 GRANT

Removal of existing modern partition walls and doors. Blocking up of redundant openings.

20/00233/LBC REC

Proposed high gain 2.8 metre antenna on a 2 metre pole affixed to the side of the exposed lift shaft on the roof of the Municipal Offices

20/00503/FUL 5th May 2020 PER

Installation of 2.8 metre base aerial fixed to 3 metre pole erected on roof of Municipal Offices.

20/00503/LBC 5th May 2020 GRANT

Installation of 2.8 metre base aerial on 3 metre pole on roof of Municipal Offices.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies

SD8 Historic Environment

4. CONSULTATIONS

Ward Member Comments

None received

Other Members Comments

None received

Historic England

7th April 2020

Thank you for your letter of 2nd April 2020 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

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

Gloucestershire Centre For Environmental Records

8th April 2020

Report available to view on line.

5. PUBLICITY AND REPRESENTATIONS

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

5.1 A site notice was displayed and the application listed in the Gloucestershire Echo.

6. OFFICER COMMENTS

6.1 Legislation and policy

6.2 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant listed building consent to “have special regard to the desirability of preserving the building...or any features of special architectural or historic interest which it possesses.”

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

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

6.5 Significance

6.6 The building forms part of a terrace that previously comprised 19 houses; constructed of which started in 1823 and continued until c.1840. The central seven houses were converted into Municipal Offices in 1916. Listed (Grade II*) on 12 March 1955 (list entry number: 1387631).

6.7 Consideration

6.8 [The scheme is considered under the working practices and conditions adopted due to the Covid-19 situation].

6.9 The proposal which seeks to repair areas of the principal (front) elevation of the building will not detract from its significance and will ensure that the architectural value of the building will be maintained.

7. CONCLUSION AND RECOMMENDATION

7.1 The scheme will not be detrimental to the significance of the listed building and therefore it is recommended that consent is granted.

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.

INFORMATIVES

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

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

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

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APPLICATION NO: 20/00119/COU & LBC		OFFICER: Michelle Payne
DATE REGISTERED: 23rd January 2020		DATE OF EXPIRY: 19th March 2020 (extended until 5th June 2020 by agreement with the applicant)
DATE VALIDATED: 23rd January 2020		DATE OF SITE VISIT: 5th February 2020
WARD: Pittville		PARISH: n/a
APPLICANT:	Chapel Spa Ltd	
AGENT:	BHB Clive Petch Ltd	
LOCATION:	Chapel Spa, North Place, Cheltenham	
PROPOSAL:	Change of use of existing spa (Use Class D1) to hotel (Use Class C1) with associated internal and external alterations	

RECOMMENDATION: Refuse



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is prominently located on North Place, close to the Fairview Road / St. Margaret's Road junction, and within the Old Town character area of the Central conservation area.
- 1.2 The site is occupied by a grade II listed building built as a Chapel (Portland Chapel) in 1816, with the portico added in 1865; it was the first nonconformist Gothic Revival building erected in Cheltenham. The building is two storeys over basement; and Ashlar over brick beneath a hipped slate roof. It was listed in 1972.



Image: Google Street View

- 1.3 The building was until very recently operating as a spa, Chapel Spa, within a D1 use.
- 1.4 The applicant is seeking planning permission and listed building consent for a change of use of the building to a 12 bedroom hotel (Use Class C1) together with associated internal and external alterations to the building.
- 1.5 The proposed works include the horizontal subdivision of the building to facilitate the creation of additional accommodation at first floor, and replacement windows.
- 1.6 The application has been submitted following pre-application discussions with the Conservation Officer at which time the applicant was advised that the proposals *"would be unacceptable as it would make a crucial component of the significance of the building, the double height space, illegible. As this aspect is so fundamental any change/division along the lines proposed is very likely to be unacceptable."*
- 1.7 Revised plans have been submitted during the course of the application to address concerns raised by the Highways Development Management Team.
- 1.8 Additional supporting information has also been submitted.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Conservation Area
Core Commercial Area
Listed Building Grade 2
Principal Urban Area
Residents Association
Smoke Control Order

Planning History:

CB13901/00	PERMIT	2nd May 1978
Provision of additional toilet facilities in basement		
CB13901/01	PERMIT	7th August 1979
Use of part premises for Play Group		
CBL0689/00	PERMIT	21st February 1985
Alterations to form internal staircase from Church to lower ground floor and substitution of door with side-light for existing window on side elevation of basement		
CBL0689/01	WITHDRAWN	22nd February 1990
Alterations		
CB13901/02	PERMIT	25th August 1994
Change of use to Fitness Centre incorporating indoor climbing wall (in accordance with revised plans received 04 Aug 94 and 25 Aug 94)		
CBL0689/02	PERMIT	25th August 1994
Basement: Replacement of WC facilities and installation of changing facilities & construction of partition walls. Ground level: Construction of climbing wall. Gallery level: Balustrade replacement		
01/00476/LBC	GRANT	30th July 2001
Internal alterations including construction of new mezzanine floor, new changing rooms in basement, spa area in basement and treatment rooms on ground floor		
02/01973/LBC	GRANT	14th February 2003
Installation of glass door and screen on inside of existing entrance doors		
07/01030/LBC	REFUSE	9th October 2007
Internal alterations and general refurbishment		
07/01677/COU	WITHDRAWN	7th February 2008
Change of use from garage/storage to mews type dwelling to front Trinity Lane		
07/01686/LBC	WITHDRAWN	25th January 2008
Installation of external and internal air circulation units at basement level		
14/01925/LBC	GRANT	26th November 2014
Masonry repairs to Portico and northern boundary wall		
14/02108/LBC	GRANT	19th January 2015
Various internal alterations to reception area to include blocking up of an existing doorway, creation a new double door opening with glazed fanlight over, and alterations to change existing flush door from an opening door to a sliding door		

15/01208/FUL

PERMIT

19th February 2016

Dropped kerb and hardstanding to facilitate parking area

16/02067/LBC

GRANT

10th April 2017

Signage to portico of the building, two free standing signs to the front and addition of up lighting

16/02067/ADV

GRANT

10th April 2017

Signage to portico of the building, two free standing signs to the front and addition of up lighting

18/00332/FUL

PERMIT

4th April 2018

Retention of dropped kerb (temporary permission granted 15/01208/FUL)

18/02288/LBC

GRANT

14th December 2018

Proposed insertion of a glazed screen at the east end of the first floor gallery

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Saved Local Plan (LP) Policies

CP 3 Sustainable environment

CP 4 Safe and sustainable living

CP 7 Design

Adopted Joint Core Strategy (JCS) Policies

SD1 Employment - Except Retail Development

SD2 Retail and City / Town Centres

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

Supplementary Planning Guidance/Documents

Old Town Character Area Appraisal and Management Plan (2007)

4. CONSULTATION RESPONSES

Ward Member Comments

27th February 2020

Councillor Dennis Parsons

I would like this to go to committee please.

I understand from the applicant that the change of use is not a problem per se but the refuse is based on listed building consent arguments. I dispute much of the argument as does the applicant. I find it difficult to see how an application to restore the original 1816 look to the windows, for example, fails because LBC deems the 1990 look of greater heritage value. The viability argument is also very odd.

Other Member Comments

21st February 2020

Councillor Karl Hobley

So that I don't miss the deadline is it possible to ask that this be called to committee only if the eventual recommendation is to permit? Due to concern about the long term impact on the internal fabric of an important historic local building.

Should the final recommendation be to reject, in line with the Conservation Officer's suggestion, I would see no need for it to come to committee.

Cheltenham Civic Society

2nd March 2020

SUPPORT

Based on the heritage statement the Civic Society Planning Forum supports the proposed fenestration design. We do not accept the proposed removal of 2 ground floor windows (drawn as "blind" on the proposed elevations). With careful detailing & appropriate materials, these could be retained. We have some concerns about waste storage and disabled access: are there any plans for a call button or intercom at the bottom of the steps for disabled visitors? Otherwise this is a good proposal for a difficult site. We hope this development will kick-start the long-stalled development of the North Place car park. The Planning Forum commends the heritage statement.

Heritage and Conservation

20th February 2020

Significance

The building (the Chapel) was constructed in 1816, with the portico added in 1865 and the ground and first floor windows altered in 1895. Listed on 5 May 1972; list entry number: 1387374 (Grade II).

The Chapel was built as a private non-conformist chapel at the expense Robert Capper, J.P (1768-1851) in 1816 and gifted to the Countess of Huntingdon's Connexion in 1819. (Selina, Countess of Huntingdon (1707-1791) played a prominent part in the religious revival of the 18th century and the Methodist movement in England and Wales, and founded a society of evangelical churches in 1783, known as the Countess of Huntingdon's Connexion).

D. Verey and A. Brooks in *The Buildings of England, Gloucestershire 2: The Vale and the Forest of Dean* (Yale University Press: 2002), state that in Cheltenham from c.1830, 'The parish church had been supplemented by proprietary chapels' (p. 228). The increase in the number of chapels reflects the rapid growth in population during the nineteenth century; between 1801 and 1871 the recorded population of the town grew from 3,076 to 53,159.

Given the date of the Chapel (1816) it suggests that it was an early nineteenth century forerunner of this type of development within the town, contributing to the historic value and therefore the significance of the building.

The proposal site is located in the Central Conservation Area (Old Town Character Area); a designated heritage asset (the Conservation Area was designated by Gloucestershire County Council on 28 May 1973 and its boundary extended by Cheltenham Borough Council on 14 August 1987).

Listed buildings are located to the immediate west, east and south of the proposal site, including St. Margaret's Terrace built 1820-1825 (Grade II*) to the west and 32 Portland Street (Grade II), constructed c.1816 presumably as a house for the chaplain/preacher of the Chapel, which it abuts to the rear (east).

The Chapel is faced in ashlar, has two storeys over a basement and is rectangular in plan. Designed with proportions and features of Classical architecture, with gothic (pointed-arched) window openings to the upper storey which reflect the taste of the early nineteenth century and echo the ecclesiastical architecture of earlier periods.

The Chapel provides historic and evidential value through being purpose built and designed to function as a place of worship for non-conformists, and architectural/aesthetic value through the polite form of the building. These values all contribute to the significance of the listed building.

Legislation and policy (as applicable to the respective forms of application)

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant listed building consent to 'have special regard to the desirability of preserving the building' or any features of special architectural or historic interest which it possesses.'

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant planning permission to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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

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

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

Consideration

Interior

The Historic England publication Methodist and Nonconformist Chapels in Cornwall: Guidance and Assessment Framework (2019) states that 'The interior is often most sensitive to change' [and that] Subdivision of the principal worship space can be difficult to accommodate due to the open quality of the internal space, a characteristic of the auditory plan form within this type of building' (p.24). Whilst it is acknowledged that the document relates to Cornwall, it is relevant as it draws on examples from beyond that county and deals with a building type that has many fundamental shared aspects of design regardless of their location.

Within the building a number of historic features can be found including windows, cast iron columns, the metal brackets supporting the gallery and historic fabric in parts of the gallery floor/structure. Whilst the extent of the gallery has been altered it clearly shows evidence of its original form, and though partitions have been installed, the horizontal and vertical open space, a defining aspect of non-conformist chapels, is evident. The proposed scheme will result in the legibility of these aspects being significantly compromised.

The Chapel's open space is a fundamental aspect of the interior of the building and a key component of its significance. It, along with the associated gallery, provides evidence of design responding to the needs of worshippers by allowing the whole congregation to be seated within sight and sound of the pulpit or preacher. The purpose built places of worship of the non-conformists were often lacking in internal architectural features or decoration and therefore the space is apparent as a core component of the design of the building. Though altered, the open space and gallery are clearly legible and reflect the historic arrangement. This auditory plan form contributes to the architectural, aesthetic, historic and evidential value of the significance of the building.

The Heritage Impact Assessment as submitted states that 'the proposed changes to the interior would not result in any additional 'harm' to an already heavily compromised and much altered space' to such an extent that its significance has been extremely eroded' (p.38). However, its significance should be considered in the context of what is evident currently, and any remnants have more importance given their scarcity in the immediate environment.

It is evident that the proposed infilling of the open space, through the horizontal division at gallery level and the intrusion of vertical partitions, will result in the total loss of the legibility of this essential defining aspect of the Chapel, to the clear detriment of its significance.

Exterior

(Note, with reference to drawings 21976/02/P1 (elevations as existing) and 21976/08/P1 (elevations as proposed) respectively, each depict 2no. south west elevations. This appears to be an error in the labelling and should be appropriately corrected).

The text of the list entry for the building refers to the exterior of the building as having '2 tiers of windows, the lower tier have wooden mullion and transom windows with fixed lights, the upper in pointed-arched recesses with Y-tracery.' It appears that this, the current design, is the result of later though historic work replacing earlier windows.

Evidence suggesting the design of the original windows can be found in a number of sources including the following:

J.K Griffith in the 1818 publication *A General Cheltenham Guide* states of the Chapel that 'It is a handsome stone erection, with gothic sashes.' (online edition, p. 142).

George Rowe in the publication *Illustrated Cheltenham Guide* of 1845, provides an 'illustration' depicting the Chapel as having multi-pane windows to the ground floor and multi-pane windows with Gothic/pointed arched glazing bars to the first floor (p. 61).

D. Verey and A. Brooks in *The Buildings of England, Gloucestershire 2: The Vale and the Forest of Dean* (Yale University Press: 2002), refer to 'recessed pointed windows in two storeys, their delicate Gothick glazing replaced with Y-tracery in 1895 by Thomas Malvern [1863-1930]' (p. 240).

The application proposes to replace the existing Y-tracery; however, whilst an earlier design of the windows is referred to in various sources and is 'illustrated' in one known instance, the specific details of an original design are unknown and the application does not provide any significant evidence, beyond a rough 'illustration' of 1845. The weight to be

given to the accuracy of the illustration is questionable as it does not truly depict aspects that appear to be original that are existing, such as the height of the entablature.

Though the current windows are seemingly not contemporary with the date of construction of the Chapel, they do date from the late nineteenth century (1895) and are by a known architect. They represent an historic evolution in the development of the building, which includes the addition of the porch in 1865, and are in a form, with tracery, appropriate to a place of worship. As such they provide architectural, aesthetic, historic and evidential value to the significance of the building.

Specific detailed plans of the proposed windows are seemingly absent from the application; however, double glazing is proposed. This is of course not an historic approach, has a poor reflective quality (double image) and usually requires bulky framing and glazing which leads to an overall poor design. In some instances applied glazing bars are proposed which are equally incongruous.

Double glazing is likely to lead to poor detailing and even if single glazing were to be proposed, the loss of the existing windows would detract from the significance of the listed building through the removal of nineteenth century fabric that is evidence of its historic evolution. Any perceived visual enhancement would clearly not outweigh the detriment to the significance of the building through the loss of the existing historic windows.

Conservation Area

Given that the proposed alteration of the windows will detract from the architectural/aesthetic value of the building it will be detrimental to the character and appearance of the conservation area, and the setting of neighbouring listed buildings and therefore their significance.

The National Planning Policy Framework (2019) (NPPF) balancing exercise

The NPPF at paragraph 193 requires Local Planning Authorities when considering the impact of a proposed development on the significance of a designated heritage asset, to give great weight to the conservation of the asset; and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm equates to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the NPPF states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal.

Planning Practice Guidance (Historic environment) published by Central Government (23 July 2019) states, 'Public benefits should' be of a nature or scale to be of benefit to the public at large and should not just be a private benefit.'

Due to unacceptable aspects of the scheme, it is considered that the proposal will be detrimental to the importance of the designated heritage assets; the degree of harm is considered to be less than substantial. When balancing the harm against the public benefits of the proposal the NPPF requires great weight to be given to the conservation of the heritage assets (paragraph 193). The decision maker is required to carry out the balancing exercise as per the provision of the NPPF.

Viability

Paragraph 196 of the NPPF states in full that, 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use.'

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Planning Practice Guidance (the PPG), Historic environment, published by the Ministry of Housing, Communities & Local Government (23 July 2019) provides comment on viability and states in part that,

'If there is only one viable use [of the heritage asset], that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset. The optimum viable use may not necessarily be the most economically viable one.'

The Business Viability Report (confidential) submitted in support of the application appears to have only considered 3 no. options for the use of the building as at page 11. The very limited number of options clearly demonstrates that a sequential approach that considers a wide range of various uses and the amount of necessary alteration and adaptation that may be required for each, and the associated impact on the significance of the building has not been undertaken. The approach taken is reflected in the scheme as presented which is unacceptable as it detracts from the significance of designated heritage assets.

Conclusion

Whilst it is acknowledged that the interior of the Chapel has been altered, this does not provide justification for further harmful interventions. If anything, what remains of the horizontal and vertical open space is crucial to the understanding of how the building was designed to function, is to be afforded greater value.

The windows proposed for removal are part of the historic evolution of the Chapel and provide evidence of the approach to design in a non-conformist chapel in the late nineteenth century. Their proposed replacement would not provide a perceived visual enhancement, but would entail the loss of historic windows. The existing windows have significance and need to be retained.

The scheme will detract considerably from the architectural, aesthetic, historic and evidential value of the Chapel to the detriment of its significance, and is contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the JCS. Therefore the proposal is unacceptable.

Revised comments

20th March 2020

Significance

Refer to the initial comments of 20 February 2020.

Legislation and policy

Refer to the initial comments.

Consideration

The following is in light of a revised scheme/additional information of 2 - 5 March 2020.

The document 'Notes on Conservation Officer's Comments' dated 27 February 2020 is noted.

The comments as per the document 'Notes on Conservation Officer Comment dated 21st Feb 2020', of 2 March 2020 are acknowledged. The comments will further inform the Senior Planning Officer/decision maker(s) in their consideration on viability.

With reference to drawing 21976/08/P2 (elevations as proposed), whilst the principle of replacing the existing historic windows remains unacceptable, it should be noted that the application is ambiguous as to the age of the current windows. The drawing as above refers

to them as 'modern' whereas the notes from the Heritage Consultant, as referred to above, states that they are from the 'later-19th century' (p.2). This position is also given in the Heritage Impact Statement (January 2020) (HIA) (para. 7, p. 34). For reference comment on the significance and age of the windows is provided in the initial comments of 20 February 2020.

Drawing 21976/08/P2 (elevations as proposed) depicts 'top-hung opening lights'; however, the HIA states that the existing windows will be replaced with 'sashes' known to have been fitted to the window openings originally' (para.7, p. 34). This is ambiguous, though the drawings are usually subject to any approval rather than a heritage statement. Notwithstanding this, the application appears to be silent on the justification for proposing top-hung opening lights contrary to the sashes referred to in the HIA including at para. 3.2, p.14-15.

Note that drawing 21976/03/P3 (sections as existing and proposed) refers to 'sliding sash windows'.

Further to initial comments, for clarity both the loss of historic windows and openings is unacceptable as it will detract from the significance of the listed building.

The National Planning Policy Framework (2019) (NPPF) balancing exercise
Refer to the initial comments.

Conclusion

The revised scheme does not address the initial concerns and therefore remains unacceptable.

Final comments

22nd April 2020

Consideration

[The following consideration is carried out under the working practices and conditions adopted due to the Covid-19 situation].

Previous comments have been supplied on 20 February and 20 March 2020 respectively.

The following comments are in light of the submissions as below:

“Additional Historical Information” (5 April 2020) (document 1)

“Additional Comment on Alternative Residential Conversion” (20 April 2020) (document 2).

For clarity consideration of the document, “Additional Comment on Optimum Viable Use” (5 April 2020) from the Heritage Consultant has not been undertaken as the issue of viability is ultimately for the Senior Planning Officer/decision maker(s).

With regard to document 1 the additional information is acknowledged; however, the scheme will detract from the value of the interior open space and the existing windows (acknowledged in previous comments from the Conservation Officer as dating from 1895), and therefore the significance listed building will be harmed.

Document 2 relates to another option for the use of the building so seems to have been submitted in relation to the issue of viability and a “sequential approach” as per the initial comments of 20 February 2020. As per the above the issue of viability is for the Senior Planning Officer/decision maker(s).

Conclusion

In line with the initial comments of 20 February 2020, the scheme will detract considerably from the architectural, aesthetic, historic and evidential value of the Chapel to the detriment of its significance, and is contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the JCS. Therefore the proposal is unacceptable.

Building Control

29th January 2020

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

Environmental Health

30th January 2020

This is a slightly unusual application, in that the proposed hotel doesn't appear to have any kitchen facilities, which are generally key to providing hospitality in such premises.

Can I therefore request that the Planning Officer involved clarifies if the proposal will involve catering facilities in order to provide a comprehensive response.

GCC Highways Development Management (HDM)

25th February 2020

Recommendation: Refusal.

HDM has responded based on the review of materials submitted with the application.

The application is for the retention of the spa, with minor modifications along with an new hotel element comprising of 12 rooms. The design and access statement does not give any details of proposed trip generation associated with the changes for hotel visitors, spa visitors nor delivery and servicing. It does state the site does not have any off street parking but would rely on a local private car park and public transport. It is felt that the change to a hotel is a significant difference from existing.

There will be an uplift in trips associated with a hotel in the form of residents, deliveries and servicing. To be able to effectively assess the impact on local roads, details of trip generations currently and proposed will need to be shown.

With no off-street parking facilities and the increased operations there will be an impact on North Place. The spa entrance is on North Place, with double yellow lines along the frontage and a traffic light controlled junction within 10 metres. This is a major junction with the A4019 and A46.

Hotel residents, whether arriving by private vehicles or taxi will require a drop off point as they will have luggage. Deliveries will increase with the hotel function, with no off street space or loading bay close by, they will stop and perform their loading and unloading kerbside. This is unacceptably close to the traffic light and junction and will significantly affect the flow of traffic, causing congestion.

With no understanding of the trip generation and no adequate space for the loading and unloading of goods and people, it is felt that the site will cause congestion at the junction and encourage unsafe traffic movements.

Therefore, the highway authority objects to this application.

Revised comments

25th February 2020

Recommendation: No objection.

HDM responded on 28th January 2020 recommending refusal due to the impacts the change of use would have on the highways. Further information was submitted 5th March 2020. A review of this additional information has been made and we have the following response.

The drawing number 21976/09 P1 was submitted on 5th March, this shows the hotel has secured land to the north of the building as off-street dedicated parking for 8 vehicles; along with an off street loading bay, utilising an existing dropped kerb. The number of spaces, location and layout of the parking and loading is considered acceptable.

It is felt that the new arrangements significantly enhance the application and with all traffic associated with the planned use change occurring off-street reducing all highway impacts to an acceptable level.

Therefore, there is no highway objection to this application, provided the standard condition is attached to a decision securing the drawings and plans specifically drawing number 21076/09 P1 - Car Park Layout Plan.

No other conditions are deemed necessary relating to Highways.

Gloucestershire Centre for Environmental Records

5th February 2020

Biodiversity report available to view.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 12 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Additional consultation was carried out on receipt of the revised plans.
- 5.2 A small number of late representations have been received in support of the application; the comments have been circulated separately.

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of a change of use; heritage impact; and parking and highway safety.

6.2 The site and its context

- 6.2.1** The application site is prominently located on North Place, close to the Fairview Road / St. Margaret's Road junction, and within the Old Town character area of the Central conservation area.
- 6.2.2** Directly opposite the site sits St. Margaret's Terrace, a substantial four storey terrace of six grade II* listed buildings, c1820-25. Additionally, the neighbouring building, no. 11 North Place, and the building to the rear fronting Portland Street are grade II listed. Portland Street car park is located to the north of the site.
- 6.2.3** Diagonally opposite the site on the corner of North Place and St. Margaret's Terrace is the recently constructed Lewis Carroll Lodge, a block of 65no. sheltered apartments for the elderly; planning permission having been granted on appeal.

6.3 Policy background / principle of development

- 6.3.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in paragraph 47 of the National Planning Policy Framework (NPPF) which also highlights that decisions on applications should be made as quickly as possible.
- 6.3.2** Paragraph 11 of the NPPF sets out a "*presumption in favour of sustainable development*" which in decision making means:
- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in [the] Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole.*
- 6.3.3** The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (LP) wherein those policies are consistent with the NPPF; and adopted policies of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (JCS).
- 6.3.4** Material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and the emerging Cheltenham Plan (eCP) which is now at an advanced stage of preparation.
- 6.3.5** The existing spa use is not protected by national or local policy. The existing use falls outside those B-Class employment uses safeguarded by LP policy EM2; and there is no policy which would necessarily preclude a change of use to a hotel in this location.
- 6.3.6** As such, the general principle of a change of use of the building must be acceptable subject to the material considerations discussed below.

6.4 Heritage impact

6.4.1 JCS policy SD8 requires both designated and undesignated heritage assets and their settings to be conserved and enhanced as appropriate to their significance, and is consistent with paragraph 192 of the NPPF that advises that in determining planning applications, local planning authorities should take into account:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

6.4.2 Additionally, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA), in considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

6.4.3 Notwithstanding the proposed alterations to the fenestration, the proposed development would require substantial changes to the interior of the listed building; the horizontal subdivision of the building would have a significant detrimental effect on the spatial quality of the building, and is an intervention that would be unlikely to ever be reversed.

6.4.4 The Conservation Officer has commented on the proposals from a heritage perspective in some detail at Section 4 above, and it is not considered necessary to repeat the comments here. The Conservation Officer considers the level of harm to the designated heritage asset, the grade II listed building, to be 'less than substantial'.

6.4.5 It is important, however, to remember that the interior of the building is listed and afforded the same level of protection as the exterior. Additionally, whilst it is acknowledged that the interior of the building has been altered over the years, Historic England's Good Practice Advice in Planning: 2 (Managing Significance in Decision-Taking in the Historic Environment) at paragraph 28 states:

The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development...consideration still needs to be given to whether additional change will further detract from...the significance of the asset...Negative change could include severing the last link to part of the history of an asset...

6.4.6 When considering the impact of a development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires great weight to be given to the asset's conservation irrespective of the level of harm to its significance.

6.4.7 Where less than substantial harm has been identified, NPPF paragraph 196 requires the harm to *"be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

6.4.8 PPG (Paragraph: 020 Reference ID: 18a-020-20190723) sets out that public benefits can be *"anything that delivers economic, social or environmental objectives"* and *"should flow from the proposed development"* and *"be of a nature or scale to be of benefit to the public at large and not just be a private benefit"*; an example of a heritage benefit might be securing the optimum viable use of an asset in support of its long term conservation.

- 6.4.9** PPG (Paragraph: 015 Reference ID: 18a-015-20190723) acknowledges that putting heritage assets to a viable use is likely to lead to investment in their maintenance and long-term conservation but goes on to state:

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one.

- 6.4.10** As submitted, the application was accompanied by a Business Viability Report prepared by Bailey Creative Ltd who specialise in Turnkey Spa, Leisure and Wellness Solutions. The report appears to confirm that the proposed use would be viable, and suggests that the ongoing spa use is unviable; although, until very recently and at the time of submission, the building was still operating as a day spa (the closure being as a result of the Covid-19 outbreak). The Viability Report did not consider any alternative uses, other than the proposed hotel use, in any detail. Moreover, no attempt has been made to market the building to see if any alternative viable use for the building, which does not require such harmful alterations, can be found. The only other potential use which appears to have been genuinely considered is a residential scheme comprising apartments which would pose the same heritage concerns.
- 6.4.11** On being advised that the officer recommendation would be to refuse the application on the basis that insufficient evidence had been provided to determine that the proposed hotel use is the optimum viable use, the applicant submitted additional supporting information for review, including a 'Consideration of potential alternate uses viability' prepared by John Ryde Commercial.
- 6.4.12** The John Ryde report covers a range of alternative uses, each of which is ruled out for various reasons or deemed unviable. However, whilst the report indicates that it may be difficult to attract interest for alternative uses, officers consider that this could only be thoroughly explored through the meaningful marketing of the building over a suitable period of time.
- 6.4.13** An additional document, a further comment from the applicant's Heritage Consultant, again only considers an alternative residential conversion, which as previously noted, would pose the same heritage concerns through the requirement to subdivide the building internally; albeit it does make suggestions why, of the two options considered, the hotel use might be preferable for the building.
- 6.4.14** As such, despite the additional information submitted, officers remain unconvinced that the potential alternative uses of the building have been fully explored and therefore it cannot be concluded that the proposed hotel use is the optimum viable use for the building, or that the public benefits of the proposal would outweigh the less than substantial harm to the listed building. The benefits would be largely private, and the works are not in any way beneficial to the building.

6.5 Parking and highway safety

- 6.5.1** Adopted JCS policy INF1 advises that planning permission will be granted only where the impacts of the development are not severe. The policy also seeks to ensure that all new development proposals provide safe and efficient access to the highway network; and provide connections to existing walking, cycling and passenger transport networks, where appropriate. The policy reflects the advice set out within Section 9 of the NPPF.

- 6.5.2** In response to the application as originally submitted, the County Highways Development Management Team (HDM) recommended that the application be refused on highway grounds. The recommendation was made in the absence of information relating to trip generation; and the lack of parking and inadequate space for loading and unloading of goods and people.
- 6.5.3** In response to the above, amended/additional plans were submitted to show that 8no. car parking spaces and a drop-off bay were able to be provided on land adjacent to the building.
- 6.5.4** Having reviewed the revised/additional information, HDM have now lifted their objection subject to a condition requiring the parking and loading bay to be provided in accordance with the submitted plan.
- 6.5.5** The proposed change of use is therefore acceptable on highways grounds.

6.6 Other matters

- 6.6.1** A query was raised by Environmental Health in relation to kitchen facilities, or the lack thereof, given the proposed use; however, it is understood that each room would be provided with basic cooking facilities. No catering would be offered on site.
- 6.6.2** There are no significant amenity concerns arising from the proposed use.
- 6.6.3** Whilst records show that important bird species have been sighted on or near the application site in the past, it is not considered that the proposed development will have any impact on these species.

6.7 Conclusion and recommendation

- 6.7.1** Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.7.2** Whilst officers consider the general principle of a change of use of the building to be acceptable, the proposed use would result in less than substantial harm to this designated heritage asset; and in accordance with NPPF paragraph 196, this harm must be weighed against the public benefits of the proposal.
- 6.7.3** With this balancing exercise in mind, officers do not consider that sufficient evidence has been provided by the applicant to demonstrate that the proposed use is the optimum viable use for the building and therefore it cannot be concluded that the public benefits of the proposal would outweigh the less than substantial harm to the listed building.
- 6.7.4** With all of the above, officers strongly recommend that both planning permission and listed building consent be refused for the following reason:

7. REFUSAL REASON

- 1 Chapel Spa is a grade II listed building of architectural and historic importance, and the Local Planning Authority is therefore required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

As proposed, the development would detract considerably from the architectural, aesthetic, historic and evidential value of the former Chapel to the detriment of its significance, and result in less than substantial harm to the designated heritage asset.

Insufficient evidence has been provided to determine that the proposed hotel use is the optimum viable use, and therefore it cannot be concluded that the public benefits of the proposal would outweigh the less than substantial harm to the listed building.

Accordingly, the proposals are contrary to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out within the NPPF and the Historic Environment Good Practice Advice in Planning, and policy SD8 of the Joint Core Strategy (2017).

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APPLICATION NO: 20/00119/COU		OFFICER: Miss Michelle Payne
DATE REGISTERED: 23rd January 2020		DATE OF EXPIRY : 19th March 2020
WARD: Pittville		PARISH:
APPLICANT:	Chapel Spa Ltd	
LOCATION:	Chapel Spa, North Place, Cheltenham	
PROPOSAL:	Change of use of existing spa (Use Class D1) to hotel (Use Class C1) with associated internal and external alterations	

REPRESENTATIONS

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

Russet Cottage
Kilham Lane
Shipton Oliffe
Cheltenham
Gloucestershire
GL54 4HX

Comments: 6th April 2020

I have just become aware of the planning applications mentioned above, and felt that I had to offer my support for this proposal. From my direct knowledge I can provide the following information to confirm that this is a very expensive building to maintain

I leased North Place Chapel from the church who owned it in 1994, and converted it into Chapel Rock Gym, installing a large climbing wall attached to the east end wall of the building, and carrying out major building works throughout.

In 2001 I purchased the building and converted it into a Day Spa also investing significantly in order to install a pool and carry out everything necessary to affect the complete change.

In 2004 Centre Parks purchased the building as a day spa, and even though they created additional treatment rooms it failed to make a profit, and they sold it in 2007 for a significant loss.

Another owner, who I do not know, bought the building in 2007 and ran it as a day spa.

In January 2015 I was passing Chapel Spa and noticed that a great deal of exterior stonework was being carried out to the perimeter wall and the front west facing wall of the building.

For quite some years the building had been suffering, firstly with the perimeter wall collapsing and trees growing through it, and the North Place frontage also giving a very shabby and crumbling appearance. I was pleased to see that someone was obviously

taking care of the building, and I was interested enough to pop into the spa to see what was going on.

I met the new owner and he was very interested to find out about my history with the building as he was trying to get a feel for the past experiences of previous owners to be able to use those experiences as a guide on what to do, or not to do, for the future. I thought that was wise, and told him all I knew.

I have a strong emotional attachment to Chapel Spa, it is that kind of building, and with the development that is proposed, it will last and be looked after for a very long time. It is in the owner's interest as a hotel to keep the appearance of the building as good as possible, as appearance counts a great deal for a hotel.

I acknowledge that the present model of Chapel Spa is a concept of its time, it was fresh and novel when I introduced it in 2001, but now it is time to move on, and converting the building to a Spa Hotel will be adding to its history, and underlining that Cheltenham is a destination.

Also there is no other Spa Hotel in the Town Centre, and therefore it would be a good story, as it would show that Cheltenham could move on with the times. The proposals are in keeping with the premises, and would be one of Cheltenham's main destinations.

It seems obvious that this solution is absolutely perfect for the building. It is also brave, in this incredibly difficult time for businesses.

I wholeheartedly support these planning applications.

4 Vale Road
Bishops Cleeve
Cheltenham
GL52 8ER

Comments: 16th April 2020

As the change of use will protect all original features within the building I see no reason for the application not to be approved.

Restricting any change of use within the building will stop this business from diversifying in economically hard times. Allowing this minor change in terms of how the building is used will allow for a more consistent revenue stream and support the local area in terms of tourism and business.

Additional jobs will be created and externally nothing will change for this building. The site already has provision of parking spaces which means No change in terms of impact on the local parking situation.

Unit 3
Maida Vale Business Centre
Maida Vale Road Cheltenham
Gloucestershire
GL53 7ER

Comments: 17th April 2020

We are in full support of this expansion to Chapel Spa. There are multiple benefits that this expansion would have in Cheltenham. It would be a great use of a beautiful historic building, increase employment locally and increase local revenue with all the great events and festivals that Cheltenham holds, to name a few.

Chapel Spa and ourselves have a long business relationship. The owner is a very knowledgeable person and is always looking for ways he can improve his business. Given the global situation, it's great that he is still investing into the business and pursuing his plans to improve.

Rosemead
17 Eldorado Road
Cheltenham
Gloucestershire
GL50 2PU

Comments: 21st April 2020

On behalf of Cheltenham Chamber of Commerce:

We are writing in support of the applications. We fully appreciate that there are a number of difficult issues for consideration such as its Listed status and the lack of alternative uses but on this particular occasion we would suggest that the commercial considerations outweigh the others and hope that you will be able to grant consent so that the business can continue to develop and investment can continue.

5 Sherborne Place
Cheltenham
Gloucestershire
GL52 2RS

Comments: 15th April 2020

This would be a terrific idea and allow a small business to compete in these very hard times. A great use of an Historic building which is all ready being maintained well. The impact on parking etc, would be very low in comparison to a lot of the usual retirement / flat developments which have been allowed locally. To have such a building well maintained and with a chance to compete would be a refreshing change from the steel/concrete/wood clad builder boxes we generally see being built by contractor lead Cheltenham!

I fully support this application.

The Barn, Banks Green
Upper Bentley
Redditch
B97 5SX

Comments: 4th April 2020

I have been going to Chapel Spa for several years, and always thought that it was under used as a building, and could do with expanding upstairs to provide other facilities.

I think the addition of en-suite rooms is an excellent idea, and would also boost the town centre with a few more tourists. Heaven only knows we need some kind of help for our poor town centre businesses, once Coronavirus has been defeated. Now is the time to plan for town centre revivals all over the country.

Well done the owner of Chapel Spa, very brave and go getting, in these awful depressing circumstances.

I sincerely hope that the council also supports your application.

128 London Road
Cheltenham
Gloucestershire
GL52 6HJ

Comments: 17th April 2020

I would like to give strong support to the application has made concerning Chapel Spa.

My main interest in supporting the application is one of preserving an important Cheltenham building.

The building is of historical value in the town, and as such, should be preserved. This will require ongoing financial commitment. I was an elder in North Place church when we undertook large renovation works including a new roof, wall renovation, balcony renovation and new staircases in the entrance hall. I mention this because I know only too well the costs of the upkeep of such a building. Having seen inside Chapel Spa and spoken to, I believe that he is sufficiently aware of these costs and is prepared to meet them. He has looked after the building amazingly well. I doubt that you would find anyone else with such a commitment to preserving the building. I would mention, for example, the commitment to replacing the ground floor windows in line with the original design, as mentioned in the other supporting documentation. Not many prospective owners would consider doing this. No doubt you are aware of the historic place the building holds in the town. To preserve it needs an owner who is prepared to provide the required financial commitment. has this commitment.

My secondary reason for supporting the application concerns encouraging business in the town.

Without the extra income that a Hotel service would provide it is doubtful that the Spa services alone could survive. This would not only mean a loss of jobs, but closing down

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the business would also mean that this would become one more area in our town that would fall into disrepair.

In short, I believe that granting application is the only viable route to keeping the building in good repair, and, at the same time, helping the local economy.

One more thing. is also concerned about usage of the building. It is his desire that the building would not become a nightclub or some other "less reputable" place. Please find your way to accepting application.

78 Vale Road
Bishops Cleeve
CHELTENHAM
GL52 8ER

Comments: 15th April 2020

I'm in full support of this application - the exterior of the chapel will remain intact and in keeping with it's current form, helping to ensure the aesthetics of the property remain unchanged.

The spa is a welcome addition to the local area which currently does not have many options for this. Adding rooms inside will increase the employment requirements of the company, meaning more staff will be employed locally. Given the current situation it is great that a local company is still looking to invest in their business, and having more ability for people to come and stay at the spa will also increase the footfall for local restaurants by people coming to stay.

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APPLICATION NO: 20/00369/FUL		OFFICER: Mrs Victoria Harris
DATE REGISTERED: 28th February 2020		DATE OF EXPIRY: 29th May 2020
DATE VALIDATED: 28th February 2020		DATE OF SITE VISIT:
WARD: Lansdown		PARISH:
APPLICANT:	Cheltenham Bid	
AGENT:	n/a	
LOCATION:	Imperial Garden, Promenade, Cheltenham	
PROPOSAL:	Erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application, made by Cheltenham Bid, seeks planning permission for the use of Imperial Gardens for the erection of temporary structures including an ice rink in connection with festivals and special events for a maximum of 75 days, for 1 period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig. This will be in addition to the current planning permission 12/01843/FUL of 70 days for festivals and special events within Montpellier Gardens and Imperial Gardens. Also Cheltenham Bid, seeks planning permission for the extension of the Christmas Markets along the Promenade for a maximum of 41 days, for 2 periods being 2020 (November & December) and 2021 (November & December) inclusive of rig and de-rig. This will be in addition to the current planning permission 06/00524/COU of 21 days for use of land for the stationing of timber structures in connection with the Christmas Market.
- 1.2 The ice rink proposal is an amendment to 19/01370/FUL permitted by Committee on November 2019. As detailed for the period of September 2020 to January 2021 the redevelopment of the Quadrangle Plaza will unfortunately make it impossible to accommodate the location of the ice rink as approved. Therefore for only 1 period November 2020 - January 2021 the location of the ice rink will be relocated to the south-west quadrant of Imperial Gardens. The supporting information clearly confirms that for the period November 2020 - January 2021 the North West quadrant of Imperial Gardens as approved in 19/01370/FUL will not be used as an ice rink.
- 1.3 As identified within the submitted Planning, Heritage and Design and Access statement, the temporary structures would comprise mainly of an outdoor covered ice rink, supporting marquees for skate hire, to a lesser degree temporary office and other such structures normally associated with events. The design of the ice rink and temporary structures are unknown at this stage but a layout plan and example images have been submitted. The Christmas Market will be mainly wooden chalets. Consent is being sought for the principle of the land use rather than for specific structures.
- 1.4 As identified in the supporting information the Ice Rick will be located in the South West quadrant of the gardens. The remaining Imperial Gardens will be unused by the event and will remain open to the public. The Christmas Market will comprise of 3 sections, along the Long Gardens which will house up to 41 stalls, The Promenade (west pavement) which will house up to 30 stalls and The Promenade (east pavement) which will house up to 9 stalls.
- 1.5 The number of days being applied for includes the time taken for the construction and dismantling of the temporary structures as well as the time the structures are in place for the events themselves. The number of days does not include the time taken for re-instatement works.
- 1.6 The application is before the Planning Committee because the Council own Imperial Gardens.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Core Commercial Area
Principal Urban Area
Smoke Control Order

Relevant Planning History:

87/01253/AN 17th December 1987 REF

External Bar Wall Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

87/01254/AN 17th December 1987 REF

Imperial Gardens Cheltenham Gloucestershire - Display Of Non Illuminated Advertisement

07/00740/FUL 20th July 2007 PER

Erection of Holst memorial statue within gardens

07/00741/CAC 29th May 2007 NOTREQ

Remove outer bed

11/01290/FUL 21st November 2011 PER

Formation of new gateway to Skillicorne Gardens and alterations to plinth in SE corner of Imperial Square garden to accommodate new pedestrian access

11/01292/LBC 21st November 2011 GRANT

Works to provide new entrance to Skillicorne Gardens and alterations to stone plinths forming boundary to Imperial Square gardens.

11/01807/FUL 27th January 2012 PER

Erection of temporary structures in Montpellier Gardens and Imperial Gardens in connection with festivals and special events for a maximum of 75 days in each garden

12/00099/FUL 23rd March 2012 PER

Reinstatement of railings to the perimeter of Imperial Gardens, including refurbishment of original railings adjacent to the town hall and repair and re-use of existing original plinth stones where possible

12/00099/LBC 23rd March 2012 GRANT

Reinstatement of railings to the perimeter of imperial gardens, including refurbishment of the remaining original railings adjacent to the front of the town hall and the repair and retention of existing of existing original plinth stones wherever possible

12/01843/FUL 18th January 2013 PER

Erection of temporary structures in Montpellier Gardens and Imperial Gardens in connection with festivals and special events for a maximum of 75 days in each garden in 2013 and a maximum of 70 days in each garden in each calendar year thereafter

13/00195/AMEND 26th February 2013 NOT

Non-material amendment to planning ref: 12/00099/FUL and associated Listed Building Consent ref: 12/00099/LBC to reinstate railings to the perimeter of Imperial Gardens, including refurbishment of original railings adjacent to the town hall and repair and re-use of existing original plinth stones where possible

13/00301/AMEND 24th May 2013 PAMEND

Non material amendment to planning permission 12/00099/FUL to reduce the height of the new railings from 1.8m to 1.5m, including corresponding adjustments to the sizings of the railing components

13/00302/LBC 24th May 2013 GRANT

Reinstatement of railings to the perimeter of Imperial Gardens, including refurbishment of the remaining original railings adjacent to the front of the Town Hall and the repair and retention of existing original plinth stones wherever possible (Revised scheme for 12/00099/LBC - to reduce height of railings)

15/01515/DISCON 9th April 2018 DISCHA

Discharge of conditions 4 - railing section, 8 - scheme for the treatment of the north east corner of the gardens on planning permission 13/00302/LBC

18/00473/AMEND 12th March 2018 PAMEND

Non-material amendment to planning permission ref. 12/00099/FUL to reduce width of G4 South-East Gateway from 5 metres to 2.5 metres, centred on adjacent Gardens pathway

19/01370/FUL 26th November 2019 PER

Erection of temporary structures including ice rink in Imperial Gardens in connection with festivals and special events for a maximum of 75 days, inclusive of rig and de-rig for 2 periods being 2020/21 (November 2020 - January 2021) and 2021/22 (November 2021-January 2022). In addition to the current planning permission for festivals and special events on Montpellier Gardens and Imperial Gardens

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 6 Building a strong, competitive economy

Section 7 Ensuring the vitality of town centres

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

GE 1 Public green space

GE 5 Protection and replacement of trees

GE 6 Trees and development

Adopted Joint Core Strategy Policies

SD2 Retail and City / Town Centres

SD4 Design Requirements

SD8 Historic Environment

Supplementary Planning Guidance/Documents

Central conservation area: Montpellier Character Area and Management Plan (Feb 2007)

4. CONSULTATIONS

Ward Member Comments:

No Comments received

Other Member Comments:

No Comments received

Tree Officer

24th March 2020

As this proposal does not appear to impact on adjacent trees, the CBC Tree Section does not object to this application.

Environmental Health

25th March 2020

Environmental Protection terms are covered in the Land Use Agreement, including noise from construction and dismantling works, noise during the events themselves and fumes from generators.

No objections for planning application.

GCC Highways Planning Liaison Officer

11th March 2020

No Highways comments.

Heritage and Conservation

16th April 2020

A core principle of the National Planning Policy Framework 2018 (NPPF) is heritage assets should be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 193-196 set out the framework for decision making in applications relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

Paragraph 192 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset... taking into account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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

The proposed works within Imperial Gardens are for the erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens. The proposal is in addition to the current planning permission for festivals and special events on Montpellier Gardens and Imperial Gardens which are currently restricted to 70 days. Notably consent was granted under 19/01370/FUL for similar works within Imperial Gardens.

As with 19/01370/FUL there is a lack of detailed information submitted within the application concerning the proposal. It gives no detail of the size, appearance and layout of the works and the structures associated with this use. Consent is being sought for the principle of the land use rather than for specific structures. It is therefore only possible to comment on the proposal in general terms.

Notably there are a number of listed buildings within the immediate surrounding area and the site lies within the Central Conservation Area: Montpellier Character Area. The Planning, Heritage, Design and Access Statement submitted with the application identifies

these heritage assets and considers the impact of the works on them in detail. It fully recognises the relationship between Imperial Gardens and the heritage assets is impacted upon by the proposal.

Having considered the proposal, the temporary period of the proposal between the months of November and January and the notable public benefits associated, it is concluded there would not be a lasting impact on Imperial Square, the setting of the adjacent listed buildings and this part of the Central Conservation Area: Montpellier Character Area. If this period is to be extended or made permanent more careful consideration of its longer term acceptability will need to be made. For clarity it is suggested a condition be attached to any approval requiring details of the size, appearance and layout of the works and associated structures and functions.

The proposed works are therefore considered to not harm the designated heritage assets in the long term and 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.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	122
Total comments received	4
Number of objections	4
Number of supporting	0
General comment	0

- 5.1** 122 letters were sent to neighbouring properties, 6 site notices were displayed and an advert was published in the Gloucestershire Echo.
- 5.2** In response to this publicity, 4 objections were received. A summary of the planning objections are below;
- Impact on neighbouring amenity,
 - Impact on the Central Conservation Area and the setting of listed buildings,
 - Unacceptable level of use of the garden for special events,
 - Lack of details,
 - Increase pressure on the highway.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The key issues to consider in the determination of this proposal are the impact on neighbouring amenity, the impact on the conservation area and also the benefits that the festivals and other events are said to bring to the town.

6.3 Impact on neighbouring property

- 6.4** Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users. This is further emphasised in policy SD14 of the

JCS and Local Plan policy CP4 which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.

- 6.5** The objections from residents and Friends of Imperial Square and Gardens raised concerns with the noise generated by the proposed use and the use of generators.
- 6.6** Every event organiser including the proposed ice rink and the Christmas market needs to sign up to a Land Use Agreement (LUA) which controls noise from construction and dismantling works, noise during the events themselves and fumes from generators.
- 6.7** The Planning, Heritage, Design and Access Statement confirms that Cheltenham Borough Council as landowner of the Gardens enters into Land Use Agreements with the event organisers. The agreements seek to ensure that the event organiser is responsible, amongst many other things, for the protection of the park during the event, and meeting the costs associated with re-instating damage to council property caused by the event including damage to the grass.
- 6.8** The agreements will detail the specific dates that event organisers can construct, operate and dismantle and the times on these days within which they can construct, operate and dismantle, and the times on these days within which they can construct and fit out temporary structures. The degree of control over the use of the gardens during the events afforded to the Council under these agreements is more far-ranging and effective than could be achieved under a planning condition even if such conditions could be reasonably imposed.
- 6.9** If planning permission were to be granted for the additional use of the Gardens for the Ice Rink, the Borough Council will continue to apply control over these events through these Land Use Agreements, informed by its experience of the use of the gardens.
- 6.10** In addition, all licensable activities associated with special events such as outdoor regulated entertainment and the sale of alcohol can only be carried out under conditions of the premises licences. A licence exists for Imperial Gardens. It contains conditions governing how the event is organised in relation to nuisance and noise, and the event organiser is required to satisfy the Council's Public Protection Division that satisfactory measures are in place to manage and monitor these issues. It is anticipated that a new licence will be required for the ice rink and the Christmas markets as the Council cannot take enforcement action against itself in the event of a breach of licencing conditions.
- 6.11** The LUA listed a number of conditions below which represent a comprehensive set of restrictions that will help to ensure the event proceeds with limited impact on neighbouring amenity. The most relevant parts of the LUA are copied below for the benefit of members;

Compliance with the requirements of:

- The council's Tree Protection Officers
- The council's Green Spaces Development Manager
- The Fire Authority
- The council's Environmental Protection Department; Environmental Protection has been consulted and it requires the terms listed below to be included in the LUA. The council's wellbeing and culture division agrees with these clauses and will include them in the LUA.
- The licensee shall submit a noise risk assessment for each noise source (including those associated with event site construction and dismantling) at least two months prior to the event, as detailed in the council's code of practice on the control of noise at

outdoor events, and will implement it in such a way as to comply with the agreed noise limit. Guidance on how to complete the noise risk assessment accompanies the cost of practice. Following receipt of the noise risk assessment Environmental Protection shall decide the noise levels for that particular event.

- The control limits set at the mixer position shall be adequate to ensure that the Music Noise Level, at 1m from the façade of any noise sensitive premises shall not exceed the background noise level** by more than 15dB(A) over a fifteen minute period throughout the duration of the concert or event. **the background noise level as agreed with the council's Public & Environmental Health Team prior to the event.
- All amplified music in an outside marquee or in the open air shall finish no later than 23:00 hours.
- Music from the concert or event (including rehearsals and sound checks) is permitted only between the hours agreed in the LUA.
- Noise from other sources (e.g. food traders, fairground rides, generators) is permitted only between the hours agreed in the LUA.
- The Licensee shall have full control over the sound amplification equipment and the volume shall be adjusted according to the requirements of the Environmental Protection.
- The Licensee shall ensure that all persons (including individual sound engineers) involved with the sound system are informed of the sound control limits and that any instructions from the Environmental Protection regarding noise levels are complied with on request.
- All complaints about noise received by the licensee shall be logged, and shall be notified to Environmental Protection by the next working day of the complaint being received, or that same day if possible.
- The Licensee shall effect full control over traders or other organisations on site where there is amplified music being played. At the request of Environmental Protection the Licensee shall arrange for the volume to be reduced or the playing to cease, or if necessary the equipment to be confiscated.
- Unrestricted access to the front of house position and backstage areas will be allowed at all times to Environmental Protection for the purpose of sound level measurements and communications with the nominated noise consultant/sound engineer, or other representative of the licensee.

6.12 The Planning, Heritage, Design and Access Statement addresses concerns with regards to generators and states that should the ice rink be powered by generators alone 2 x 350kva units would be required. During the development of the Quadrangle the current mains supply available for outdoor events has been increased to 100amps which will provide most of the power for the chillers (they require up to 125 amps).

Cheltenham BID is also having initial conversations with The Queens Hotel to source additional power for the rink operation. This may not remove the need for generators for the ice rink but will reduce the amount and the reliance on them.

6.13 The statement confirms that for the Christmas market, mains power will be made available to the market operator from the Long Gardens. Any additional power required along the Promenade will require generators.

- 6.14** Officers consider that the noise and disruption can be adequately controlled through appropriate restrictions in any land use agreements and therefore planning permission could not be reasonably withheld due to impact on neighbouring amenity.

6.15 Conservation area

- 6.16** The Council's senior Conservation Officer has considered very carefully the impact on the surrounding listed buildings, the impact on Imperial Garden and Central Conservation Area: Montpellier Character Area and has no objection to the application.

- 6.17** Policy GE1 states that '*The development of areas identified as 'Public Green Space' or 'Proposed Public Green Space' will not be permitted*'.

- 6.18** Imperial Garden is designated as a public green space but it is important to be mindful of what is being proposed as part of this application. The proposal seeks a temporary planning permission for the erection of temporary structures in only part of the garden.

- 6.19** The Local Plan, at paragraph 6.20, confirms the importance of public green space and this sets the context for policy GE1. The Local Plan states; "*The Council itself owns a substantial amount of Cheltenham's green space, including some of the most prominent and significant. The visual, environmental and recreational value of this space is enhanced by its public accessibility. The Council, in recognising its own role of stewardship of this green space, will safeguard it from loss or erosion as a result of development*".

- 6.20** It is quite clear in this preamble to policy GE1 that the Council recognises the importance of public green space and whilst the proposed structures associated with special events do affect the gardens, it is not true to say they will result in the permanent loss or erosion of the green space. The application is for a temporary use which goes beyond that which is Permitted Development; officers cannot therefore agree that the proposal fails to comply with policy GE1. Indeed, there is an argument to be made that the proposal brings with it visual, environmental and recreational value but in a way that differs from the tranquil environment that the gardens benefit from at other points throughout the year.

- 6.21** Whilst the application may appear short of information in terms of design and scale of the ice rink and structures, this is the nature of the proposal. The applicant seeks the use of Imperial Gardens for a period of 75 days for 1 period being 2020/21 and the use of the Promenade for a period of 41 days for 2 periods being 2020/21 and 2021/22. The application cannot include specific details as this is unknown. Instead the Local Planning Authority should take this opportunity of influencing the relevant land use agreements with each venue operator by stipulating what they expect to see within such agreements. It is accepted that this would not be binding on the planning permission as the Council cannot enforce against itself, but such an approach would set out the expectations from the Local Planning Authority on the Council as a public authority that owns the relevant land.

6.22 Benefits

- 6.23** The Planning, Heritage, Design and Access Statement details the economic benefits of the proposed development. It states;

The use of the gardens and surrounding area has a significant positive economic impact on the local economy. Comments from previous planning applications for special events in Imperial Gardens have suggested that festivals are part of Cheltenham's unique appeal in increasing and enhancing its regional, nationally and international profile and adding to the vibrancy, excitement and attractiveness of the town centre to visitor.

Cheltenham already has existing Christmas activities that support the economy in the town including The Christmas Light Switch On. There was a significant increase in activity

for the switch on in 2018 which saw an increase in footfall by 10.5% compared to the same event the previous year. During the course of November the town's footfall increased by 2%, which was above both regional (-3.8%) and national (-5%) trends.

A visitor survey ("the survey") was conducted in December 2018 to assess the impact of Christmas Markets on Cheltenham. Over half of the respondents were visiting the town to visit the Christmas Markets, with 70% coming from outside of Gloucestershire.

The survey identified that the majority of visitors to Cheltenham spend between £50-£200 per visit directly into the local economy. Families were most likely to spend £76 to £100 per visit and would form a core audience for the ice rink.

The Christmas Market and festive atmosphere is currently the biggest draw to Cheltenham during the festive period.

Though not taking place during the Christmas period, the Big Wheel as part of Light Up Cheltenham could be considered as a similar attraction as the ice rink.

The Big Wheel received 10,000 visitors in 2019 during its 3 weeks in situ, with an increased town footfall of 3.8%. The event had no negative impact on residents of Imperial Square.

During February, the footfall across Cheltenham increased by 1.41% compared to the previous year whilst the South West saw a decline of 3.16% in February compared to the same period in 2018. The national average had a slightly smaller decline of 1.53%. It is likely, but we cannot categorically state, that the presence of the observation wheel in Cheltenham had a significant bearing on the number of people who came to town.

The presence of an ice rink and improved Christmas markets would increase markets would increase Cheltenham's festive offering. It is evident that additional attractions to the town increases new and repeat visitors for the period they are in situ. However it is also felt that having attracted new visitors to Cheltenham, attractions help increase repeat visitors in the following months as well.

6.24 Land use agreements

- 6.25** The Council owns the garden to which this application part relates and therefore has complete control over how the gardens are used and by whom. This can be managed through a Land Use Agreement (LUAs) with the user of the garden. The application has been submitted with a document that summarises what a LUA actually is. Within this document it is stated that;

"LUAs are used where a person or organisation wants to hold events in the Council's parks and gardens. The LUA is also known as a licence to occupy land and it is prepared by One Legal upon instructions from the Wellbeing and Culture division. The contents of the LUA are then agreed with and signed by the event organisers (the licensees)."

- 6.26** The document goes on to state that the LUAs contain the terms and conditions upon which the licensee is permitted to use the gardens. If these are breached, the Council has the following options (with advice from One Legal being sought before any action is taken);

- *Ask the licensee to put right the breach of the LUA. For example, if a marquee is erected in the wrong position, the council can ask for it to be dismantled and erected in the correct position;*
- *Terminate the LUA early which means the licensee no longer has the permission from the council to use the gardens for the event;*

- *If the council has suffered financial losses as a consequence of the non-compliance with the LUA, it can seek a payment to compensate for that loss.*

6.27 The content of the LUA shapes how the gardens are used in a way that a planning permission could never do. For example, it can require bonds in case of damage and can include specific penalties if the agreement is breached in any way. The LUA can also specify in detailed terms the requirements of the Council's Environmental Protection team. Most importantly however, the LUA enables the Council to be proactive in what it deems to be an acceptable use of the gardens.

6.28 A number of issues need to be carefully managed if the gardens are to be used successfully. These include matters relating to neighbouring amenity, the setting of listed buildings, the impact on the wider conservation area, the impact on important trees and highway safety; all of these and more can be referenced within LUAs and officers consider that this is a robust mechanism to manage successfully the use of the gardens.

6.29 Access and highway issues

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

6.31 The local highway authority, in this case is Gloucestershire County Council (GCC), has been consulted for this application.

6.32 GCC has not objected to the proposal, therefore it is considered to be acceptable from a highway safety standpoint.

7. CONCLUSION AND RECOMMENDATION

7.1 In conclusion, it is apparent that the use of Imperial Gardens for an additional 75 days for a temporary period on top of the existing 70 day planning permission for festivals and special events and an extension along the Promenade for 41 days as a Christmas market has generated some objections.

7.2 Officers are certainly sympathetic to the views of local residents in terms of the impact to amenity in terms of noise and disruption and the increase in use of the garden and Promenade for special events. Notwithstanding this concern, on balance it is considered given the temporary nature of the proposal which will only use part of Imperial Gardens and part of the Promenade and considering what the special event will bring to the town the proposal is supported. The recommendation is to permit the application.

8. CONDITIONS / INFORMATIVES

1. The use of temporary structures including ice rink in Imperial Gardens in connection with festivals and special events as identified in appendix C Ice Rink location shall be for a maximum of 75 days, inclusive of rig and de-rig for 1 period being 2020/21 (November 2020 - January 2021) and the Christmas Markets on the Promenade as identified in appendix D site layout plan shall be for a maximum of 41 days, inclusive of rig and de-rig for 2 periods being 2020/21 (November 2020 - December 2020) and 2021/22 (November 2021- December 2021).

Reason: The use Imperial Gardens for festivals and special events may detract from the amenity of the locality and impact on neighbouring amenity. The Local Planning Authority wishes to monitor and review these impacts before considering any further applications for a longer period of time.

2. The permission hereby granted shall be implemented in accordance with a land use agreement as referred to in the Planning, Heritage, Design and Access Statement. The permission hereby granted shall be implemented in accordance with appendix F (land use agreement summary) to the Planning, Heritage, Design and Access Statement.

Reason: To ensure the successful implementation of this planning permission and therefore ongoing compliance with Local Plan policy CP4 relating to neighbouring amenity.

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APPLICATION NO: 20/00369/FUL		OFFICER: Mrs Victoria Harris	
DATE REGISTERED: 28th February 2020		DATE OF EXPIRY : 29th May 2020	
WARD: Lansdown		PARISH:	
APPLICANT:	Cheltenham Bid		
LOCATION:	Imperial Garden, Promenade, Cheltenham		
PROPOSAL:	Erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens		

REPRESENTATIONS

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

46B The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 6th March 2020

As I am very much in favour of the proposed activity, I did not object when first advised of the location and purpose of this application. I now understand the venue is to be moved to the other side of Imperial Gardens right outside my door. The size of the activity (structure) and noise of youngsters enjoying themselves would normally not have me comment if it was only for a week but 2/3 solid months of this outside my sitting room window is just too much. I am a mere 20/50 yards from the Queens Hotel. My comment is based on reading a report in the media and I have not seen the plans. Surely in the middle of a large park would be a more appropriate site for this?

40B The Broad Walk
Imperial Square
Cheltenham
Gloucestershire
GL50 1QG

Comments: 18th March 2020

Letter attached.

27 Imperial Square
Cheltenham
Gloucestershire
GL50 1QZ

Comments: 31st March 2020
Letter attached.

Friends of Imperial Square and Gardens

Comments: 23rd March 2020
Letter attached.



40B THE BROADWALK
IMPERIAL SQUARE
CHELTENHAM GL50 1QG

18 March 2020

Mrs Victoria Harris
Planning Officer
Cheltenham Borough Council
Municipal Office, The Promenade
Cheltenham GL50 1PP

Dear Mrs Harris

Planning Application 20/00369/FUL

20/00369/FUL | Erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens | Imperial Garden Promenade Cheltenham Gloucestershire.

I refer to the letter from David Oakhill – Head of Planning dated 4th March 2020 and I wish to make the following Representations which I ask to be discussed at Planning Committee, with particular attention to those items in 'bold type' please:

Noise and Disturbance:

Noise Volume should be kept to a minimum. There is no need for the volume to be so high that it disturbs nearby residents. A happy atmosphere can easily be created with a lower volume.

Loss of Amenity:

The Application states – *"For clarity the new proposal covers both SW and NW quadrants but the BID is happy to accept a formal condition that at any point only one quadrant will ever be occupied, thus leaving the flexibility to identify the most suitable location once any lessons from year one are considered."*

I understood that the Quadrant opposite the Queens Hotel was only to be used for one year i.e. 2020/21 and that thereafter the Ice Rink would be sited on the Quadrangle Quadrant. I wish to request that this should be a **Condition of any Planning Approval i.e. that the Quadrangle Quadrant is the ONLY Quadrant to be used after 2020/21.**

Also, the Christmas Market Stalls, if given permission, should be sited alongside the Quadrangle Quadrant only after 2021.

The use of the Queens' Quadrant will constitute a Loss of Amenity and should ONLY be used for 2020/21, i.e. while work is taking place on the Quadrangle Building.

Noise or Disturbance, Visual Impact, Loss of Amenity and Environmental Impact:

I am very concerned about the use of generators which is surely against the Borough Council's Green Agenda and **generators should not be permitted at all.**

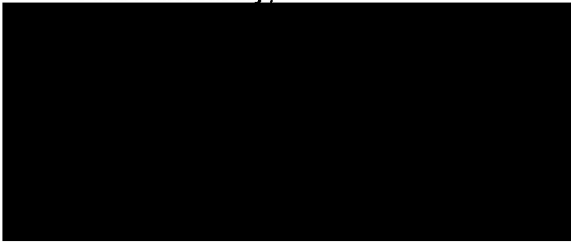
Visual Impact, Loss of Amenity and Environmental Impact:

It is very concerning that this application asks for the Christmas Market to be sited at the Imperial Gardens area of the Promenade. Surely this is very unfair to the main shopping area of the town which is suffering so badly in recent times. We are told that the Christmas Market will increase footfall. If this is true then the footfall should be increased in the main shopping area of the Promenade to encourage shoppers to use not only the stalls but the nearby shops as well. Cheltenham Businesses should benefit from the footfall.

Food Stalls emit smells which nearby residents and users of Imperial Gardens should not have to endure.

The Imperial Gardens provide a beautiful green space amenity where people can enjoy a moment of calm in an environmentally-friendly area. Cheltenham is very fortunate to have such lovely gardens in which people can do this and this facility should not be jeopardised.

Yours sincerely,



27th March 2020

Our Ref: DJD.LPC.4693

Mrs Victoria Harris
Planning Officer
Cheltenham Borough Council
Municipal Offices
The Promenade
Cheltenham
GL50 1PP

Dear Mrs Harris

20/00369/FUL Erection of temporary structures in connection with festivals and special events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on the Promenade for a maximum of 41 days, inclusive of rig and de-rig for a period of 2 periods being 2020 (November - December 2020) and 2021 (November - December 2021) in addition to the current planning permissions for festivals and special events on Montpellier Gardens and Imperial Gardens Imperial Garden Promenade Cheltenham Gloucestershire

I am instructed on behalf of the owners of number 27 Imperial Square, Cheltenham in response to the above planning application. We have previously submitted objections to this proposal under application reference 19/01370/FUL, and we continue to strongly object to the above proposals. This latest application now seeks to re-site the ice rink further to the south west away from the Quadrangle and the Town Hall, and closer to the Grade II* listed properties along Imperial Square, including my client's property. The application also now includes intentions for Christmas market stalls to be sited along both sides of the Promenade, immediately adjacent to the Imperial Gardens for a maximum of 41 days.

Within the Gardens it is proposed to erect temporary structures, including the ice rink, in connection with festivals and special events. As previously highlighted in our objection to the last application, the site lies very close to several listed buildings and lies within the Conservation Area. Furthermore, there continues to be a lack of detailed information submitted with this application. No elevations of the structures are provided and there are no technical details or specifications of the associated plant or machinery. No details are provided regarding the size, appearance and layout of the ice rink and the structures associated with this.

LPC (Trull) Ltd
Trull Tetbury
Gloucestershire
GL8 8SQ
Tel: 01285 841433
Fax: 01285 841489
www.lpctrull.com

Public Trust

In recent years the residents of Imperial Square have been subjected to a significant amount of festivals and events taking place at the Gardens. This originally began with the festivals, and the understanding was that these would run for a maximum of 70 days. Whilst these do present an upheaval to residents, they at least bring with them a cultural and educational benefit. However, since the grant of the temporary planning permission for the festivals under reference 12/01843/FUL, other events have been introduced including the Big Wheel, and now the grant of the ice rink permission for another 75 days of activity on the garden under reference 19/01370/FUL. This second application now includes a proposal for a Christmas Market for 41 days.

This all represents use of the Gardens for festivals and other events for up to half of the year. It is now increasingly unreasonable to expect local residents to accept any further activity and disturbance. This is even more relevant in this situation where the Council are the landowners and therefore cannot take enforcement action against themselves. It is therefore legitimate for residents to be increasingly concerned about the protection of their amenities including parking, traffic congestion, noise, odour, littering, anti-social behaviour, and the general over-intensification of use.

Christmas Markets

The addition of the Christmas markets along the promenade adds a further dimension to the previous proposals. This will add further public gatherings and intensity of use during the months of November and December each year. The combination of these markets, together with the ice rink (plus rigging and derigging periods) combined with the Big Wheel during January/February will create an unacceptable level of usage of this part of the town centre. This is a Conservation Area which is intended as an area of architectural and historic interest, with the gardens intended to be an area of peace and tranquility. In addition, there is likely to be increase pressure on parking and congestion to the detriment of my clients amenity and enjoyment of their property,

Despite all of these concerns, there continues to be a severe lack of information provided with this application to demonstrate why there would not be an adverse impact on listed building, the Conservation Area and the surrounding highway network.

Overview and Scrutiny (O&S) Committee Meeting February 24th 2020

Given the concerns raised above, the Council has now set up a Scrutiny Task Group Review into the following: -

- the Council's approach to managing events in our parks and gardens within the context of the commercialisation agenda;
- the approval process for events across the borough, and

- how events are managed once approval is given.

I have attached a copy of this report as **Appendix 1** of this letter. The findings and recommendations of this report have subsequently been presented to the Cabint at the Meeting on 3rd March 2020 and have been endorsed.

With regard to the findings of the Scrutiny Task Group, one of its main conclusions was that the proposed Events Strategy must consider options for spreading the impact of events across wider venues, to recognise the potential of commercial opportunities together with reducing the impact on current “honeypot” sites such as Montpellier and Imperial Gardens

There is therefore a clear recognition that the Imperial Gardens are becoming over-used. And until the Council have fully prepared an Events Strategy it is not possible for the Local Planning Authority to make a fully informed assessment of this application. Consequently the applicant should be withdrawn or it should be refused for failure to take account of the findings of the Scrutiny Task Group.

Planning Committee Meeting – November 21st 2019

The previous application (reference 19/01370/FUL) was considered at the Planning Committee Meeting on 21 November 2019. At that meeting my client spoke in objection to the application, and the issue of residents trust in the democratic process was raised by Councillor Chris Mason in his address. I attach a copy of the Printed Minutes of the meeting at **Appendix 2** of this letter.

Councillor Mason, amongst other Members, also referred to the O&S Events Strategy for Parks and Gardens and it was mentioned whether the decision on the application should be deferred. This suggestion was not followed up at that time, however, following the publication of the O&S committee report (as above) this application should be withdrawn or refused. Clearly, the decision on the previous application was very marginal with 6 members voting to defer the application, and 3 Members voting against the application with 4 abstentions. This demonstrates that several of the Committee were unconvinced by the application. The same issues will arise with this application and we urge Members to vote against the proposals on this occasion.

One of the Members main concerns was the use of generators for the ice rink, which would create a noise and pollution disturbance to local residents (including my client’s property). And if diesel powered would in turn be contrary to the Council’s environmental protection policies. The revised siting of the ice rink, which is now proposed further to the south west beyond the pond, will significantly increase the risk to residents on this site of the gardens, where the majority of residential properties are located. This new location is now situated from away from any mains electrical power supply, therefore it assumed that diesel powered generators will be employed.

I contend that Members’ concerns with the previous application were only overcome by the fact that the ice rink would be situated in the far north-western

corner of the gardens, well away from Imperial Square. The fact that it is now to be relocated closer to residential properties is significant. No further information has been submitted with this application to address these concerns, and consequently the application should be refused due a lack of information.

Land Use Agreement (LUA)

During the previous Committee Meeting it was clear that Members were concerned with the lack of information provided with the application, and the level of noise that would be emitted from generators. The Officer's response to these concerns was that the detail would be provided in the Land use Agreement (LUA) and that this would regulate the whole operation to ensure it would not result in the loss of amenity to neighbouring residents.

However, as part of application 19/01370/FUL only a summary of the LUA has been provided, with no technical details of plant and machinery to be used. The Summary LUA states that it will contain "terms and conditions" but the detail and content of these has not been made publicly available. This is concerning given the issues of public trust that have been raised above regarding the over intensive use of the Gardens for festivals and other public gatherings.

Furthermore, no revised or updated LUA or summary LUA has been provided for this application. This is very concerning given that the ice rink will now be moved closer to residential properties. There are clearly environmental and amenity concerns that have not been addressed, and given that the Council is the landowner, there needs to be full transparency and accountability regarding the LUA, which at the present time is not forthcoming.

Conclusions and Summary of Issues Previously Raised

This application is the second of its kind in recent months which is, once again, strongly opposed by my clients. Public trust is now eroding fast due to the growing number of days each year that the Imperial Gardens are in use. The O&S Committee are currently evaluating the Council's approach to its use of its Parks and Gardens, and it has been recognised that the Imperial Gardens are increasingly been seen as a "honey pot" for economic revenue generating purposes, which was never their originally intended purpose. This must be controlled, and we advise Members of the Planning Committee to refuse this application.

The re-siting of the ice rink further to the south west of the Gardens will now have a greater impact on my clients amenity, with the increased prospect of generator usage. This was already a concern of Members at the Planning Committee Meeting on 21st November 2019 and Officers specifically stated that this would not be an issue. These assurances are now null and void due to the re-siting.

The addition of this application would result in another 75 days usage which taken together with all the other events would result in the Gardens being used for six months of the year. That is clearly unacceptable and unmanageable.

At the same time, this application contains a lack of information and no revised LUA summary. Furthermore, the full LUA remains unavailable for public comment. This leaves my clients concerns over noise, parking, littering, anti-social behaviour unanswered and unaddressed.

Yours Sincerely



Daniel Drayton BSc Hons MA MRTPI
Associate
LPC Ltd



From: [REDACTED]
Subject: Fwd: Ice rink
Date: 19 Mar 2020 at 16:29:03
To: [REDACTED]



Sent from my iPad

Begin forwarded message:

From: [REDACTED]
Date: 19 March 2020 at 14:33:29 GMT
To: [REDACTED]
Cc: [REDACTED]
Subject: Ice rink

20/00369/FUL - Erection of temporary structures in connection with Festivals and Special Events including ice rink in Imperial Gardens for a maximum of 75 days for one period being 2020/2021 (November 2020 - January 2021) inclusive of rig and de-rig and Christmas Markets on The Promenade for a maximum of 41 days, inclusive rig and de-rig for a period of two periods (November-December 2020) and 2021 (November-December 2021) in addition to the current planning permission for Festivals and Special Events on Montpelier Gardens and Imperial Gardens - Imperial Garden Promenade, Cheltenham, Gloucestershire.

Our Representations, as Chairman and Vice Chairman of Friends of Imperial Square and Gardens, are:

Loss of Amenity:

The Application states: "For clarity the new proposal covers both SW and NE quadrants but the BID is happy to accept a formal condition that at any point only one quadrant will ever be occupied, thus leaving the flexibility to indentify the most suitable location once any lessons for year one are considered"

We attended a meeting with Kevan Blackadder and Jess Goodwin, both

from BID, at their request along with Cllr Chris Mason and we were told categorically that the usage of the quadrant opposite The Queens would be for ONE year only and that the ice rink would revert to the quadrant adjacent to The Quadrangle in future.

We accept that in these difficult economic times that the initial 2020/21 switch, if granted, is acceptable for one year - even though it will cover a cluster of flower beds - but believe that BID must keep to its promise and use The Quadrangle quadrant in future and we request that this is made a condition of any planning approval.

Safety:

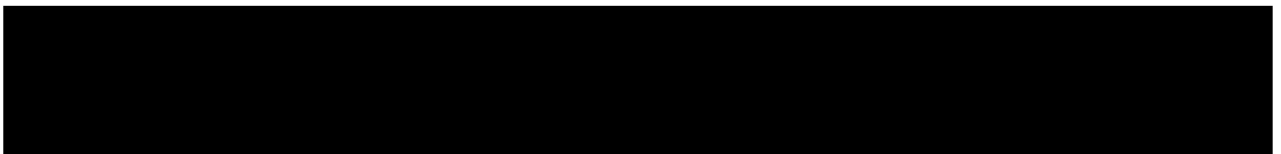
The proposed Christmas Market being sited either side of The Promenade - opposite and adjacent the ice rink - could lead potentially to an accident issue on this very busy thoroughfare into town. Children, no doubt, will be wanting to rush across to the ice rink while parents are still perusing the Market items.

Surely, the Christmas Market, if permitted, should be more centrally sited as in the past to assist the main shopping area of the town.

Noise and Disturbance:

There is a serious worry about generators being used - counter to the Borough Council's Green Agenda - and should not be permitted in an area flanked by residential homes and most seriously young children being in close proximity at any given time.

In recent times there has been a tendency to have excessively high volume entertainment noise. This must be avoided and kept to a much more reasonable level.



Sent from my iPad

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APPLICATION NO: 20/00587/FUL		OFFICER: Mr Ben Warren	
DATE REGISTERED: 4th April 2020		DATE OF EXPIRY: 30th May 2020	
DATE VALIDATED: 4th April 2020		DATE OF SITE VISIT:	
WARD: Lansdown		PARISH:	
APPLICANT:	Mr Simon Thomas		
AGENT:	Coombes Everitt Architects Limited		
LOCATION:	17A Eldorado Road, Cheltenham		
PROPOSAL:	Demolition of existing two-storey extension and single-storey garage to be replaced with proposed two-storey extension. (Re-submission of previously withdrawn application 19/01988/FUL).		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a semi-detached property located within a residential area on Eldorado Road. The site is located within Cheltenham's Central Conservation area and The Eldorado Character area.
- 1.2 The applicant is seeking planning permission for the demolition of an existing two storey side extension and single garage building and the erection of a new two storey side extension and part two storey/part single storey rear extensions.
- 1.3 The application is at planning committee due to a residents' association objection.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Honeybourne Line
Principal Urban Area
Residents Associations
Smoke Control Order

Relevant Planning History:

15/01840/CACN 22nd October 2015 NOOBJ

T1 - Ash - reduce and reshape crown by 50% back to previous pruning point. Reduce the length of branches all over by 2.5m in length

17/00491/CACN 13th March 2017 NOOBJ

T1 - multi stem Ash - reduce back to previous points 1-2m in length. T2 - Ash reduce back crown to previous points 1-2m in length

19/01988/FUL 27th November 2019 WDN

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

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 12 Achieving well-designed places
Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

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

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD8 Historic Environment
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

Central conservation area: Eldorado Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Ward Member Comments

No Comments Recieved

Other Member Comments

Councillor Fisher – 17th April 2020

I believe we have an application for an extension at the above address. Should we be minded to refuse, I would like it brought to Committee. Grounds CP4, CP7.

Consultee Comments

Architects Panel

15th May 2020

The panel had no objection to the principle of the two storey extension and considered this scheme to be a carefully considered and well-mannered design solution.

The panel felt this was a sensitively designed extension in keeping with the existing architecture and with due regard to neighbouring properties.

The success of the scheme will rely on closely matching materials and details of the existing building.

Supported.

Gloucestershire Centre For Environmental Records

20th April 2020

Biodiversity report available to view.

Eldorado Residents Association

22nd April 2020

I am Co-Ordinator of the Eldorado Residents' Association and write in that capacity to make representations on the above application.

In the same capacity I made representations on the previous application 19/01988/FUL in respect of the property, and this letter repeats the previous comments as local residents do not consider that the re-submitted application has addressed any of their concerns.

The existing flat-roofed extension to the south east of the south-western elevation (facing Eldorado Road) detracts from the property. The removal of that extension, and its replacement with something acceptable that enhances the building and the street scene but does not detract from the existing open spaces between buildings, would be welcomed by local residents generally.

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However, that element of the current application that proposes to extend the original building with, in effect, a new 'wing' to the South east, extending almost to the boundary with the neighbouring property (15 Eldorado Road) and to the current roofline of the original building, is too wide and too tall.

The property is within the Eldorado Character Area of the Central Conservation area. Both Core Planning policy and Conservation Area policies emphasise the importance of open space around existing buildings and the views available through gaps between buildings.

Officers and Planning Committee members will of course be familiar with local planning policies and I draw their attention in particular to the following:

Paragraph 4.18 of the local plan, leading up to Policy CP7

The pair of dwellings that are now numbers 17 and 17A Eldorado Road were once one single substantial residential dwelling. Extending 17A laterally and vertically to the extent proposed in the application would result in the built form of the resulting pair of dwellings being over-large in relation to neighbouring buildings, i.e. inappropriate in terms of 'massing'. It would also erode the gap between number 17A and number 15 Eldorado Road. Thus it would not respect the character of the locality, nor the neighbouring building, and would erode the open space between 17A and 15.

In terms of privacy, residents of the first-floor flats within number 15 are concerned at loss of privacy and also at loss of views of open sky that would result if the development were permitted. In privacy terms there are currently 7 (seven) non-obscured windows in the side elevation of number 15 that faces 17A.

In terms of the Conservation area, I draw attention in particular to:

Paragraph 5.18 of the Local plan leading to Policy BE1

The massing of the proposed development would virtually eliminate the open space and view available between numbers 15 and 17A (particularly the view of Cleeve Hill available from the upper storeys of properties on the opposite side of Eldorado Road) and would detract from the rhythm of the street scene and the general feeling of spaciousness that currently exists.

Regard should also be had of the extent to which the proposed development to the side and rear of the property is visible from that part of the highway of Eldorado Crescent that is to the rear of 15 Eldorado Road (a corner property) i.e. between number 15 and number 32 Eldorado Crescent. It should be borne in mind that the foliage that currently obscures part of the rear of 17A Eldorado Road is on deciduous trees, and so for many months of the year does not provide the natural screening that is currently emerging (April).

Conclusion:

Although removal of the current flat-roofed extension and its replacement with something acceptable in scale and design would be welcome, for the reasons set out in this letter, the application in its current form should be refused.

Tree Officer

21st April 2020

The Trees Section does not object to this application.

Environmental Health
27th April 2020

No adverse comment.

Building Control
23rd April 2020

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

5. PUBLICITY AND REPRESENTATIONS

6.

Number of letters sent	11
Total comments received	5
Number of objections	5
Number of supporting	0
General comment	0

- 6.1 11 letters were sent to neighbouring properties, a site notice was displayed and an advert was published in the Gloucestershire Echo. A total of 5 representations have been received in objection to the application. The objections have been summarised but are not limited to the following:

- Loss of privacy
- Loss of light
- Loss of gap/impact on street scene
- Scale and overbearing impact
- Civil matters (right of access/maintenance)

7. OFFICER COMMENTS

7.1 Determining Issues

- 7.2 The main considerations of this application are design, impact on the conservation area and impact on neighbouring amenity.

- 7.3 The application has been submitted at a time where a site hasn't been undertaken due to the restrictions in place because of Covid19. However, this is a re-submission of an application submitted approximately 6 months ago where a site visit was undertaken, site photos were taken and visits were made to two of the neighbouring properties.

7.4 The site and its context

- 7.5 As viewed in the street scene the building has the appearance of a single detached dwelling, similar in scale form and design to that of surrounding properties, however, the site has previously been sub-divided and whilst having the general appearance of one dwelling it is in fact a pair of semi-detached properties.

- 7.6 The surrounding area has a mix of large detached buildings sat in generous plots, pairs of semi-detached dwellings and buildings which accommodate flats, all the buildings are of a generous size and are sat in reasonably large plots.
- 7.7 Eldorado Road is located within Cheltenham's Central Conservation Area and also forms part of the Eldorado Character Area.
- 7.8 **Design and layout**
- 7.9 The proposed work seeks to remove an existing two storey flat roof extension and its replacement with a new pitched roof two storey side extension that extends to the rear. The existing flat roof extension is not in keeping with the design or character of the existing building or surrounding area and therefore its removal is considered to be a positive enhancement to the property and the surrounding area and is a welcome part of the proposed works.
- 7.10 The design of the new extension is in keeping with the design and character of the existing building, the extension is set back from the front elevation of the property and appears suitably subservient. Concerns have been raised locally regarding a loss of gap between the application site and the block of flats at 15 Eldorado Road. Officers appreciate that the gaps between properties in the immediate locality are an important part of the character of the area, however this extension is only 1 metre wider than the existing extension, side access to the rear of the property is retained and a gap of approximately 4.5 metres will remain between the new extension and the side of 15 Eldorado Road. Whilst officers acknowledge there will be a small loss of a gap, a sufficient gap will be retained and it is not considered that there will be any unacceptable harm to the character of the existing street scene as a result of the new extension.
- 7.11 To the rear, the proposed extensions include a two storey wing and a single storey flat roof addition. Both additions are considered to be of an acceptable scale form and design, will sit comfortably within the plot and will read clearly subservient to the existing building.
- 7.12 The proposed facing materials of all the extensions are to match the existing building which is wholly appropriate and acceptable.
- 7.13 Officers acknowledge that the works propose a generous addition to a building that has already been sub-divided, however the new additions are not considered to result in any unacceptable harm to the design of the existing building or to the character of the surrounding area. When viewed in the street scene, the removal of the existing flat roof extension and the proposal of a new appropriately designed extension is considered to be a positive enhancement to the building and to the surrounding conservation area.
- 7.14 **Impact on neighbouring property**
- 7.15 Concerns have been raised by various neighbouring properties regarding a loss of privacy and a loss of light. Officers previously raised concerns regarding a loss of light to windows located in the side elevation of number 15 Eldorado Road in an earlier application that was withdrawn. In response to this, the applicant has submitted a light test assessment as a supporting document within this new application.
- 7.16 Officers have reviewed the assessment and have considered the use of the rooms in the side of 15 Eldorado Road in order to determine which windows serve habitable rooms and therefore warrant protection. There are two windows that are of particular concern to officers; these serve a kitchen and a bedroom to flat number 1. The light test that is applied is set out in Paul Littlefair's – Site Layout Planning for daylight and sunlight document, the assessment identifies that the new extension will fail the light test to both of these windows. However, there are factors that require further consideration, firstly Paul Littlefair identifies that bedrooms are less important than other rooms such as living rooms

and kitchens. Furthermore, the agent has provided additional information in a document received on 11th May 2020, which shows the layout of this neighbouring flat, the plan identifies that the kitchen is a very small room and measures approximately 4.1 metres by 2.1 metres, the limited size of this room suggests that this is purely a functional kitchen space and is not a dining kitchen.

- 7.17 The assessment concludes that the development will result in a marginal fail, with the kitchen failing by just 3% and the bedroom by just 1%. Whilst officers accept that there will be a loss of light to these windows, given the use of the rooms and the fact that the proposal will only move 1 metre closer to these windows than the existing extension, as well as a 4.5 metre gap being retained, officers do not consider that the new extension will result in an unacceptable loss of light. In addition, no objection has been raised from the occupier of this flat.
- 7.18 The owner of number 17 Eldorado Road has raised concerns about the impact of the new extensions to the rear of the site on a first floor side elevation window within the property; this has been confirmed as a window serving an upstairs landing, is not habitable room and therefore isn't afforded protection in terms of light. A further concern from this neighbour is that the new single storey extension will be built across this window, however as identified in the additional document received on 11th May 2020, the flat roof of the new extension will be lower than this existing window.
- 7.19 With regards to privacy, a condition has been suggested that requires all of the upper floor windows in the side elevation of the new extension are obscurely glazed and high level opening. The new first floor window in the rear elevation faces into the applicants private amenity space and achieves a distance in excess of 24 metres to the rear boundary, far in excess of the 10.5 metres considered to be acceptable. The proposal is therefore not considered to result in any unacceptable loss of privacy to any neighbouring land user.
- 7.20 **Other considerations**
- 7.21 Records show that important species have been sighted near the application site in the past and in particular Newts recorded in 2007, the sighting was recorded as 230 metres from the site. Given the distance from the site and the scale of the proposed development which replaces an existing structure of a similar size, it is not considered that this development would have any impact on these species.
- 7.22 The tree officer has reviewed the application and raises no objection to the proposed works.
- 7.23 Concerns have been raised by the attached neighbour that relate to issues such as rights of access, maintenance and covenants, these issues are considered to be civil matters and are not material planning considerations, however these concerns have been highlighted to the applicant's agent.

8. CONCLUSION AND RECOMMENDATION

- 8.1 Having considered all of the above, on balance officers consider the proposed extensions to represent an acceptable scale, form and design that will not result in any unacceptable harm to the design or character of the existing building or to the character of the area and does not result in any unacceptable impact on neighbouring amenity.
- 8.2 Officer recommendation is to grant planning permission, subject to the conditions set out below;

9. CONDITIONS / INFORMATIVES

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

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

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

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

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

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

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the upper floor side elevation windows that serve the half landing, bathroom and bedroom 5; shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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.

APPLICATION NO: 20/00587/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 4th April 2020		DATE OF EXPIRY : 30th May 2020
WARD: Lansdown		PARISH:
APPLICANT:	Mr Simon Thomas	
LOCATION:	17A Eldorado Road, Cheltenham	
PROPOSAL:	Demolition of existing two-storey extension and single-storey garage to be replaced with proposed two-storey extension. (Re-submission of previously withdrawn application 19/01988/FUL).	

REPRESENTATIONS

Number of contributors	5
Number of objections	5
Number of representations	0
Number of supporting	0

Roscalen
19 Eldorado Road
Cheltenham
Gloucestershire
GL50 2PU

Comments: 8th April 2020

This is a huge increase in the size of the property, more than doubling the number of rooms and significantly altering the appearance of the Victorian row of properties in this conservation area. It fills in the space between buildings. The plans build across a window of number 17 and overlook the garden of number 17, invading the owners privacy. It also overlooks number 15 and properties in Eldorado Crescent. I have spoken to the residents in each case.

26 Eldorado Crescent
Cheltenham
Gloucestershire
GL50 2PY

Comments: 22nd April 2020

We write in our personal capacity as owner occupiers of 26 Eldorado Crescent ('our house'), which is directly to the rear of the property. We commented on the previous application in respect of the property 19/01988/FUL and this letter repeats those comments as we do not consider that the re-submitted application has addressed any of our concerns.

We object to the proposed development on the basis that the proposed extension to the south east of the property is both too wide and too high, i.e. is inappropriate in terms of 'massing'.

The ground level of the properties (including our house) in Eldorado Crescent which are to the rear of the property is markedly lower than the ground level of the property itself. Consequently the property in its current form is very dominant and significantly overlooks the rear of our house. When the deciduous trees in the garden of the property are in leaf, their foliage provides a natural screen which reduces the feeling of domination by the property. However, when the trees are not in leaf, the feeling of dominance returns. The proposed extension to the side of the property would be much wider and much higher than the existing extension which it is proposed to demolish. As a result the dominance of the built form of the property over our house would be unacceptably increased.

Further, local planning and conservation area policies emphasise the importance of open views, vistas and the gaps between buildings. Extending the property as proposed into the current gap between it and 15 Eldorado Road, and increasing the height of the extension, would drastically reduce the gap that is very evident from the rear of our house, and would drastically reduce the open view, through the existing gap, of sky and sunlight that is available at the rear of our house, particularly (although not exclusively) in those months when the screening trees are not in leaf and the sun is lower in the sky.

We ask that the application is refused.

32 Eldorado Crescent
Cheltenham
Gloucestershire
GL50 2PY

Comments: 26th April 2020

The proposal appears unchanged from last time and so my comments remain unchanged.

- 1) There will be 2 new windows at first floor level in the proposed extension, both of which would be nearer to my property. This may affect my privacy.
- 2) The proposed extension will be wider and taller than the existing structure. This may affect the light to my property.
- 3) I have had previous discussion with the owners of 17A about the tall trees at the bottom and side of the garden of 17A. The trees have the effect of blocking light - the afternoon and evening sun to my property - due to the aspect of my home and the direction of the afternoon sun.

I welcome the proposal to remove the 2 trees indicated in the plans.

I would be concerned that the proposed building plans may aggravate the problem with the trees at the bottom of 17A/my garden. In an effort to provide increased screening, the issue may not be addressed. The silver birch tree does not affect me at all.

I also note that an additional 1st floor window is indicated on the plans, (rear ensuite window) but does not appear on the drawings

Flat 3
15 Eldorado Road
Cheltenham
Gloucestershire
GL50 2PU

Comments: 22nd April 2020
Letter attached.

Rosemead
17 Eldorado Road
Cheltenham
Gloucestershire
GL50 2PU

Comments: 21st April 2020

I am surprised to see this application resubmitted without any discussion with the objectors to see if their concerns could be satisfied with amendments or alterations to the scheme and during a time of self isolation which makes it extremely difficult to meet on site and view the various issues. I asked for a meeting prior to the submission of the previous application to see what could be done but without success. This meeting was to discuss the impact of the proposal on 17 Eldorado Road and the fact that there is a requirement for "enjoyment or access of light or air drainage or otherwise" in my Title Deeds which this application does not respect.

The only addition to the Application would appear to be the Daylight Report which accepts that it reduces the light into the window referred to as 19 by virtue of the fact that it is intended build across it. The adverse impact this will have on the property needs to be viewed from the inside. All the other areas of objection have remained the same. It is also important to appreciate that it is not only light that is affected but also the privacy of the gardens to the side and the rear.

In my previous letter I pointed out that it was difficult to see how the proposed extension would fit in with my extension as there were no drawings to indicate how it was to be done, however the graphics in the Daylight Report indicate that the single storey extension to the rear is intended to build right up to the boundary which will leave a gap of only inches between the two extensions and make it impossible to gain access to the gutters and the pitched roof. It is also intended to build across my window.

All the previous objections still stand and it is to be regretted that this application has been submitted at a time when site meetings cannot take place to consider the full impact of the proposal. I do request such a meeting. I look forward to hearing from you.

[REDACTED]
Flat 3, The Garth, 15 Eldorado Road, Cheltenham, GL50 2PU
[REDACTED]

Mr Ben Hawkes
Planning Officer
Cheltenham Borough Council
Municipal Offices
The promenade
Cheltenham
GL50 1PP

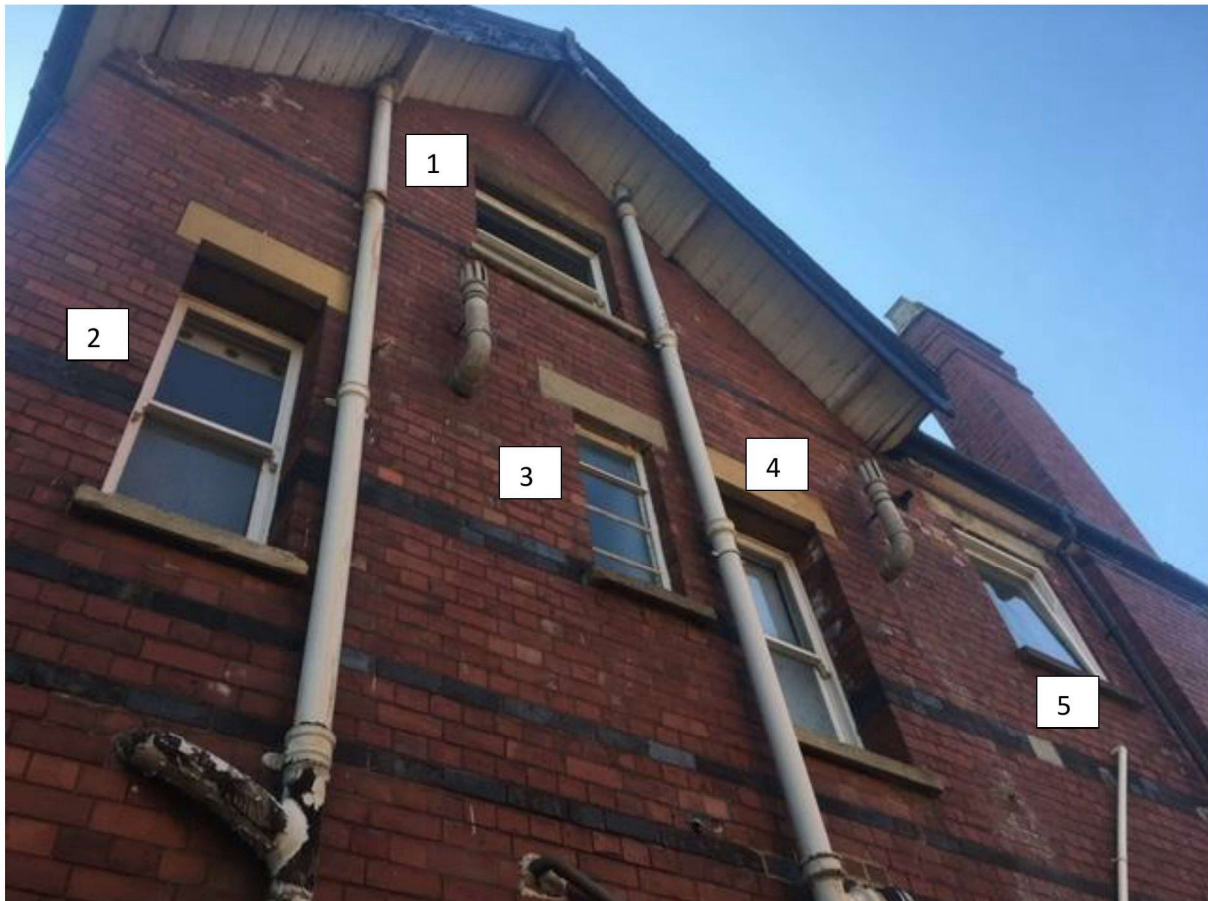
22nd April 2020
Ref: 20/00587/FUL

Dear Mr Hawkes,

Further to our telephone conversation earlier today, I must stress my concerns regarding the re-submission of this planning application. Specifically, to overlooking and loss of privacy to the side windows of our property at number 15 Eldorado Road.

Please see below pics detailing the side windows and rooms. I would urge you to make a site visit after the Covid-19 lockdown, to assess this prior to making a decision on this project.

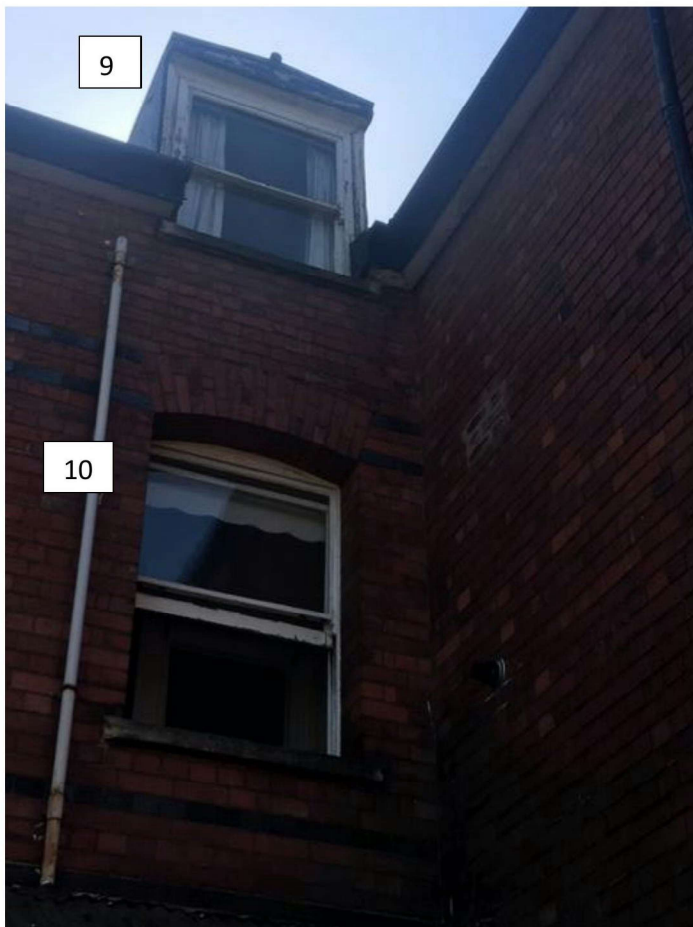
Pic A – **1.** Flat 4, Bedroom **2.** Flat 3, WC **3.** Flat 3, Bathroom **4.** Flat 4, Bathroom **5.** Flat 4, Kitchen



Pic B – 6. Flat 1, Bathroom 7. Flat 1, Kitchen 8. Flat 1, Bedroom



Pic C – 9. Flat 4, Bedroom 10. Flat 3, Hall



As previously mentioned, the impact on all the flats at number 15 that face that wall will be significant, as the current drawing feels rather imposing compared to the existing structure. A new look that respects the current footprint, would have less impact on our property, and would attract far fewer concerns from me.

I would be grateful if you would apply my concerns to this planning application, and reference [REDACTED] at 4, 15 Eldorado Road, as I write on her behalf too.

Many thanks in advance
With kind regards

[REDACTED]

APPLICATION NO: 20/00229/LBC	OFFICER: Mr Chris Morris
DATE REGISTERED: 7th February 2020	DATE OF EXPIRY: 3rd April 2020
DATE VALIDATED: 7th February 2020	DATE OF SITE VISIT:
WARD: Lansdown	PARISH:
APPLICANT:	The Cheltenham Trust Organisation
AGENT:	Broe and Co LLP
LOCATION:	Four Telephone Kiosks outside 43 Promenade, Cheltenham
PROPOSAL:	Temporary re-painting of telephone kiosks - four in white, and six in one of six rainbow colours - 10 Listed Telephone Boxes in the Promenade

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site comprises ten K6 type telephone kiosks located on the pedestrian precinct of The Promenade, a group of four outside 43 Promenade and a group of six outside 23 Promenade. Each group of kiosks is grade II listed and within the Central Conservation Area. The kiosks are prominently located and form an important part of the streetscene.
- 1.2 Notably the phone kiosks are also immediately adjacent to a high number of listed buildings. These include: To the northwest 33 to 45 Promenade, a grade II listed Regency terrace of 4 houses dated 1820; and 21 to 31 Promenade, a terrace of 6 houses, now shops dated circa 1820-30; To the northeast Martin and Co, 19 Promenade a grade II listed Regency house, now shop, dated circa 1820-40; 26, 28 and 30 Promenade, grade II listed houses, now shops dated circa 1800-40; and 32 a grade II listed former Library, now shop, dated circa 1820-40; To the Southeast 50 Promenade, a grade II listed house now shop, dated circa 1820-40 with conversion to shop probably pre-1845; 52 to 58 Promenade, a grade II listed a terrace of 4 houses, now 5 shops, dated circa 1820-40; To the southwest the Boer War Memorial, grade II listed, erected 1907. The wider context along the Promenade and Clarence Street also contains a high number of listed buildings. It is considered any works to the telephone kiosks will affect the setting of these buildings.
- 1.3 The proposal is to repaint each telephone kiosk in the group of six in one of the colours of the rainbow and each telephone kiosk in the group of four in white for a temporary period from May 2020 until June 2021.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Listed Buildings Grade 2
Principal Urban Area
Central Shopping Area
Smoke Control Order

Relevant Planning History:

88/00939/LA 4th August 1988 REF

4no. One Kiosks 4no. The Promenade Cheltenham Gloucestershire - Replace The Original Dome Glass Engraved "Telephone" In Maroon On Cream Background By Glass Engraved "Phonecard" In White On Green Background

13/02055/LBC 1st April 2014 GRANT

Refurbishment of existing phone boxes to be used for temporary display of art installations:
6 kiosks outside 23 Promenade
4 kiosks outside 43 Promenade

14/00373/FUL 13th March 2014 WDN

Change of use of 4no. phone boxes to 4no. retail kiosks (A1)

19/00747/LBC 22nd May 2019 GRANT

Installation of a defibrillator in the K6 telephone kiosk on the Promenade

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

Adopted Joint Core Strategy Policies

SD8 Historic Environment

4. CONSULTATIONS

Cheltenham Civic Society

2nd March 2020

OBJECT

The red colour was a significant feature of the listed boxes, and that as a tourist attraction, visitors expect to see red telephone boxes (and red pillar boxes). Comparisons were drawn with the poor execution of the gold pillar boxes in 2012.

The Forum believes that other locations and/or venues would be better suited and be more effective for the promotion of the LGBTQ+ message.

The Forum hopes the interior displays will materialise, as the current use of some of the boxes for storage detracts from their appearance and that of the Promenade.

The application documentation is inadequate. An application of this nature must surely be in colour. The Forum regrets that local architects were not employed to draw up the plans, as they may have paid greater attention to detail in both the location of the defibrillator and the spelling in the document.

The Forum notes that there is an undertaking to reinstate the original colour at the end of a year. If the Borough is minded to permit, this should be enforced and a condition imposed requiring the use of an anti-graffiti finish.

Building Control

13th February 2020

No comments to be made.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	23
Total comments received	3
Number of objections	3
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 Comments Received

Three objections have been received. These are attached to this report.

6. OFFICER COMMENTS

- 6.1** It is important to consider the policy context in which a decision on this application needs to be made. Specifically with listed building consent this must relate to the heritage considerations of the proposal only and no other reasons, planning or otherwise.
- 6.2** The relevant legislation is the Planning (Listed Buildings and Conservation Area) Act 1990 states, Section 16(2) of which 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."
- 6.3** National Planning Policy Framework 2019 (NPPF) also needs to be carefully considered. Local planning authorities are required by Paragraph 192 of the NPPF 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. 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.
- 6.4** Historic England has general advice concerning the care of listed phone boxes. They state, local planning authorities need to determine each consent application in line with the National Planning Policy Framework, considering the kiosk's significance, the impact on group value with visually related heritage assets and any other relevant planning considerations.
- 6.5** By way of general background to the heritage significance of the telephone kiosks and their colour, in 1936 the General Post Office, which at the time ran the telephone system, commissioned Scott to redesign the K6 type kiosk to make it more streamlined and cost effective than the existing kiosks. The K6 type kiosk was based his earlier K2 type kiosk from which he took inspiration from the tomb in St. Pancras Old Church Gardens, designed by Sir John Soane for his family, dated 1816. Scott originally designed the exterior of his K2 type kiosk to be silver to commemorate the silver jubilee of King George V. However, the General Post Office, decided the colour should be red, likely to match the livery of their existing red post boxes.
- 6.6** When they were introduced kiosks were not universally painted red, this colour caused many local difficulties in areas of natural and architectural beauty, resulting in requests for less visible colours. In response the General Post Office allowed a number to be painted grey, green or cream. Some of these non-red coloured kiosks still survive.
- 6.7** According to Historic England around 60,000 kiosks were installed between 1936 and 1968, with an estimate of 3400 surviving, over 3000 of which have listed building status, typically listed for their group value with other listed buildings.
- 6.8** Today, due to the rise in mobile phone use, many of the kiosks have been decommissioned, with Historic England warning, "As more kiosks fall out of use Historic England encourages innovative thinking in finding new uses for them... These help retain kiosks in a positive use and attract investment funding their maintenance and continued service to local communities."
- 6.9** Nationally kiosks have been repurposed for a variety of new uses including libraries, book exchanges, cafes, phone recharging stations, tourist information centres, flower shops, internet stations, souvenir shops, work stations, and even a tiny pub.

- 6.10** After becoming redundant the now Cheltenham Borough Council owned telephone kiosks on the Promenade were granted consent in 2013 under application 13/02055/LBC to be reused as exhibition spaces, in association with The Wilson. One of the ten kiosks houses a defibrillator, which was granted listed building consent in 2019 under application 19/00747/LBC.
- 6.11** The proposed repainting is related to their use as exhibition spaces, granted under application 13/02055/LBC. The proposal forms part of a project by the Cheltenham Trust Organisation of the Wilson Art Gallery and Museum, who have been awarded funding from the National Lottery Heritage Fund for the 'Let's Talk' LGBTQ+ Project, related to The Wilson's theme of Wellbeing for 2020-21 to inspire more inclusion and relevance amongst their collections and with cotemporary collecting.
- 6.12** A small number of objections have been raised to the proposed works, including one from the Civic Society. These objections are primarily based on the visual appropriateness of changing the colour of the historic telephone kiosks from their traditional red.
- 6.13** While these concerns are noted, the proposal needs to be considered in the context of the reuse of the kiosks and their long term viability. It should be recognised, despite reuse being granted for the kiosks as exhibition spaces they have for some time not been meaningfully utilised. As a result they are falling into a state of disrepair and to suffer from vandalism. Given the difficulty in finding uses for such unusual structures, particularly so given their number, it is considered critical the existing consented uses are fully realised and encouraged to avoid redundancy, ensuring their long term future.
- 6.14** The proposal to temporarily repaint the kiosks is considered an innovative example of a creative use of the structures, the deliberate changing of the colour used to draw attention to the exhibition spaces. While it is recognised the traditional red colour of kiosks are an intrinsic part of their identity, due to the short-term nature of the proposed works it is not considered there would be harm to the heritage significance of the heritage assets. It is important to note the proposed works are fully reversible and the kiosks will be restored to their exact former colour after the consented time period which can be ensured by condition attached to any approval.
- 6.15** Given the temporary nature of the colour change and the need to find and maintain viable reuses of telephone kiosks, the works are considered to comply with the requirement of paragraph 192 of the NPPF to sustain and enhance the significance of heritage assets and to put them to viable uses consistent with their conservation.
- 6.16** The impact of the proposal on the special interest of listed building, the setting of neighbouring listed buildings and the conservation area are therefore considered acceptable. The proposed works are considered to 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.

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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 No existing paint work shall be removed, repair undertaken or new paint work applied unless in accordance with the written specification within the Design and Access Statement by Broe & Co. LLP, dated February 2020, reference 9271/MB/FB or otherwise agreed with by the local planning authority. Samples of colour of the new paint shall be submitted to and approved in writing by the Local Planning Authority. The works shall not be carried out unless in accordance with the details so approved.

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 and Historic Environment Good Practice Advice (note 2).

- 4 The works are hereby granted for a temporary period from May 2020 until June 2021 or an amended period of time agreed in writing by the local planning authority, after which the kiosks shall be repainted in accordance with the written specification within the Design and Access Statement by Broe & Co. LLP, dated February 2020, reference 9271/MB/FB or otherwise agreed with by the local planning authority.

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 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.

APPLICATION NO: 20/00229/LBC		OFFICER: Mr Chris Morris
DATE REGISTERED: 7th February 2020		DATE OF EXPIRY : 3rd April 2020
WARD: Lansdown		PARISH:
APPLICANT:	The Cheltenham Trust Organisation	
LOCATION:	Four Telephone Kiosks Outside 43 Promenade, Cheltenham	
PROPOSAL:	Temporary re-painting of telephone kiosks - four in white, and six in one of six rainbow colours - 10 Listed Telephone Boxes in the Promenade	

REPRESENTATIONS

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

92 Bath Road
Cheltenham
Gloucestershire
GL53 7JT

Comments: 17th February 2020

The phone boxes are grade II listed - that happens for a reason.

It doesn't mean that they can be randomly changed colour - any other listed building that applied to do that would (rightly) be refused as it changes the character of the building.

The application should be refused.

23 Coltham Road
Cheltenham
Gloucestershire
GL52 6RW

Comments: 25th February 2020

These are grade 2 listed phone boxes which I thought would mean they could not be used for advertising purposes.

5 Whittington Road
Cheltenham
Gloucestershire
GL51 6DQ

Comments: 25th February 2020

Whilst I support the cause of the LGBTQ+ community in raising awareness and acceptance, I can not agree with changing the appearance of such iconic pieces of street furniture as our red Telephone boxes, however temporarily.

They are listed for a reason, to protect them. Cheltenham Borough Council have a duty to preserve what is best in our town and I think the look of the promenade will be ruined by rainbow coloured phone boxes. It might be difficult to restore them to their original colour.

I'm sure there are better ways to illustrate the cause such as the brilliant wall art that has appeared around the town or with rainbow coloured lighting on buildings.

I urge the planning committee to refuse this application as I feel it is akin to vandalism of iconic features of the promenade.

Comments: 28th February 2020

I am writing to register my feelings about the painting of the telephone boxes as reported in the Echo.

I feel very strongly that the 'red' boxes are iconic symbols recognised world-wide as British like post boxes.

While I fully support the cause of the LGBTQ+ community in raising awareness and tolerance, I can not support this way of doing it.

APPLICATION NO: 20/00213/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 5th February 2020	DATE OF EXPIRY: 1st April 2020
DATE VALIDATED: 5th February 2020	DATE OF SITE VISIT: 27th February 2020
WARD: Charlton Kings	PARISH: Charlton Kings
APPLICANT:	Mr Chris Radford
AGENT:	RRA Architects
LOCATION:	303 Cirencester Road, Charlton Kings, Cheltenham
PROPOSAL:	Proposed 1no new dwelling in the rear garden of 303 Cirencester Road

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises the eastern-most section of the curtilage of 303 Cirencester Road, a detached dwelling which fronts Cirencester Road. Timbercome Lane adjoins to the east, providing access to the application site.
- 1.2 The site is within the Principal Urban Area of Cheltenham, however it also falls within the Cotswolds Area of Outstanding Natural Beauty.
- 1.3 Planning permission is sought for the demolition of the outbuildings towards the rear of the site and the erection of a dwelling. This would provide 4 bedrooms with the first floor accommodation served by dormer windows. The ground floor provides living, study, kitchen and utility accommodation with a dining room accommodated in a flat roof ground floor projection. The style of the dwelling is relatively traditional with hipped roofs, pitched roof porch, and dormer windows. The proposed materials are red brick walls, tiled roofs and timber windows and doors. 2 parking spaces would be provided adjacent to the building.
- 1.4 The plans have been amended during the course of the application to reduce the overall size and height of the building and address specific concerns which had been raised such as the treatment of the Timbercombe Lane Boundary and to remove the garage adjacent to this boundary.
- 1.5 The plans indicate the provision of a new access off Cirencester Road which would provide access and off street parking for 303 Cirencester Road. This already has planning permission by virtue of planning permission 19/01680/FUL which was permitted in October 2019.
- 1.6 The application is to be determined by the Planning Committee at the request of Cllrs Baker and McCloskey and due to an objection by the Civic Society (in response to the initial submission).

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Area of Outstanding Natural Beauty
Airport Safeguarding All Developments
Principal Urban Area
Smoke Control Order

Relevant Planning History:

19/01680/FUL 11th October 2019 PER
Creation of dual access point onto Cirencester Road

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places
Section 13 Protecting Green Belt land
Section 15 Conserving and enhancing the natural environment

Saved Local Plan Policies

CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development

Draft Cheltenham Plan

D1 Design
SL1 Safe and sustainable living
G12 Protection and Replacement of Trees
G13 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD7 The Cotswolds Area of Outstanding Natural Beauty
SD9 Biodiversity and Geodiversity
SD10 Residential Development
SD11 Housing Mix and Standards
SD14 Health and Environmental Quality
INF1 Transport Network

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Ward Councillors

27th February 2020

Cllr Paul McCloskey:

This site is in the AONB and a number of recent applications on neighbouring properties in the AONB have been refused. Accordingly, if you are minded to recommend approval, I would like this application to come to committee.

Also, I remember this application: 19/01680/FUL | Creation of dual access point onto Cirencester Road | 303 Cirencester Road Charlton Kings Cheltenham Gloucestershire GL53 8ED. I note that work on this application has yet to commence.

Should the committee be minded to permit this new application, could we impose conditions requiring the access to Cirencester Road (19/01680/FUL) to be built out first? And then could we insist that all building materials, builders' vans etc. use this access to the site whilst the building work is being undertaken? Timbercombe Lane is simply not designed for large vehicles.

Other Borough Councillors

28th February 2020

Cllr Paul Baker:

I would like this application referred to Committee please in view of neighbour objections and impact upon the AONB

Parish Council

11th February 2020

No objection

Cheltenham Civic Society

2nd March 2020

OBJECT

The Civic Society Planning Forum object to this application on the grounds of over development: the planned dwelling is too big for the plot allocated. The plans are inadequate as they fail to show the new road access from Cirencester Road to the existing dwelling, which this development would necessitate

Building Control

11th February 2020

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

23rd April 2020

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

Parish Council

11th February 2020

No objection

Cotswold Conservation Board

17th April 2020

The proposed development is below the consultation thresholds that the Board proposed in the draft consultation criteria that the Board circulated last autumn (attached). As such, the Board will not be providing comments on this planning application.

'No comment' from the Board should not be taken to mean that the Board has taken the view that the proposed development would, or would not, have any adverse impacts on the AONB.

Architects Panel

11th March 2020

Design Concept

The panel had no objection to the principle of building a dwelling at the rear of 303 Cirencester Road because of the pattern of similar developments along the Timbercombe Lane. The style of the proposed house is not dissimilar to neighbouring dwellings and therefore considered appropriate.

However, no elevations of Creagh Lodge are provided to show the new house in context so the panel was unsure whether to support the scheme or not. There was a worry that as the new house had a larger footprint than the neighbouring property on a smaller plot, the

scheme might be too large, possibly one bedroom too big, when viewed next to adjacent properties.

Design Detail

On matters of architectural detail, the panel had concerns about the dormer details and their relationship with projecting eaves. It would help if the required large number of rainwater downpipes were shown rather than ignored.

Recommendation

Submit further information to show context and to justify the scale of the proposed new dwelling.

Tree Officer

4th March 2020

Due to a lack of tree and soft landscaping information, the CBC Tree Section cannot support this application.

It is not possible to determine the full impact of this proposal on the valuable hedge facing onto Timbercombe Lane. This ivy-clad hawthorn hedge (as well as other woody species) acts as an effective screen into/out of the site. It appears as though 2-3 metres of its length needs to be removed to facilitate easy access for a second parking spot. It would be preferable if as much as possible of this hedge were left in situ so as to retain the 'rural' ambience of Timbercombe Lane. It is not clear why such double car width opening onto Timbercombe lane is necessary.

This hedge will need protection from construction works should permission be granted. New planting within this hedge would consolidate it for the future-shade tolerant species should be planted-yew, holly, beech, hornbeam etc.

Similarly, it appears as though the eastern most point of the garage is within the likely rooting area of the hedge line. If the garage was dropped from the plan, it would leave more scope for garden area and other soft landscaping synonymous with the adjacent rural landscape.

Whilst it is realised that there are no trees within the site (it appears as though 3 cypress and a yew have been removed within the last year), there is a willow tree in the adjacent (northerly) property. The roots of this tree are likely to be in the proposed double parking area. Clarification is required as to how the surface of this driveway is to be constructed so as to not have a significant negative impact on this rooting area of this tree.

A landscape plan showing new planting would also be welcome. There is scope for new tree planting in the south east corner. It is recommended that a modest sized tree of native species is planted at this location-holly/yew/hawthorn etc may be appropriate. There is also landscape planting potential to the rear of the proposed property.

29th April 2020

The removal of the proposed garage a welcome development to this proposed planning application. However it is noted that there is still a proposed double car width opening onto Timbercombe Lane which will require several metres of hedge removal. It remains unclear why such a large double gap is required-it does not appear necessary from a feasible design perspective. It is recommended that this is reduced to minimise hedge removal. It is noted that the existing timber shed/garage is not shown on the proposed site plan and as such it is assumed that this is to be removed but the pathway along this border is to remain.

Perhaps mitigating new extended hedge planting could be undertaken if the applicant cannot reduce the proposed width of the new proposed car entrance.

Should permission be granted, please could the following conditions be attached:

- 1) a detailed landscape plan showing hedge rejuvenation and maintenance (ie most ivy and any unwanted/inappropriate species eg self-sown ash seedlings stripped out of the hedge) and replanting within with suitable shade-tolerant woody plants) so as to retain this as an effective hedge into the future. New tree planting to mitigate for previous tree loss should be undertaken in the space of the existing garage/shed.
- 2) Retention of existing screen- so as to retain the hedge into the future.
- 3) A method statement for driveway construction within the Root Protection Area of the willow in the adjacent property. It is anticipated that the driveway surface will be porous so as to feed existing willow roots and reduce rain water run off onto Timbercombe Lane.
- 4) a hedge protection plan so the existing hedge and it's likely rooting area is not damaged during the construction period.

30th April 2020

This is now more acceptable.

Please could you include all previous conditions on any permission.

GCC Highways Planning Liaison Officer

12th March 2020

Timbercombe Lane at the location of the site is not a public highway, in fact it is not a made road, the applicant has not demonstrated how building material, plant and operatives would access the rear of no 303 Cirencester Road in order to construct the proposed dwelling without causing undo inconvenience to all other users and dwellings along Timbercombe Lane.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	8
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 8 neighbouring properties. 6 representations were received, all objecting to the application. The main issues raised were as follows:

- The AONB should be protected from development.
- Highway danger due to additional cars using the lane and manoeuvring so close to the lane
- When planning permission was granted for Cirencester Road access it was assumed that the rear of the property would be returned to garden
- Loss of trees – impact on lane and AONB

- Design of house not in keeping with area
- Garden should not be reduced in size
- Impact on privacy of neighbouring properties
- Impact on wildlife
- Loss of drainage
- Insufficient access for construction vehicles
- This will set a precedent for further applications

6. OFFICER COMMENTS

6.1 Determining Issues

The key issues in determining this application are considered to be (i) the principle of development in this location, (ii) the impact on the AONB, including design and layout, (iii) impact on neighbouring properties, (iv) access and highways issues, (v) trees and landscaping, (vi) flooding and drainage.

6.2 The site and its context

6.3 As mentioned above the application site is within the Cotswold Area of Outstanding Natural Beauty (AONB). The NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, The Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. It goes on to say that the scale and extent of development within these designated areas should be limited and planning permission should be refused for major development other than in exceptional circumstances.

6.4 The JCS, in policy SD7 states that all development proposals within the Cotswold AONB will be required to conserve and where appropriate, enhance landscape, scenic beauty, wildlife, cultural heritage and other special qualities.

6.5 As such it is clear that development is not precluded within the AONB, however it is necessary to carefully assess proposals in order to ensure that the conserve the special scenic and landscape qualities of the area. This will be assessed in further detail below.

6.6 As well as being within the AONB the site also falls within the Principal Urban Area of Cheltenham. Policy SD10 of the JCS states that housing development that is not on allocated sites will only be permitted where it is (amongst other things) infilling within the Principal Urban Area of Cheltenham.

6.7 The NPPF refers to the 'presumption in favour of sustainable development'. It states that where the policies which are most important for determining the application are out of date, this means granting permission unless the application of policies that protect areas of particular importance (such as AONBs) provide a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

6.8 In this instance the proposal would result in the provision of a dwelling. The Authority cannot currently demonstrate a 5 year housing land supply. Given that the NPPF does not specifically prohibit development within the AONB, it is considered that provided an

assessment of the application finds that there is no significant harm, the 'presumption' would apply.

- 6.9** As such it is considered that the principle of the proposal is acceptable, however there are a number of other criteria which need to be considered and the remainder of this section of the report will concentrate on these.

6.10 Impact on the AONB including Design and layout

- 6.11** The policy context in relation to the AONB designation within which the site is located has been outlined above.

- 6.12** With reference to design considerations the following policies are relevant. Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Developments should also be sympathetic to local character and history, including the surrounding built and landscape setting.

- 6.13** The JCS at policy SD4 sets out a detailed framework for the consideration of design within the principles of amenity and space, public realm and landscape, safety and security, inclusiveness and adaptability and movement & connectivity.

- 6.14** Policies CP7 of the Adopted Local Plan and D1 of the Draft Cheltenham Plan include a requirement for development to complement and respect neighbouring development and the character of the locality and/or landscape.

- 6.15** The 'Development on Garden Land and Infill Sites in Cheltenham. SPD is also of relevance in considering this application. This sets out a methodology for considering infill sites which essentially involves establishing and understanding the character of the area and then seeking to achieve development which seeks to enhance rather than detract from that character, minimising negative impacts and harm to character and amenity.

- 6.16** The site is accessed off, and faces Timbercombe Lane. This is a single track lane, leading off Cirencester Road and is rural in character with trees, hedging and a field beyond to the eastern side of the lane. Timbercombe Cottage and Creagh Lodge adjoin the site to the south and both front Timbercombe Lane. Presently the site itself has two vehicular access points off Timbercombe Lane which access an area of hardstanding and a single garage. To the north are vehicular accesses for 301 Cirencester Road and Forden House. As such whilst the lane does exhibit a relatively rural character there is also a loose, residential character to the western side of the lane; the area which is sandwiched between Timbercome Lane and Cirencester Road. There is no development beyond Timbercombe Cottage.

- 6.17** In this context, it is not considered that the site in its present form makes a significant contribution to the scenic value and qualities of the AONB. Therefore it is considered that, subject to an appropriate layout and design being achieved, the site could be developed without resulting in an unacceptable impact upon the AONB.

- 6.18** The proposed dwelling has a footprint which is more or less comparable with the surrounding buildings. Similarly in terms of the positioning of the building within the plot and the space around it, this is in keeping with the general layout of development in the vicinity. The scheme as originally submitted was considered to be too large; with a garage which projected forward, coming within 3.3m to the lane. It was considered that this would have been too imposing. Furthermore the original scheme had a gable roof which was considered to result in a building which was overly bulky. No drawings had been submitted which demonstrated how the height compared with adjacent buildings. This has

now been received and the overall height of the building has been reduced to result in a 'stepping down' in the roofs which responds to the gradient of Timbercombe Lane.

- 6.19** It is considered that the revised scheme has responded to the concerns raised by officers, the Civic Society and the Architects Panel. The scheme as revised responds well to the character of the area and would sit comfortably on the site. For these reasons the proposal is considered to have an acceptable impact on the AONB and to be acceptable in terms of design and layout.

6.20 Impact on neighbouring property

- 6.21** Policy SD14 of the JCS and saved Local Plan policy CP4 require development not to cause unacceptable harm to the amenity of adjoining land users and the locality.

- 6.22** The main neighbours whose amenity may be affected by the development are 301, 303 & 305 Cirencester Road and Creagh Lodge.

6.23 301 Cirencester Road.

There are no windows on the northern side elevation. There are windows on the rear elevation of the proposed property at first floor level which might allow views towards 301, however these are approx. 23m from the nearest point of the house and 8m from the boundary at the nearest point. The proposed dwelling itself is 6.4m from the boundary. Given these distances it is not considered that the proposed dwelling has an unacceptable impact on this property in terms of loss of light, privacy or overbearing impact.

6.24 303 Cirencester Road

The plans show that there would be 23m between directly facing window at the first floor level. 303 would retain a 12m garden. These distances accord with the Authority's guidance and as such it is considered that there would be no unacceptable impact on this property.

6.25 305 Cirencester Road

At the nearest point there is 25m between these properties. There is no direct overlooking and the proposal would have an acceptable impact on this property.

6.26 Creagh Lodge

The proposed dwelling sits alongside this property. A ground floor kitchen window is proposed on the side elevation, however this is a normal relationship between neighbouring properties, with the window partially obscured by the boundary fence. There are no windows proposed on the side elevation at first floor. The proposed dwelling is set back from Creagh Lodge, however there is 4m between the dwellings and the proposal passes the light test. As such there would be no unacceptable impact on privacy and light and no unacceptable overbearing impact.

- 6.27** For these reasons the proposal is considered to have an acceptable impact on neighbour amenity.

6.28 Access and highway issues

- 6.29** Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.30** Policy INF1 of the JCS reiterates the stance of the NPPF and states that proposals should ensure that safe and efficient access to the highway network is provided for all transport modes.
- 6.31** In this instance the proposal reuses an access point which is currently used by 303 Cirencester Road, to provide parking for this property. As such it is not considered that an objection could be sustained against using this access for a new dwelling. The proposal would see the arrangement change from two access points to a single access point, which would reduce the amount of accesses onto the lane. The application provides two off street parking spaces and sufficient space to turn. As such it is considered that the proposal is acceptable in terms of providing safe and sufficient access.
- 6.32** Planning permission has been granted for a new access and parking area off Cirencester Road for 303. It is considered necessary that this is constructed before the development starts to ensure that there is off road parking available for this property and to provide a route into the site for deliveries and construction vehicles etc. The site is all in the same ownership and therefore it is considered appropriate to attach a Grampian condition requiring this. The concerns about the potential disruption of construction is understood and as such a construction method statement condition is also recommended.
- 6.33** Subject to these conditions it is considered that the proposal would have an acceptable impact on highway safety.
- 6.34 Trees and Landscaping**
- 6.35** The tree officer has visited the site and has made comments on the proposal as reproduced above.
- 6.36** The plans have been amended to address initial concerns.
- 6.37** On visiting the site it is clear that there have been some trees removed from the site. This would not have needed consent, not being protected by a Tree Preservation Order (TPO) and not being within a conservation area. However it is considered appropriate that their loss is mitigated through appropriate landscaping of the site, especially bearing in mind the location of the site within the AONB and this is covered by a condition. The hedge along the frontage of the site is important in assimilating the development into the existing character of Timbercombe Lane and as such a condition is attached requiring improvements and maintenance of the hedge as part of the development. This will be an enhancement to the existing hedge.
- 6.38** Subject to these conditions the proposal is considered to have an acceptable impact on trees and hedges at the site.

6.39 Flooding and Drainage

- 6.40** The site is within flood zone 1 which means it is not at risk of flooding from any river. There is a certain amount of hardstanding on the site at present, with concrete parking area and garage. The amount of the site covered by hard surfaces will increase as a result of this development and as such to avoid with surface drainage/runoff it is considered appropriate to require the driveway to be constructed using permeable materials and a condition requiring this is attached.

6.41 Other considerations

There are no specific records of protected species at the site, however it is considered that improvements to the hedge and new tree planting will assist in supporting any existing habitats which may exist nearby.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The proposal results in the provision of an additional dwelling which would assist the Authority's housing supply in a small way. The scheme has been found to be acceptable in terms of principle, impact on the AONB, Design and layout, neighbour amenity, parking and access issues, trees and landscaping and flooding and drainage.
- 7.2 As such subject to the conditions listed below, the application is recommended for approval.

8. CONDITIONS / INFORMATIVES

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

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

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

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

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

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

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction;
- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

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

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

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

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

- 5 No development shall commence on site until the approved access onto Cirencester Road (19/01680/FUL) has been installed and made available for use.

Reason: The access will be required to minimise disruption on the public highway and to adjacent land users, and accommodate the efficient delivery of goods and supplies during the course of the construction works, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 6 Prior to the implementation of any landscaping, full details of a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show hedge rejuvenation and maintenance and new planting to mitigate for previous tree loss.

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

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

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

- 7 Prior to the implementation of any hard surfaces within the site, including driveways, parking and turning areas, footways and patios, details shall be submitted to and approved in writing by the Local Planning Authority. All new hard surfacing areas shall be permeable or drain to a permeable area and shall be carried out in accordance with the approved details prior to first occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

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

- 8 Prior to the commencement of development (including demolition and site clearance), a Hedge Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include the methods of hedge protection, the position and specifications for the erection of protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the plan shall remain in place until the completion of the construction process.

Reason: To safeguard the existing hedge in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that the hedge is not permanently damaged or lost.

- 9 Prior to the commencement of development, full details of the proposed method for works within the tree Root Protection Area(s) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the approved details.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to saved policies GE5 and GE6 of the Cheltenham Borough Local Plan (2006). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 10 The area(s) shown as car parking on the approved plan(s) shall not be used for any purpose other than the parking of motor vehicles and shall remain free of obstruction for such use at all times.

Reason: To ensure the adequate provision of car parking within the site in the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017).

INFORMATIVES

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

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

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

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APPLICATION NO: 20/00213/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 5th February 2020		DATE OF EXPIRY : 1st April 2020
WARD: Charlton Kings		PARISH: CHARLK
APPLICANT:	Mr Chris Radford	
LOCATION:	303 Cirencester Road, Charlton Kings, Cheltenham	
PROPOSAL:	Proposed 1no new dwelling in the rear garden of 303 Cirencester Road	

REPRESENTATIONS

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

Brookside
Gadshill Road
Cheltenham
Gloucestershire
GL53 8EF

Comments: 27th February 2020

Having reviewed the documents on the proposed new dwelling at the rear of 303 Cirencester Road we wish to object to the application.

The proposed access road to the site, Timbercombe lane is a country lane in an area of outstanding natural beauty (AONB) and should be protected from development.

The lane suffers from congestion due to the width of the carriageway (and lack of pavement), which often puts pedestrians at risk. We have witnessed many close encounters with vehicles when walking our children to school daily. The development of another property so close to the road with little driveway or turning space will add to this problem by generating manoeuvring traffic and will put highway safety at risk.

Application reference 19/01680/FUL was granted giving access to the existing property from the Cirencester Road relieving this issue and makes no mention of keeping both entrances or the development of a second property within the allocated plot. One would assume that the plan was to return the rear of the existing property to garden.

The development of the property so close to the lane would lead to a loss of trees shielding the carriageway and increase the building density creating a negative visual public impact on Timbercombe lane, further disrupting the AONB.

The design of the building is not in keeping with the 1920's neighbouring properties. Design precedence of the application has been set on a single development which itself is not in keeping and has had a negative impact on the surrounding AONB by causing the aforementioned issues.

The application makes reference to the existing plots garden being "too large" for a modern family and to make "more efficient use of land". The size of the garden is due to historic building lines and the adjoining protected countryside that would be welcomed by a modern family as green space is in decline.

Permitting development will set precedence on developing within AONBs and break national planning policies.

305 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8ED

Comments: 2nd March 2020

We have returned from a 3 week holiday in the US to find a letter from you regarding the above referenced application.

Whilst we note that comments should have been received by 28 February, we have not been aware of this until today and would request that we are allowed to submit our objection to the proposal as it stands - which we will do as a matter of urgency.

We have scanned the existing objections quickly and agree with everything that has been said regarding:

- Access from Timbercombe lane
- Previous planning approval from access off Cirencester Road not including comments about this subsequent development
- Impact on the AONB
- Impact on privacy of neighbouring properties - particularly given the size of proposed property to be developed and lack of relative garden space

It should be noted that the proximity of the new property will particularly impact upon our property, impinging greatly upon our rear facing views - the plan indicates that the new property and boundary will extend approximately halfway down our left hand boundary.

I would appreciate your earliest thoughts.

301 Cirencester Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8ED

Comments: 28th February 2020
Letter attached.

Comments: 28th April 2020

Please add the following to my original objection (attached) to the development of a new dwelling at 303 Cirencester Road, Charlton Kings, Cheltenham GL53 8ED along with the following observations/comments:

The erection of a new property is unnecessary and would be detrimental to local wildlife and the Area of Outstanding Natural Beauty, having a particularly negative effect on the enjoyment of the area by neighbours and visitors.

The Local Planning Authority - i.e. you and your colleagues - have a responsibility to conserve and enhance the natural beauty of the area. Destroying natural beauty by allowing buildings to be erected would be a dereliction of duty - whether such development within the AONB falls just inside the urban area or not. Should this responsibility be ignored:

I note on the revised plans submitted, the roofline has been adjusted, garage removed and chimney stack reduced in height. However, the newly proposed design still includes Dormer Windows to the rear of the dwelling at first floor height. This remains of particular concern. As in the style of Creagh Lodge next door, the first floor windows to the rear of the property should be of a roofline style such as Velux. This would minimise the ability of any new resident to readily see into the living areas of our home. A restriction was dictated by Cheltenham Borough Council when Creagh Lodge was erected regarding the window style for similar reasons, and this should prevail in this instance too.

Lilleybrook Lodge
Cirencester Road
Cheltenham
GL53 8EU

Comments: 20th February 2020

Invasion of privacy of residents of 301,303 and 305 Cirencester Road, at the back of these houses.

Loss of natural drainage by replacing garden with hard surfaces on the site.

Further damage to the Lane's drainage of run off water from the hills above. Poor drainage already causes standing water to collect on the main road at the junction of the Lane with the main road: rendering the pavement unusable with mud and wetting from passing traffic. Increasing skid risk for traffic.

Bilbao
Gadshill Road
Cheltenham
Gloucestershire
GL53 8EF

Comments: 15th February 2020

There are only 34 AONB in England and the Cotswolds was designated as such in 1966. Timbercombe Lane falls into such a protected area.

I strongly urge the application be rejected and that the Council backs it's own obligation to protect such areas from development as was the original intent of the Act designating land as being an AONB i.e. to CONSERVE And PROTECT.

An Area of Outstanding Natural Beauty, (ANOB), the Council has a duty to afford these areas of countryside the highest level of protection. Any area, even a garden, inside an AONB site should not be considered for development as extracts from the Countryside and Rights of Way Act 2000 clearly state:

Part IV Section 82 (1)

Where it appears to [Natural England] that an area which is in England but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, [Natural England may], for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty.

Part IV Section 84 (4)

A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area.

In the past the Council has demonstrated that it is fully behind protecting this particular lane from development. Foden House was refused permission to build in it's garden in 2017. An application to build houses opposite Foden House was withdrawn, presumably in the light of objections from people all over Cheltenham in 2017. This following previous applications in 1982, 1990 and 1993. The erection of phone masts in 2000 was rightly refused.

Prior to this however, errors were made in approving the application for the building of Foden House, 1980, and again approving building Creagh Lodge in 2000. (No papers are available on the planning portal as to why they were approved.) I would hope that given the current pressures on AONB, that if these proposals were to be made today, they too would be refused.

The developer's disregard for the provision of the act is clearly demonstrated in the following extract from their application. Note the use of the word "only" in relation to the demands of the Act.

"1.10 The entirety of the site is located within Flood Zone 1 and therefore is not at risk of flooding. The only statutory designation that covers the site is the Cotswolds Area of Outstanding Natural Beauty (AONB)."

The following statement, also extracted from the application, is misleading in it's claim.

"Of the four neighbouring dwellings along Timbercombe Road three have been built on rear garden plots of varying design."

Timbercombe Cottage sits on land which was never part of the gardens of the houses in Gadshill Road. Two houses, Foden and Creagh are indeed built in gardens.

The character of the lane would be altered by the building of a house so close to the road. Apart from Creagh Lodge all the houses are set back and have a low visual impact. Indeed, if Creagh Lodge had not been built the visual aspect of the lane would be even better than it is today.

The following extract from the application cannot support the Act's requirement to "enhance" given the proximity to the road and the extensive parking area.

"... so that it looks to blend in with the surrounding area and enhance, views into and around the site and its setting."

The following is a purely subjective statement and should be disregarded from the application.

"The sites existing garden dating back to the 1930's is too large for a modern family.

Access for construction is not available. The lane is narrow and the site faced by a ditch. Ditches also run along the other side of the lane and would not allow access to large vehicles needed to bring in materials for construction.

In addition, the traffic generated from tradespersons arriving and needing parking would lead to the destruction of the verges and the "Triangle" where Timbercombe Lane meets Little Herberts Rd. A road sign stating 'Unsuitable for heavy goods vehicles' is already in position at the entrance to Timbercombe Lane for very good reason.

Current refuse collections are undertaken in Timbercombe Lane by smaller than usual trucks with bagged rubbish removed from bins by hand. As the proposed new house would use this facility, as do the current occupiers of the house at 303 Cirencester Road, that would mean there is no change. However, the development includes a new vehicle access from the Cirencester Road to 303. This would require the stopping of refuse vehicles in the Cirencester Road at a particularly busy stretch thereby putting operatives and road users at risk.

The garden also plays a valuable part in the drainage needs of the local area. I have no expert knowledge of the changes this development would make however, as a local resident who enjoys the lane and it's safe access to the hills beyond, I have experience of the amount of water that flows down the lane. Covering a substantial area with a house and associated "front courtyard space allows for multiple car parking spaces" cannot help the situation. Parking areas will reduce the amount of natural drainage forcing more water to run down to the Cirencester Road.

The development documents state that no trees etc will be affected by this development. This is because the land was cleared last Summer prior to this planning application being submitted.

Granting this application may result in more being submitted/re-submitted and they will be hard to resist if this gets permission.

Timberdale
Gadshill Road
Cheltenham
Gloucestershire
GL53 8EF

Comments: 24th February 2020

Letter attached.

Page 105
TIMBERDALE
GADSHILL ROAD
CHARLTON KINGS
CHELTENHAM
GL53 8EF



20th February 2020

Your ref: 20/00213/FUL

Dear Mrs Pickernell

Proposed new dwelling at rear of 303 Cirencester Road

Having looked at the documents relating to the above development I wish to object to this application.

I would like to draw the attention of the Planning Committee to the following points:-

1. Timbercombe Lane is in the ANOB and as such any further development should not be allowed. The application for a property to be built in the curtilage of Forden House was rejected and the plan to build houses on the opposite side of Timbercombe lane was withdrawn
2. The Summary of Proposal refers to the subject dwelling being the third in a row of rear plot developments along Timberdale Lane. This is not correct as only Creagh Lodge is built in the rear of an existing house.
3. It also states "The house will be of sympathetic design and construction to reflect the local vernacular particularly through the choice of building materials and colours." This cannot be achieved as the styles of the other houses along Timbercombe Lane are so diverse. Some were built in the 1920s and are of the same design as houses in Gadshill Road. (see images 1&6) Timbercombe Cottage which was also built in the 1920s is of the completely different design. Only Forden House and Creagh Lodge were built recently. They are each of an entirely different design from the existing houses and are totally different from each other. From looking at the plans the proposed building would have some similarities to Creagh Lodge which itself is not in keeping with the other properties.
4. Timbercombe Lane is narrow county lane and even the addition of one family sized dwelling would generate extra traffic. The lane is accessed from the busy main A435 (Cirencester Road) and to exit the lane is dangerous as the visibility is limited.
5. There are no main drains in Timbercombe Lane and the proposed new dwelling would have to link into the drains for 303 Cirencester Road and thence into a now very old system in Cirencester Road.
6. As there are no mains water pipes in Timbercombe Lane the water supply would need to come through the grounds of 303 Cirencester Road and join into the mains in Cirencester Road. The mains water pipe terminates at the end of Gadshill Road. In hot weather the supply has failed to houses near the end of the mains and any further dwelling would add to the strain on the mains. In the past having both water pipes and mains drainage pipes running through a neighbour's property has caused problems when a blockage occurs.

7. Although the site is not on a flood plain, water does come down from Timbercombe Hill and the lane becomes a river. A good proportion of the plot is to be covered by the building and hard standing thereby decreasing the area of land to absorb rain water.

Yours sincerely,



Mrs Emma Pickernell
Planning Officer
Cheltenham Borough Council
P.O.Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

301 Cirencester Road
Charlton Kings
Cheltenham
GL53 8ED

Mrs Emma Pickernell
Planning Officer
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham
GL50 1PP

Dear Mrs Pickernell,

RE: 20/00213/FUL – 303 Cirencester Road, Charlton Kings, Cheltenham, Gloucestershire, GL53 8ED

I wish to register my objection to the development proposals for the erection of a new dwelling in the rear garden of 303 Cirencester Road, Charlton Kings, Cheltenham, GL53 8ED

My primary concerns relate to the following issues, which I expand upon within the body of this letter:

- 1 Detrimental Affect on an Area of Outstanding Natural Beauty (AONB)
- 2 Prior Destruction of AONB Environment to Facilitate Application
- 3 Other Recent Applications Refused Permission
- 4 Inappropriate Design and Scale of the Proposed New Dwelling
- 5 Avoiding Disruption
- 6 Detrimental Effect on Flood Water and Soak

Detrimental Affect on an Area of Outstanding Natural Beauty (AONB)

The site lies within the Cotswold AONB and this development will have a negative impact upon the setting of this nationally designated landscape.

The erection of a new property is unnecessary and, given it will certainly not enhance or conserve the aesthetics of the area, the proposal is wholly inappropriate.

Paragraph 11 d) of the National Planning Policy Framework (NPPF) states that:

- 11. d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

It is noted that Cheltenham Borough Council (CBC) are not currently able to demonstrate a five year housing land supply (latest figure published December 2019 stating 3.7 years). In the absence of a five year housing land supply, and up-to-date policies, the decision maker is required to make a judgement as to whether the adverse impacts of a development would be so harmful that they would outweigh the benefits of the development.

In June 2019, further clarification on the issue of "out of date" policies was provided within the High Court judgement *Wavendon Properties Ltd v Secretary of State for Housing, Communities and Local Government (SoS)* and Milton Keynes Council. Within the judgement, at paragraph 58, Mr Justice Dove states:

"In my view the plain words of the policy clearly require that having established which are the policies most important for determining the application, and having examined each of them in relation to the question of whether or not they are out of date applying the current Framework and the approach set out in the Bloor case, an overall judgment must be formed as to whether or not taken as a whole these policies are to [be] regarded as out-of-date for the purpose of the decision. This approach is also consistent with the Framework's emphasis (consonant with the statutory framework) that the decision-

taking process should be plan-led, and the question of consistency with the development plan is to be determined against the policies of the development plan taken as a whole. A similar holistic approach to the consideration of whether the most important policies in relation to the decision are out-of-date is consistent with the purpose of the policy to put up-to-date plans and plan-led decision-taking at the heart of the development control process. The application of the tilted balance in cases where only one policy of several of those most important for the decision was out-of-date and, several others were up-to-date and did not support the grant of consent, would be inconsistent with that purpose.”

Notwithstanding the above, in practice the contribution to housing supply made by 1 x additional dwelling is so negligible that the weight to be attributed to the presumption in favor of sustainable development is diluted and I submit does not override policies which seek to protect the setting of the AONB.

In summary, the above referenced judgement has set out that applying the titled balance test referred to within paragraph 11(d) of the NPPF does not automatically apply if only one of the important policies relevant to decision making is determined by the decision maker to be out of date.

To apply the titled balance test in these circumstances would be inconsistent with the purpose of paragraph 11 of the NPPF, which seeks to put plan led decision at the heart of the planning process. The judgement clarifies that the tilted balance can only be triggered when policies are considered collectively to be out-of-date.

The statement made by the applicant claiming that the ‘tilted balance’ is triggered is contested.

Notwithstanding the above, Footnote 6 to paragraph 11 d) i. explicitly states that the tilted balance test does not apply where the application of policies in the NPPF that protect areas or assets of particular importance provide clear reason for refusing proposed development, including but not limited to Areas of Outstanding Natural Beauty.

In addition to policies contained within the NPPF, the following policies are pertinent to development within the AONB:

Policy SD7: The Cotswolds Area of Outstanding Natural Beauty (AONB) of the Joint Core Strategy states:

All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.

Development of an additional dwelling in the rear garden of the existing property will fail to enhance and conserve the scenic beauty of the area. The southern fringes of Cheltenham within the AONB are characterised by a dendritic settlement pattern, which helps to create a ‘soft edge’ to the town.

Development of established gardens will drastically increase the development density of the area, detracting from the value and setting of the AONB.

The **Countryside and Rights of Way Act 2000** states:

Part IV Section 82 (1)

Where it appears to [Natural England] that an area which is in England but not in a National Park is of such outstanding natural beauty that it is desirable that the provisions of this Part relating to areas designated under this section should apply to it, [Natural England may], for the purpose of conserving and enhancing the natural beauty of the area, by order designate the area for the purposes of this Part as an area of outstanding natural beauty.

Part IV Section 84 (4)

A local planning authority whose area consists of or includes the whole or any part of an area of outstanding natural beauty has power, subject to subsections (5) and (6), to take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty or so much of it as is included in their area.

Policy CE10: Development and Transport – Principles of the Cotswolds AONB Management Plan states:

1. *Development and transport in the Cotswolds AONB and in the setting of the AONB should have regard to – and help to deliver – the purposes of conserving and enhancing the natural beauty of the AONB and increasing the understanding and enjoyment of the AONB’s special qualities. They should also contribute to the economic and social well-being of AONB communities.*
2. *Proposals relating to development and transport in the Cotswolds AONB and in the setting of the AONB should comply with national planning policy and guidance. They should also have regard to – and help to deliver – the Cotswolds AONB Management Plan and be compatible with guidance*

produced by the Cotswolds Conservation Board, including the:

- (i) Cotswolds AONB Landscape Strategy and Guidelines;*
 - (ii) Cotswolds AONB Landscape Character Assessment;*
 - (iii) Cotswolds AONB Local Distinctiveness and Landscape Change;*
 - (iv) Cotswolds Conservation Board Position Statements.*
- 3. The purposes of conserving and enhancing the natural beauty of the Cotswolds AONB and increasing the understanding and enjoyment of the AONB's special qualities should be identified as priorities in Local Plans, Neighbourhood Plans, Local Transport Plans and other relevant plans and strategies. These plans and strategies should explicitly identify the Cotswolds AONB Management Plan as a material consideration.*

The Cotswold AONB Management plan emphasises the importance of conserving and enhancing the natural beauty of the AONB, which is highlighted in the adopted development plan.

Inappropriate Garden Land Development

The proposals represent wholly inappropriate development in residential garden land.

Paragraph 70 of the NPPF states:

70. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The proposals, if supported and approved, would set a dangerous precedent for the Council in allowing harmful development within the AONB. The harm caused by garden land development in this area has already been highlighted above, and if pursued by numerous other properties in the area would result in significant urbanisation of the fringe of the town.

The Local Planning Authority – i.e. you and your colleagues – have a responsibility to conserve and enhance the natural beauty of the area. Destroying natural beauty by allowing buildings to be erected would be a dereliction of duty – whether such development within the AONB falls just inside the urban area or not.

Garden Land and Infill Sites in Cheltenham Supplementary Planning Document (SPD)

SPD states that a key consideration in assessing planning applications is the impact that new development will have on the amenity of residents and other land users with the locality. Such elements of amenity include sunlight and overshadowing, loss of privacy, noise disturbance and an overbearing impact.

The development will have an overbearing presence of the rear garden of our property – No. 301 Cirencester Road – resulting in loss of private amenity and quiet enjoyment of the property. The loss of amenity therefore demonstrates that the development is inappropriate development and contrary to adopted local policy guidance.

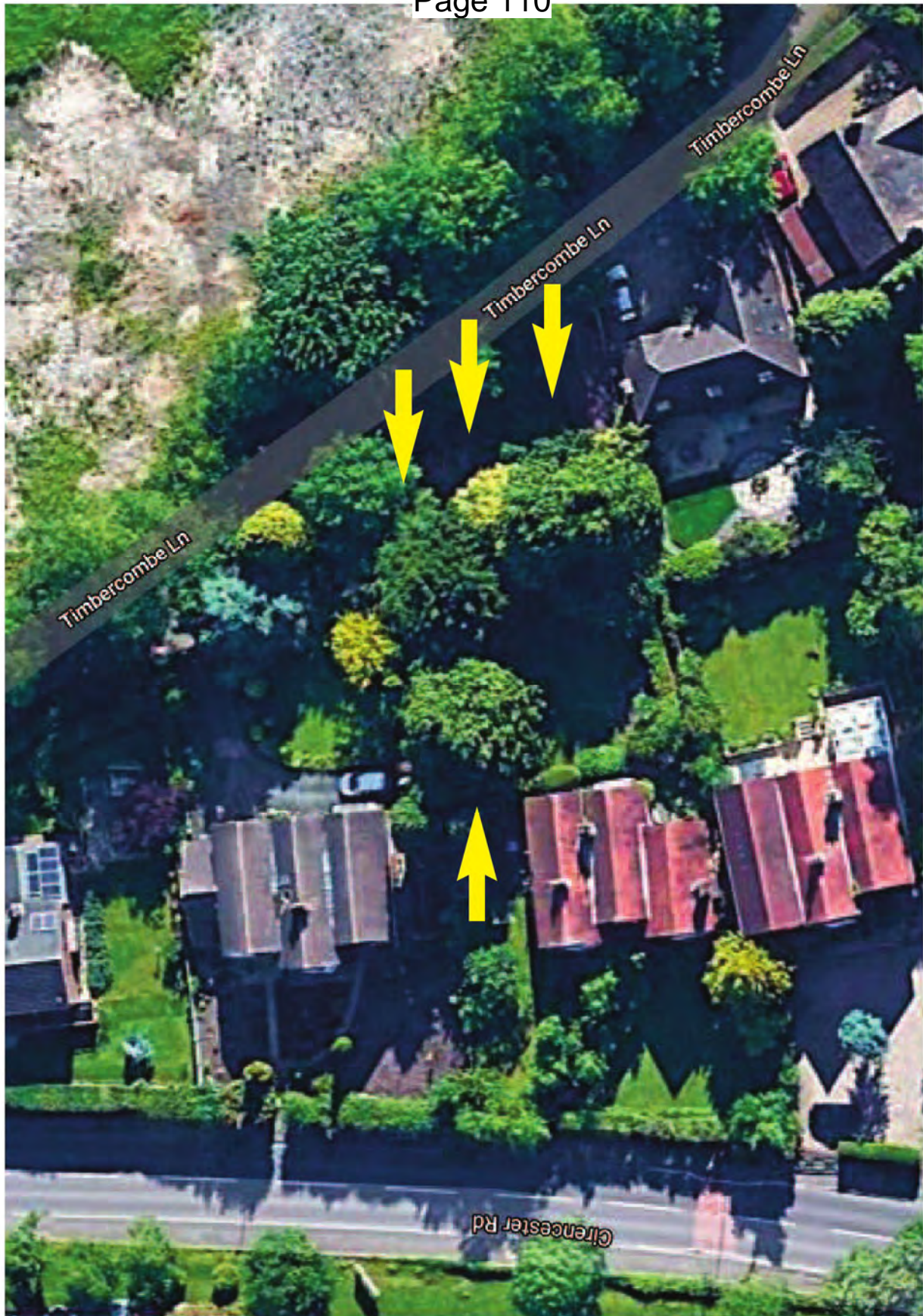
The SPD notes that the Council will consider where a proposed dwelling is in a cramped plot with insufficient amenity space. The scale of the footprint of the proposed dwelling, in relation to the garden area that will be lost as a result of the development, means that there will not be sufficient amenity space for both the existing dwelling of 303 Cirencester Road and the proposed dwelling. As such, it is not just the amenity of the surrounding dwellings which will be severely impacted, but also the amenity of the 'doner' dwelling (303 Cirencester Road).

Furthermore the proposal increases the density of residential development in the area and is very much contrary to the established urban grain. A further unequivocal indicator that this proposal is inappropriate and should not be supported.

Prior Destruction of AONB Environment to Facilitate Application

Should this application be approved it would represent an endorsement of the damage to the AONB already actioned by the owners to facilitate a more suitable 'land grab' for profit.

Prior to planning consent being sought, at the end of April 2019 the owners of 303 Cirencester Road felled ancient trees – a row of Yew and extremely large Fir – along with other trees as shown in the following image marked with yellow arrows.

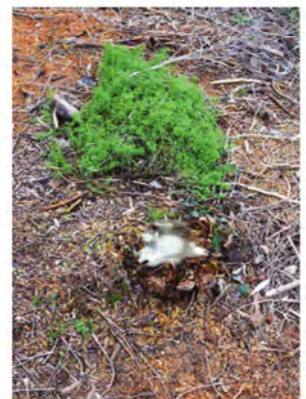


Consequently the beautiful, wildlife-friendly environment these trees provided has been lost – please see Tree Felling on the next page. I do not know categorically whether permission to fell some of the trees should have been sought from the appropriate authority, but that was the view of a tree surgeon we employed recently.

This action had a knock-on effect to trees and parts of trees (i.e. more of the AONB's positive features) in our garden at 301 Cirencester Road, as demonstrated in some of the following images and descriptions – *Neighbouring Trees Destroyed* and *Tree Felling Caused Danger to Tenants*.

Tree Felling

Sample pictures of the result of tree felling actioned at 303 Cirencester Road in April 2019.



View **before** tree felling ...



View **after** tree felling ...

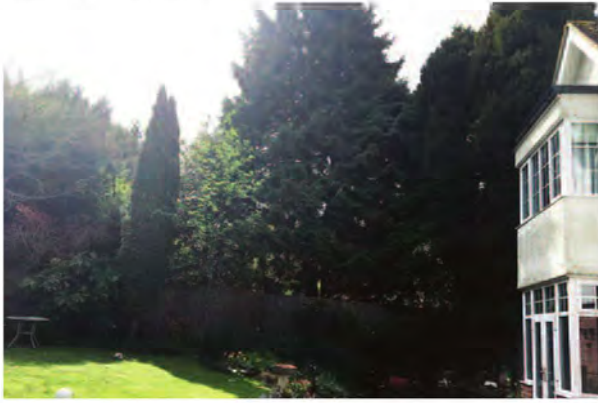


Neighbouring Trees Destroyed

Removing the protection provided by mature trees at 303 Cirencester Road resulted in significant **tree damage in the rear garden** of 301 Cirencester Road – with some trees completely collapsing as a direct result ...



View **before** tree felling ...



View **after** tree felling ...



Tree Felling Caused Danger to Tenants

The knock-on effect of tree felling at number 303 caused major damage to branches of a mature fir tree in our garden (301 Cirencester Road), which we had no option but to subsequently fell – at our expense!

The danger of the owner of 303's actions became increasingly clear during the recent storms – highlighting a serious threat to both his own property and, indeed, the safety of his Tenants. I am pleased WE were able to prevent further damage to property or persons.



A further act of disregard by the owner of 303 Cirencester Road was evident in the felling of a small tree on land adjacent to Timbercombe Lane at the rear, and a part of, 301 Cirencester Road.

My wife challenged the tree surgeons employed and, although they stopped short of raising the tree completely to the ground, most of the trunk had already been severed.

The tree surgeon said he had been instructed by the owner of 303 Cirencester Road to remove the tree.



Other Recent Applications Refused Permission

The applicant's submitted planning statement states that there are no relevant planning applications in relation to the application site itself. However, this is not true. Immediately adjacent to the application site planning permission for 4 dwellings (originally 5, application ref. no. 17/01088/FUL) was refused in June 2017. It is noted that this application was refused due to its negative impacts on the Cotswolds AONB, as well as its location outside of the Primary Urban Area.

A second relevant planning application in relation to the site was submitted in December 2017 for the construction of a new two storey dwelling at Forden House, Timbercombe Lane, Charlton Kings. (LPA Ref 17/02513/FUL) The first reason given by Cheltenham Borough Council in refusing to permit the development was:

- 1 *The proposed dwelling by virtue of its footprint and general design would fail to respond to the established local character and would constitute a cramped and contrived form of development in contrast to the general pattern of existing development and prevailing urban grain.*

In addition, the proposal fails to conserve the landscape character and scenic beauty in an Area of Outstanding Natural Beauty.

The proposal is therefore considered to be contrary to Policies CP1 (Sustainable Development), CP1 (Landscape Character), CPR (Development within or affecting the AONB), CP7 (Design and Layout) of the adopted Local Plan (2005), Policies SD4 (Design Requirements), SD6 (Landscape) and SD7 (Cotswold AONB) of the adopted Joint Core Strategy (2017) and guidance within the NPPF.

Other factors were considered in CBC's decisions to refuse both of the above applications, but the AONB was a significant factor – and quite rightly so. Both applications were adjacent to the border of the Principal Urban Area – one just inside, the other just outside.

Some of the objections to the new dwelling in the grounds of Forden House were the lack of garden space (for original and new property) not being in keeping with the area's balance. The scale of new property being proposed for 303 Cirencester Road also impacts the balance – the land area (and proportional garden area) of its would-be neighbour Creagh Lodge is out of keeping with the area and, therefore, should not be considered a precedent in any way. CBC's precedent of protecting the AONB and aesthetics of the area should be maintained.

Inappropriate Design and Scale of the Proposed New Dwelling

The development would have an overbearing presence of the rear garden of our house – 301 Cirencester Road – resulting in loss of private amenity and quiet enjoyment of our home.

The current proposed design with Dormer Windows of the new dwelling at first floor height would be of particular concern. As in the style of Creagh Lodge next door, the first floor windows to the rear of the property should be of a roofline style such as Velux. This would minimise the ability of any new resident to readily see into the living areas of our home.

With the exception of the dining room which, I note, is single storey, the footprint of the proposed dwelling is similar to Creagh Lodge. However, the height is considerably greater and should be restricted to the maximum elevation of Creagh Lodge. To clarify, and because Timbercombe Lane slopes down to Cirencester Road, this parameter should be the actual height of Creagh Lodge in relation to its position above Timbercombe Lane – not, for example, a distance above sea level which would allow any new dwelling to be of a taller construction.

Avoiding Disruption

Timbercombe Lane is 'Unsuitable for heavy goods vehicles'. While this may not be directly relevant to a planning decision, it should be considered. In the event of the AONB being ignored and permission to build being granted, access to the site should only be direct from Cirencester Road. This itself would cause disruption on one of Cheltenham's busy roads, but would avoid inevitable damage to the verges of Timbercombe Lane – including the drainage channels they provide from Timbercombe Hill.

Parking for any contractors/workmen would also be incredibly disruptive whether on the Cirencester Road or further up Timbercombe Lane at its junction with Little Herberts Road (a small area known as 'the triangle') where dog/leisure walkers park.



Below is the hedge at the rear of 303 Cirencester Road adjacent to Timbercombe Lane. Much of this is likely to be destroyed if the proposed development proceeds – another act that would be detrimental to the preservation of the Area of Outstanding Natural Beauty.



Detrimental Affect on Flood Water and Soakaway

The natural spring situated on the corner of Timbercombe Lane and Little Herberts Road flows along the side of the lane to join drainage systems on the Cirencester Road. Inevitably this channel needs clearing from time to time in order for the flow to be maintained. I do not recall witnessing council contractors

ensuring this is done, which is most likely why p..... (because she's vigilant and helpful) and other members of my family have found it necessary to dig out blockages at times of heavy rain. During times of particularly heavy rain, cuts have also been made through the earthen 'walls' of the channel adjacent to the tarmac in order for rain to exit the lane into the mains system.

There have been occasions when, due to sheer volume of water, even this action is not sufficient to prevent rain flooding off Timbercombe Hill joining rain running down Cirencester Road with devastating consequences for properties further along Cirencester Road towards town where the bridge just beyond the Clock Tower pub car park forms a blockage with sewerage/mains water systems unable to cope.

In recent times – the last few years – on several occasions Cirencester Road has been impassable due to flooding at the aforementioned bridge. On one of these recent occasions, Cirencester Road was closed at the junction with Timbercombe Lane and, due to Little Herberts Road also being impassable at its bridge, vehicles were forced to turn in the entrance to Timbercombe Lane and travel back up to Seven Springs.

Destruction of trees on the proposed development site will have already damaged the land's ability to cope with water retention. Covering the ground with a substantial dwelling and associated driveway/hardstanding will simply aid the process of passing the water problem on to residents further down Cirencester Road.

Some may argue the erection of a single dwelling won't make much difference but, undoubtedly, there will be a negative impact. A piecemeal approach by CBC in refusing to allow small areas of natural landscape on the edge of Cheltenham to be covered will help prevent damage to homes nearer to town.

Summary

For the above reasons we strongly recommend that the application is refused under delegated power, or called in for consideration by the Planning Committee to prevent this harmful precedent from being established for 'garden grabbing' within our precious AONB.

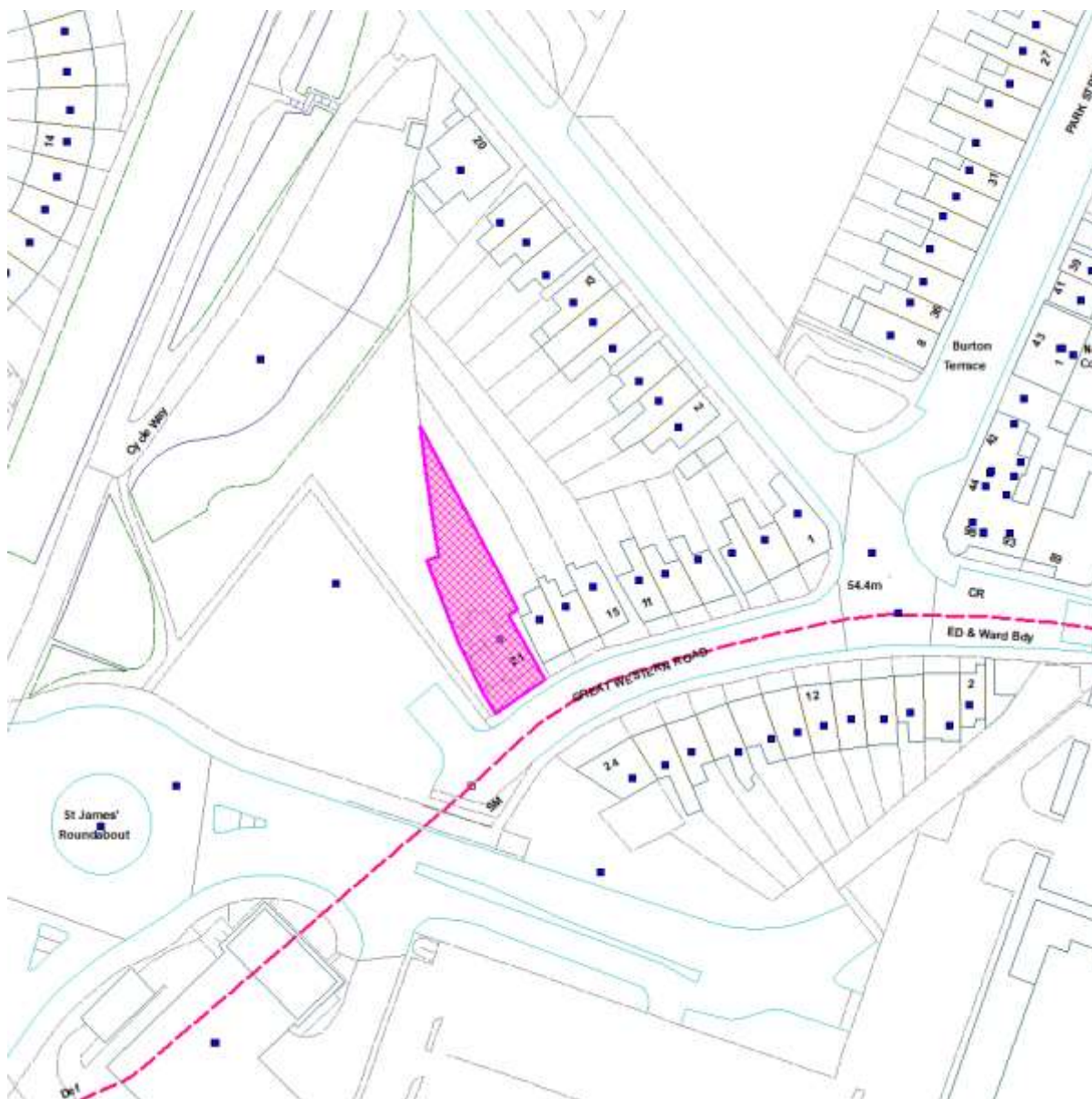
This Area of Outstanding Natural Beauty should be completely protected by a 'once and for all' decision to deny development permission by the Local Planning Authority whose duty in law is to 'conserve and enhance'. Failure to do so will result in permanent destruction of wildlife habitat and have a permanent detrimental effect on the lives of hundreds of Cheltenham residents who frequent the area for leisure. Granting permission would set a precedent for future, numerous developments in nearby plots within the AONB with any increase in the volume and nature of traffic using the single vehicle Timbercombe Lane potentially resulting in serious accidents – particularly at the Cirencester Road and Little Herberts Road junctions.

Yours sincerely,



APPLICATION NO: 20/00273/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 14th February 2020	DATE OF EXPIRY: 10th April 2020
DATE VALIDATED: 14th February 2020	DATE OF SITE VISIT: 27th February 2020
WARD: St Peters	PARISH:
APPLICANT:	Mr Stephen Harper
AGENT:	RRA Architects
LOCATION:	21 Great Western Road, Cheltenham
PROPOSAL:	Demolition of the existing garage and outbuilding and erection of 2 storey extension to form 4 x 1 bedroom flats.

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 an existing, detached, two storey dwelling located at the terminus of Great Western Road, a cul-de-sac leading off Market Street. The house, along with those on this side of the street are rendered, with those opposite being brick. To the west of the site is a green space and beyond is the petrol station for the Waitrose supermarket.
- 1.2 The site is located within the Lower High Street character area of the Central Conservation Area and also within the Principal Urban Area of Cheltenham.
- 1.3 The Honeybourne line footpath passes by the site and connects the site to the town centre and the railway station.
- 1.4 The site is within Flood Zone 3 and has therefore been accompanied by a Flood Risk Assessment.
- 1.5 The existing dwelling has three bedrooms (1 accommodated in the downstairs front room), lounge, kitchen/diner and a garage located in a lean-to side extension, there is a further single storey side addition to the kitchen. Planning permission is sought to demolish these extensions and to construct a two storey side extension which would in essence be an extrapolation of the main dwelling. The proposal also includes a two storey gabled rear extension. The resultant building would be divided to form 4 x 1 bedroom flats ranging from 36 – 44 sqm. The proposal also includes a bin and bike store within an area of shared garden at the rear of the plot, accessible via a shared path between 21 and 19 Great Western Road.
- 1.6 Revised plans have been submitted during the course of the application which clarify the extent of the shared access to the rear and add fenestration to the southwest elevation.
- 1.7 The application is to be determined by planning committee at the request of Cllr Willingham.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Flood Zone 2
Flood Zone 3
Honeybourne Line
Principal Urban Area
Residents Associations
Smoke Control Order

Relevant Planning History:

17/00214/PREAPP 17th February 2017 CLO

Removal of existing garage and replace with 2 bedroom dwelling

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places
change, flooding and coastal change
Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

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

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction
SD4 Design Requirements
SD8 Historic Environment
SD10 Residential Development
SD14 Health and Environmental Quality
INF1 Transport Network
INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Central conservation area: Lower High Street Character Area and Management Plan (July 2008)

4. CONSULTATIONS

Ward Member Comments

Cllr Willingham:

I have received representations from the public expressing concerns about this application.

The specific issue of most concern is the loss of parking and the detrimental effect that this will have on the extant local community. If this development is approved, I want the council to specifically state and agree with Gloucestershire County Council that they will be car-free and will NOT be entitled to parking permits (except visitor permits or blue badge holders) for the area. I already get complaints from residents that there are insufficient spaces for permit parking in the area, and if this development is permitted with parking, then with will cause significant loss of amenity to extant residents.

Other Member Comments

None

Gloucestershire Centre For Environmental Records

17th February 2020

Report available to view on line.

GCC Highways Planning Liaison Officer

3rd March 2020

1. The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan ref: -3144P(2)04- and those facilities shall be maintained for the duration of the development.

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

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

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

Informative

Restrictions of Parking Permits - Controlled Parking Zone/Residents Parking Scheme.

You are advised that the Local Highway Authority has recommended to the Local Planning Authority (LPA) of which the development forms part and shall be treated as car free/low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a residents parking scheme.

Environmental Health

18th February 2020

The current plans have living areas over/under bedrooms which has the potential for noise nuisance and may receive adverse comments from EP.

Is it possible to suggest to the applicant that they redesign the layout?

24th April 2020

Reviewed revised plans for the above application. No comments or objections.

St James Action Group

20th February 2020

1. The proposal

The application, as described, seeks to understate what is proposed and should be viewed more accurately as a change of use from a 2 bed detached (but end of terrace) house to form 2 x 1 bed flats, and the demolition of existing attached garage and outbuilding to build 2 x further 1 bedroom flats.

The existing house is entirely similar, although detached, to those adjacent which form a Victorian terrace, and the proposed 'extension' will replace the existing garage with a building not dissimilar in scale to the existing house.

2. Character of the neighbourhood

With the development of the St James site, Great Western Road was severed by the construction of the roundabout and access road to the Waitrose supermarket.

The remaining small 'enclave' of period houses are single household dwellings. 4 x 1 bedroom flats is high density and possibly over-development of this site.

The applicant seeks to confuse the matter of 'density' and consistency and standard of the neighbouring properties, thus:

'the proposed scheme looks to increase the sites density bringing it up to a much more consistent (sic) standard to the existing building and the neighbouring properties'

No 'development' of similar houses has taken place in Great Western Road, except for extensions to improve the existing dwelling, and not to create additional dwellings, and yet there is an attempt by the applicant to suggest the opposite.

Reference to or comparison with the entirely different character of the large apartment buildings in the area to support this proposal is a 'stretch' at best.

The conversion to residential of 2 closed public houses in nearby New Street/Park Street also has little relevance to this particular application.

There has been building of modest residential units on previously non residential industrial sites in last 10 years, all in Market Street. These consist of 1 x 3 bed house, 3 x 2 bed houses, and 2 x apartments, all with off street parking.

3. Adverse Impact

Like almost any other area, parking is a major problem, and proposing a development with no parking provision is wholly detrimental to residents who already have to compete for space on a daily basis.

The residents' permit scheme in the area forces payment of a fee, yet parking, particularly in the evening, is often impossible anywhere near the homes, or even within the immediate area.

Having no parking on the site does not mean that residents will not own a car. 4 x 1 bedroom flats could potentially result in 8 extra cars competing for the limited parking space available in an area with little or no off-street parking.

It is particularly significant in this case because it will lead to the loss of very valuable off-street parking.

It is difficult to see how this application, as proposed, will not have a negative impact on this neighbourhood community, or indeed on the new residents who may occupy these flats.

This application should be refused and the applicant urged to review and possibly amend the proposal to provide a more acceptable development of perhaps 2 dwellings which retain parking provision.

This has the potential to give more satisfactory living accommodation in terms of room sizes and outdoor amenity space, and be more in keeping with the character of the neighbouring properties.

Please accept this as an objection to this application.

Building Control

14th February 2020

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

15th April 2020

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

Environment Agency

26th March 2020

Thank you for referring the above consultation, which we received in full on 17 February 2020. I apologise for the delay in responding which has been caused by the February Flooding Incident, and the Coronavirus situation.

Further to the Flood Risk Assessment (FRA) submitted by Ambiental Environmental Assessment dated December 2019, in support of the above planning application we have the following comments to make:

The proposal is for the conversion and extension of an existing residential property into 4 self-contained flats. Hence the FRA is correct in identifying that the proposed use will remain unchanged as 'more vulnerable' as defined in Table 2 of sub-section 25 within the Flood and Coastal Change section of the National Planning Practice Guidance (NPPG).

Whilst the site is located within Flood Zone 3 (High Probability of river flooding, as defined in Table 1 of the Flood Risk and Coastal Change section of the National Planning Practice Guidance (NPPG), as shown on our Flood Map for planning, the FRA is also correct in identifying that this is based on generalised national modelling, known as Jflow, and that more detailed data is available as set out in Table 4. This information includes the presence of the Chelt Flood Alleviation Scheme which takes the form of a design channel at this location.

Using this data we can confirm that the site is effectively located in flood zone 1 (outside the floodplain) and that this would still be the case even when taking account of the potential impacts of climate change using our nominal allowances.

Hence the primary risk of flooding to the site has been identified as originating from surface water as a result of the local drainage system being unable to cope during a significant rainfall event. However, appropriate mitigation actions have been outlined with section 9.1 of the report which we recommend are adopted as part of the final designs.

In conclusion the proposals result in no change to the vulnerability classification of the building which is considered to effectively be located within Flood Zone 1 as a result of benefiting from the Chelt Flood Alleviation Scheme without having to rely on raised hard or soft defences.

I trust the above will assist in your determination of the application. Please do not hesitate to contact me if you have any queries. A copy of the subsequent decision notice would be appreciated.

16th April 2020

Thank you for consulting us on the revised plans for the above application. The alterations would not have any material impact on our previous response, and we have no further comments at this stage.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	21
Total comments received	6
Number of objections	6
Number of supporting	0
General comment	0

5.1 The application was publicised by way of letters to 21 neighbouring properties, a site notice and a notice in the paper. 6 letters of objection have been received which raise the following issues:

- Loss of existing parking & lack of parking for proposed units will exacerbate existing problems
- Green area next to house should be used as parking
- Lack of security to side access
- Impact of shed on light to neighbouring garden & odour

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) principle of development, (ii) design and layout, including impact on the conservation area, (iii) impact on neighbouring properties, (iv) access and highways issues, (v) Flood Risk and (vi) any other material considerations.

6.3 Principle/Policy context

6.4 The relevant policy documents for consideration are the saved policies of the adopted Cheltenham Borough Local Plan (2006), the NPPF (2019) and the adopted Joint Core Strategy (2017) (JCS). The Council's adopted Supplementary Planning Document 'Residential Development on Garden land and Infill Sites: Cheltenham' (2009) is also relevant to the proposals.

- 6.5** Local Plan Policies CP7 (design requirements), CP4 (local amenity), CP3 (sustainable environment) and JCS Policies SD3, SD4, SD8, SD10, SD14, INF1 and INF2 are most relevant to the proposals. The corresponding policies of the emerging Cheltenham Plan are also relevant albeit the weight that can be attached to individual policies will be dependent on the stage reached in the plan's adoption and the level of objection received relevant to each policy.
- 6.6** The site lies within the Principal Urban Area (PUA) and in a sustainable location where the principle of infill development is supported by Policy SD10 of the JCS, unless otherwise restricted by policies within District Plans.
- 6.7** The site is within easy walking distance of the town centre, train station and Central Shopping Area. The site must therefore be considered a sustainable location for residential development in the context of the NPPF. As such, subject to any other material considerations, the principle of additional residential units on this site is considered acceptable.
- 6.8** Footnote 7 of paragraph 11 explains further that for applications involving the provision of housing, relevant policies must be considered out of date in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing.
- 6.9** As at the time of writing, Cheltenham Borough Council cannot demonstrate a five-year supply of housing land with the latest figure (December 2019) set at 3.7 years. The proposal would provide for 3 additional dwellings which would make a modest and welcome contribution towards alleviating the shortfall. Paragraph 11(d) of the NPPF ('the tilted balance') would therefore be engaged.

6.10 Design and layout

- 6.11** Policy CP7 of the Adopted Local Plan states that development will only be permitted where it is of a high standard of architectural design and complements and respects neighbouring development and the character of the locality. Policy SD4 of the JCS reflects the principles of good design embodied in the NPPF and reiterates that development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness and addressing the urban structure and grain of the locality. The Council's adopted Supplementary Planning Document 'Residential Development on Garden land and Infill Sites: Cheltenham' (2009) reiterates a similar approach in assessing infilling and garden land developments.
- 6.12** The proposed dwelling is a detached house in a street which is generally made up on short terraces of properties. On the whole these are brick on the south side of the street and rendered on the north side. There is a degree of consistency to the rhythm of the dwellings, however the end dwellings on both sides of the street differ on style and form (including 21 Great Western Road as existing). The end-of-row property opposite, has some similarities to the application scheme in terms of elevational treatment and balance. The scheme has been designed to pick up on the features of the dwellings in the street, i.e. banding, window style, front door and canopy style and materials. As such it is considered that the resultant scheme will have a satisfactory appearance in the street scene. The rear extension is considered to be in keeping with the main building and to have a satisfactory appearance. Amended plans have been submitted to add windows to the side elevation. This adds interest to what was a blank elevation and has the added benefit of providing some passive surveillance to the adjacent footpath and public open space.
- 6.13** For these reasons the proposal is considered to be of an acceptable layout and appearance and to have an acceptable impact upon the conservation area.

6.14 Impact on neighbouring property

- 6.15** Policy SP4 of the Local Plan states that development will not be permitted where it would not cause harm to the amenity of adjoining land users and locality. This requirement is repeated in policy SD14 of the JCS and within the SPD.
- 6.16** The application site has one immediate neighbour at 19 Great Western Road. This property has a single storey rear extension which was approved in 2015. The rear extension to 21 Great Western Road passes the light test and would not result in a loss of light to this neighbouring property. There are no side facing side windows on the extension and the proposal would not result in a loss of privacy to any neighbour.
- 6.17** A specific concern has been raised in relation to the bin and bike storey. This would be located alongside the common boundary, approximately 11m from the nearest point of the neighbours extension. The openings to the store are on the western side of the structure. It would be 5.5m long and 2.5m high. Given that 2m high fences between properties fall within permitted development it is not considered that the proposal would have a significant impact upon the neighbours enjoyment of their garden. Comments have been made about odour, however it is considered that this is less likely to be a problem with the bins being housed in a bespoke gated structure than being out in the open. As such, whilst the neighbours concerns in this regard are noted, it is not considered that they would warrant the refusal of the application.
- 6.18** For these reasons the proposal is considered to be acceptable in terms of neighbour amenity.
- 6.19 Access and highway issues**
- 6.20** Policy JCS INF1, reflects the national policy position set out in Section 9 of the NPPF which is that planning permission will only be granted where the impact of development is not considered to be severe. The policy also states that developers should provide safe and efficient access to the highway, connections are made to existing walking, cycling and passenger transport networks and should be designed to encourage maximum usage.
- 6.21** The proposal results in the loss of 1 garaging space and one off road parking space in front of the garage. No parking spaces are proposed as part of the development.
- 6.22** Given the highly sustainable location of the proposal in terms of proximity to the town centre and convenient walking and cycling links to facilities and transport links, via the Honeybourne line, it is not considered that any objection could be sustained due to lack of parking. However it is acknowledged that there is pressure in the local area for on street parking and the Highways Officer has advised officers that no additional permits would be issued for occupants of these properties. An informative has been attached to this effect. As such, whilst it is unlikely that the proposal could be refused on these grounds in any event due to the location, these measures should prevent a worsening of the situation for existing residents.
- 6.23** For these reasons the highways and access arrangements are considered to be acceptable.
- 6.24 Flood Risk**
- 6.25** The application site is within flood zone 3 which is land assessed as having a 1 in 100 or greater annual probability of river flooding in any year. Within such areas a Flood Risk Assessment (FRA) is required to determine whether it is specifically within zone 3b (functional flood plain) or 3a which is lower risk. In zone 3a dwellings will only be acceptable if an Exception Test is passed.
- 6.26** This approach is set out in section 12 of the NPPF and policy INF2 of the JCS.

6.27 The Environment Agency have responded to the application (full comments reproduced above). They explain that although the site is technically within floodzone 3, the provision of flood defence infrastructure in the form of the Chelt Flood Alleviation Scheme, effectively places the site in Flood Zone 1; the lowest risk category. They also confirm that there is no change in the vulnerability classification of the use of the site and as such raise no objection to the proposal.

6.28 Other matters

6.29 The Environmental Health Officer has requested revision to the layout so that bedrooms would be above bedrooms and living spaces above living spaces. Whilst the reasons for this are understood it is not considered appropriate to ask for revisions to the layout, bearing in mind the layout of the accommodation and that internal layouts can be changed without the need for planning permission.

6.30 A query has been raised in relation to the side entrance. It is understood that both 19 and 21 Great Western Road have access to this pathway. The removal of the existing gate is considered to be a matter for the neighbours to resolve between themselves.

7. CONCLUSION AND RECOMMENDATION

7.1 The proposal represents a modest but valuable net contribution of 3 units to housing supply. It is well designed, has an acceptable impact upon neighbouring properties and is in a highly sustainable location where the principle of new dwellings is supported.

7.2 For the reasons outlined above the application is recommended for approval subject to conditions.

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan ref: - 3144P(2)04- and those facilities shall be maintained for the duration of the development.

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

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

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

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

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

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

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

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 You are advised that the Local Highway Authority has recommended to the Local Planning Authority (LPA) of which the development forms part and shall be treated as car free/low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a residents parking scheme.

APPLICATION NO: 20/00273/FUL		OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 14th February 2020		DATE OF EXPIRY : 10th April 2020
WARD: St Peters		PARISH:
APPLICANT:	Mr Stephen Harper	
LOCATION:	21 Great Western Road, Cheltenham	
PROPOSAL:	Demolition of the existing garage and outbuilding and erection of 2 storey extension to form 4 x 1 bedroom flats.	

REPRESENTATIONS

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

24 Great Western Road
Cheltenham
Gloucestershire
GL50 3QN

Comments: 28th February 2020

It is with regret that we feel that we have to object to this development. The parking in this area is already at saturation point and the potential of adding an additional 8 cars to the street would be unacceptable. If the plans could be changed to use the garden as off road parking then we would not object to the planning

22 Great Western Road
Cheltenham
Gloucestershire
GL50 3QN

Comments: 4th March 2020

Having lived in Great Western Road for over 20 years I have seen the parking situation escalate to saturation point. I strongly object to the potential of up to 8 additional cars taking up future parking spaces when it is already a struggle to park for existing residents.

20 Great Western Road
Cheltenham
Gloucestershire
GL50 3QN

Comments: 2nd March 2020

I would like to object to this application as it will result in, potentially result in, an additional 6 cars being parked on a road where parking is already limited. There currently is not enough parking space allocation for the number of properties on the road as it is.

This is already a real issue for the road resulting in residents having to park on neighbouring roads.

Even during the day it is problematic as commuters use the road to park for free and also when residents have returned from work are having to wait for commuters to finish their shifts to vacate the parking places they have occupied during the day so that they can park.

18 Great Western Road
Cheltenham
Gloucestershire
GL50 3QN

Comments: 24th February 2020

I am emailing you regarding the demolition of the existing garage and outbuilding and erection of 2 story extension to form 4x1 bedroom flats at 21 Great Weston Road.

We of 18 Great Weston have no objections to the planning of 4x1 bedroom apartments, however we strongly object if no correct parking facilities are put in place. We would like to suggest that the green land area next to the house could be used for parking. As you may already know parking on Great Weston Road is already a nightmare and without correct parking put in place, it will become worse.

14 Great Western Road
Cheltenham
Gloucestershire
GL50 3QN

Comments: 17th February 2020

I am a resident in Great Western Road and wish to object to this proposed development on the grounds of overcrowded residents parking issues. I've raised this with the council at the community centre meetings in Grove St earlier this year, with councillor Diggory Seacombe, (who did not respond), and councillor David Willingham who took the time to send an extensive, detailed response.

This is a real, everyday issue for residents in this area. I have lived here for 25 years and have always been able to park near my home, however in the last few years the increase of developments in the locality including new builds and renovations / conversions have put additional pressure on residents parking, making it harder to park here.

These developments have not included adequate if any provision for off road parking. At most, some have incorporated off-road parking for one vehicle, a drive or garage, while the majority have none. This is an old part of town where most of the houses are terraced and very few have driveways or garages, so we all rely on the availability of roadside parking which has become increasingly cramped and inadequate.

With the introduction of permit parking bays in August 2018, there are more permits than available spaces. This is largely due to the increase of new developments and conversions in the area, namely Market St, New St, Burton St, Grove St and New St.

Around 50 new houses, 2 pub conversions, 2 maisonettes and 3 flats have been added to the above named streets alone since the Waitrose development was built on a large existing NCP car park.

Most of the additional properties built since then do not have adequate if any provision for off road parking. Grove St has no roadside parking at all, so any of the new properties there with inadequate or no off-road parking for two cars now over-spill into surrounding streets. The integral garages in the newer houses along Market St are rendered useless as its impossible to turn a car into and out of them. The road is too narrow, with cars parked down one side.

Many of the residents in this street have also incurred additional parking fines for parking in the turning bay in Great Western Road overnight, if there are no available spaces in the permit bays by 8am the following morning. At least 4 cars park there every night due to lack of space. It's a huge inconvenience as well as costly to have to be vigilant about this. We all accept that we may not be able to park in our own streets if they are full. It's not acceptable to have to drive further afield hoping for a space elsewhere within the permit zone. There are no guarantees either as these are all residential too.

The argument of encouraging green policies with the reduction of car ownership is pointless for me. I am a mobile therapist and rely on a car for my self-employed business. If I could manage without a car, I would.

I now consider whether to go out in my car in the evening, because I may not be able to park anywhere near my home on return. There is always the option for us to move, but more car user/s will just replace us. The problem won't be solved.

The proposed conversion of 21 Great Western Road into 4 flats with no provision for off-road parking is only going to make the parking situation far worse still, with 4 to 8 potential vehicles all needing to park roadside too. The existing drive and garage will go, which currently provide off road parking for 2 cars.

I have written to the council recently about converting the grassed area at the end of the turning bay in Great Western Road into a permit parking area for over-flow residential parking. This used to be a garage. It is not used for anything other than to cross over to reach Honeybourne Way.

I believe there are proposals to turn this into a wildflower meadow which is nice, but we have the Honeybourne Line and Winston Churchill gardens which are more suitable places for this, away from traffic and safe for children.

Unless additional space for parking is provided in the area, we can't take any further new developments that have no provision for off road parking for 2 cars per household.

19 Great Western Road
Cheltenham
Gloucestershire
GL50 3QP

Comments: 1st March 2020

We are residents of 19 Great Western Road (GWR), the neighbouring property to the site in question. We object to the proposed development for the following reasons.

Parking.

This has already been covered extensively by 2 other residents of GWR and a representative of St James Action Group. We agree with everything that has been written. In addition, we would like to point out the following. The applicant appears to suggest that any new residents will choose not to own a vehicle. Whilst it is true that the property lies in a location that is conducive to "vehicle free living", very few, if any of the current residents choose to do so. In fact the majority of properties have multiple vehicles and are well within their rights to do so in the same way that residents of the proposed flats would be. All of the evidence suggests that new residences will only add to the already drastic problem of parking on GWR.

Side-entrance and refuse/bike shed.

The shared side entrance lies between our property and number 21. To increase security, the alley has a locked gate at the entrance to GWR. The drawings of the proposed plans do not show our property has a door that opens into this alley. The proposed plans to allow access for refuse collection will mean that this gate has to be removed, considerably reducing the security of our property.

It is not clear from the plans what the height of the shed will be. If the shed were to be taller than the existing fence between our properties, it would block light from our garden throughout daylight hours. It would drastically block light from our outdoor dining area during the evening hours in the summer.

The refuse shed will cause an unpleasant smell, especially during warm weather in the summer, precisely when we spend the most time in the garden. The proposed volume of bins available to the flats is excessive and will only add to the smell problem. All of the other properties on GWR have their bins and recycling collected from the street in front of them, having one property without these will not make the street look "clean and tidy".

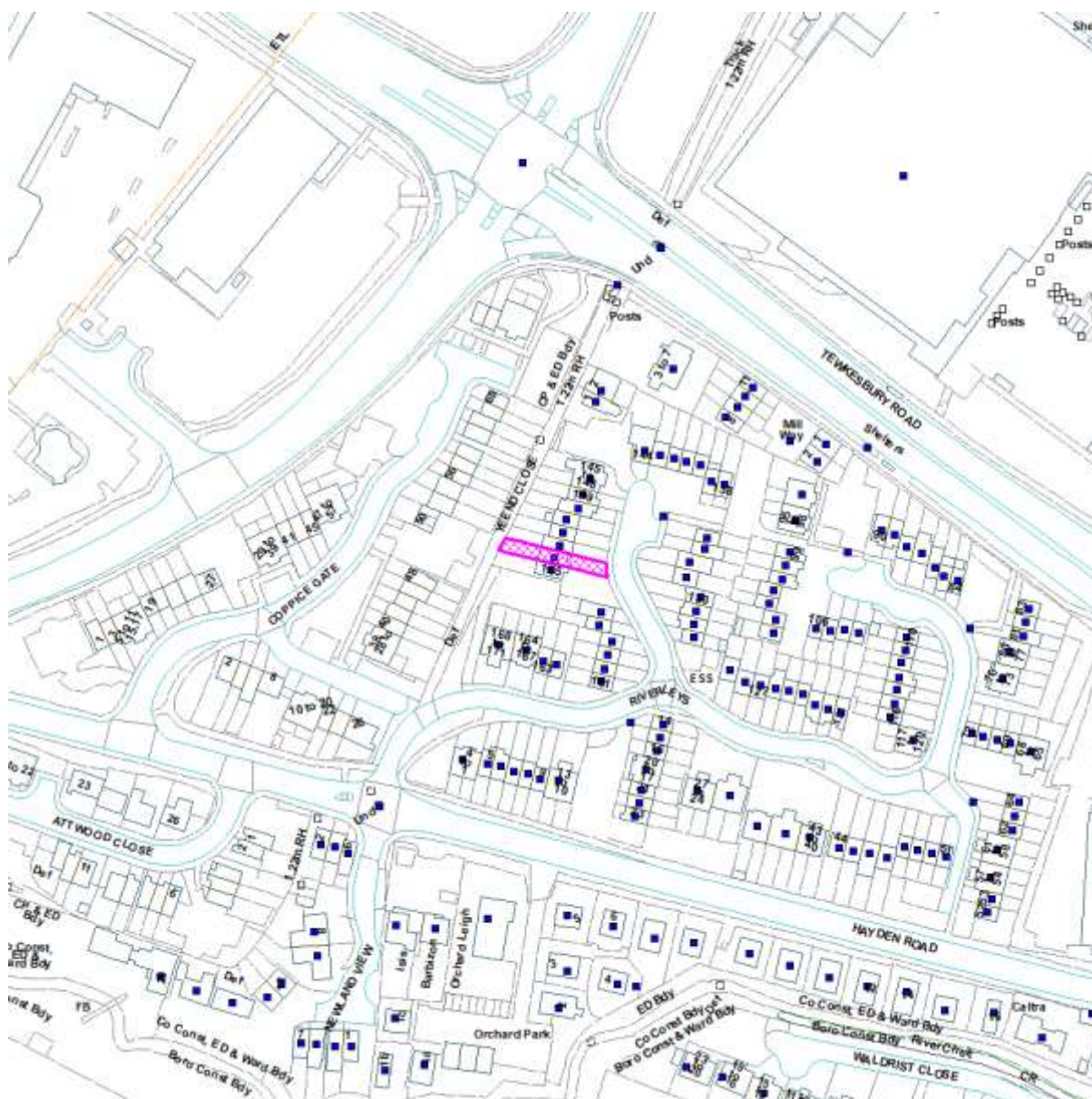
The latter two points (height and smell) could be reduced by putting the shed against the opposite fence.

In many places throughout the application an attempt is made to imply that most of the properties on GWR have been developed to a similar specification to what is being proposed. "Multiple developments have occurred over recent years to the neighbouring sites making this one of the last to be developed in the area." This is absolutely not the case. The only extension we are aware of is our single story extension to the rear of the property which cannot be compared to the scale of this proposition. The applicant claims that the development would be "completely appropriate for the area and would continue the trend of development along Great Western Road", this is untrue and worryingly misleading.

Whilst the problems of parking and the refuse shed outlined above remain, we object to this application.

APPLICATION NO: 20/00454/FUL	OFFICER: Mr Daniel O Neill
DATE REGISTERED: 12th March 2020	DATE OF EXPIRY: 7th May 2020
DATE VALIDATED: 12th March 2020	DATE OF SITE VISIT: Site Photographs
WARD: Swindon Village	PARISH: Swindon
APPLICANT:	Mr & Mrs Modi
AGENT:	Space Genie Design
LOCATION:	154 River Leys, Cheltenham
PROPOSAL:	Erection of conservatory to rear of the property (part-retrospective)

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 154 River Leys is a two storey mid-terrace dwelling located within a residential cul-de-sac. Permitted development rights have been removed from properties within River Leys.
- 1.2 The applicant is seeking planning permission for the erection of a conservatory to the rear of the property. This application is part-retrospective as minor foundations to the site have begun.
- 1.3 The application is before committee at the request of Cllr Flo Clucas due to the impact on the amenity of neighbouring properties.
- 1.4 The application has been considered under the working practices and conditions adopted due to the Covid-19 situation.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

82/00528/PF 23rd December 1982 PER

Layout residential estate incl erection 171 dwellings, estate road incl method of disposal foul and surface water drainage. Allowed on appeal

84/01015/PF 19th March 1984 PER

Layout residential estate incl erection of 171 dwellings, estate road incl method of disposal of foul and surface water drainage.

81/00578/PF 20th October 1981 PER

Outline application for residential development including construction of new estate roads and sewers.

83/00478/PF 29th June 1983 PER

Outline application for residential development on 2.43ha of land (90 plots) including the design and appearance of 17 types of dwelling.

82/00529/PF 20th July 1982 PER

Outline application for the erection of 123 dwellings, including the design, siting, external appearance and means of access

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 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

16th March 2020

No comments to be made.

Ward Member Comments

17th March 2020

Cllr Flo Clucas

I would like the application to go to Planning Committee for decision.

My reasons are:

1. Loss of light for a neighbouring property
2. Loss of privacy for a neighbouring property
3. Drainage effect on neighbouring property.

Can you let me know why this is 'part retrospective', please, as there is no information on the application

Other Members Comments

None received

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	7
Total comments received	2
Number of objections	1
Number of supporting	0
General comment	1

5.1 Letters of notification have been sent to 7 neighbouring properties. Two comments have been received, one neutral comment and one letter of objection has been received.

5.2 This comment of objection has been summarised but not limited to the following points;

- Loss of light
- Loss of privacy
- Disruption during construction
- Light pollution

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 Design and layout

- 6.4** The application proposes an extension projecting approximately 2.7m from the original rear elevation. The form of the extension will be a conservatory with glazed roof, a fully glazed rear elevation but a brick exterior to the side elevations.

- 6.5** The 'Residential Alterations and Extensions Guide' highlights that later additions should be subservient to the original building. An extension should not dominate or detract from the scale and form of the existing dwelling.

- 6.6** The proposal is single storey, with approximate eaves height of 2.2m and a total height to ridge line less than 3m. To the side elevations the brick exterior will match the existing exterior of the original dwelling. While the glazed roof and rear elevation will differ to the original, its location at the rear with limited public views will ensure that the proposal will be read as a later and subservient addition.

- 6.7** Officers consider that the scale, height, and form of the proposal will not detract or dominate from the character and appearance of the original building. As such, it is considered that the proposal complies with Local Plan policy CP7 and JCS policy SD4.

6.8 Impact on neighbouring property

- 6.9** Local Plan policy CP4 and JCS policy SD14 indicates that development should not cause any unacceptable harm to the amenity of the surrounding neighbours.

- 6.10** The properties to be most affected by the proposal are no. 153 River Leys and no. 155 River Leys. Concerns have been raised by neighbouring residents regarding a loss of light, a loss of privacy and other potential impacts.

- 6.11** To the rear of no. 153 River Leys is an enclosed glazed canopy structure attached to the rear elevation, where a set of patio doors with flanking windows led onto this structure and rear patio/garden amenity area and space. This structure falls in line with the application sites rear elevation.

- 6.12** In order to assess whether the proposal will cause an unacceptable loss of light to this neighbouring property, the 45 degree light test has been used. The test has passed on elevation where the 45 degree line doesn't not extend beyond the centre point of the neighbours fenestration arrangement therefore indicating that this property will continue to receive adequate light levels. As such, it is considered that the proposal will not cause an unacceptable loss of light to the rear of no. 153 River Leys.

- 6.13** The 45 degree light test has also conducted to assess whether the proposal will cause any unacceptable loss of light to the rear no. 155 River Leys. The light test has passes on both plan and elevation, indicating that no unacceptable loss of light to the rear fenestration arrangement will be caused. It should also be noted that the room that leads onto the rear garden area/space at no. 155 has a secondary light source.

- 6.14** Officers acknowledged the concerns regarding a loss of privacy following the proposed corner window on each side window. A condition has been attached to ensure that this window will be glazed with obscure glass to a Pilkington level 3 or equivalent and any

opening has to be 1.7m above ground level. As such, it is considered that the use of obscure glazing will mitigate any overlooking and privacy issues.

- 6.15** The proposed extension will be set in 0.3m and run adjacent to the side boundary with each attached neighbouring property. Consideration has been given to how the length of the proposal is not excessive as to result in particular long/high wall adjacent to the neighbours garden boundary fence.
- 6.16** Furthermore, the rear gardens/amenity space areas within the immediate vicinity are approximately over 10.5m in length. Whilst the proposal would be visible from the rear windows and adjacent patio areas of both neighbouring properties, the scale and height of development would not result in any significant overbearing effect to the surrounding neighbours.
- 6.17** Overall, officers consider that the impact of the development will not cause unacceptable harm to the amenity of surrounding neighbours and therefore it would not be sufficient to recommend a decision of refusal in this instance. It is considered that proposal complies with Local Plan policy CP4 and JCS policy SD14
- 6.18 Other considerations**
- 6.19** A comment was received regarding the potential impact the proposal may have on existing waste water drain and manhole cover. This is building regulations matter and is not a material planning consideration.

7. CONCLUSION AND RECOMMENDATION

- 7.1** In light of the above, the proposal complies with the relevant Local Plan policies, JCS policies, NPPF and supplementary guidance.
- 7.2** Officer recommendation is to permit this application subject to the conditions set out below;

8. CONDITIONS

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

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the windows to each side elevation shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room that the window serves.

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.

APPLICATION NO: 20/00454/FUL		OFFICER: Mr Daniel O Neill
DATE REGISTERED: 12th March 2020		DATE OF EXPIRY : 7th May 2020
WARD: Swindon Village		PARISH: SWIND
APPLICANT:	Mr & Mrs Modi	
LOCATION:	154 River Leys, Cheltenham	
PROPOSAL:	Erection of conservatory to rear of the property (part-retrospective)	

REPRESENTATIONS

Number of contributors	2
Number of objections	1
Number of representations	1
Number of supporting	0

155 Riverleys
Cheltenham
Gloucestershire
GL51 9SE

Comments: 18th March 2020

I do not object to the construction of the conservatory in general, however I do have concerns about the way that the side windows will overlook my garden (155 Riverleys), and access to a shared drain.

A conservatory, especially in a small house such as this, will potentially be used a lot, and this will mean that the observable windows on the property will undergo a change of use. Instead of the main building windows looking across to my garden at an oblique angle, the conservatory will protrude windows into the garden and the side windows will look sideways directly into my garden, which in turn would reduce the privacy in my garden, and I'm assuming the same for the neighbour on the other side of the conservatory.

Can I therefore request that any side windows on the conservatory be made of frosted glass please? My main concern is not actually for myself, it is for any tenants, as this is a rented property. I spent a lot of time constructing my garden to provide a pleasant and natural seating area at the back of the property for myself and any tenants to enjoy. The change in use of windows that the conservatory at 154 introduces potentially reduces that benefit. I can envisage added difficulties where any tenants may want to construct a physical obstacle to block the conservatory windows such as boarding or allowing/encouraging climbing plants to grow up the fence in order to block the views from the conservatory window. The owners of the conservatory may not take kindly to boards being erected or foliage growing over and down the side of their conservatory. A three-way dispute may then open up between the tenants, my neighbours and myself trying to resolve a privacy issue that could have been prevented during the design stage of the conservatory.

Additionally, as I understand it, both 154 and my house at 155 share an underground waste water drain, and both properties have an access point/drain cover approximately 6 feet away from the rear walls of each house and approximately midway across the width of each plots. I have had to access my drain cover on a couple of occasions in order to unblock the underground pipework when it became blocked. Will the conservatory be covering the drain cover at 154? If so I am concerned that this may impact my property or theirs. I'm assuming these drain covers were positioned in the initial design/build of the properties for a reason, and that without them the ability to maintain and rectify any underground drainage issues would be impaired in some way.

I am concerned that at some point in the future a blockage or other problem with this drainage becomes more difficult or costly to resolve because there is no longer access to this drain cover, and that the addition of the conservatory has in effect caused a change of use and function of the drainage system. Would it therefore be possible to have reassurances that the drainage cover at 154 is still easily accessible in some way please?

I hope the owners of 154 do not mind me communicating directly via the planning portal like this. I would communicate directly with them, but as I have no communication from the owners directly over this, this seems to be the preferred method of communication.

153 River Leys
Cheltenham
Gloucestershire
GL51 9SE

Comments: 18th March 2020
Letter attached.

17th March 2020


153 River Leys

Dear Mr Oakhill

Re Proposal: Erection of conservatory to rear of the property (part-retrospective) at 154 River Leys, Cheltenham, Gloucestershire

Thank you for your letter dated 12th March 2020 regarding the proposed erection of a conservatory at 154 River Leys, Cheltenham, Gloucestershire GL51 9SE.

I do have a number of concerns regarding this proposal:-

The plans do not appear to be very clear.

1. What distance is the brick wall to my boundary at 153? I need to know how far away it is from the boundary as its jointly owned.
2. What is happening to the boiler flue above the window and back door? I do not want it sited over my garden.
3. What plans are in place for the access to drain they are going to cover on their patio?
4. The plans 1035381/379 are not very accurate in that my property is set back from 154 by 5ft.

Is this not a part extension rather than a conservatory as two elevations are brick walls?

Has anyone been out to site to view the property? No 9 is incorrect - Yes it will be seen from the road Yeend Close behind the property.

Depending on the response of above, i still have other major comments of objection:-

1. My property at the rear faces 288 degrees West therefore a construction would block out my sunlight considerably!
2. Privacy issues concerning a window over looking my garden is NOT acceptable at all.
3. Privacy and disruption issues of noise from the proposed erection as my living room is the same side at the rear.
4. With a glass roof proposed this will indeed cause light pollution at night into my bedroom which is not acceptable.
5. The visual impact of the proposal will not be acceptable from my property as it is already set back from 154.

I would urge the council to rethink this application. We live in very close proximity in River Leys .

Yours sincerely



Picture 1 My sunlight midday Friday 13th March 2020



Picture 2 Access Drain in patio at present



Picture 3 my house 153 recessed back from 154 by 5 ft.

Proposed erection would be a further two fence panels down my garden making it over 1/3 of my garden in shade.



of a brick wall.

Picture 4 my view from my sofa in my living room would be

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APPLICATION NO: 20/00103/LBC	OFFICER: Mr Chris Morris
DATE REGISTERED: 5th March 2020	DATE OF EXPIRY: 23 rd June 2020
DATE VALIDATED: 5th March 2020	DATE OF SITE VISIT:
WARD: All Saints	PARISH:
APPLICANT:	Cheltenham Borough Homes
AGENT:	n/a
LOCATION:	42 London Road, Cheltenham
PROPOSAL:	Replacement porch roof

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The dwelling forms part of Oxford Parade, a Regency terrace of six houses built 1816-17. The terrace is a grade II* listed building, most of the neighbouring terraces, semi-detached houses and detached houses are also listed and the dwelling is also within the Central Conservation Area.
- 1.2 The proposed works are for a replacement roof to the porch.
- 1.3 The application is being considered by the Planning Committee process as the applicant is Cheltenham Borough Homes.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Listed Buildings Grade 2star
Principal Urban Area

Relevant Planning History:

00/01408/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

17/01564/LBC 8th March 2018 GRANT

Replacement of glass in sash windows with slim double glazed panes

20/00443/LBC PCO

Patch repair front entrance zinc late steel roof , to include replacement of zinc steel rib supports and splicing in of any rotting timbers

00/01408/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

20/00443/LBC PCO

Patch repair front entrance zinc late steel roof , to include replacement of zinc steel rib supports and splicing in of any rotting timbers

00/01408/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

20/00443/LBC PCO

Patch repair front entrance zinc late steel roof , to include replacement of zinc steel rib supports and splicing in of any rotting timbers

00/01408/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

15/01377/LBC 23rd October 2015 GRANT

Replacement of existing internal flat entrance doors (38,40,42, & 46 London Road - Flats 1-3)

20/00443/LBC PCO

Patch repair front entrance zinc late steel roof , to include replacement of zinc steel rib supports and splicing in of any rotting timbers

19/01235/FUL 3rd July 2019 NOTREQ

Internal reconfiguration from one bedroom flat to form two bedrooms and two bathrooms and relocation of kitchen

19/01235/FUL 3rd July 2019 NOTREQ

Internal reconfiguration from one bedroom flat to form two bedrooms and two bathrooms and relocation of kitchen

87/01128/LA 26th November 1987 PER

Internal Alterations

14/02034/LBC 12th January 2015 GRANT

Relocation of internal stud partition wall, removal and replacement of false ceilings

19/01235/FUL 3rd July 2019 NOTREQ

Internal reconfiguration from one bedroom flat to form two bedrooms and two bathrooms and relocation of kitchen

19/01235/FUL 3rd July 2019 NOTREQ

Internal reconfiguration from one bedroom flat to form two bedrooms and two bathrooms and relocation of kitchen

10/00783/CACN 24th June 2010 NOOBJ

Variegated Norway maple within rear garden - crown lift to 3m, crown thin by 30% to include removal of reverted branches and crown reduce all round by 10% to include pruning back from telephone wires

11/00805/CACN 16th June 2011 NOOBJ

Variegated Norway maple within rear garden of 45 London Rd/1A Keynshambury Rd - crown reduce by one third, prune out reverted branches and prune to clear away from telephone wires

92/00594/PF 30th July 1992 PER

Creation Of Self-Contained Basement Flat

92/00598/LA 30th July 1992 PER

Internal Alterations To Facilitate The Creation Of Self-Contained Basement Flat

99/00235/PF 22nd April 1999 PER

New Garden Boundary Wall

99/00240/LA 22nd April 1999 PER

New Garden Boundary Wall

13/01159/LBC 5th September 2013 GRANT

Formation of new opening between basement flat and existing outbuilding to create enlarged bathroom. Closure of existing external doorway to outbuilding to be replaced with casement window.

13/01547/FUL 9th October 2013 PER

Formation of new opening between basement flat and existing outbuilding to create enlarged bathroom. Closure of existing external doorway to outbuilding to be replaced with casement window.

13/01547/LBC 5th September 2013 NOTREQ

To create a proper bathroom for the self-contained Basement Flat by creating an opening through an existing wall to link an outbuilding directly to the Flat, closing up the external access into the outbuilding and converting the outbuilding into a bathroom.

14/00367/DISCON 3rd April 2014 DISCHA

Discharge of conditions 3, 5, 7, of Planning Permission 13/01159/LBC: Formation of new opening between basement flat and existing outbuilding to create enlarged bathroom. Closure of existing external doorway to outbuilding to be replaced with casement window.

00/01410/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

14/00288/LBC 26th March 2014 GRANT

Internal alterations involving the repositioning of a section of stud partition wall and installation of a new central heating system and external flue (RETROSPECTIVE APPLICATION)

15/01377/LBC 23rd October 2015 GRANT

Replacement of existing internal flat entrance doors (38,40,42, & 46 London Road - Flats 1-3)

16/01426/LBC 10th October 2016 GRANT

Minor interior alterations to include the removal of existing partition walls and insertion within new location. Work required in order to create a more improved living arrangement within the flat.

00/01410/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

15/01377/LBC 23rd October 2015 GRANT

Replacement of existing internal flat entrance doors (38,40,42, & 46 London Road - Flats 1-3)

00/01410/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

15/01377/LBC 23rd October 2015 GRANT

Replacement of existing internal flat entrance doors (38,40,42, & 46 London Road - Flats 1-3)

00/01410/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

19/00457/PREAPP 21st March 2019 CLO

Additional storey to existing coach house, Grade II listed

92/00594/PF 30th July 1992 PER

Creation Of Self-Contained Basement Flat

92/00598/LA 30th July 1992 PER

Internal Alterations To Facilitate The Creation Of Self-Contained Basement Flat

99/00235/PF 22nd April 1999 PER

New Garden Boundary Wall

99/00240/LA 22nd April 1999 PER

New Garden Boundary Wall

18/02235/FUL 13th December 2018 PER

Reduction from two dwellings to a single dwelling, minor internal alterations, replacement single storey extension and associated works

18/02235/LBC 13th December 2018 GRANT

Reduction from two dwellings to a single dwelling, minor internal alterations, replacement single storey extension and associated works

18/02589/DISCON 4th January 2019 DISCHA

Discharge of condition 3(e) of Listed Building Consent 18/02235/LBC - flues/vents/extract detail

00/01410/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

17/00887/LBC 20th October 2017 GRANT

Repair of stone stair treads to basement steps

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies

SD8 Historic Environment

4. CONSULTATIONS

Ward Member Comments

No comments received.

Other Member Comments

No comments received.

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 An advert was place in the Gloucestershire Echo and a site notice was placed near the site.
- 5.2 No comments were received.

6. OFFICER COMMENTS

- 6.1 As the works affect a grade II* listed building, the setting of the neighbouring terraces, semi-detached houses and detached houses which are also listed and the Central Conservation Area, it is important to consider the relevant heritage guidance and legislation when determining this application.
- 6.2 A cornerstone of heritage legislation is Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 which 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."
- 6.3 It is important to note 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.
- 6.4 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.
- 6.5 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."
- 6.6 The proposed works are for replacement of the zinc work to the canopy of the porch which is in a poor state of repair. The works are necessary for the good maintenance of the listed building. It is considered the impact of the proposal on the special interest of listed building and the conservation area are considered acceptable.
- 6.7 The proposed works are considered to sustain the designated heritage assets 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 No external roofing materials shall be applied unless in accordance with a written specification of the material and its finish, physical samples of the material and section details of the rolls, which shall have been submitted to and approved in writing by the Local Planning Authority. The works shall match those of the existing materials and detailing and shall not be carried out unless in accordance with the details so approved.

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 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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APPLICATION NO: 20/00443/LBC	OFFICER: Mr Chris Morris
DATE REGISTERED: 10th March 2020	DATE OF EXPIRY: 23rd June 2020
DATE VALIDATED: 10th March 2020	DATE OF SITE VISIT:
WARD: All Saints	PARISH:
APPLICANT:	Cheltenham Borough Homes
AGENT:	n/a
LOCATION:	46 London Road, Cheltenham
PROPOSAL:	Patch repair front entrance zinc late steel roof , to include replacement of zinc steel rib supports and splicing in of any rotting timbers

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The dwelling forms part of Oxford Parade, a Regency terrace of six houses built 1816-17. The terrace is a grade II* listed building, most of the neighbouring terraces, semi-detached houses and detached houses are also listed and the dwelling is also within the Central Conservation Area.
- 1.2 The proposed works are for repair of the canopy of the porch.
- 1.3 The application is being considered by the Planning Committee process as the applicant is Cheltenham Borough Homes.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Principal Urban Area

Relevant Planning History:

00/01408/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

15/01377/LBC 23rd October 2015 GRANT

Replacement of existing internal flat entrance doors (38,40,42, & 46 London Road - Flats 1-3)

20/00103/LBC PDE

Replacement porch roof

00/01408/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

20/00103/LBC PDE

Replacement porch roof

00/01408/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

20/00103/LBC PDE

Replacement porch roof

00/01408/LBC 4th September 2001 GRANT

Replacement internal entrance doors. Replacement plinth section and other refurbishment works

17/01564/LBC 8th March 2018 GRANT

Replacement of glass in sash windows with slim double glazed panes

20/00103/LBC PDE

Replacement porch roof

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

Saved Local Plan Policies

Adopted Joint Core Strategy Policies

SD8 Historic Environment

4. CONSULTATIONS.

Ward Member Comments

No comments received.

Other Member Comments

No comments received.

Building Control

17th March 2020

No comments to be made.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	17
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 As the works affect a grade II* listed building, the setting of the neighbouring terraces, semi-detached houses and detached houses which are also listed and the Central Conservation Area, it is important to consider the relevant heritage guidance and legislation when determining this application.

6.2 A cornerstone of heritage legislation is Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 which 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."

- 6.3** It is important to note 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.
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- 6.6** The proposed works are for replacement of the zinc work to the canopy of the porch which is in a poor state of repair. The works are necessary for the good maintenance of the listed building. It is considered the impact of the proposal on the special interest of listed building and the conservation area are considered acceptable.
- 6.7** The proposed works are considered to sustain the designated heritage assets 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.

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- Reason: For the avoidance of doubt and in the interests of proper planning.
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- 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 and Historic Environment Good Practice Advice (note 2).

INFORMATIVES

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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 April/May 2020

Appeals Lodged , Nothing to Report.

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
60 Kempton Grove	Two storey side extension	Delegated	Householder	Allowed	Planning ref: 19/01251/FUL Appeal Ref: 20/00002/PP1

Authorised By: David Oakhill

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