



Notice of a meeting of Planning Committee

Thursday, 19 November 2020

2.00 pm

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

Membership	
Councillors:	Garth Barnes (Chair), Paul Baker (Vice-Chair), Dilys Barrell, Mike Collins, Stephen Cooke, Bernard Fisher, Paul McCloskey, Tony Oliver, John Payne, Diggory Seacome and Simon Wheeler

The Council has a substitution process and any substitutions will be announced at the meeting

Important Notice

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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.

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 7 - 10)
Minutes of the meeting held on 17 September 2020.
- 5. PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –**

SEE MAIN SCHEDULE

- | | | |
|-----|--|-----------------|
| a) | 20/01599/FUL 20 Southfield Rise, Cheltenham,
Glos
<u>Planning Application Documents</u> | (Pages 11 - 28) |
| 6. | 20/01344/FUL 46 BOURNSIDE ROAD, CHELTENHAM,
GLOUCESTERSHIRE
<u>Planning Application Documents</u> | (Pages 29 - 38) |
| 7. | 20/01311/FUL LOTTY LODGE, 33 WELLESLEY ROAD,
CHELTENHAM
<u>Planning Application Documents</u> | (Pages 39 - 70) |
| 8. | 20/01010/FUL & LBC ST MARYS MISSION, HIGH
STREET, CHELTENHAM
<u>Planning Application Documents</u> | (Pages 71 - 76) |
| 9. | APPEAL UPDATES | (Pages 77 - 80) |
| 10. | ANY OTHER ITEMS THE CHAIRMAN DETERMINES
URGENT AND REQUIRES A DECISION | |

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

Planning Committee

Thursday, 17th September, 2020
2.30 - 5.45 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Dilys Barrell, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler
Officers in Attendance:	Daniel O'Neill (Planning Officer), Chris Chavasse (Senior Trees Officer), Nick Jonathan (Solicitor) and Emma Pickernell (Senior Planning Officer)

1. Apologies

Councillors Cooke and Collins.

2. Declarations of Interest

There were no declarations of interest.

3. Declarations of independent site visits

There were no declarations of site visits.

4. Minutes of last meeting

RESOLVED THAT

The minutes of the meeting held on 20th August 2020 were approved and signed as a correct record.

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

6. 20/00683/OUT Land Adjacent To Oakhurst Rise Cheltenham

The Senior Planning Officer presented the report.

There were 2 public speakers in support of the application- Peter Frampton (on behalf of the applicant) and Alistair Baxter (Ecologist).

There were 3 public speakers in objection: Dave Edwards (Friends of Charlton Kings), Sam Watson (Ecologist) and Councillor Matt Babbage (as Ward Councillor).

The matter then went to Member questions, the responses from Officers are as follows:

- There are clauses within the section 106 agreement that require a full biodiversity management plan to be submitted.. Funding is outlined in the same section 106 agreement, which will require short and long term plans.
- With regards to concerns raised by the Badger Association and indemnity insurance to cover costs of appropriate mitigation works, the ecological adviser had advised that this would not be necessary. The Natural England licensing regime would come into play if badgers were to be relocated. Barriers to protect properties would have to put in place the same time as the construction of the artificial badger sett.
- The conditions required final agreement on boundary matters, however there was a precedent for this and it was important to establish if there were concerns about widespread harm or heritage aspects.
- The turning circle had been removed from the plan as there will now be places to turn closer to the site.

- With regard to the requirement for affordable housing, there was no obligation for the council to reconsider its agreements within 5 years. The site is tied into the current Section 106 agreement.
- There are no details regarding drainage at this point, however they are covered under the Comprehensive Conditions.
- The biodiversity officer confirmed that there is a net biodiversity gain across the whole site and the landscape strategy makes clear where open areas and grass spaces will be.
- There is key consideration to safe pedestrian, cycle and emergency vehicle access in icy and wet weather.
- With regards to the veteran trees and preventing water damage, this has been included in the conditions. The trees officer confirmed that it would be wise to put in deep foundations to reduce negative effects, the trees are relatively far from the development but it was important to err on the side of caution.
- Any person who purchased the site would be subject to the same restrictions and conditions, however a third party buyer could in theory reduce the amount of social housing, but the authority would have the ability to approve or refuse this.
- It was pointed out that Members were not establishing a rigid principle of 43 homes but considering all aspects and weighing up the benefits of the properties versus any harm caused.
- It was acknowledged that highways access was not easy, but this was not necessarily a problem since this would mean vehicles would approach with caution. Highways had considered the access as suitable for the proposed development.
- With regard to the 42% affordable housing issue it was confirmed that the Section 106 is a legal agreement and the authority assumes that this will be complied with in a lawful way.

The matter then went to Member debate:

- Reference was made in the report to the previous appeal which stated that the general point of harm of the application outweighed the benefits. This remained the case in his view. Two inspectors have stated that 25 dwellings were an appropriate number, but it was queried how this number had changed to 43 so quickly? Significant changes to the ecology of area would not be justified. Concern was expressed that the s106 agreement had not yet been signed. The committee should refuse this application, for the reasons previously given.
- Reservations were expressed about the access road and difficult ascent, especially construction vehicles when building the turning circle. However, it was clarified that this was not part of the application being considered.
- There was surprise that the applicant had not considered alternative, more sustainable routes.
- Concern was expressed with regard to habitat erosion and loss of nature. 43 dwellings would be considerably more than the 25 inspectors thought suitable, and would cause far more damage to the surrounding area. The Head of Planning reminded Members of the historical context. In October 2018, the local plan was examined and reported on by officers. The Planning team then responded by preparing modifications to the plan. The word 'minimum' was added before '25' following formal consultation. The Plan then returned to Council in July 2020 and was approved by Members for full adoption.
- One Member had opposed previous applications, but would support it this time subject to key conditions. He emphasised that the housing waiting list in Cheltenham was significant at 1,000 families and this was key in his mind. Previous applications submitted had caused concerns relating to unacceptable biodiversity damage, but this represented a very different application. He was grateful for the advice of independent consultants, who suggested that a net biodiversity gain would result. The section 106 agreement, with all its conditions, makes the application acceptable. He emphasised that any changes must come back to the committee, and if in the future developers altered or removed the affordable housing commitments then it

would be rejected. Two other Members echoed that they would support the application – with mixed feelings about development, but housing provision was key.

- The Trees Officer advised that an advisory notice regarding trees would be more sensible than a condition which may not be achievable.

Vote on officer recommendation to permit :

For: 4

Against: 5

Abstain: 0

The application was REFUSED.

The Chair then asked that Members consider their reasons for refusal.

Members spoke as follows:

- The number of dwellings was an issue, as was the lack of detail in the design and a perceived failure to follow the Local Plan.
- Policy HD4 was key, as were the comments from Historic England.
- Loss of biodiversity was also highlighted.

The Head of Planning advised that Members should be clear on the reasons for refusal to ensure that the decision was sound and consistent with policy. He advised that the number of dwellings would not be a safe reason for refusal, since the Local Plan stated 'a minimum of 25'. Further reasons suggested by Members, such as biodiversity damage, were also unlikely to be suitable reasons for refusal due to the professional advice received.

Members considered the matter of likely harm to heritage assets, including listed buildings, as the grounds for refusal which had also been raised by the inspector in the previous application.

Vote on proposed grounds of refusal as likely harm to heritage assets

For: 5

Against: 3

Abstain: 1

7. 20/01223/CONDIT The Quadrangle, Imperial Square, Cheltenham

The Head of Planning presented the application.

In response to Member questions the Head of Planning responded that annual lease agreements were provided and not enshrined for any permanent period of time.

In the short debate Members welcomed the improvements already made to the existing site, during a time of economic uncertainty.

There were no further points raised and the matter went to the Legal Officer to take the vote.

Vote on officer recommendation to permit :

For: 9

Against: 0

Abstain: 0

PERMIT

8. 20/01041/FUL 4 Moorend Glade, Cheltenham, Gloucestershire

The Planning Officer presented the application.

There was one public speaker (the applicant) spoke in support of the application. He explained to Members why he required the additional space. He added that he had consulted with an engineer about how he could increase the space in the house with only minimum impact on neighbours.

There were no Member questions. Members supported the application.

Vote on officer recommendation to permit :

For: 9

Against: 0

Abstain: 0

PERMIT**9. Appeal Updates**

There were none

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

There were none and the next scheduled meeting is 15th October.

Chairman

APPLICATION NO: 20/01599/FUL		OFFICER: Mr Ben Warren	
DATE REGISTERED: 16th September 2020		DATE OF EXPIRY: 11th November 2020	
DATE VALIDATED: 16th September 2020		DATE OF SITE VISIT:	
WARD: Charlton Park		PARISH:	
APPLICANT:	Ms J Dodds		
AGENT:	Ian Johnstone Associates		
LOCATION:	20 Southfield Rise, Cheltenham, Gloucestershire		
PROPOSAL:	Erection of a single storey and two storey rear extension. Extension to front dormer window and single storey front extension including porch (Revised submission to 20/00798/FUL)		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a semi-detached chalet style property located within a residential area on Southfield Rise.
- 1.2 The applicant is seeking planning permission for the erection of a two storey and single storey rear extension, an extension to the front dormer window and a single storey front extension to create a porch.
- 1.3 This application is a revised submission following the refusal of a previous application, 20/00798/FUL.
- 1.4 The application is at planning committee at the request of Councillor Baker who wishes the committee to consider the impact on neighbouring amenity.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

20/00798/FUL 20th July 2020 REF

Erection of an entrance porch, two storey rear extension and the formation of an underground room in rear garden

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Tree Officer

7th October 2020

The Trees Section does not object to this application. Please could the following Condition be added with any permissions given;

No roots over 25mm to be severed

Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Gloucestershire Centre For Environmental Records

5th October 2020

Report available to view.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 5 letters were sent to neighbouring properties, two letters of objection have been received from the neighbouring land users at 18 Southfield Rise (attached) and 19 Southfield Approach (to the rear). The objections have been summarised but are not limited to the following:

- Overshadowing/ loss of outlook
- Loss of light
- Scale, form and design

6. OFFICER COMMENTS

- 6.1 This revised application has been submitted in order to address the refusal reason, whilst also enabling officers to carry out a site visit to understand the layout of the neighbouring property. The officer's comments below therefore focus on the refusal reason, the amendments submitted and the further information that is now available. The previous officer report has been included as appendix 1 for reference.

6.2 The previous refusal reason

- 6.3 The refusal reason for the previous application reads as follows:

'Local Plan Policy CP4 (adopted 2006) and Policy SD14 of the Joint Core Strategy (adopted 2017) seek to protect the amenity of adjoining land users. The proposed rear extension would be constructed in close proximity to the common boundary shared with the neighbouring property, 18 Southfield Rise. The proposed two storey rear extension would fail the standard 25 degree light test resulting in a loss of light to an existing side, south facing window which serves a habitable room. Additionally, there would be a loss of outlook for occupiers using this room due to it being built in such close proximity. The proposed development would therefore contravene the guidance contained within Local Plan Policy CP4, JCS Policy SD14 and NPPF paragraph 127(f) as it would fail to maintain a high standard of amenity for existing and future users of the neighbouring property.'

Furthermore, the proposed two storey rear extension is considered to be unacceptable due to its scale and bulk. The existing property would be dominated to an unacceptable

level as a result and the desired level of subservience as set out within the Council's adopted Supplementary Planning Document for Residential Alterations and Extensions would not therefore be achieved.'

- 6.4 The refusal reason therefore relates to an unacceptable loss of light and loss of outlook to number 18 Southfield Rise and the overall scale and bulk of the new two storey extension.

6.5 **Policy Context**

- 6.6 Since the previous application was determined Cheltenham Borough Council has now formally adopted the new Cheltenham Plan (2020), therefore the new policies relevant in the consideration of this revised scheme are Cheltenham Plan Policy D1 which relates to design and policy SL1 relating to neighbouring amenity. Whilst a new plan has been adopted, the new policies very much reflect the previous policies relating to design and amenity.

6.7 **The proposed amendments**

- 6.8 The changes included within this revised scheme include:

- A reduction in the depth of the two storey rear extension by approximately 350mm;
- A reduction in the width of the two storey side extension by approximately 500mm;
- A reduction in the overall ridge height of approximately 900mm.

6.9 **Impact on neighbouring amenity**

- 6.10 The amendments have resulted in a general reduction in the overall scale and form of the proposed first floor rear extension; in turn this will reduce the impact of the proposal on neighbouring amenity.

- 6.11 As before, a number of light tests have been carried out to consider the impact on the rear ground floor openings of number 18 Southfield Rise, however on this occasion officers have also had the benefit of an internal and external site visit to this neighbouring property. This visit has allowed officers to fully understand the layout of this property and the relationship with the proposed development.

18 Southfield Rise has previously been extended with a single storey rear addition; this addition has created a large open plan 'L' shaped room across the rear of the property. The openings that provide light to this room include an original ground floor window in the rear elevation of the existing property, a ground floor window located within the side elevation of the extension, as well as a set of French doors located in the rear elevation of this extension.

The proposal passes the 45 degree light test for the original ground floor rear elevation window; there would therefore be no unacceptable loss of light to this window. The proposed two storey extension although reduced in size would still fail the 25 degree light test to the side elevation window within the neighbour's extension; however the French doors to the rear will be unaffected. Where more than one light source serves the same room consideration is given to whether the cumulative impact will be to an unacceptable level. In this instance, all three openings serve the same open plan room, one of which passes the light test and the other is wholly unaffected by the proposed development, with this being the case, officers do not consider that any loss of light to the side elevation window would result in an unacceptable loss of light to the property.

- 6.12 With regards to outlook for number 18 Southfield Rise, officers accept that the first floor addition will be visible from the side facing window of the neighbours extension, however

both of the other openings that serve this room have an outlook to the rear that will be unaffected. The distance that would remain between the side facing window and the proposed two storey extension would be approximately 5.3 metres; officers consider this to be an acceptable distance that will still allow views beyond the extension due to its limited depth. Views from this window into the properties private amenity space will be unaffected.

- 6.13 The concerns raised by the neighbour to the rear of the site at number 19 Southfield Approach are similar to those previously raised in the earlier application. The previous officer report addresses these points and sets out the reasons why the development would not result in any unacceptable loss of privacy to this particular neighbour. In summary, this related to the generous window to window distance of approximately 29 metres that would remain between the new extension and rear windows of this neighbouring property. In addition, any impact on this neighbour did not form any part of the previous refusal reason.

6.14 **Size and design**

- 6.15 In its revised form, which reduces the overall scale of the first floor addition, officers consider the addition to represent an acceptable subservient addition to the existing building.
- 6.16 The overall scale, form and design of extension reflect that of other similar schemes of work to 'chalet style' properties that have achieved successful planning permission in the local area. The applicant has provided officers with a number of examples (37 Longway Avenue, 25 Longway Avenue and 8 Barton Close). Whilst each application is considered on its own merits, these permitted schemes suggest that this scale and form of extension is of an acceptable level.
- 6.17 The revised submission is considered to meet with the tests of the Supplementary Planning Document – Residential Alterations and Extensions and is therefore considered to be acceptable in terms of its size, design and subservience. The proposal is also considered to be compliant with adopted Cheltenham Plan Policy D1, relating to design.

6.18 **Other considerations**

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The scale, form and general design is considered to be acceptable and is compliant with adopted Cheltenham Plan policy D1, adopted JCS policy SD4 and guidance set out in Cheltenham's Supplementary Planning Document – Residential Alterations and Extensions.
- 7.2 Furthermore, having had the benefit of a site visit, the proposal is not considered to result in any unacceptable impact on neighbouring amenity and is therefore compliant with adopted Cheltenham Plan policy SL1 and adopted JCS policy SD14.
- 7.3 Having considered all of the above, officers consider this revised submission to appropriately address the previous refusal reason and therefore the recommendation is to permit the application, subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 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 adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

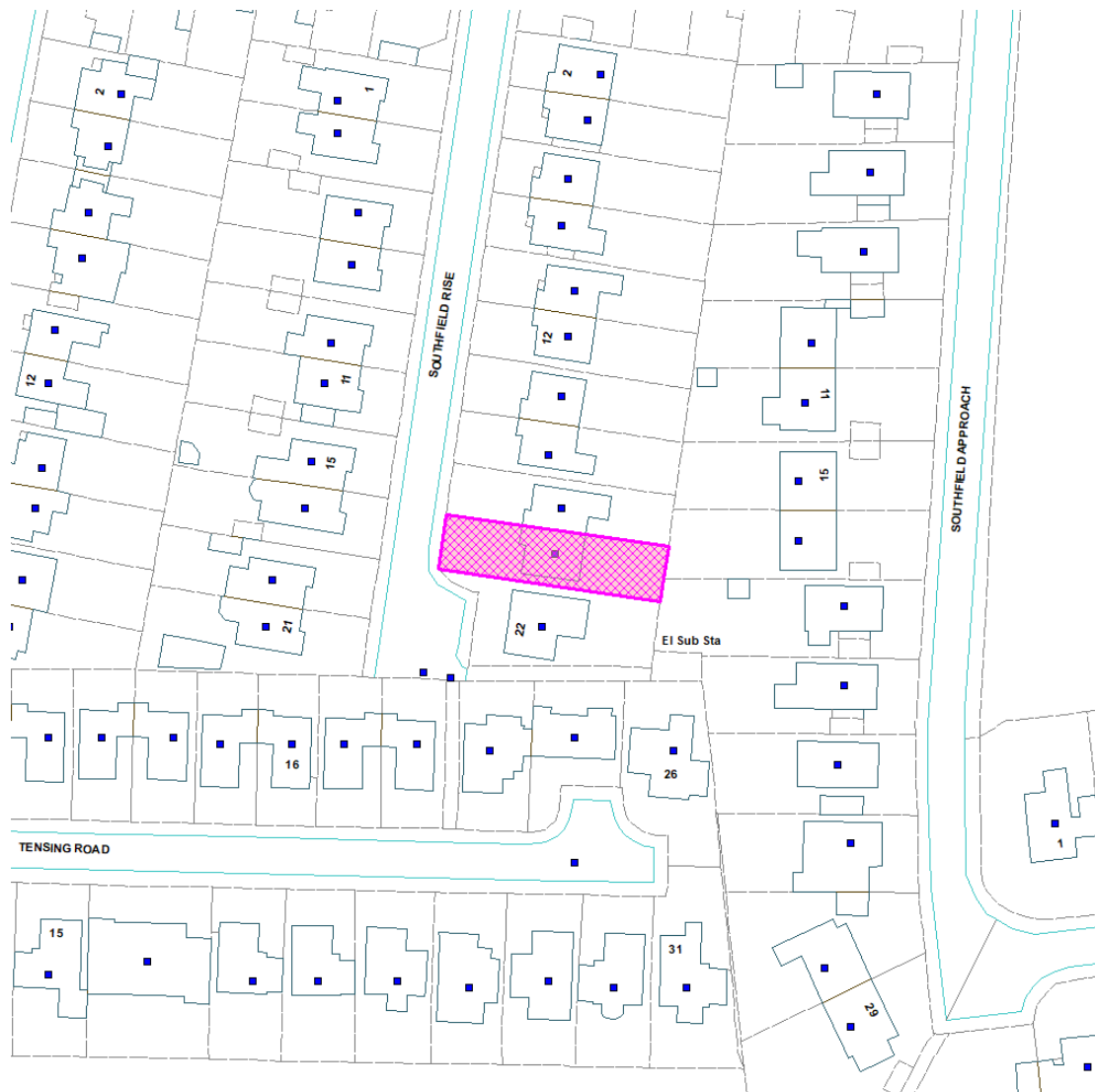
Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

Appendix 1 to 20/01599/FUL

20 Southfield Rise

APPLICATION NO: 20/00798/FUL		OFFICER: Mr Gary Dickens
DATE REGISTERED: 21st May 2020		DATE OF EXPIRY: 16th July 2020
DATE VALIDATED: 21st May 2020		DATE OF SITE VISIT:
WARD: Charlton Park		PARISH:
APPLICANT:	Ms J Dodds	
AGENT:	Ian Johnstone Associates	
LOCATION:	20 Southfield Rise, Cheltenham	
PROPOSAL:	Erection of an entrance porch, two storey rear extension and the formation of an underground room in rear garden	

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 20 Southfield Rise. The site is a semi-detached chalet bungalow located to the end of a residential cul-de-sac in the Charlton Park ward.
- 1.2 The application proposes a part two storey rear extension with underground room and erection of a new front entrance porch.
- 1.3 The application is before Committee at the request of Cllr Baker due to neighbouring concerns.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Smoke Control Order

Relevant Planning History:

None

3. POLICIES AND GUIDANCE

National Planning Policy Framework

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

Saved Local Plan Policies

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

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

16th June 2020

Biodiversity report available to view on line.

Building Control

11th June

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

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	6
Total comments received	2
Number of objections	2
Number of supporting	0
General comment	0

- 5.1** Six letters were sent to neighbouring properties and two objections have been received in response.
- 5.2** Representations have been circulated in full to Members but, in brief, the main objections relate to:
- The design and scale of the rear extension;
 - Potential loss of privacy, light and outlook; and,
 - Potential damage to property as a result of construction works.

6. OFFICER COMMENTS

6.1 Determining Issues

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

6.3 Design and layout

- 6.4** The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury (JCS) highlights in Policy SD4 how development should positively respond to and respect the character of the site and its surroundings. Furthermore, this should be of a scale, type, density and materials that are appropriate to the site. This is supported through Local Plan Policy CP7 which also seeks to avoid the unacceptable erosion of open space around the existing building.
- 6.5** The National Planning Policy Framework (NPPF) states in paragraph 130 that *“where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”*.
- 6.6** The proposed rear extension takes the form of a traditional two storey rear wing with a single storey ‘infill’. This would extend beyond the rear elevation of the existing building by approximately 3.2m and at ground floor span the full width of the property. The first floor element will have a width of approximately 5.1m which enables a section of the original rear elevation and eaves detail to be exposed.
- 6.7** The form, size and scale of the proposed rear extension is considered to be in proportion with the original dwelling and its design in terms of the window details and proposed materials is also considered to be appropriate. The extension will sit comfortably within the site and retain a sufficient level of outdoor amenity space for current and future occupiers.
- 6.8** An underground room, accessed from within the new rear extension is also proposed which will sit below a patio floor level. This will generally be hidden from view other than for a sky light at ground level and will little impact on the character of the existing dwelling.

- 6.9** The application also proposes a small porch to the front elevation which is relatively lightweight in its appearance with a pitched roof and contemporary, glazed design. This is not considered to unduly disrupt the street scene particularly considering what could be constructed without the need for planning permission.

6.10 Impact on neighbouring property

- 6.11** Policy SD14 of the JCS and Local Plan Policy CP4 both require development to not harm the amenity of adjoining neighbours. The potential loss of light, loss of outlook and loss of privacy is taken into account when assessing the impact on amenity.
- 6.12** Two letters of objection have been received from the owners / occupiers of the adjoining property no.18 Southfield Rise and the owners / occupiers of the property to the rear no.19 Southfield Approach. The main concerns raised are noted in section 5.2 above and relate primarily to the proposed rear extension and not the entrance porch. The concerns relating to design of the proposed development have been discussed as part of the Design and Layout section above.

Potential loss of privacy

- 6.13** When considering a potential loss of privacy on neighbouring properties Local Plan Policy CP4 states the following minimum distance should be applied “*21m between dwellings which face each other where both have windows with clear glazing*”. This distance is also recommended within the adopted SPD for residential alterations and extensions to be an acceptable rear-to-rear distance in order to retain mutual privacy for neighbouring properties that back onto each other.
- 6.14** The proposed rear extension achieves a distance of approximately 29m window to window with no.19 Southfield Approach and therefore is in accordance with the stipulated distance stated in Local Plan Policy CP4. The SPD also recommends that there should be a minimum 10.5m distance from the window to the boundary. This is based on the premise that each dwelling would have a rear garden at least 10.5m in length meaning a total separation distance of 21m would be created. However, houses and their garden sizes differ and it is rarely practical to maintain this equal ratio.
- 6.15** In this instance, the proposed first floor rear windows would achieve a distance of 9m to the rear boundary. The fact that one window-to-boundary distance is less than 10.5 metres and the other is more than 10.5m does not automatically constitute an unacceptable relationship. The overall 21m separation distance is more important and this proposal would exceed this distance. In an urban environment the ability to see a neighbour's garden is to be expected and this in itself does not constitute unacceptable privacy loss.
- 6.16** The owners / occupiers of the adjoining property (no.18 Southfield Rise) also raised some concern over a potential loss of privacy due to a clear glazed first floor window replacing the existing obscurely glazed window. The application site and this neighbouring property sit parallel to each other and the boundary. This results in a common arrangement where the windows face down the garden rather than directly towards the adjacent neighbours. Although the existing arrangement will clearly be altered it is not considered the proposal will result in any substantial overlooking to no.18.

Loss of light and outlook

- 6.17** The adjoining property (no.18 Southfield Rise) has an existing single storey extension which benefits from a set of patio doors to the rear elevation and an additional window to the side elevation (facing towards the application site). Both the 45 degree and 25 degree light tests, as detailed in the Building Research Establishments 'Site Layout Planning for

Daylight and Sunlight', were conducted to assess the potential impact on this habitable room.

- 6.18** The application passes the 45 degree light test to the rear patio doors and no impact on this light source will result. The application does not pass the 25 degree light to the secondary side window however as this room is served by two alternative light sources on differing elevations and that the principal light source is not affected, officers are satisfied the impact will be acceptable.
- 6.19** The 45 degree light test has also been conducted with regards to the ground floor window to the rear elevation of no.18 Southfield Rise nearest to the adjoining boundary and the proposal passes the light test.
- 6.20** Although the outlook from the side window in the extension of no.18 will be affected as a result of these works, it is not considered this would be wholly unacceptable. The outlook from this window is relatively limited towards the shared boundary fence whereas the patio doors offer a wider outlook over the rear garden. This outlook is unaffected by the proposed development. The presence of two alternative light sources also removes any concern that the rear extension would have any overbearing impact.

Potential damage to third party land

- 6.21** Some concern was also raised within the objections received over potential damage to neighbouring property due to the level of excavation required. The Local Authority views this as a civil matter and not a planning consideration, and whilst the works, particularly with regards to the underground room, could potentially affect adjoining properties and land, it is not appropriate to control this by way of a condition. An informative has been added for the applicant's attention however to advise them to take appropriate measures prior to any works being undertaken.
- 6.22** In summary, the proposed rear extension will be visible from neighbouring properties and will have an impact on no.18 Southfield Rise specifically. However, in officer's opinion this is not to such an extent which would warrant refusal and is on balance considered to be acceptable and in accordance with the requirements of Local Plan Policy CP4 and JCS Policy SD14.

6.23 Other considerations

Trees

- 6.24** There are a small number of non-protected trees along the rear boundary that sit within the curtilage of no.19 Southfield Approach. The application has been discussed with the Trees Officer due to the potential impact the proposed extension and associated excavation works could have on these trees. No objection has been raised subject to the submission of a tree protection plan and method statement and an appropriate condition is therefore recommended.

Environmental Impact

- 6.25** Whilst records show that important species or habitats have been sighted on or near the application site in the past, it is not considered that the proposed small scale development will have any impact on these species.

7. CONCLUSION AND RECOMMENDATION

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

8. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree 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 TPP shall remain in place until the completion of the construction process.

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

- 4 Any works taking place in the root protection area shall be carried out by hand and no roots over 25mm to be severed without the advice of a qualified arboriculturalist or without written permission from the Local Planning Authority's Tree Officer.

Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

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

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and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

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

- 2 The applicant's attention is drawn to the comments received from the adjoining neighbours at no.18 Southfield Rise and they are advised to take the appropriate party wall advice as necessary to avoid any issues.

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APPLICATION NO: 20/01599/FUL		OFFICER: Mr Ben Warren	
DATE REGISTERED: 16th September 2020		DATE OF EXPIRY : 11th November 2020	
WARD: Charlton Park		PARISH:	
APPLICANT:	Ms J Dodds		
LOCATION:	20 Southfield Rise, Cheltenham, Gloucestershire		
PROPOSAL:	Erection of a single storey and two storey rear extension. Extension to front dormer window and single storey front extension including porch (Revised submission to 20/00798/FUL)		

REPRESENTATIONS

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

18 Southfield Rise
Cheltenham
Gloucestershire
GL53 9LJ

Comments: 1st October 2020

We are objecting the the application on the following grounds

Overshadowing / loss of light to dining room extension - our single storey extension at the rear of the property is a dining / living room used throughout the year. It has a single set of patio doors at the back (facing east) and a large window on the side (facing south, towards the boundary with no. 20 and the proposed development - the view labelled 'side north' on the plans).

The proposed development fails the standard 25 degree light test for this south-facing window (windows directly facing developments) laid out in the Council's design principles designed to protect our right to daylight, based on the BRE guidance on site planning for daylight and sunlight.

This south facing window is the primary source of outside light for this room. The proposed development would have a significantly adverse impact on the light into this window and hence this room (significantly reducing daylight throughout the year, casting a shadow over the window in months when the sun is lower). This room currently requires little artificial light or heat for large parts of the day - the proposal would seriously impact this.

Overshadowing / loss of light into the east-facing living room window

Our ground floor window faces east and provides light into the main living room. The proposed single storey extension on the boundary would not comply with the 45 degree guidelines (BRE guidelines) used by the Council from a plan perspective from this window and it is not clear to us that it complies with the 45 degree guidelines from an

elevation perspective. Once again, this would result in a significant loss of light into a main living room with similar impacts as in the dining room.

Impact of proposal on character of the immediate surroundings - we feel that the scale of the proposed development (including the large first floor extension with a near full-height pitched roof) will dominate the surroundings and have a significant impact on our levels of amenity at the rear of our property. The length of our garden is relatively modest which means that the scale of development would be very significant. These impacts would be exacerbated by this being directly on the boundary between our 2 semi-detached properties to the south side of our property, the pre-dominant direction from which light comes.

Whilst these proposals differ from a previous application, it doesn't change the potential impacts on our rights to light and amenity as described above.

There seems to be a misunderstanding in the application about the role and importance of the south facing window to the dining room extension (not referenced in the drawings). As described above, this window is crucial to the use of the dining room extension. This was clearly confirmed in the original refusal to application no. 20/00798/FUL which stated that it is '...an existing side, south facing window which serves a habitable room... there would be a loss of outlook for occupiers using this room due to it being built in such close proximity'.

The photos that we've submitted clearly show the importance of the south-facing window to the light available in the dining room.

On this site, plot size and layout orientation, this proposal would have both a severely adverse impact on our ability to enjoy our property and would dominate the local outlook from the rear of our property and our garden.

Overall, there would be an unacceptable loss of light to our dining room and a loss of outlook for us in that room due to the development being in such close proximity. This amounts to a failure to maintain a high standard of amenity for us. The outlook from the living room would also be compromised.

In summary, we feel that this proposal contravenes Local Plan Policy Guidance by failing to maintain a high standard of amenity for the neighbouring property, the same reason that the original application was refused.

We are happy to provide additional information / photos as required or be able to arrange a visit to the site should this be useful.

19 Southfield Approach
Cheltenham
Gloucestershire
GL53 9LN

Comments: 1st October 2020

The amended plans do not address the problem of our lack of privacy.

For the following reasons:-

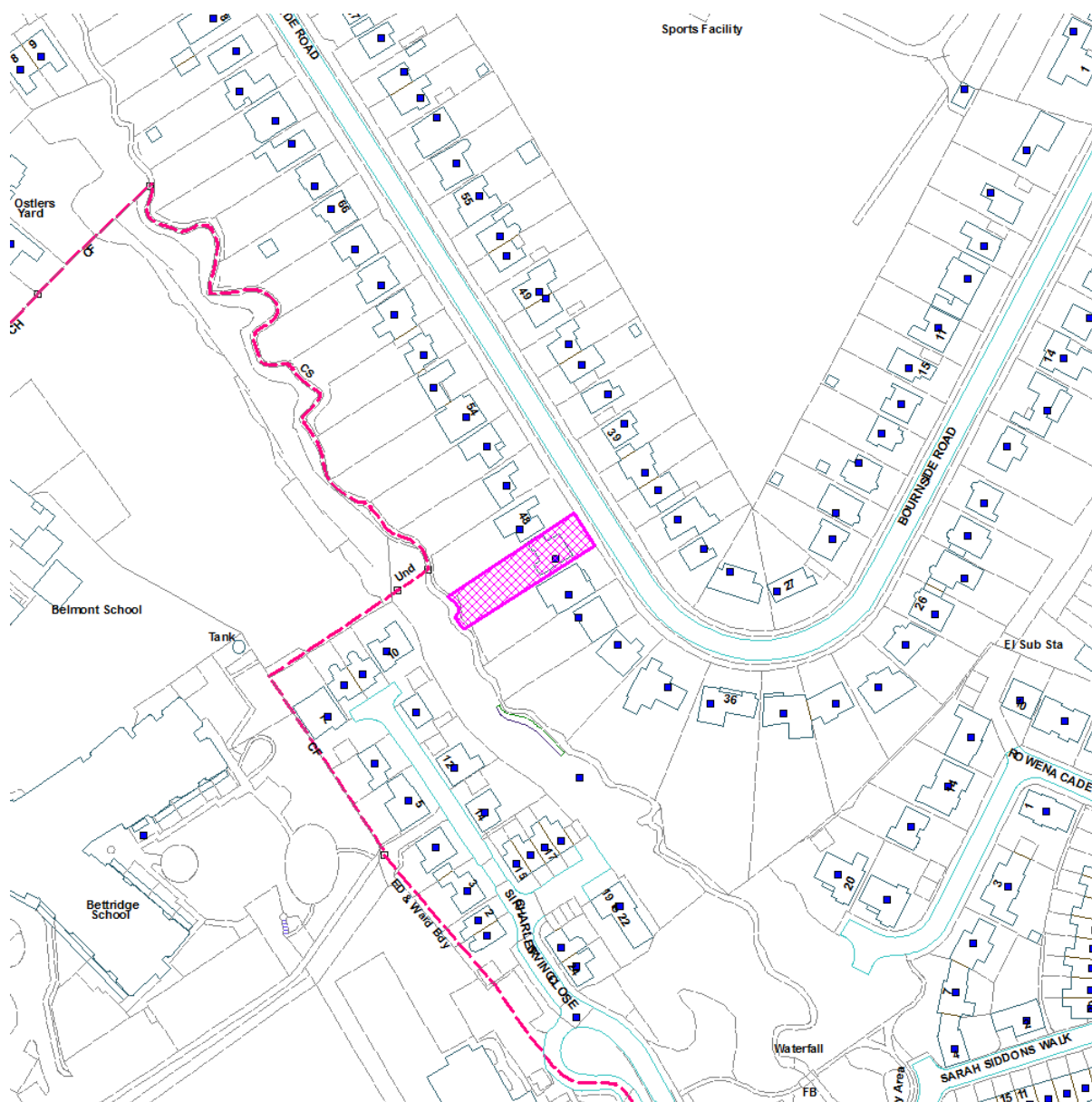
1. The large first floor window directly removes our privacy.
2. The first floor window does not have obscure glass.
3. The depth of the extension has not been reduced very much.
4. The depth of remaining garden will be less than 10 metres from our boundary.

I have already supplied photographs supporting my previous complaint (20/00798/FUL).

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APPLICATION NO: 20/01344/FUL		OFFICER: Mr Ben Warren	
DATE REGISTERED: 12th August 2020		DATE OF EXPIRY: 7th October 2020	
DATE VALIDATED: 12th August 2020		DATE OF SITE VISIT:	
WARD: Park		PARISH:	
APPLICANT:	Miss Kathryn Farmer		
AGENT:	Agent		
LOCATION:	46 Bournside Road, Cheltenham, Gloucestershire		
PROPOSAL:	Erection of an outbuilding/garden structure in the rear garden. (Part Retrospective)		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a detached property located within a residential area on Bournside Road.
- 1.2 The applicant is seeking part retrospective planning permission for the erection of an outbuilding/garden structure located in the rear garden of number 46 Bournside Road.
- 1.3 The application is at Planning Committee at the request of Councillor Harman, who wishes the committee to further consider design and impact on neighbouring amenity.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Airport Safeguarding over 45m
Flood Zone 2
Principal Urban Area
Residents Associations

Relevant Planning History:

16/00991/FUL 5th September 2016 PER

Proposed two storey side extension and single storey rear extension

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design
SL1 Safe and sustainable living
GI2 Protection and replacement of trees

Adopted Joint Core Strategy Policies

SD4 Design Requirements
SD14 Health and Environmental Quality
SD9 Biodiversity and Geodiversity

4. CONSULTATIONS

Environment Agency

8th October 2020

Thank you for referring the above application, which was received on 17 September 2020. We note our Consultation Filter indicates the reason for consultation is development within Flood Zone 2.

Whilst we acknowledge part of the site is located within the floodplain, based on the scale and nature of the proposals, we would refer you to our Flood Risk Standing Advice and the relevant process note for 'minor development', in accordance with our Local Flood Risk Matrix.

We note however, part of the proposed works may be within 8 metres of the top of bank of the Hatherley Brook, which is classified as a Main River at this location.

New development and/or built structures should ordinarily be set at least 8 metres from the top of bank of Main Rivers. This is to assist in operational management and maintenance, to help improve flood flow and conveyance; and in the interest of biodiversity.

At this time we are not providing bespoke comments on developments within 8m of Main Rivers. The fact that we are not providing comments does not mean that there are no easement issues, but we leave this for your Council to consider in the context of any other material considerations, including relevant Local Plan policies.

In addition to obtaining planning permission, any works, in, under, or within 8 metres of the top of the bank of any designated main river require a permit from us under the Environmental Permitting (England and Wales) Regulations 2016. We are not in a position to confirm whether the proposals are likely to obtain a permit and would advise the applicant to contact the Environment Agency at the earliest opportunity for more information and advice to confirm whether a permit is required, what type, and exemptions. The submission of the permit with the planning application may provide you with greater reassurance and assist decision making. The applicant should ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. For further advice please see: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Please note the riparian owner is responsible for the maintenance of their length of bank, as appropriate.

I trust the above will assist in your determination of the application.

Environment Agency - 8th October 2020

Further to my initial response dated 30 September 2020, and the additional information provided in your email below of the same date, I wish to provide the following further comments:

Watercourse Easement and Maintenance

Whilst the decking is located within 8 metres of the top of bank of the Hatherley Brook, which is designated a 'main river', the structure will not impede our ability to access the watercourse as this is not currently possible from this bank due the nature of the historic development, that is, multiple properties backing directly onto the watercourse. Although any works within 8 metres of the top of bank of the brook would require our prior formal permission in the form of a Flood Risk Activity Permit under the Environmental Permitting Regulations, we do not issue these for retrospective works and would default to your authority on this issue under your planning powers in this instance. If this is the case, that is, no supports or alterations to the channel cross section are proposed or have been undertaken, then we would have no further comments to make on this proposal.

The responsibility for the stability and ongoing maintenance of the river bank lies solely with the riparian landowner. Hence, should the works result in future failure of the bank then this will need to be resolved by the property owner, who must apply directly to the Environment Agency for any appropriate permissions, prior to undertaking any works. The applicant should refer to: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team.

We would draw the applicants attention to their legal responsibilities which are set out on the DEFRA website at the following link: <https://www.gov.uk/guidance/owning-a-watercourse>.

The detail contained upon the website does not show the structure encroaching beyond the top of bank of the watercourse into the channel.

Water Management: Abstraction or Impound Water

The applicant should be made aware that if more than 20 cubic metres a day is taken from a surface water source (such as a river, stream or canal), it is likely they will need an abstraction licence from the Environment Agency. Further detail and who to contact can be found via the following link.

<https://www.gov.uk/guidance/water-management-abstract-or-impound-water>

I trust the above additional information will assist in your determination of the application.

Tree Officer - 22nd September 2020

The Trees Section does not object to this application. Please could the following informative be added with any permissions given:

Suggested Gutter Cover Informative

It is strongly recommended that suitable leaf guards to cover guttering and down pipes are installed onto external rain drainage pipework so as to reduce the incidence of such blocked pipework as a result of tree related litter-fallen leaves, twigs, fruit etc.

5. PUBLICITY AND REPRESENTATIONS

5.1 3 letters were sent to neighbouring properties on two separate occasions, 2 letters of objection have been received from the neighbour at number 46 Bournside Road in response to this neighbour consultation process. The objections raised have been summarised but are not limited to the following:

- Impact on neighbouring amenity, including loss of privacy and visual impact
- Unacceptable scale/height
- Poor design
- Accuracy of plans

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations in relation to this application are design, the impact of the proposal on neighbouring amenity, impact on existing trees and flooding.

6.3 A site visit has been made to the neighbouring property at number 46 Bournside Road. In addition, photos have been provided by the applicant and have been used to fully consider the development.

6.4 The site and its context

6.5 The rear garden of the application site and neighbouring sites slope away from the main dwellings and down towards Hatherley Brook which runs at the bottom of these gardens. The area of land to which this development relates is a lower section of rear garden associated with number 48 Bournside Road.

6.6 At the time of the site visit, a large section of the structure had been erected but was not completed to the extent of the plans originally submitted at the start of this application process.

6.7 Principle and design

6.8 The development is for an outdoor timber structure that consists of a raised platform area with covered roof and supporting timbers, the built structure includes a metal corrugated sheet roof covering. Officers consider the principle of a structure in the proposed location to be acceptable.

6.9 Initially, the plans proposed to retain the structure as currently built but also to further extend the footprint by adding an additional section which would project towards the existing properties. Whilst officers considered the principle of a structure to be acceptable, officers did not consider the proposed plans to further extend the footprint to be acceptable. Furthermore, the use of a metal corrugated roof covering was also considered to be inappropriate in terms of design.

6.10 Negotiations took place with the applicant and revised plans were submitted for consideration. The revised plans show a large section of platform removed and therefore permission is now being sought to retain the size of the structure as already built (4.2m x 4.8m). In addition, the metal corrugated roof covering is to be removed and a green/sedum roof is proposed to be installed.

6.11 Officers acknowledge that the structure is reasonably generous in its overall height, however in its revised form the footprint is now considered to be of an acceptable overall size and would not be dissimilar in size to that of other outbuildings or structures found in residential gardens.

6.12 The removal of the metal corrugated roof is a positive amendment to the application and the further proposal of a green/sedum roof is a welcomed addition. The new green roof will soften any perceived visual impact of the structure and will reflect the green nature of the established trees and vegetation located to the rear of the site.

6.13 It is noted that sails/canopies have been added to the structure; however these wouldn't require planning permission and therefore cannot be controlled.

6.14 As amended, the structure is considered to be of an acceptable overall scale and form and will sit comfortably within the plot. Furthermore, the structure is considered to be of an appropriate design and is not considered to result in any unacceptable visual impact or unacceptable harm to the design or character of the surrounding area.

6.15 The proposal is therefore considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1 and adopted JCS policy SD4.

6.16 Impact on neighbouring property

6.17 Officers have duly noted the concerns raised by the neighbouring land user, whose concerns relate to size, design, visual impact and a loss of privacy. Having now secured revised plans, officers consider that many of these issues have been addressed, the footprint has been reduced which in turn reduces its visual impact. The removal of the metal roof covering and its replacement with a green/sedum roof will improve the overall design and will also reduce any perceived visual impact.

6.18 With regards to privacy, offices acknowledge that the proposal results in a raised platform, however its position at the bottom of the sloping site means that this floor level is significantly lower than the floor level of the existing dwellings and will therefore not result in any unacceptable loss of privacy at any habitable room in any of the surrounding properties. With regards to the privacy of neighbouring gardens, the height of the boundary fence directly adjacent to the platform and the distance away from the boundary with number 48 means that the privacy of these gardens are appropriately maintained.

6.19 The proposal is therefore considered to be compliant with Adopted Cheltenham Plan (2020) policy SL1 and adopted JCS policy SD14 which requires development to protect the existing amenity of neighbouring land users and the locality.

6.20 **Trees**

6.21 The Council's tree officer has been consulted on this application and raises no objection to this development. An informative has been suggested however is not considered necessary for this application. The proposal is compliant with Adopted Cheltenham Plan Policy G12.

6.22 **Flooding**

6.23 Due to the proximity of the structure to the Hatherly Brook watercourse, the Environment Agency was consulted on this application, their detailed comments can be read above. No objection is raised to the application but further information has been provided, this has been forwarded on to the applicant for their information.

6.24 The development does not obstruct the watercourse and will not result in any flood risk implications and is therefore considered to be acceptable on flooding grounds.

Other considerations

Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Two conditions are considered necessary in order to support this application, one requires the removal of the corrugated metal roof within three months of a decision and the second requires the installation of the green/sedum roof in the next available planting season.
- 7.2 Having negotiated revised plans and details and with the suggested conditions attached, officer recommendation is to permit the application, subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES

- 1 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.

- 2 Within 3 months of the date of this decision, the metal corrugated roof covering currently installed on the outbuilding shall be removed.

Reason: In the interests of the character and appearance of the area, having regard to adopted policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 3 In the first planting season following the date of the decision, a green/sedum roof shall be installed, as per the revised plans received on 1st October 2020 and Sedum Roof Details received on 8th October 2020.

Any of the green/sedum roof which, within a period of five years from the date of planting/installation, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

INFORMATIVES

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

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

In this instance, the authority sought revisions to reduce the scale of the development and amendments to the design;

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

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APPLICATION NO: 20/01344/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 12th August 2020		DATE OF EXPIRY : 7th October 2020
WARD: Park		PARISH:
APPLICANT:	Miss Kathryn Farmer	
LOCATION:	46 Bournside Road, Cheltenham, Gloucestershire	
PROPOSAL:	Erection of an outbuilding/garden structure in the rear garden. (Part Retrospective)	

REPRESENTATIONS

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

48 Bournside Road
Cheltenham
Gloucestershire
GL51 3AH

Comments: 2nd September 2020

1. The submitted information does not reflect the design & materials used on the building part constructed to date. Materials indicated appear all wood but as built include a corrugated metal roof. There seems to be no stated overall intended size that will control the final building size. There is lighting installed (not stated in the application) & so potential for light pollution. The submitted information fails to show our property with the visualisation actually drawn from a perspective within our rear garden, giving a false impression of ample surrounding space. These conspire to minimise, within the application, the negative impact of the 'as built' design, scale, & proximity of this outbuilding that is a more agricultural style, not in keeping or sympathetic to its actual setting of mature suburban gardens.

2. The outbuilding includes a large elevated platform now giving a direct sightline & loss of privacy into both our rear external area and internal habitable rooms, negatively impacting the amenity & peaceful enjoyment of our home. This will be exacerbated for 9 months of the year when we do not benefit from full leaf cover within our garden and trees beyond.

3. This proposal creates potential precedent for a scale of rear garden development which would impact on the overall character of Bournside Road - smaller scale & lower outbuildings exist with no impact on others in line with the intention of planning guidance.

Comments: 8th October 2020

If we understand correctly, the revised application now limits the size of the structure to as existing & mentions the introduction of a green roof (replacing the corrugated current one we assume?) however there are no further details available.

The overall scale - particularly height - of the current structure seems excessive for a garden building and so our previously expressed objections (negative visual impact; creation of potential for garden development precedent being unsympathetic to the unique character of the neighbourhood, and the adverse impact on privacy of our amenity & garden) still stand.

72, Avening Road
Whitecity
gloucester
gl4 6uj

Comments: 17th September 2020

In Response to the objection from 48 Bournside Road

I invited the neighbour to see that we have no view up their garden and cannot see into their garden or their bathroom even if I wanted to look in which I don't - The hedges are very tall and the angle of the slope means that we cannot see .

This invitation was declined twice .

Yes there is a corrugated roof - there is also a corrugated roof on the schools structure immediately behind their garden also - it's functional to keep out the rain and provide protection from falling branches

The platform though elevated slightly from ground level flattens out a slope and is no higher than the adjacent garden it is also raised above the flood water of the river Chelt. Video of said raised river has been submitted .

The roof of the structure is in fact beneath the level of the houses and therefore it is impossible to overlook the garden of the neighbours from a submissive position - by definition we cannot overlook something from below .

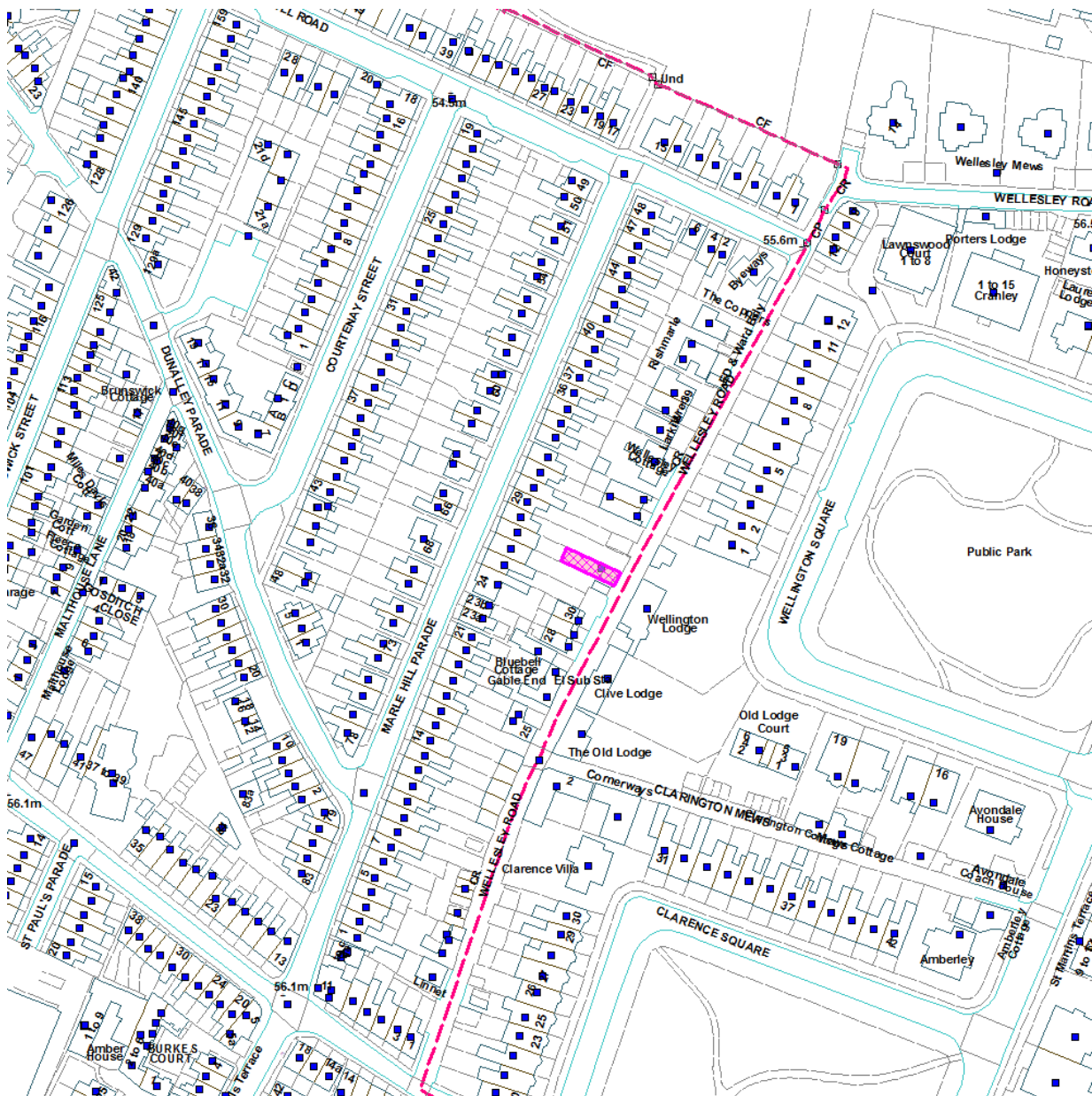
The references to taste are subjective and not relevant to planning but cultural views based on personal assumptions and opinions.

We have mitigated the views by putting canvas screening for our privacy and theirs The lighting is in the form of fairy lights not at all dominant or brightly lit.

There is no bar or sound system and rarely are we awake past 9 pm .

APPLICATION NO: 20/01311/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 26th August 2020		DATE OF EXPIRY: 21st October 2020
DATE VALIDATED: 26th August 2020		DATE OF SITE VISIT:
WARD: St Pauls		PARISH:
APPLICANT:	Ruth Hendry	
AGENT:	ChappellSmith Limited	
LOCATION:	Lotty Lodge, 33 Wellesley Road, Cheltenham	
PROPOSAL:	Use of part of ground floor as dog grooming business (sui generis)	

RECOMMENDATION: Permit



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

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on Wellesley Road, a rear service lane which runs parallel to Marle Hill Parade. Development within the area is characterised by compact, high density artisan terraced housing with some modern infill development; and high levels of on-street parking. The terraces generally back onto one another with frequent service lanes running to the rear. Wellesley Road has been significantly developed in recent years with a variety of residential buildings which vary in size and architectural style.
- 1.2 The property to which the application relates was recently constructed following the grant of planning permission for the erection of a detached, two storey, two bedroom dwelling (ref. 18/02555/FUL).
- 1.3 Since completion, part of the ground floor has been in use as a dog grooming business, and this application is therefore retrospective in nature; the applicant being unaware that planning permission was required. The application has been submitted in response to an enforcement case.
- 1.4 The supporting information which accompanies the application advises that the business has relocated from other premises and was established in 2013. Following the first COVID-19 lockdown earlier in the year, due to a backlog of dogs needing to be groomed, the opening hours were temporarily extended to include Mondays and working until approximately 17:00; however, the normal opening hours are Tuesday to Friday, 08:45 to 16:00. The business currently employs 6 part-time members of staff, grooming between 6-10 dogs per day; a maximum of 4 dogs at any one time. Appointment times are staggered, between 15 and 30 minutes apart, so there should only be one vehicle arriving at any one time. The rear courtyard is only sometimes used to allow the dogs to “shake off” or wait for collection when the weather allows.
- 1.5 The application is at committee at the request of Councillor Hobley for the following reasons:
 - *Level of resident concern as expressed in the number of recorded objections*
 - *The small and densely packed nature of Wellesley Road*
 - *Change of use from purely residential to business/residential*
 - *Concerns regarding the quality of living environment for residents of the property, including fire separation between the proposed business premises and new flat above*
 - *The impact of a new business premises on an exclusively residential street*
 - *Concerns regarding existing planning conditions relating to the back windows of the property not being observed*

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Article 4 Directions
Conservation Area
Principal Urban Area
Smoke Control Order

Relevant Planning History:

18/02555/FUL

PERMIT

23rd April 2019

Erection of two storey, two bedroom, dwelling at rear of 27 Marle Hill Parade

3. POLICIES AND GUIDANCE

National Planning Policy Framework (NPPF)

Section 2 Achieving sustainable development

Section 4 Decision-making

Adopted Cheltenham Plan (CP) Policies

SL1 Safe and Sustainable Living

HM3 Loss of Residential Accommodation

Adopted Joint Core Strategy (JCS) Policies

SD1 Employment - Except Retail Development

SD14 Health and Environmental Quality

INF1 Transport Network

4. CONSULTATION RESPONSES

GCC Highways Development Management

16th September 2020

Having considered the details submitted as part of the application, the Highway Authority recommends no highway objection to be raised.

Environmental Health

15th September 2020

I have reviewed the application and documents regarding 20/01311/FUL | Lotty Lodge 33 Wellesley Road Cheltenham Gloucestershire GL50 4LD.

Environmental Protection have received no complaints regarding the business operating from the above address and the hours of operation are suitable.

There are no objections from the Environmental Protection Team.

If you would like to discuss further, please do not hesitate to contact me.

24th September 2020

At the time of my consultee comment, dated 15th September 2020, Environmental Protection had not received any complaints regarding the above application; however we are now investigating an active complaint of alleged statutory noise nuisance from the business at 33 Wellesley Road.

The complaint was received on Monday 21st September 2020 and further information confirmed on the 22nd September 2020.

Environmental Protection would like to request that the application is not called to committee until such time as we have concluded our investigation and provided any subsequent planning recommendations, if necessary.

27th October 2020

I can confirm that we have received no further contact from the complainant during the required time frame therefore both cases have been closed.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent to 17 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, 27 representations have been received; 7 in objection and 20 in support.
- 5.2 The representations have been circulated in full to Members but the main objections relate to:
- Parking and highway safety
 - Noise and disturbance

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; neighbouring amenity; and highway matters.

6.2 Principle

6.2.1 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development, which should be applied to plan making and decision taking. For decision-taking this means (unless material considerations indicate otherwise) approving development proposals that accord with the development plan without delay.

6.2.2 Adopted JCS policy SD1 advises that *“Employment-related development will be supported...Where it would encourage and support the development of small and medium sized enterprises, subject to all other policies of the plan”*.

6.2.3 Additionally, whilst CP policy HM3 seeks to prevent the loss of residential accommodation through a change of use, exception d) to the policy states that uses beneficial to the wider economy and the local community may be supported. Note 1 to the policy goes on to suggest a range of services and facilities that will be considered but sets out that *“Each case will be judged on its merits, taking into account its effect on the locality.”* Notwithstanding policy HM3, it is pertinent to note that in this case, the change of use does not result in a loss of a residential unit, but rather a smaller unit of accommodation.

6.2.4 As such, the principle of a change of use must be acceptable, subject to the material considerations discussed below.

6.3 Neighbouring amenity

6.3.1 Adopted JCS policy SD14 and CP policy SL1 seeks to prevent development which is likely to cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality; in this instance, particularly in regard to noise and disturbance, concerns having been raised by occupiers of neighbouring residential properties.

6.3.2 With regard to the concerns raised in respect of noise and disturbance, officers consider that even if four dogs were present on site all day during business hours, the numbers of dogs present would not result in unacceptable levels of noise or disturbance beyond that which could potentially be expected from dogs housed at a residential property. However, it is noted that concerns have also been raised in relation to the dryers used during an appointment.

6.3.3 That said, letters of support from residents living adjacent to the site, and within the flat at first floor, have also been received which suggest that, whilst the dryers are audible, they do not cause any significant disruption, particularly given the limited business hours and when the rear doors are closed.

6.3.4 Given the nature of the application, Environmental Health were consulted on the application. On initially reviewing the application, the Environmental Health Team raised no objection to the proposed retention of the business having, at that time, not received any complaints from local residents. However, during the course of the application, a complaint of alleged statutory noise nuisance resulting from the business was received. Consideration of the application was therefore deferred to allow for an investigation into the alleged noise nuisance to take place.

6.3.5 As part of the investigation, a letter was sent to the complainant asking them to record any further incidents of noise for a two week period; the letter explaining that if no records were submitted within a one month timeframe, it would be assumed that the matter had been satisfactorily resolved or that the complainant no longer wished to proceed with the matter. At the same time, a letter was sent to the business owner to advise them of the complaint.

6.3.6 Subsequently, Environmental Health have confirmed that they have not received any further contact from the complainant, and that the case has been closed. It can therefore be reasonably assumed that the issue has resolved itself. It is possible that the concerns of local residents were heightened during lockdown as a result of the coronavirus pandemic.

6.4 Highways

6.4.1 Adopted JCS policy INF1 advises that planning permission will only be granted where the highway impacts of the development are not severe.

6.4.2 It is noted that concern has been expressed by local residents in relation to parking and highway safety; however, the County Highways Development Management Team have reviewed the application and raise no objection.

6.4.3 The property does benefit from one car parking space; albeit, this parking space was secured in connection with the residential use. That said, there are currently no minimum parking standards for new developments to adhere to.

6.4.4 Given the staggered arrival times for bookings, and the limited number of vehicular trips throughout the day, officers are satisfied that the highway impact resulting from the use simply cannot be considered to be 'severe'.

6.5 Other considerations

Rear upper floor windows

6.5.1 Officers acknowledge that the first floor rear facing windows in the approved dwelling were required to be inward opening, hopper style, obscure glazed windows to prevent any unacceptable overlooking of neighbouring properties; but that the windows have not been installed as such. However, this matter is being looked into separately by the Enforcement Team, and is not relevant to the determination of this application.

Fire separation

6.5.2 Questions have been raised by objectors in relation to fire separation between the commercial unit and the residential unit; however this is a matter for Building Regulations and is, again, not a material consideration in the determination of this application.

Public Sector Equalities Duty (PSED)

6.5.3 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

6.5.4 Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

6.5.5 In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 With all of the above in mind, the proposal is considered to be in accordance with the development plan, and the recommendation is to grant planning permission subject to the following conditions.
- 7.2 Whilst the application form and supporting information detail the standard working hours to be Tuesday to Friday, 08:45 to 16:00, the condition relating to the hours of operation also allows for working on Mondays to allow for some flexibility in the needs of the business.

8. CONDITIONS

- 1 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.

- 2 The use hereby permitted shall be carried out only between the hours of 08:45 and 16:00 on Monday to Friday, and at no time on Saturdays, Sundays or Bank/Public Holidays.

Reason: To safeguard the amenities of adjoining properties and the locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVE

- 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: 20/01311/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 26th August 2020		DATE OF EXPIRY : 21st October 2020
WARD: St Pauls		PARISH:
APPLICANT:	Ruth Hendry	
LOCATION:	Lotty Lodge, 33 Wellesley Road, Cheltenham	
PROPOSAL:	Use of part of ground floor as dog grooming business (sui generis)	

REPRESENTATIONS

Number of contributors	27
Number of objections	7
Number of representations	0
Number of supporting	20

March Mews
Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 7th September 2020

Wellesley Road is a residential street and I would prefer it to remain so. Any change to commercial use would set a precedent. I do not wish the character of the street to be changed in that way.

28 Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 15th September 2020

Proposal suggests a maximum of 10 dogs per day during hours of 08:45-16:00 and this would cause additional traffic arriving or leaving the premises on average once every 20 minutes, over and above residential use.

Proposal places no limits on the maximum capacity given the indoor area of 17.8m². Given stated demand from over 400 clients, it is likely this will need to be managed.

Application comments show that associated demand for parking for Lotty Lodge includes 2x on-street residential permits, 1x allocated parking for customers, and 1x on-street permit along Wellesley Road to support the Pet Taxi.

Comments: 15th September 2020

I live near by and had an incident during lockdown when they opened the business. I was in the house with my children, heard knocking and someone tried to open the door

without waiting to be opened and it was one of their customer thought our house is a dog grooming business.

I agree other people's comment on parking, through traffic and have seen people park/turn around their car on our drive way.

Noise are trouble around the area. Constant hearing dryers from the business as their doors widely open and crying dogs! This must be reviewed. As current situation, we have to stay home more than usual and hearing dog barking, crying and dryer sounds everyday is not what you expect in residential area.

Comments: 15th September 2020

Concerned that proposed change-of-use removes residential use of off-street parking during business hours, contrary to planning permission of 2019 requiring it "remain free of obstruction for such use at all times."

Concerned that proposed change-of-use does not address refuse and recycling storage facilities for commercial waste.

Flat 2
Priors Lodge
Pittville Circus Cheltenham
Gloucestershire
GL52 2PX

Comments: 3rd September 2020

Having been a client of Smudgers Mutts for some time now, I have taken my dog to all the premises she has groomed from. Lotty Lodge is a nice modern, light, convenient establishment within walking distance of Cheltenham town centre. I am lucky enough that I don't need to drive to Smudgers Mutts as I live round the corner, however, on the occasion I have needed to drive, there's never been any traffic/issue with parking and am aware of the parking space for clients.

The only issue with Wellesley Road is the roadworks.

I can honestly say I have never heard dogs bark whilst being groomed at smudgers Mutts, of course there will be the occasional noisy dog but overall, the dogs are well behaved and love the fuss and attention! There are plenty of dogs living in surrounding properties up and down Marle Hill Parade and Wellesley Road and they can constantly be heard barking - are the people objecting to this planning also taking into consideration other animals in the area and the noise they make?

Whilst already noted, Phoebe's Pad is another dog groomers in Marle Hill parade - whilst I understand this is in an old shop, it's still a dog groomers (ie, noise of dogs, clippers, driers etc), there is no parking there.

I think it would be a real shame if Smudgers Mutts had to close. Not only would the owner lose her business that she's worked incredibly hard to build, but all her staff would be unemployed. During the current situation, it's not easy to find alternative employment so these people would be left with no income.

74 Marle Hill Parade
Cheltenham
Gloucestershire
GL50 4LH

Comments: 5th September 2020

I live in Marle Hill Parade and fully support planning permission to granted. This is a small business, which we should be supporting and encouraging in the present climate.

I haven't noticed an increase in traffic and I often walk down Wellesley Road without any problems. I also haven't been aware of any noise from dryers or dogs when walking past.

Lotty Lodge
33 Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 3rd September 2020

My partner and I moved into the flat above Smudgers Mutts the beginning of June of this year. I was concerned before moving in about the sound of the dog groomers being below our flat, and whether it would affect my boyfriend's work life, as he works from home doing calls and video calls. However, he reassured me a few weeks into moving in, that the sound from the dryers and people talking below was not an issue at all. The owner was also very understanding and even explained that all dryers are kept to a minimum when possible, with back doors closed, until it becomes a welfare issue with it being too hot in the grooming area for both dogs and employees. Another issue we were concerned about was the volume of dogs barking or whining, however, even though a few times we have heard barking, the staff have been able to quickly sort the dogs out and the level of barking is near to none the majority of the time. My boyfriend and I grew up with dogs, and we understand that dogs can't be kept quiet at all times. We were also worried about parking, due to the road only being a Z11 permit, which we both have, and how the employees and customers would park. Before moving in, I had discussed with our landlady that the drive would be used by customers of Smudgers Mutts, which I was understanding about and agreed it would be perfectly fine. On move-in day Smudgers Mutts was open, the three employees on that day were extremely welcoming and friendly. I asked how all the staff travelled to work, due to it being a permitted area and being concerned that parking space on the road would be taken up by employees, they explained that most of them get public transport and walk from the closest bus stop, and a few often get lifts near work and walk the rest.

I am employed by a small cake business in Bishops Cleeve. We often have customers coming to our premises to talk about their designs and to pick up their cakes, meaning we were concerned about the increased flow of traffic around us. However, all residents around our premises were understanding and very positive about this new business. Coming from a small business who struggled over covid-19 and lock down, I feel Smudgers Mutts and I can relate on that level. This year has not been great for any businesses, especially small businesses, who often struggle even without the ordeal we have been through this year. I have found it fairly disheartening how a few of this community, I now live in, have been extremely negative towards Smudgers Mutts. All

employees I have met have been lovely towards myself and my boyfriend, they often only have 3-4 employees in a day, who seem to be like a small family, due to knowing each other for years.

Having lived in the flat for three months, I have to say, Smudgers Mutts has never been an issue for me. They are understanding of it being a residential area, and take all the precautions they can to make sure they are considerate of residents around them. Having come into the area after Smudgers Mutts opened means I didn't have to go through the area changing, I can understand why some residents may be against this business being open here, as change in an area you live in can be difficult. However, this is a forever changing world and small businesses are opening all over the place this day and age. As someone in their early 20's, I am all for small businesses and helping keep these businesses alive, especially ones who have survived throughout lock-down and Covid-19. This is such an uncertain time for all businesses, and everyone should be more positive towards these businesses as they help employees live, financially and mentally, providing financial income and social interaction.

29 Jesson Road
Cheltenham
GL52 8PE

Comments: 2nd September 2020

I have been working for Smudgers Mutts for nearly 5 years. I started on a work experience basis and then the manager offered me an apprenticeship in dog grooming which tempted me to leave college to focus on a career as a dog groomer. I spent a whole year training with Smudgers Mutts about how to wash, dry and groom dogs, and even the handling, restraining and first aid of dogs. After my apprenticeship I became self employed and have worked at Smudgers Mutts since. Working at Smudgers Mutts has provided me with an income and I have been able to move out of my family home. I have a house of my own to afford, so losing Smudgers Mutts would have a huge negative impact on my personal life as well as my work life.

30 Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 15th September 2020

The reasons I am objecting to this planning application are:

1. Wellesley Road is a very narrow residential road which is already unable to provide safe movement of vehicles in both directions. Because of this vehicles use residents' parking areas to turn. This resulted in the damage to the wall housing dustbin and recycling boxes as reported to the police as the driver didn't stop to provide details.

To have cars attending a business and off loading animals would add to the present problems.

2. Cars attending the business have parked on my outside area without permission. This prevented any visitors to my home from parking on my designated area.

3. While sitting in my courtyard area my peace is further disturbed by frequent dog barking.

25 Marle Hill Parade
Cheltenham
Gloucestershire
GL50 4LG

Comments: 18th September 2020

Wellesley Road and Marle Hill Parade are part of the Central Conservation Area. The Plan for this areas states that Cheltenham Borough Council will work with Gloucestershire County Council to address and improve parking and traffic management in the area. There is existing high traffic volume and poor traffic flow in the area particularly around St Pauls Road which must be used to access this proposed new business premises, either via Marle Hill Parade or Wellesley Road.

Wellesley Road is a densely populated residential area with many homes for families of all types whose daily circumstances have all been changed by recent events. This proposal does and will add traffic congestion, car-parking and noise issues and is potentially dangerous.

Wellesley Road is a narrow service Lane with no pavement; vehicles must travel in single file and pedestrians must move carefully using gaps in parked cars or staying close to the sides of the road.

Wellesley Road is a popular route for children/parents travelling to town from Dunalley School and visitors to Pittville Park, plus the students attending and living at the Star College campus at Pittville Park. The additional cars/traffic pose further risk for these pedestrians/wheelchair users.

This proposal is an addition or extension to the dog boarding business in adjoined premises of 27 Marle Hill Parade. This needs to be considered as an additional business on the same footprint and question that this was not mentioned. The two properties are co-joined at the rear of both premises via a gate, used by the owner and employees of 'Smudgers Mutts' registered at 27 Marle Hill Parade and the dog grooming at 'Lotty Lodge' throughout the day. Cars/customers arriving at both premises create additional noise, traffic volume and pollution to both Marle Hill Parade and Wellesley Road. It is likely that because the businesses are co-owned and joined from the front of Marle Hill Parade extending to the to the back at Wellesley Road it creates additional impact of noise and activity over a larger expanse of space.

The original and most prominent argument for approving the original plans was to fulfil the need for additional homes in the residential area of Wellesley Road. For the former reason I did not object to that proposal. However, this proposal is totally inappropriate in many ways not least that it does not preserve the character of the area and it would set a precedent to turn an access lane into a potentially busy commercial area which is simply not sustainable for previous mentioned reasons. This would have a substantial impact in many ways. If this were to be approved what would stop any business operating at that residence and given the applicant is a tenant, there is every likelihood of this occurring.

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The introduction of a commercial premise with all its associated activity is inappropriate and I am against this kind of change.

I would question the that the planning application does not address potential fire hazard to the flat above, and other potential health and safety at work issues and Covid measures including social distancing, wearing of masks etc.

The space for this proposed business is currently extremely limited. There are frequently three or more members of staff working together at the same time with no social distancing and no masks. I note the comment regarding the business providing employment however, the issue here pertains to change of planning and not employment and the applicant points out that the business has previously been successfully run at another premises across town, so presumably could still be and further questions the need to change this residential home into a busy commercial premise. Indeed, with such glowing support from customers from all over Cheltenham and Gloucester I am sure they would be happy to travel to a more appropriate setting to access this service. This is not providing a service for local people.

I am a life-long dog owner and challenge that dog grooming is an 'essential service'.

I question that planning application does not address commercial recycling and waste provision.

I question that the application does not address reduction in noise, and it is not accurate to say there is no additional noise from commercial driers.

The obvious lack of space at the premises necessitates the doors to be open all day which also increases the noise level to above average throughout the day. My daily observation (that looks directly onto these premises from the rear) is that the doors are almost always open when one or more driers are in use. The applicant admits that "high temperatures in the afternoon demand greater ventilation and therefore the large door at the back of the property is opened for the welfare of the dogs and staff". Surely this further supports the non-suitability/legality of the premises for commercial use.

Throughout the Spring and Summer months the noise was significantly disturbing and various decibel counts will support that noise from this address measured constantly above average and often reached much higher levels. The impact of this is considerable. The consistently high levels of noise in turn necessitates the employees and visitors to 'Lotty Lodge' to shout above the level of the machines. Visiting clients often shout from the entrance to the back-grooming room. On top of this, the noise from dogs barking and whining continues throughout the day (and can continue all week including weekends from the boarding dogs). I would say that there is an accumulative effect here to be considered. When groomers have finished with a dog, they are frequently put outside on the adjoining patio. I challenge that most dogs have been quiet through the grooming process

Should this proposal be agreed this would add to the number of dogs and associated noise at the existing licensed dog boarding business at 27 Marle Hill Parade.

I have recorded the decibels over the previous 2-3 months on various days and times. Supporting comments made by those with vested interests regarding no sound impact lack validity.

I am a close neighbour, who works from home. I am a key worker in Special Educational Needs, supporting schools, teachers, children, and young people in Gloucestershire. I have no choice regarding working from home and have been doing so throughout 'lock-down' full-time and continue to do so from a room in my home at the rear of Marle Hill Parade. There is no foreseeable change to this arrangement. I feel significantly impacted by the unauthorised business at this premise so far and request that my response is considered fairly considering this.

Finally, no consideration is offered by the applicant regarding the impact of the increase in noise and decrease in privacy on the nature and enjoyment of my and other residents' homes and gardens. Not to mention the impact on residents' well-being during a time that we all have to consider the needs of others. Whether indoors at work or outdoors in my garden the noise is overbearing and intrusive, with extra car/dog/client/ noise and intrusion onto private parking areas.

I agree with all other comments of objection.

I genuinely wish the applicant well and every success in her business and hope that she will seek to provide her service at a more appropriate setting, as she does have a choice in this.

26 Marle Hill Parade
Cheltenham
Gloucestershire
GL50 4LG

Comments: 14th September 2020

We completely agree with the other supportive comments.

We live adjacent and have not particularly noticed an increase in traffic or parking issues. While the dryers are of course audible, it is not a disruption, especially seeing as the hours of business operation are reasonable and when the doors are closed, you cannot hear anything.

The applicant has always been extremely considerate and respectful. We feel it is so important to support local businesses and the running of Smudgers does not bother us. I feel it is imperative that you consider our response as we are direct neighbours and if anything, we and 28 Marle Hill Parade would be the most affected, yet we both strongly support the proposal.

Thank you.

28 Marle Hill Parade
Cheltenham
Gloucestershire
GL50 4LG

Comments: 13th September 2020

My family and I live next door to the applicant, and the premises of Smudgers Mutts on the ground floor of Lotty Lodge sits adjacent to our back garden. As we live in such close proximity to the business concerned, we felt strongly that we should detail the reality of living next to the premises, and our comments would be as follows:-

1. Residents on these 2 roads live close to the very heart of a bustling town centre and on the edge of a main thoroughfare used daily for commuters from one end of town to the other, and beyond. Within walking distance from Wellesley Road there is a wide variety of small local businesses, conveniently placed for the residents of St Paul's/Pittville, providing a great mix of services to The business is now a part of this offer.
2. The anticipated increase in footfall specifically to this road due to the business at Lotty Lodge, has not been noted by us, even during the latter weeks of lockdown when the applicant was able to operate at a reduced capacity.
3. Car parking along Wellesley Road has long been an issue due to the narrow nature of this lane. However, any anticipated increase in parking problems for local residents has also not been noted by this household. We now have a double parking spot at the bottom of our garden and it has never been blocked by a patron of Smudgers Mutts.
4. It is our observation that cars are often parked across the yellow lines and pavement outside Phoebe's Pad on Marle Hill Parade, whilst the applicant is able to offer customers a drop off car parking spot outside her premises.
5. During our time at home for lockdown and subsequent homeschooling, we were not in any way disturbed by the industrial dryers used at Smudgers Mutts, by the frequent customers or by staff chatter to and from work.
6. The trading hours for the business are indeed less than other local businesses, coincide with school hours, and are certainly during the hours that most of the general public are up and about living life.
7. I have recently started a new job and am now working from home 5 days per week via computer and phone, and can confirm that even with my back door open I have not had any cause for complaint. Noise levels are minimal and I have found the applicant to be both considerate to her neighbours and informative throughout the process of the construction, moving in and opening of the business.
8. We feel you should be aware of a noticeable difference in noise at night and parking issues along Marle Hill Parade now the students have returned for the commencement of the university term. The applicants business "noise level" is much more acceptable by comparison!

Finally, we would like to say how disheartening we feel it is to find objections to the applicants business. As a local businesswoman, who has worked hard to build up and move her company to new premises in the middle of a global pandemic, we feel she has done remarkably well in maintaining both her loyal customers and being able to retain the jobs of her staff. From the evidence we have witnessed, the applicant has been consistently polite, reassuring and courteous. She is hugely respected by her staff and customers, which speaks volumes of her character, and makes an excellent role model for her young apprentices and local working women alike.

We wish her continued success and have no objections to her business continuing at these premises.

29 Marle Hill Parade
Cheltenham
Gloucestershire
GL50 4LG

Comments: 18th September 2020

Having lived 2 doors down for over a year, I can honestly say I've never been bothered by any noise/ dogs. Not only is the owner a lovely neighbour, they are constantly respectful and always keep the dogs safe and contained.

19 Campion Park
Up Hatherley
Cheltenham
Gloucestershire
GL51 3WA

Comments: 11th September 2020

I completely support the application. This is a small business that is completely in line with the government's steer and attitude. I would even go 1 further in saying the small company owners have supported and guided young people in advancing their careers and that is another feather in their cap! With regards to the disruption in the local area, I feel (from a non local point of view) there would be minimal disruption unless you have very sensitive hearing! The operating hours are minimal...the so say reported noise is minimal and the sense of providing a service to the public is completely non selfish. I do not see any sensible reason why this business cannot operate when you have other residential businesses operating Child nurseries, for example. This business compared to other..more...(here say) sociably unacceptable positions is totally acceptable in my opinion. If this is not granted I would question why other groomer parlours have been allowed to operate! I would expect a written explanation as to why.

Lotty Lodge
33 Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 28th August 2020

I rent a one bedroom flat above Smudgers Mutts, based in Lotty Lodge. I work from home, and so I must admit, knowing I was moving above the groomers was a concern for me. However, I have now lived here since the beginning of June and I have to say I've had no issue whatsoever with any part of the business downstairs. The noise level, even for me just being upstairs, is hardly noticeable and always kept to a minimum.

I also have a Z11 permit to park on Wellesley Road, and come and go during the day to run various errands or for work purposes. I've had no issue with the road being busier during the businesses opening hours. I've noticed most customers of the business utilise the driveway space in front of the property, which leaves the road clear for pedestrians

and vehicles. I think it is a good idea for a sign to be put up, as mentioned in the cover letter, to make it clear that the space should always be used for customer parking.

In my time living here, I have gotten to know the staff who work at the business below and the owner. They all have been nothing but welcoming and supportive. I think it would be an awful shame if this application was not approved considering the current climate we are living in. I am a firm believer that small businesses like this should be supported in these trying times, and allowed to survive just like the rest of us are trying so hard to do. In summary, I would like to show my full support for the application, I see no reason why it should not be approved.

Lyndale
Pirton Lane
Gloucester
GL3 2QN

Comments: 15th September 2020

I would like to write in support of the planning application for Smudgers Mutts Dog Groomers. Although I do not live locally, I work at Smudgers Mutts and would like to provide some insight into why this business needs to continue trading at this address, and the wider impacts on me personally, as well as the business, should planning be denied. There are a number of points that I have considered when making my decision to support this application.

1. Noise

I have worked for Smudgers Mutts for a number of years, in three different locations, all of them being in a residential street. I appreciate local residents' concerns over noise and changes to the feel of the street if change of use was granted. However, Wellesley Road is not situated in a quiet, rural village. It is in a busy town, surrounded by The Brewery, Pitville Park, The University of Gloucestershire and a local Primary School. Each of these bring some element of noise to the area - some during less sociable hours! I, myself, attended The University of Gloucestershire whilst studying for my degree, and stayed in Brunswick Road, so I know, first hand, how much noise students can make and the times of day they are using the surrounding streets coming and going into town! Whilst Pitville Park is a fabulous amenity to enjoy right on the doorstep, it too attracts an element of noise (both human and dog related) all through the day.

The team at Smudgers Mutts do all they can to limit noise whilst at work. They are professional, considerate people who would not wish to inconvenience neighbours or cause a nuisance and are willing to adapt working practices, should they need to, and are happy to discuss any concerns, should they arise. Windows and doors are kept closed whenever possible. Driers are used for a limited amount of their operating hours. When I am working at Smudgers Mutts, I leave by 2.30pm at the latest and it is usually the case that all dogs are dried by this point. Therefore any noise referred to within oppositional comments is limited to within a school's opening hours (not regular business hours) and kept to an absolute minimum. Rarely is there an issue with noise from dogs visiting the premises. Clients are given scheduled appointments so that all dogs are worked with and monitored by a member of staff at all times to keep them as settled as possible. The staff spend a lot of time acclimatising the dogs to the environment and making them as comfortable as possible. However, it is inevitable that, at some point, a dog will bark! The staff act quickly to quieten the dog should this occur. At this point, I

would like to state that whilst at work at Smudgers Mutts last week, I was able to hear, from the groom room, a dog barking from another property on Wellesley Road. It continued barking for a full 20 minutes without being quietened. I would hope that residents and planners will both consider that dog noise cannot simply be apportioned to Smudgers Mutts and that the local area is, in fact, home to countless other dogs who can give attended to, monitored dogs an unfairly bad name.

I was interested in an oppositional comment made about the sound levels of the high powered driers used by dog groomers and it prompted me to do a little of my own research. High powered driers do, indeed, have a reported average sound of between 94.8 and 108 dB. I was even more interested to learn that usual household domestic appliances, that we would consider acceptable to use at any time, produce a surprising amount of noise too. An average human hairdryer 85-90dB, an average vacuum 80dB, an average lawn mower 90dB, a chainsaw or leaf blower 106-115dB, a garden shredder 111dB and fireworks 140dB. When considering the limited hours per day dog grooming driers are used, over four days a week (never evenings or weekends) I believe the suggested impact to life enjoyment is questionable when compared to the noise levels of the frequently used domestic items mentioned earlier. I would finally like to respond to another oppositional comment which suggests the noise in the near vicinity of Smudgers Mutts 'must be intolerable'. I use these driers every day that I am at work and the noise from them (at very close quarters) is not intolerable! Indeed, the dogs who are dried with them (and who have far sharper hearing than we do) seem to tolerate them well.

2. Traffic

Members of staff do not add to traffic in the area. I do not live locally, but am respectful of the residents parking zones and choose to park out of town and walk in, as do a number of my colleagues (others cycle or live locally enough to walk the entire way). Customers use the designated parking bay or walk to their appointments. On my journey to and from work (on foot) I have not noticed any problems with traffic in Wellesley Road due to this business. The only issues I have been aware of, have come either from the building site at the top of the road or residents parking along the length of the road, limiting passing places. However, as a pedestrian, I have never, at any time, felt unsafe or felt that the traffic in the road was a danger to others.

3. Supporting local business

In these unprecedented times, it is more important than ever for small businesses to receive support from locals and to find new ways to adapt and survive. The Government's advice of 'work from home if you can' has certainly encouraged many to seek alternative ways to operate their businesses and I am saddened that there has been opposition to this application. I appreciate that Wellesley Road is residential, however, it is part of Cheltenham Town and is neighbour to other residential streets that include commercial premises - a general store, a take away and another grooming parlour to name a few. I am not local, however, my own next door neighbour has just been granted planning permission to run her business from her house as lockdown had such an impact on her income she was no longer able to afford to rent a separate commercial property. I am happy to say I supported her application and hope she can make a success of it now that her outgoings are vastly reduced. Our employer has stated that the impact of lockdown (the loss of earnings and the cost to set up premises in Lotty Lodge at short notice in order to continue operating with social distancing in the workplace) means that the business will close down should planning permission be denied. It is simply not affordable to start again, rent another property and relocate. The

precarious current economic climate and the uncertainty of the next few months just does not make it viable.

4. The impact on me personally

I have not always worked as a dog groomer. My profession was as a Primary School Teacher, until I became a registered carer. Financially, however, I still needed to work, so I joined Smudgers Mutts on a self employed basis. I consider myself very lucky to be able to juggle my caring commitments with a job I love and am grateful to the team at Smudgers Mutts for being so flexible and understanding. Due to my caring role, I am unable to work evenings, weekends, school holidays or out of school hours. I also need to be on call, and need days off to attend hospital appointments and it is not unusual for me to be late arriving at work. Finding an employer who is willing to work around all these demands is rare and I am certain that should planning be denied and the business forced to close, I would not find another job that fits around my needs as a carer - especially in the current climate. My job at Smudgers Mutts is crucial to me in order to make ends meet but it is also a lifeline to me personally. It is invaluable to work with a team of people who understand, who are willing to offer support, are flexible and happy to cover my hours when I need to be late or leave early.

5. The clients and their dogs

Finally, I would like to point out that Smudgers Mutts is not simply a business. We care for over 400 dogs between us. Dogs who we have introduced to the grooming process from puppies, dogs who are nervous and needed extra reassurance, dogs who have been ill and need to feel refreshed, dogs whose coats need cutting every 4-6 weeks or they become matted and uncomfortable, dogs whose owners need advice and help to care for their coats/nails/ears. We build relationships and trust with these dogs. We see them regularly and grow to care about them. We can often spot slight changes in health or personality that owners miss. Some of the dogs we care for have been with us so long, we have supported their owners when they come to the end of their life and share in their loss. Should this application be denied, it worries me that 400+ dogs will have to start again, somewhere else. Will have to build that relationship somewhere else. They will not understand, they will be nervous. They may even struggle to find another groomer with appointments available to accommodate them. We saw, first hand, how dogs struggled during lockdown, some missing several scheduled grooms. We at Smudgers Mutts would all be devastated to lose our jobs, our camaraderie and our income but we would be equally devastated to lose contact with our furry family.

I wholeheartedly support this planning application (and so do my dogs who would not want to go anywhere else!)

The Coppers
Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 31st August 2020

Design and impact on the conservation area

As has been stated in previous planning applications St Paul's is an area characterised by compact, high density artisan terraced housing, some modern infill development, high

levels of on-street parking. The terraces generally back onto one another with frequent service lanes running to the rears.

Wellesley Road is a densely populated residential area and any application should preserve the character of the area. With density of housing in the area, the introduction of a commercial premise, which does not need to be located in the area as it does not provide vital services for the area or local residents, is inappropriate.

We note the applicant's covering letter regarding a similar commercial operation, referred to as Phoebe's Pad in Marle Hill Parade. However, these premises were originally, we believe a shop. A property owner or purchaser near this shop would know about this commercial operation. This application is for change of use of a residential house in a residential area.

Traffic and Highway safety

Wellesley Road and Marle Hill Parade are part of the Central Conservation Area. The Plan for this area states that Cheltenham Borough Council will work with Gloucestershire County Council to address and improve parking and traffic management in the area. There is existing high traffic volume and poor traffic flow in the area particularly around St Pauls Road that has to be used to access this proposed new business premises, either via Marle Hill Parade or Wellesley Road.

It is estimated that this commercial premise would result in an additional 35+ cars per day visiting Wellesley Road. Each groomer will be expected to care for a minimum of 5 dogs a day (3 groomers x 5 dogs each); plus additional traffic with deliveries, the arrival and departure of six part-time staff, customers etc. This would be in addition to existing traffic created by the existing business (Dog boarding business) in adjoining premises of 27 Marle Hill Parade, which uses Lotty Lodge as a rear access.

Wellesley Road is a narrow service lane with no pavement. Due to the limited width of the road and further restrictions due to parked cars, vehicles have to travel in single file and pedestrians have to also move carefully using gaps in parked cars or staying close to the sides of the road when cars pass by. There are often no spaces between parked cars as the road is already very full with local residents parking.

Wellesley Road is also a popular route for people travelling to town and children travelling to and from Dunallie School plus visitors to Pittville Park. In addition the students attending and living at the Star College campus at Pittville Park often use this route. The additional cars pose further risk for these pedestrians, especially pushchair and wheelchair users, as they must walk on the road due to the lack of pavement.

Parking

We note the applicant's covering letter concerning the proposed use of the one parking space at Lotty Lodge for customers. However, the planning is for this parking space to be used by the tenant who lives at Lotty Lodge. Since operation there have been a number of occasions of double parking, inconsiderate parking and blocking of the road. If a customer does find a parking spot this will be a resident parking area and thus blocks a resident from parking.

Noise

For residents living close to 'Lotty Lodge' the increased noise levels are noticeable and impact on daily living. The drying and clipping machines are in constant use and make a

considerable level of noise which necessitates the employees and visitors to 'Lotty Lodge' to shout above the level of the machines continually throughout the day.

Following research we cite this extract from a 2012 Study entitled 'Noise Impacts From Professional Dog Grooming Forced-Air Dryers', link at the bottom,

"Four dryers were tested and the study found that the average sound level for three of the four makes of dryer was between 105 and 108 decibels, with the other dryer being recorded at 94.8 decibels."

The noise can be clearly heard from three houses away as you walk up or down Wellesley Road. Plus the noise from dogs barking and whining and the added noise from the existing licensed dog boarding business at 27 Marle Hill Parade.

We note the applicant's suggestion that residents have been particularly disturbed due to more people being at home during lockdown. However, lockdown has ended and the noise levels are still as intrusive as is the increased traffic etc. Also it is most likely that people will be working from home for the foreseeable future and some people are retired. We repeat that this is a residential area and a commercial premise is inappropriate at any time.

Layout and density of the building

Lotty Lodge was designed and gained planning consent as a two bedroomed detached house. The change in layout results in a smaller living area and a commercial premise of 17.8 square meters to handle the grooming of dogs. Within this area there are two grooming tables, dog baths, up to six part-time employees, visiting customers and deliveries. This tight area has no air conditioning facilities so the doors and windows are, understandable, constantly open and thus increases the noise levels.

Other

We are genuinely pleased that this business is doing so well - and wish the applicant well. We would prefer that her commercial business does not operate in Wellesley Road and for the reasons stated above we object to this application.

References:

<https://www.groomers-online.com/blog/2018/03/how-dryers-blasters-affect-your-hearing-what-you-need-to-know-as-a-groomer/#:~:text=Four%20dryers%20were%20tested%20and,being%20recorded%20at%2094.8%20decibels.>

Comments: 16th September 2020

[comments submitted to in response to consultee comments from Environmental Health]

I saw today your comments regarding the above planning application. I wish to complain at the levels of noise that are produced by this business in a residential area. The industrial blow drying machines are particularly disturbing. Recorded reading are at 88 dB. Indeed the difference in the noise levels when the business is closed are marked. There is also the noise from the dogs, 8 in the residential boarding and up to 3 in the grooming lodge.

91 Pennine Road
Cheltenham
Gloucestershire
GL52 5HB

Comments: 16th September 2020

I support the application of Smudgers mutts operating using part of the ground floor. I am self employed and work for the business Smudgers mutts which has allowed me to be completely flexible as to when I work. Losing this job would be detrimental to not only my income but also to my mental wellbeing and state. Like many others, the impact of covid 19 has had a negative effect on both my wellbeing and income, and the closure of this business would bring even further negative effect upon this.

I cannot begin to describe the heartbreak it would also cause all of the staff at Smudgers and myself, if all of our nearly 500 clients had to go elsewhere. Some of these clients have been with Smudgers since the start of the business and therefore have built up an amazing relationship of both friendship and trust, dog and owner included! We work with many people and their pets to provide outstanding care and many would not wish to go elsewhere. I can vouch for this as I myself have 2 rescued collie crossbreeds which I would not trust to go elsewhere after building an amazing and trusting relationship with the staff at smudgers mutts.

As stated, the closure and refusal of application of this would be detrimental to my income and would result in more unemployment which during this pandemic has risen significantly. Being a young adult in this day and age is hard enough and comes with many challenges and being unemployed would add more, the future is uncertain enough as it is without the worry of becoming unemployed and losing a job which I love.

16 Springbank Drive
Cheltenham
Gloucestershire
GL51 0PF

Comments: 20th September 2020

This is a well run grooming business. Dogs are well looked after and any barking will not be more than domestic dogs already resident in the road.

Appointments are staggered so the parking available directly outside Lotty Lodge is adequate. Clients are reminded not to block other properties.

This groom room is popular and provides employment to several people as well as an income for a single parent.

I fully support its continuation as I would if it were next door to me.

28 Fairview Close
Cheltenham
Gloucestershire
GL52 2LB

Comments: 13th September 2020

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As both a staff member and client of Smudger's Mutts, I'd like to share my views.

As a member of staff, I can say it would be a truly sad day if this application was not approved. She has worked tirelessly to build up her business and she provides a wonderful service to many happy clients, the vast majority of whom live locally.

She treats her staff excellently and it would be devastating to us all to lose our employment with her. We are a close knit team and we all also have great working relationships with the clients.

She has also gone above and beyond to help many people. From those just starting out in the business, to teens on work experience and young people looking for their first experience of employment, she has been nothing but kind and welcoming.

I'd also like to address some of the practical issues raised, starting with increased traffic. Wellesley Road has been highly impacted for many months by multiple building projects almost along its entire length. It's also fairly narrow, with cars parked solidly down one side at any given time. It's my view that an extra few cars using the road for access, stopping in the property's allocated off-road parking space, **ONLY** during daytime hours and just 4 days a week, is not going to negatively impact anyone's lives to any degree.

If parking and access is such a serious issue, then perhaps look to other areas such as restrictions on lorries using the road or lessening the space available for the use of on-road parking permits.

I'd also like to add that the estimates of increased traffic shown in another comment (35+ cars per day) are wildly off. Many clients bring 2 or 3 dogs at a time to be groomed. Myself and other members of staff are able to walk or cycle to work. Three groomers and 6 part time staff are obviously not all in the building at the same time! Part time hours are generally in the form of 1 or 2 full days a week, rather than people coming and going all day. My informed estimate would be closer to a max of 12 cars a day, spread over approximately 6 hours.

The lack of pavement on Wellesley Road is indeed unfortunate for pedestrians using it for access, particularly those with pushchairs or those in wheelchairs. However, it only takes a quick look at the map to see that, if this is a serious issue for any one person, using the adjacent Marle Hill Parade with its two pavements would obviously be the better option.

I'd also like it to be noted that due to the fairly central location of the property and its proximity to Pittville Park, a good percentage of clients enjoy walking their dogs to be groomed, either from home or from a town centre car park.

With regards to potential noise from the property, I can confirm that it's kept to an absolute minimum. Doors and windows are generally closed, and I have to say, that the first time I went to work at Lotty Lodge (on foot I might add) I struggled to find it. It was certainly not obvious that there were ANY dogs in the property, and there was no sound of dryers heard from the street. On the many occasions I have walked to Lotty Lodge since then, I have not heard the dryers at all, unless immediately outside the open front door, which is generally closed, unless welcoming a client in.

I have heard multiple dogs barking from other properties, either on Wellesley Road or from Marle Hill Parade properties that back on to it, and also what I would consider excessive noise from building works in the road. I would suggest that anyone complaining of noise from dogs should make certain their finger of blame is pointing at the correct target, rather than the obvious one!

As a client of Smudger's Mutts Dog Grooming, I would be really very sad to have to take my business elsewhere. My dogs have a lovely relationship with the groomers, and this is only built up through time and trust. I also always try and use local "one man band" style businesses wherever possible and I feel that the Council should strongly consider the current political climate of supporting small businesses wherever possible.

As a Cheltenham local, and with Smudger's Mutts Dog Grooming now being located in Wellesley Road, I can walk my dogs there and back, as can many other clients. This is obviously preferable to having to drive for many reasons. It improves the health and wellbeing of the owners (another topic that's being heavily pushed by the government these days), it cuts pollution and environmental damage and lessens the risk of road accidents.

I'd also like to add that I am also a client of Smudger's Mutts Home Boarding. I can absolutely confirm that this is run entirely separately from the Grooming business. No boarding dogs are ever checked in or out through Lotty Lodge. No boarding dogs are taken out for walks through Lotty Lodge. No boarding dogs occupy any part of Lotty Lodge at any time.

In conclusion, it is my view that any concerns raised against this application are either unfounded, not the fault of Smudger's Mutts or very easily rectifiable. I whole heartedly support this application and wish S and Smudger's Mutts a long and happy future at Lotty Lodge.

61 Andover Road
Cheltenham
Gloucestershire
GL50 2TS

Comments: 14th September 2020
Standing

These representations are made by me as an observer rather than as a resident or as a customer or employee of the business. I have known the family for about three years and have been familiar with Wellesley Road and its environs both before Lotty Lodge was built and afterwards.

Environment

Visual: I find the business signage to be minimal and discreet. I have not witnessed any extraneous visual evidence of a business being operated from the premises (eg business waste left on the street).

Noise etc: I have only witnessed the business in operation from the house and garden of No 27 Marle Hill Parade so immediate neighbours, residents, and employees are better

qualified to comment on noise, the likelihood of noxious smells, etc, than I. But I have experienced nothing to disturb me on that account from where I have stood.

I have visited the family most often at weekends (when most residents in the area are of course actually resident). It is otiose to state that the environmental impact of the business at the weekend is nil because it is closed, and there are no plans to change this.

The dog grooming business

The owner has built the business from scratch over many years of training, hard work and dedication. The business operates by personal recommendation as much as anything and she takes care to build relationships with owners and indeed dogs. Passing trade is not an issue. The business provides employment on flexible terms for a number of people and offers training opportunities for any that want them.

She is able to control dogs under her care (unlike some neighbours of mine that I could mention). I know that she has refused boarding business from owners whose dogs cannot settle or have behaviours that are intractable, regardless of whether any disturbance has resulted or not. I understand that she applies the same standards to the grooming business.

Another established dog grooming business exists in the same immediate area, which clearly is not exclusively residential. (Takeaways and shops also operate in the vicinity, often seven days a week). The signage for this comparable type of business is in keeping with advertising its presence in a busy and crowded street and I have witnessed noise from dogs and driers emanating from these premises when passing by, especially in summer. I have no criticism to make of this business given its nature, nor would I seek to make direct comparisons between two businesses that are superficially similar but operate in a different way. Nevertheless, I find these experiences illuminating in context.

Consequences of refusal

The refusal of change of use would result inevitably in the grooming business ceasing to exist, with the consequential loss of service and amenity to a wide community of dog owners, and the loss of employment to a number of staff. The loss would also have an impact on the family (apart from the obvious) as the current arrangement (including specifically its location) allows for some necessary flexibility which was thrown into stark relief during the ongoing pandemic but extends beyond that.

Summary

Personally, I would find it disappointing if the application were to be refused because I fail to discern any rational disinterested objection to it. I also appreciate that the consequential and inevitable loss of a thriving business in very challenging economic circumstances, and the personal impact that this would have on employees and family, would be substantial and tangible. On the other hand, the minimal impact of the business on the area (viewed both immediately and more widely), and its nature, which is not groundbreaking, should in my view argue in favour of the application being granted.

29 The Holt
Bishops cleeve
Cheltenham
GL52 8NQ

Comments: 22nd September 2020

I am a part time holiday worker at Smudger's Mutts and to hear that the business may be closed down is devastating, for the owner and all of her employees. While studying animal science at college I was looking for work experience relating to animals. I approached the owner of this business and immediately she was extremely friendly and willing to help me out. I went in multiple times and then I ended up coming to work for her in holidays, with very flexible working times. Working for this business has helped me greatly in my college course and it has also helped me out as an individual by providing me with flexible work during my time off at college.

As someone who has worked there a lot over summer, I can say that I have seen first hand, the effort which has gone into ensuring that the business is kept minimal and quiet. Customers are frequently reminded before appointments to park their vehicles on the drive in order to prevent traffic and blocking the road. The hand over of dogs is also made as brief as possible in order to ensure that customer noise is kept to the minimum. When dogs are barking, the doors are closed immediately to prevent noise outside the building. Therefore, I completely support this planning application.

Linnet
Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 12th September 2020

My main concern is that it is a residential road with normally more pedestrian than vehicle traffic going to and from the Brewery area/ the High Street/Pittville Park/ Dunalley Infants School etc.....but there is no pavement.

I have noticed an increase in parking and traffic problems with vehicles going down Wellesley Road from the st Paul's end and back again.

I live at the other end of Wellesley Road. However, when walking past with the business in operation I have noticed the noise from it. If I lived nearby I would find it intolerable.

15 Netherwood Gardens
Cheltenham
Gloucestershire
GL51 8LQ

Comments: 16th September 2020

As a client of Smudgers Mutts Dog Grooming, I am somewhat disappointed and bemused to find out that the future of the business is hanging in the balance due to

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unfounded complaints from a couple of residents who, it appears, do not even live close to the property.

Having used Smudgers Mutts at their previous location, I was happy to hear that during lockdown they were able to relocate to Lotty Lodge.

Knowing the area well, it is, indeed, a road that appears to be subject to a lot of growth residentially at St Pauls Road end, however Lotty Lodge fits in well, and is much like the houses that have already been constructed in the last few years.

Smudgers Mutts, and more specifically the business owner, are the most professional and conscientious groomers I have used in the 30 plus years I have been a dog owner. Consideration for others is always at the forefront of the owner's work ethic (whether that be the staff she employs, neighbours to the business, owners and the dogs themselves)

I do not need to re-iterate the facts of this dispute with regards to noise, inconvenience etc as this is a matter that others have already discussed at length in their comments.

All businesses have teething problems when change happens, and these have already been addressed now the business is back to normal working hours.

Suffice to say that my support is on the side of Smudgers Mutts.

If, as a result of this consultation, the business were to cease trading, simply due to a matter of persecution by certain residents (who are not even close neighbours!) then perhaps the objectors to this matter should think carefully whether they have the same consideration for others as Ms Smith!

32 Folly Lane
Cheltenham
Gloucestershire
GL50 4BY

Comments: 5th September 2020

I completely support this application. Having used Smudgers in the past and always recommend them when people ask for groomers.

We should be supporting local businesses, especially in the present climate. There are several people who could potentially be made redundant if this isn't approved.

I often drive down Wellesley Road as my Mother lives in Marle Hill Parade, and I have never encountered any traffic problems.

39 Wellesley Road
Cheltenham
Gloucestershire
GL50 4LD

Comments: 15th September 2020

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We wish to note that planning permission at the site was granted for much needed residential accommodation.

Planning permission to run a dog grooming business is now being sought retrospectively. The owner of the property must have been aware that such a business could not be run from a residential property without permission. The business started running from the premises shortly after building work on the house finished earlier in the year.

Whilst the merits of the dog grooming business taking place in providing employment and a service to dog owners are welcome, if permission is granted it would set a precedent for other businesses to move in to other underdeveloped parts of the road. A large red and white advertising board has been placed in front of the property during opening hours, which has altered the residential character of the road. It is not correct to say that there is no noise from the driers, as this can clearly be heard when walking past when the doors are open which they mostly are.

The business has attracted extra traffic to Wellesley Road which the infrastructure cannot accommodate. The parking space at the property was allocated for the resident of the dwelling. There is additional housing development taking place at the top end of the road which will increase traffic in the road when the houses are occupied.

Pedestrians are now at increased risk as there is no provision for safe walking along Wellesley Road.

Vehicular access out of Wellesley Road into St Paul's Road is extremely dangerous due to poor visibility and the increased traffic has made the situation worse. It is also very difficult to enter Wellesley Road from St Paul's Road when returning home. There isn't room for two vehicles to pass each other entering Wellesley Road and this can cause an obstruction in St Paul's Road creating a hazard to other traffic and the inevitable frustration this brings.

We therefore object to the proposal and hope the business can find more suitable premises in the area.

Comments: 28th September 2020

Regarding the above planning application. Should permission be granted, could a restriction be applied to limit future use in the event of the business closing down or moving from the premises. It could transpire that another type of business even more detrimental to Wellesley Road may locate here if change of use can be passed on.

Thank you for your consideration.

Orwell Villa
St Annes Road
Cheltenham
Gloucestershire
GL52 2SS

Comments: 2nd September 2020

I have been using smudges mutts dog grooming for several years and have taken my dogs to the new premises namely Lotty Lodge. At no time has there been any issue with

driving along Wellesley road or parking outside to drop off my dog. There was no issue with noise from the grooming parlour And on one occasion when I chose to walk to the property it actually took me time to ascertain exactly where the property was. There was certainly no noise that could be heard on the street. As it is a small premises, there are very few dogs there at onetime and I believe that bathing or drying a dog can only happen with one or perhaps 2 dogs at a time. There are never going to be lots of dogs or staff there at the same time as the premises are not large enough to facilitate this. It would be very very sad to lose this business. My dogs are saying so as well as they love Lotty Lodge

29 The Nurseries
Bishops Cleeve
Cheltenham
GL52 8XB

Comments: 14th September 2020

I work at Smudgers Mutts and have done so for 5 years. This has been a fantastic experience as the owner provides flexible work to several ladies like me. If she is made to close the business after investing everything she has into this site it will be utterly devastating for her and all the people she employs. But that is no reason why a business MUST exist and I understand this. My point of view is that I have witnessed first hand, the amount of effort she has gone to provide a service that is discrete, quiet and safe. The owner insists that we cannot park near the premises so I drive to the park and ride and cycle in. We are doing our absolute best to protect the area and environment around us, having read some of the neighbor's comments, I think she/we have been successful. Both of her immediate neighbours have supported the application.

If this application fails then I know the owner will be financially forced to close. I find this terribly sad when someone has already battled to build a business and invested everything just prior to Covid - that decimated the business. After investing again to rebuild after lockdown only to be threatened by negative residents who live so far away from the property they can't be personally affected seems so very very sad.

23 King George Close
Cheltenham
Gloucestershire
GL53 7RW

Comments: 15th September 2020

I chose to be a Smudger's Mutts customer, because of their exceptional personal & business integrity, which reassures me for the care they will show my dog.

The owner has successfully grown the business from its grass roots, continually using sound judgement to make decisions and has always taken her responsibility for her employees & neighbours seriously.

The impact of the business on the adjacent homes, will, I have no doubt been considered in the planning of the groom room's operational layout. As a client I have always been advised to park in the available (signposted) parking space at Lotty Lodge & leave via Courtenay St.

I also note that there are objections from addresses which are not adjacent or even local to Lotty Lodge (The Coppers & Linnet being at opposite ends of Wellesley road), so for these residents to comment on noise & additional traffic is unfounded & without fact.

The dog boarding company is run as an entirely separate business within the address of Marle Hill parade. As a customer of the dog boarding company, I was told that I must drop my dog at the Marle Hill Parade address and NOT Lotty Lodge. This area of St Pauls has many commercial businesses: multiple takeaways, another dog grooming parlour, shops and endless short term house rents (predominantly students).

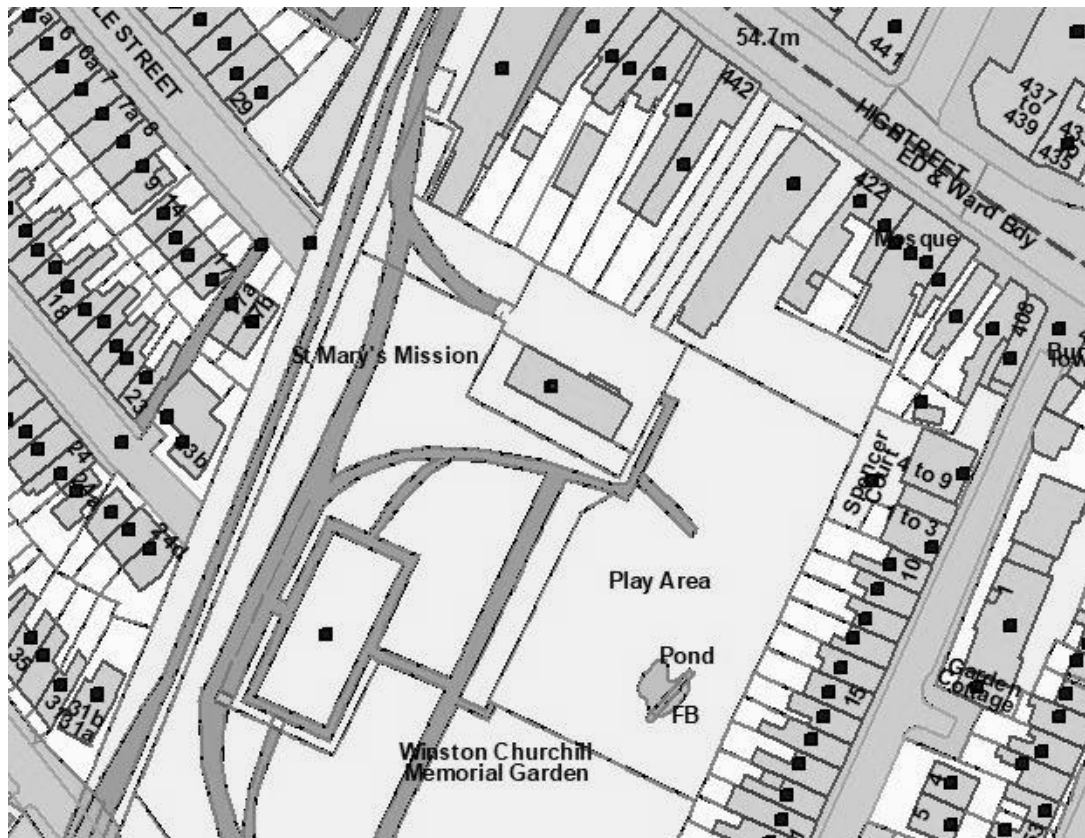
Smudgers Mutts is a local business, contributing to the local economy. As well as supporting apprentice skills training schemes, job opportunities and work experience.

I whole heartily support the application for Smudgers Mutts at Lotty Lodge

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APPLICATION NO: 20/01010/FUL & LBC		OFFICER: Mr Ben Warren
DATE REGISTERED: 6th August 2020		DATE OF EXPIRY: 1st October 2020
DATE VALIDATED: 6th August 2020		DATE OF SITE VISIT:
WARD: St Peters		PARISH:
APPLICANT:	Cheltenham Borough Council	
AGENT:		
LOCATION:	St Marys Mission, High Street, Cheltenham	
PROPOSAL:	Change the current colour of the 2 main entrance gates (Lower High Street and Market Street and attached entrance railings from black to RAL 6000, and also of the entrance archway to the adjacent Honeybourne Line. To remove the railings around St Mary's Mission Hall.	

RECOMMENDATION: Permit & Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to the 'St Mary's Mission' building located within the Winston Churchill Memorial Gardens, accessed from the High Street. The building is Grade II listed and located within Cheltenham's Central Conservation Area.
- 1.2 The applicant 'CBC' is seeking planning permission and listed building consent to change the paint colour of the two main entrance gates located on the Lower High Street and Market Street and the entrance archway to the adjacent Honeybourne Line from black to green (RAL 6000). The application also seeks consent for the removal of the railings around the ST Mary's Mission Hall.
- 1.3 The application is at planning committee as the applicant and land owner is Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Grade II Listed
Conservation Area
Core Commercial Area
Honeybourne Line
Principal Urban Area
Lower High Street Shopping Area
Smoke Control Order

Relevant Planning History:

18/01770/FUL 19th October 2018 PER

Installation of a roof mounted flagpole to the front elevation of St Marys Mission to display the recently awarded 2018 Green Flag for Winston Churchill Memorial Garden

18/01770/LBC 19th October 2018 GRANT

Installation of a roof mounted flagpole to the front elevation of St Marys Mission to display the recently awarded 2018 Green Flag for Winston Churchill Memorial Garden.

20/01010/LBC PDE

Change the current colour of the 2 main entrance gates (Lower High Street and Market Street and attached entrance railings from black to RAL 6000, and also of the entrance archway to the adjacent Honeybourne Line. To remove the railings around St Mary's Mission Hall.

07/00846/LBC 26th September 2007 GRANT

Remedial repair works to include new render coat to upper west elevation and installation of bird guarding/proofing systems to front elevation

18/01770/FUL 19th October 2018 PER

Installation of a roof mounted flagpole to the front elevation of St Marys Mission to display the recently awarded 2018 Green Flag for Winston Churchill Memorial Garden

18/01770/LBC 19th October 2018 GRANT

Installation of a roof mounted flagpole to the front elevation of St Marys Mission to display the recently awarded 2018 Green Flag for Winston Churchill Memorial Garden.

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

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

4. CONSULTATIONS

Ward Councillors

18th August 2020

I would like to support this planning application. This is being done by the Borough Council with the support of the volunteer friends group who put an enormous amount of effort into keeping WCMG as one of the most attractive parks in our town. The change from black to RAL 6000 green railings, especially at the lower High Street entrance, will make it more evident that this is a park.

I am aware that St Mary's Mission is a listed building, and while I am not an expert on the preservation of heritage assets, I don't believe that changing the colour of the railings will have any detrimental effect of the setting of this building.

Heritage And Conservation

29th September 2020

The proposal is to paint the boundary railings green and to remove modern railings located immediately adjacent to St. Marys Mission. A RAL colour of the green is stated within the application but a sample colour has not been supplied.

St. Marys Mission and its railings facing the High Street are grade II listed and the site is located within the Central Conservation Area.

The colour change is from black to green. It should be noted given the date of the railings located along the High Street they were likely historically painted green, as this was a common colour during this period. No evidence on site has been submitted to support this assumption. The proposed colour change is therefore conjectural but based on historic record. In this instance this is considered sufficient to justify the proposed works.

It is also important to consider the context of the site. Given the distinct and landmark type use of the site as a public garden and the isolated location of the railings away from where they would be read in conjunction with the wider streetscape, the colour change is not objected to. It is important to note, acceptance of the proposed colour change should not set a precedent for colour changes to historic railings along the boundaries of other

historic buildings. Each proposal will need to be considered on its own merits with consideration given to the impact on the character and appearance of groups of buildings and the wider setting. Typically historic railings are now painted black and, even though this is unlikely the historic colour, will likely need to remain so in the interest of cohesion.

Removal of the existing modern railings adjacent to St. Marys Mission does not raise concerns. The existing railings are not of interest and are detrimental to its setting given they visually and physically separate St. Marys Mission from its setting.

The proposed works are considered to enhance 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.

If the application is approved it is advised the following conditions be attached to any approval:

Notwithstanding the submitted information, no paint shall be applied unless to a colour sample which shall have been 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, Section 16 of the National Planning Policy Framework (2019) and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Historic Environment Good Practice Advice (note 2).

5. PUBLICITY AND REPRESENTATIONS

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

- 5.1 The application was advertised by way of site notices and an advert published in the Gloucestershire Echo. No letters of representation have been received in response to this neighbour consultation process.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations of this application are design, impact on the setting of the listed building and conservation area, any loss of historic fabric and any impact on neighbouring amenity.

6.3 Design and impact on the listed building/conservation area

- 6.4 Policy SD8 of the JCS states that 'Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.'

- 6.5 The Council's Conservation Officer has reviewed the application and their detailed comments can be read above, no objection has been raised to the proposed works to paint the entrance gates or to the removal of the existing modern railings surrounding the hall building. The works are considered to appropriately preserve and enhance the designated heritage assets and therefore accord with policy SD8 of the JCS.
- 6.6 The proposed painting of the railings in green is acceptable, whilst the Conservation Officer has commented on the lack of a colour sample, officers are happy that the specified colour (RAL 6000) is acceptable and therefore there is no need for a condition.
- 6.7 The proposed works will not result in any unacceptable harm to the design, character or setting of the listed building or the surrounding conservation area and is therefore compliant with adopted Cheltenham Plan policy D1 and adopted JCS policies SD4 and SD8.

6.8 **Neighbouring amenity**

- 6.9 Policy SL1 of the Cheltenham plan and policy SD14 of the JCS seek to protect the amenity of neighbouring land users.
- 6.10 The proposed works will not result in any impact on neighbouring amenity and no letters of representation have been received in response to the neighbour consultation process.
- 6.11 The proposal is therefore compliant with adopted Cheltenham Plan policy SL1 and adopted JCS policy SD14.

6.12 **Other considerations**

Public Sector Equalities Duty (PSED)

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

In the context of the above PSED duties, this proposal is considered to be acceptable.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Officer recommendation is to grant planning permission and listed building consent, subject to the conditions set out below;

8. CONDITIONS / INFORMATIVES

20/01010/FUL:

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

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

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

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

20/01010/LBC:

- 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.

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.

Appeals Lodged Sept/Oct 2020

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
Kyle Lodge Greenway Lane Charlton Kings Cheltenham Gloucestershire GL52 6PN	Construction of a single 5-bedroom self and custom build dwelling with associated buildings, landscaping, works and infrastructure	Delegated Decision	Written representation	December 2020	Planning ref: 19/02449/FUL Appeal Ref: 20/00016/PP1
Land Adjoining 39 High Street Cheltenham Gloucestershire	Change of use from currently undeveloped land to a food trading site	Delegated Decision	Written representation	December 2020	Planning ref: 20/00890/FUL Appeal Ref: 20/00017/PP1
9 Rolleston Way Cheltenham Gloucestershire GL51 3NJ	Erection of a double garage	Delegated Decision	Householder Appeals service	December 2020	Planning ref: 20/00860/FUL Appeal ref: 20/00018/PP1

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
The New Barn Ham Road Charlton Kings Cheltenham Gloucestershire GL52 6ND	Conversion of stables to holiday let (C3) and erection of single storey side extension to provide a garage/store (revision of planning permission 17/01777/FUL - allowed on appeal).	Delegated	Written representation	Appeal Allowed	Planning ref: 20/00006/FUL Appeal ref: 20/00012/PP1
Little Vatch Farm Lane Leckhampton Cheltenham Gloucestershire GL53 0NS	Erection of two self-build dwellings and associated works	Delegated	Written representation	Appeal Dismissed	Planning ref: 19/00471/FUL Appeal ref: 20/00013/PP1

Appeals Lodged Oct/Nov 2020

Address	Proposal	Delegated or Committee Decision	Appeal Type	Anticipated Appeal Determination Date	Reference
17 Brook Vale Charlton Kings Cheltenham Gloucestershire GL52 6JD	Three storey side extension (amendment to previously approved scheme 20/00089/FUL).	Delegated	Fast track written	Dec 2020	Planning ref: 20/00879/FUL Appeal ref: 20/00019/PP1

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
Flat 1 43 Bath Road Cheltenham Gloucestershire GL53 7HG	Appeal against windows in situ that have been refused Listed Building consent	Delegated	Written representation	Dismissed	Enforcement app ref: 19/00057/DCUALB Appeal ref: 20/00009/ENFAPP
12B Glebe Road Prestbury Cheltenham Gloucestershire GL52 3DG	Two storey rear extension	Delegated	Written representation	Dismissed	Planning ref: 20/00027/FUL Appeal ref: 20/00015/PP1

Authorised By: David Oakhill 05.11.2020

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