



Notice of a meeting of Planning Committee

**Thursday, 11 February 2021
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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Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. MINUTES OF LAST MEETING** (Pages 3 - 12)
Minutes of the meeting held on 21st January 2021.
- 5. PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**

- 5a **20/02249/FUL Adey, Gloucester Road, GL51 8NR** (Pages 13 - 30)
 [Planning Application Documents](#)
- 5b **20/02138/FUL 14 Gratton Street, Cheltenham GL50** (Pages 31 - 44)
 2AS
 [Planning Application Documents](#)
- 5c **20/01914/FUL 4 Graduate Court, Cheltenham GL51** (Pages 45 - 52)
 8PE
 [Planning Application Documents](#)
6. **APPEAL UPDATES** (Pages 53 - 54)
 Update on the current appeals.
7. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES**
 URGENT AND REQUIRES A DECISION

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

Planning Committee

Thursday, 21st January, 2021
2.00 - 4.45 pm

Attendees	
Councillors:	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Dilys Barrell, Councillor Mike Collins, Councillor Stephen Cooke, 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) and Mike Holmes (Interim Head of Planning)

1. Apologies

There were none.

2. Declarations of Interest

Declarations of interest were declared as follows:

Cllr Cooke – Borough Councillor for Leckhampton declared 5b and 5d – he will not take part after discussion with Legal officer in item 5b.

Cllr McCloskey declared a friendship with the objector on item 5a and the fact that he previously worked for BT but left there in 1990.

3. Declarations of independent site visits

Cllr Seacome has visited the BT site in Vittoria Walk/Oriel Road and Synagogue Lane Car Park

Cllr McCloskey has visited all the sites

Cllr Oliver has visited BT site on Oriel Road, Burrows Field and Edge Hill Kidnappers Lane, he has previously visited the Chapel Spa for previous applications.

Cllr Cooke has visited all sites except Alstone Croft.

Cllr Barrell has visited Edge Hill, Kidnappers Lane and is familiar with Chapel Spa, North Place and Car Park Synagogue Lane.

Cllr Payne visited all sites.

4. Minutes of the last meeting

Councillor Cooke asked for a correction in the minutes re-item 5a – A Member expressed the view that Gloucestershire County Council had done its best to progress the new school and that the problems encountered were not exclusively the fault of, or in the control of, the County Council.

With the amendment having been noted, the minutes of the meeting held on 17 December 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

5. 20/01680/FUL British Telecom, Oriel Road, Cheltenham, Gloucestershire GL50 1BA

The Planning Officer presented his report which related to an application for a new sliding vehicle access gate to Oriel Road, replacement of existing gate to Vittoria Walk and new metal railings on top of existing low level brick wall opposite Wolseley Terrace.

The objector Mr Ratcliffe was then given the opportunity to speak. He made the following points:

- Object to ringing the site with metal fencing that does not follow heritage policy.
- There has been no harm caused at all by anti-social behaviour therefore no need for a fortress on Wolseley Terrace.
- He mentioned 6.12, 6.13 and 6.14 in that he disagreed with these points in the report.
- The proposed gate and fencing will be an eyesore and believes that a better solution can be found.

The matter then went to Member questions as follows:

- On the application and on the drawings they are heritage railings in Wolseley Terrace but not the other areas surrounding the site – surely they should all be the same as the site is so important.
- Is there a conservation officer present to assist with the application? It was confirmed that as he had supplied comments then he wouldn't be present at the meeting.
- It appears that British Telecom cited antisocial behaviour as a reason for the application, however there does not appear to have been any recent issues. Why has the officer not asked the applicant for further details?
- The objector stated that he had suggested alternative plans, would like to ask the officer what alternatives were suggested.

The responses were as follows:

- In terms of the railings on top of the brick wall – there are other sites that have done the same and it is not the responsibility of the Planning Officer to re design the application.
- With regard to the Conservation Officer being present he provided comments as an update to informal discussions with planning.
- Only considering the merits of the design as the building is not a listed building and there is not an application for Listed Building Consent.
- The Planning Officer re iterated that it is not his responsibility to suggest alternatives to the applicant.

The matter then went to Member Debate:

- The debate appears to be about the railings around the listed building – believes that there should be a gap not full railings to leave road way for loading in and out of Wolseley Terrace. Would favour moving the railings closer to the building. Also if there are spears on the top of the railings they should not be in gold as that is reserved for properties with royal connections.
- The BT building is not a listed building but in a conservation area, the gates that are in Vittoria Walk look like they are for an industrial site and not enhancing an heritage site. We are very fortunate in Cheltenham as we look after our heritage sites. Putting up industrial railings are not in keeping with the area. The applicant does not appear to have given good reason for the application.
- Assumes that there are operational reasons for the applicant there is a precedence for railings in the area, there are some already in the vicinity. The railing may enhance the site however the railings that they have suggested are not the same style all-round the site and this needs to be considered.

- The railings at the side facing Vittoria walk are not too bad however the Oriel Road ones do give concern, always been a nice area however the proposal will make the property look like a prison.
- The telephone exchange has been there since 1968, which included the period of IRA bombings and security wasn't an issue during that time, has there been a Covid related spike in anti-social behaviour since mid-2020.
- This is a horrible looking building and they may have a security issue, the railings on Wolseley Terrace are the main issue on the application.
- Cannot recall seeing a BT building that is inspiring – no objections to the railings would like more consistency of the railings and the position of the railings in Wolseley Terrace are effecting access to the area.
- To refuse would be a mistake a conservation officer has issued a report, thinks that the railings would improve the building. Congratulated the Officers in bringing an improved application.
- Railings can smarten up and tidy up a site, there could be a compromise agreed.
- Understand the reasons for the application, disappointed with BT's reaction to dealing with Wolseley Terrace and there has been know communication with the residents.
- No thought has been given to their neighbours in Wolseley Terrace and their access.
- If this is refused could the applicant put in something without permission. The Officer responded and stated that they could put in something up to 1 metre high without permission?
- Surprised that in a conservation area you can put up anything in a conservation area. The railings on top of a brick wall are not a conservation railing and will not look good in a conservation area.

The chair then went to the legal officer regarding a proposal for deferral.

The vote was then taken for the deferral:

For : 9

Against: 2

Abstain: 0

DEFER

5. 20/01882/FUL Edge Hill, Kidnappers Lane, Cheltenham GL53 0NX

Councillor Cooke left the meeting due to declaration of interest in the item.

The planning officer presented the report which related to extensions to the existing property.

There were no public representations.

The matter then went to Member questions:

- Can you confirm the height of the new dwelling to the top of the roof in contrast to the properties nearby?
- Is there a problem with the light as there is no reference to a light test.
- Are the windows in the coach house affected by the proposal?
- The existing floor plan has a garage and in the new proposal the garage isn't there. Can you inform me about the garage situation?

The Officer responded as follows :

- The ground is slightly raised so the roof will set slightly higher than the Coach House.

- The light test has been taken and the 45 degree light test – no windows are effected on the upper floor. To the rear of the ground floor the patio door is slightly affected however there are multiple sources of light so does not cause a problem.
- With regards to the garage there is a garage to the rear side which will stay in place. However the parking is out at the front of the building and this is not affected by the proposal.

The matter then went to Member debate:

- The immediate area has now dominant style of house and the design of this property is imaginative and will complement the road.
- The houses are going to be very close together – distance between Edge Hill and the Coach House doesn't not seem to be very big.

The matter then went to the vote to permit as per the Officers report

For: 10

Against:

Abstain:

PERMIT

5. 20/01997/FUL & LBC Chapel Spa, North Place, Cheltenham Glos GL50 4DW

Cllr Cooke re-entered the meeting.

The Senior Planning Officer presented the report which related to the change of use of the existing spa to 8no. apartments with associated internal and external alterations.

Councillor Parsons was invited to address the meeting as ward councillor. He made the following points:

- The applicant is an entrepreneur and his application should be supported as this will assist with the recovery from COVID.
- The Spa hotel was granted permission before (May last year) 1 week after permission had been granted the banks pulled out but are prepared to back the option of turning the property into residential.
- The effect on the building if this isn't granted will be devastating.

The matter then went to Member questions:

- If the apartments go ahead will they be freehold or leasehold and does this make a difference to Listed Building Consent.
- Can the Officer confirm will the applicant have 2 live applications on the same site if this is granted?
- Clarification was sought on how the parking will work at the property.

The Senior Planning Officer then responded

- The Planning department do not know if the property is leasehold or freehold as that is not part of or relevant to the planning application process
- There will be 2 live applications for this site for both the hotel and the conversion of the property to living accommodation.
- The parking has been confirmed as per the plan in the officers report and has been confirmed as the same as when the property was going to be a hotel. The parking will be 8 spaces with access from Portland Street.

The matter then went to Member debate:

- The outside shape is the only thing that makes it a Grade 2 listed building.
- Can see that residential is the only viable option at the moment but it is a shame that not more of the property will be preserved.
- It seems a shame that the banks have to decide what it is happening to the building as the hotel would have been lovely, however see the need to change the application due to the current situation.
- The hotel facility is now not seen as practical, the world has moved on and this seems a good option for the owner and will stop the building going to rack and ruin.
- The applicant is really trying to make the best of the options that he has open to him at the moment. The inside will change of the building for the 8 apartments, however it is a sustainable development under this proposal.

The Chair then went to the Legal Officer for the vote:

The first vote for the application and the second for listed building consent

For: 10

Against:

Abstain: 1

PERMIT

Listed building consent:

For: 10

Against:

Abstain: 1

PERMIT

5. 2020/02028/FUL Burrows Field, Moorend Grove, Cheltenham Glos

The Senior Planning Officer presented the report, which related to engineering works to improve and level the playing surfaces of Burrows Field, Moorend Grove. The proposal also included drainage works to improve pitch quality. The site would be laid out to provide 6 'mini-soccer' pitches, an adult pitch and two youth pitches along with a cricket square. Planning permission was required for the engineering works to take place. The principle of the proposal was supported and impact on neighbouring properties, appearance and ecology were all considered acceptable, subject to appropriate conditions. There was an outstanding issue with regard to flooding and drainage, however the Local Lead Flood Authority (LLFA) were in discussion with the drainage consultants and it was anticipated this would be resolved shortly. The application was at committee as the application was made by the council. It was recommended that if members approved the application that the final decision be delegated to the Head of Planning in consultation with the Chair and Vice Chair of the Planning Committee.

The Chair invited Mr Alan Bailey, a member of the public, to speak in support of the application.

Mr Bailey stated he lived in Shurdington Road in flood zone 3B, an area with a high risk of flooding issues. He was in favour of improving the amenities but had concerns about changes to perimeter tracks, which had already been approved, which would result from improvement of the drainage of the playing field as it changed the level and layout of the

pitches. The two sustainable perimeter pathways for cyclists and pedestrians were not fully defined, had been approved without proper consultation and no plans could be found on the Council website. He felt the poor design and material defined could increase flood risk downstream and stated all surfaces needed to be permeable to reduce the risk of flooding. He felt there was a lack of consultation with the Environment Agency, Flood Prevention Officer and Highways and that the cycle track and sustainable pathway route around the area needed up-grading to align with the application to improve the drainage system. Although in favour of the application, he requested to know how the council would manage the standards of the build required and how application 20/00332/FUL concerning the perimeter tracks would progress.

The following questions and points of clarification were raised by members with the Officer:

- The relevance of fields in trust was asked. The Officer was not sure where this was stated but confirmed that the land was the council's responsibility.
- Members asked where did water go now and where would the water go when the field was relevelled and drainage improved? Would the problem be directed elsewhere? Was a SUD system going in or would water go straight into the stream/brook? What methods would be used to stop water going straight into the brook in order to give a drier field? On all these issues relating to excess water, the Officer replied that this ultimately was the issue at hand as the proposals did cause concern that as the field became more waterlogged the water would ultimately be pushed into the stream further away and that was what they were trying to resolve – where it was directed to and how it would be controlled. The Officer referred members to the flooding and drainage section of the report, stating that to avoid instances of waterlogging to the pitches a drainage design had been put forward resulting in runoff from the pitches being conveyed to the watercourse (Hatherley Brook). The assessment also stated that ponds would be provided to increase storage capacity during periods of high rainfall.
- Members asked whether the flooding issue was going to be considered by others and a decision made outside this meeting as it was not really something they felt they could consider at the moment when the Local Lead Flood Authority had not come to a conclusion. A member questioned why this application was being processed when they did not have the conclusion of the flood agents. The Officer explained that there was a funding cut off time line for the works, so a timely decision would allow funding to be secured to enable the work to be carried out. He continued that once a decision from the LLFA had been received, the matter would be deferred back to the Head of Planning and Chair and Vice Chair of the committee for discussion before final approval. He also advised that they were working with a consultant who was advising on flooding issues.

There being no further questions, the Chair moved to debate and the following points were made.

Several members commented that it was a fantastic scheme and had huge support in the community. The football pitch surfaces were poor and it was necessary to improve them and to provide good facilities for local sports people in the community.

Many members acknowledged that flooding was an issue and that everything must be done to ensure that it did not result in homes being flooded. Several felt they could not support it if there was an impact on neighbouring properties, so a cast iron solution was needed if approved.

A member suggested that sound engineering logic was needed and he feared the committee would not get the right advice and would need to be cautious about it, when they did. He referred to previous issues with the LLFA and the consequences that then remained forever.

Another member also expressed not a lot of faith in the local flood authority and would want the input of advice from the council's own flood experts into the alleviation scheme.

A member suggested this put a lot of responsibility, with pressure from all angles, on the Chair and Vice Chair to decide this if approved with delegated authority.

The Chair reminded members that the application had come early to committee in order to secure the funding. He acknowledged members' great concern about the flooding situation and, if approved with the final decision being delegated to the Chair and Vice Chair, he assured members that he supported the comments about not creating flooding issues elsewhere and would check on that.

The ward councillor for the area of the Burrows Field supported the project in principle as it would enable significant quality uplift to a sports field, where the pitches were often water logged, and it was an important community resource. However he was concerned that better drainage might actually increase flood risk elsewhere by more rapid rate of water run-off. He confirmed about the watercourse, spoke about the ponds to increase water capacity and gave some facts and figures about the rainfall amount and recent flash floods in the area. He expressed concern about the lack of information from the Local Lead Flood Authority and wanted clarification on what the engineering solution would be, as if the ground was saturated and the balancing ponds already full there would be little leeway and a flood risk. He proposed that the LLFA and EA should be asked to endorse any solution proposed before proceeding; that what was agreed be explicit and transparent for the public; that conditions include that the engineering solution should mitigate against increased run off, and to ensure that the Council had covered all bases because of the potential unintended consequences downstream. Finally he referred to the conclusion recommendation in the report, stating 'subject to no objection being received' and felt this was not strong enough and that it should be positively endorsed and also urged that the EA be encouraged to give a formal reply that what the council proposed would work and not cause a significant risk. With those caveats he supported the application.

The Officer replied that the EA would not comment if it did not meet their criteria and threshold for comments and that the Council could not force them to do so. However do have consultation with the LLFA and also a flooding consultant that can now turn to. The Officer also referred to the point about 'no objections' stating the likelihood was that will get a comment that says no objection but will more than likely suggest conditions for appropriate solutions or works that need to take place or even maintenance procedures.

A member referred to the historic evidence that the ward councillor had provided on flooding and rainfall and suggested the committee should not be considering that as it affected the field as it was today and it was not job of the applicant to improve the situation, but to ensure it did not get any worse. He said the committee should have all the information, as cannot vote on something that could cause further flooding. However the drainage strategy referring to ponds and engineering methods to slow the water run off down, were more positive. A deferment was suggested, even if it meant losing the funding, as difficult to vote on something that might cause flooding to someone's home.

The Chair agreed to include the ward councillor in the final decision making and reminded members that the committee was being asked to give approval to the Chair and Vice Chair and Head of Planning, on the basis that they will look at the flooding issue as and when the information was received. If members were not happy to give this responsibility to those mentioned, then they would have to vote against the scheme or vote for deferment.

A further member was happy with the debate and what he had heard, particularly with regard to the drainage strategy. He wondered if the funding timeline was forcing the committee's hand, but he was in favour of delegating responsibility.

A member challenged the comment about it not being the job of the applicant to improve the situation, stating he felt that it was, in light of the council's commitment to climate change and wanted to question this with the Planning Officer. Another member stressed that he meant more that the flooding situation should not be made worse.

The Head of Planning replied stating that he had not seen anything in legislation that made it incumbent on local planning authorities to improve a situation, the principle was not to make things worse.

The view was also expressed that the conditions on how flood alleviation would be achieved must be transparent and explicit for the public, when the scheme was approved.

The Officer confirmed that the Council owned the field and that ultimately it was the council's responsibility and that's why the application was at committee, although he felt it would probably have been called in anyway.

The Chair concluded that members could defer, refuse or approve on the basis that the flooding issue would be looked into further and authority be delegated to the Head of Planning in consultation with the Chair and Vice Chair of Planning Committee, together with the ward councillor.

The Chair moved to vote on the substantive motion of approval with delegated authority to the people mentioned above.

For: 10

Against: 0

Abstain: 1

PERMIT

5. 20/01655/FUL Car Park, Synagogue Lane, Cheltenham, Gloucestershire

The Senior Planning Officer presented the report which related to the provision of a temporary public pay and display car park for an additional period of 3 years (renewal of planning permission 15/00954/FUL). No changes to the existing car park layout, access arrangements, surfacing material, associated lighting or fixtures or opening hours were proposed. The existing temporary car park was an extension of the Chelt Walk town centre car park and Condition 2 of the 2015 planning permission required the use of the land as a temporary car park to cease from September 25th 2020. The application was before planning committee because the applicant and principal landowner was Cheltenham Borough Council.

There were no objections and no issues raised by Environmental Health or Gloucestershire Highways.

The recommendation was to grant planning permission subject to the conditions relating to time limited to 21 January 2024; the approved plans; no new structures or raising of land levels and the submission of flood evacuation plan.

A member asked if this could be extended again in the future or could the land be developed as there would still be a need for this car parking facility. The Officer replied that with regard to EM1 and extending use after 2024, given the current economic recovery and uncertainty as to the situation in 3 years, there could be a further extension, but advised that any future development would include an element of parking, so there should not be a total loss of parking on this site.

Another member questioned if there had been any complaints or representations from the Bayshill Inn about not having access via their back entrance where there were two car parking spaces which they used to unload their supplies. The Officer advised that she was not aware that it was an official back entrance and that they were legally allowed to deliver

from those parking spaces. She suggested it might be an informal arrangement and confirmed there had been no complaints or representations made by the Bayshill.

A member commented that it was good to know that this car park site could be considered for mixed development in the future as it was a very valuable site right in the heart of the town.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to grant planning permission subject to the conditions as set out in the report.

For: 11

Against: 0

Abstain: 0

PERMIT (unanimously)

5. 20/01972/FUL 11 Alstone Croft, Cheltenham, Gloucestershire, GL51 8HB

The Senior Planning Officer presented the report relating to a single storey ground floor rear extension to a semi-detached property located within a residential area on Alstone Croft. The application was before committee as the applicant worked for the Environmental Health team of Cheltenham Borough Council.

No objections had been received and the Officer recommendation was to permit subject to the conditions as set out in the report.

In response to a question from a member, the Officer confirmed that a detached garage needed to be removed to make room for the extension.

There being no further comments or questions the Chair moved to vote on the Officer's recommendation to permit.

For: 11

Against: 0

Abstain: 0

PERMIT (unanimously)

6. Appeal Updates

There were no appeal updates.

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

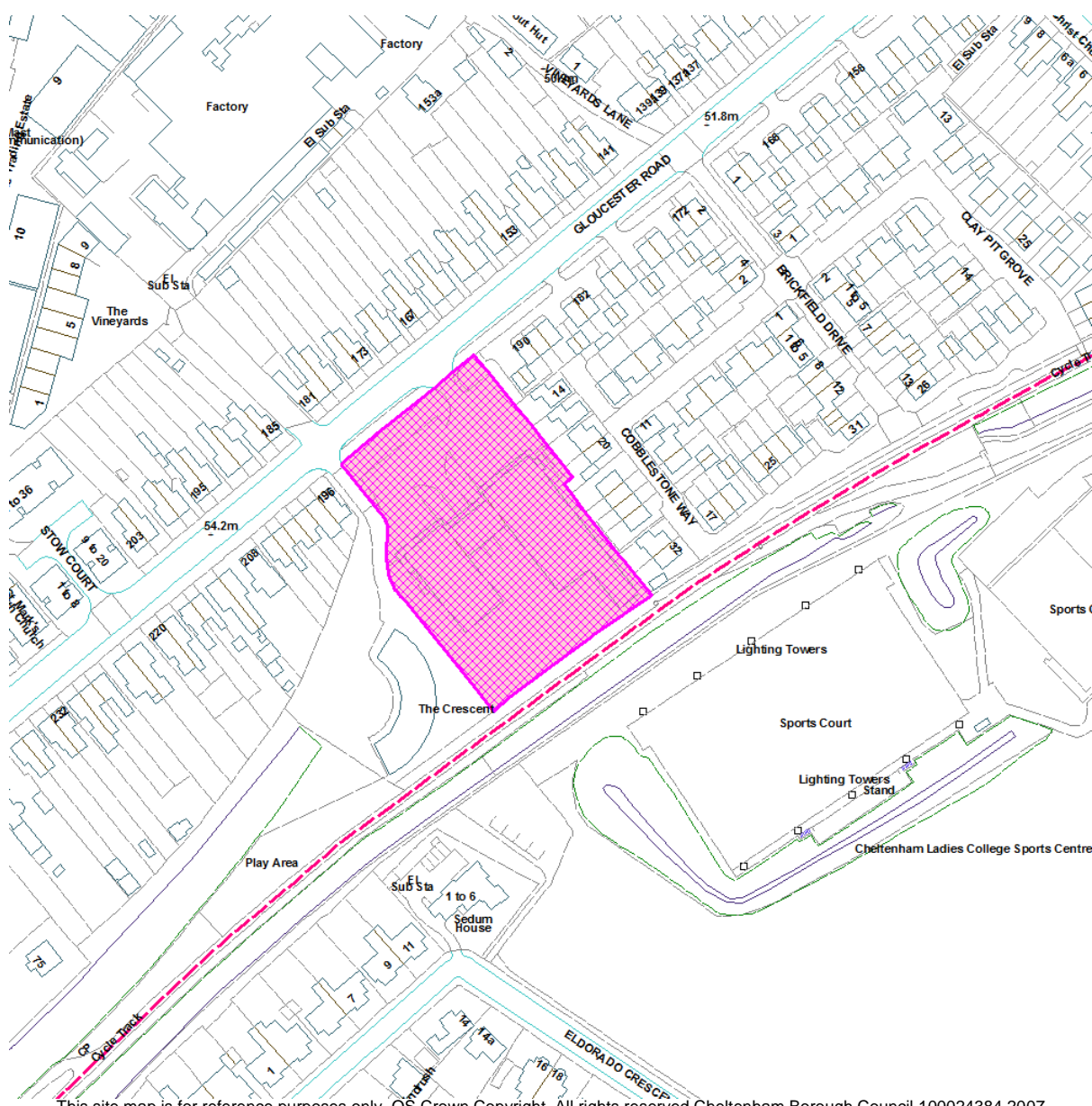
There were none.

Chairman

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APPLICATION NO: 20/02249/FUL		OFFICER: Mr Daniel O Neill	
DATE REGISTERED: 17th December 2020		DATE OF EXPIRY: 11th February 2021	
DATE VALIDATED: 17th December 2020		DATE OF SITE VISIT:	
WARD: St Peters		PARISH:	
APPLICANT:	Mr Chris Adey		
AGENT:	Evans Jones Ltd		
LOCATION:	Adey Ltd, Gloucester Road, Cheltenham		
PROPOSAL:	Insertion of windows into the building		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a large commercial building occupied as a B1 office with light industry use located on the north eastern side of Gloucester Road. The site is located between the new housing estate at the former Travis Perkins site and a four storey block of flats known as the Crescent.
- 1.2 The applicant is seeking planning permission for the insertions of windows, at both ground floor and first floor of the building.
- 1.3 Revised plans have been submitted throughout the course of this application following discussions with the agent and the case officer.
- 1.4 The application has been called to committee at the request of Cllr Willingham due to the impact upon the privacy of the surrounding neighbours.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport safeguarding over 15m
Airport Safeguarding over 45m
Honeybourne Line
Principal Urban Area
Residents Associations
Smoke Control Order

Relevant Planning History:

00/00887/FUL 12th September 2000 PER

Erection of car showroom (Amethyst Seat) and proposed valet area extension (Amethyst Honda)

01/01127/ADV 19th October 2001 GRANT

Display of fascia panels, entrance panels, directional sign and pylon sign (retrospective)

96/00972/PF 20th February 1997 PER

Construction Of Two Car Showrooms/Dealerships

97/00420/AI 26th June 1997 PER

Illuminated Fascia, Pylon, Welcome And Directional Signs

98/00467/PF 30th July 1998 PER

Erection Of Car Showrooms and Workshop (Incorporating Minor Amendments To Those Previously Approved Under CB10689/17) Together With The Provision Of Ancillary Par

04/02169/FUL 24th February 2005 PER

Extensions to existing showrooms (located under existing covered way)

05/00475/ADV 13th May 2005 GRANT

Display of 3 x fascia signs, 1 x pylon, 1 x directional, 1 x welcome sign.

09/01612/COU 7th April 2010 PER

Change of use to B1 (light industrial)

13/00052/COU 28th February 2013 PER

Change of use of former Seat Amethyst car showroom to B1 (light industrial) use - to be used in association with adjoining premises Adey Ltd

13/01337/DISCON 11th October 2013 DISCHA

Discharge of conditions for planning permission ref: 13/00052/COU - Conditions: 5) Detailed scheme for landscaping, 6) Detailed scheme for boundary walls

15/00935/FUL 30th June 2015 PER

Installation of new window to office (retrospective)

15/01693/FUL 28th October 2015 PER

Installation of two new windows to office

16/00081/CLPUD 28th January 2016 CERTPU

Installation of a new window at ground level of the office

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

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

4. CONSULTATIONS

Ward Councillors

11th January 2021

I've been contacted by several residents about this planning application, and would like to request a committee call-in.

The reasons are public interest, and overlooking / privacy concerns.

I would be keen to encourage the council to perform a HRA (Human Rights Act) assessment to ensure that any decision can be shown to consider their rights such privacy and peaceful enjoyment of property.

I also wonder whether a possible compromise that could allow this to progress is to require frosted glass on all windows that overlook residential properties, and what the best way to suggest this to the applicant would be.

Building Control

7th January 2021

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

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	48
Total comments received	13
Number of objections	13
Number of supporting	0
General comment	0

5.1 Letters of notification have been sent to 48 neighbouring properties twice following submission of revised plans. 13 comments in objection following the two counts of neighbour letters sent and they have been summarised but not limited to the following points;

- Loss of privacy
- Overlooking
- Disturbance from building works
- Incorrect use of the site

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations when determining this application are design, impact on neighbouring amenity and impact on the wider locality.

6.3 The site and its context

6.4 Adey Ltd is the occupant of a large detached commercial building that was given permission for B1 office use with light industry in 2009 and expanded by occupying the adjacent building with interlink in 2013.

6.5 The front of the site with vehicle access is located facing Gloucester Road. Adjacent to the side facing north-west is the rear of a number of properties at Cobblestone Way, part of the new housing estate built at the former Travis Perkins site in 2016. To the side of application site facing south-east is four storey block of residential flats known as the Crescent, of which the rear of the property overlooks the Adey building.

6.6 At the rear of the application site is the Honeybourne Line, a public open space with views of the site and the surrounding area.

6.7 Design and layout

6.8 The application proposes various casement windows made from PPC aluminium to match the existing windows installed within the building.

6.9 No alterations are proposed to the front and principal elevation of the site. The proposed windows will not look out of character and will have limited views within the public realm.

6.10 Officers therefore consider that the design of the windows are acceptable and will not impact the appearance of the wider locality. The use of PPC aluminium is a welcome choice given their durability and sustainability.

6.11 Impact on neighbouring property

- 6.12** The most significant issue with respect to the proposed development is the impact upon the privacy of the surrounding residential neighbouring properties.
- 6.13** Policy SL1 of the Cheltenham Plan emphasises that the decisions will have regard to matters including loss of privacy and a development should not cause harm to the amenity of the adjoining land users. This is reinforced in Policy SD14 of the Joint Core Strategy protecting the amenity of neighbouring occupants.
- 6.14** On initial receipt of the application, the proposed development included first floor windows to the side elevations of the site that faced the boundary to properties along Cobblestone Way and the block of flats known as the Crescent. It was considered that this could cause a detrimental impact of overlooking and a loss of privacy to the occupants of these residential properties. Revised plans were received, completely omitting these first floor windows from the proposed development.
- 6.15** Following on from the submission of revised plans, the application still intends to propose first floor windows that face the inner service yard of the site respectfully indicated on the drawings as *south-east elevation on cut through*. Officers consider that these windows are acceptable given that they are in excess of 44m to the south-eastern boundary, complying with the minimum 21m window to window distance as indicated within Policy SL1 of the Cheltenham Plan. As such, it is considered that these new windows will not cause a loss of privacy to the neighbouring occupants at the Crescent.
- 6.16** With regard to the ground floor windows proposed, including those facing the boundary with properties at Cobblestone Way and the Crescent, these new windows can be achieved under permitted development.
- 6.17** Article 3, Part 7, Class A & F of the Town & Country Planning (General Permitted Development) Order 2015 permits the installation of a window to a building provided:
- The development is not within the curtilage of a listed building
 - Any alteration is not within article 2(3) land (i.e conservation area)
 - The alterations does not include the provision of a veranda, balcony or raised platform
 - The alteration is at ground floor only
- 6.18** This element of the proposal meets all of the above criteria and therefore this can be achieved without the benefit of planning permission.
- 6.19** Nevertheless, officers have made some observations with regard to these proposed windows given the level of representations made from the surrounding neighbours. The windows proposed at both side elevations are screened by high boundary enclosures. The boundary with properties at Cobblestone Way includes a 1.8m high timber fence, whilst the boundary to the site known as the Crescent includes an approximate 2m rendered wall. Both of these boundary treatments will act as a privacy screen while any views from the proposed windows to neighbouring first floor windows will be at an oblique angle.
- 6.20** Additionally, the ground floor windows facing the boundary adjoining the property known as Crescent would be in excess of 9m to the boundary and are in such a juxtaposition that the boundary together with the distance prevents any perception of a loss of privacy and overlooking.

6.21 Officers have noticed that 5 windows at the north-west side elevation, facing the rear gardens and elevations at Cobblestone Way were set higher in line in comparison to the other windows further along. This is due to a slight variation in floor level and views from the windows could overlook the 1.8m high boundary fence.

6.22 Despite these windows still permissible under permitted development, revised plans will be submitted omitting these windows from its entirety. This is a welcome addition at the courtesy of the applicant and the agent.

6.23 In light of the above, it is considered that no unacceptable loss of privacy will be caused to the surrounding residential properties. There are no other significant amenity concerns as a result of the proposed development.

6.24 Other considerations

6.25 Several comments from the surrounding neighbours have raised concerns over the exact use of the site and disturbance in respect to noise, smell and light pollution. This is not pertinent to the application and cannot form part of officer's consideration.

6.26 A concern was raised regarding potential disturbance from noise and dust if the application is permitted. This is not material planning consider in respect to this type of development and alteration. Potential harmful effects from building works are covered by Building Regulations and separate legislation independent from planning matters.

6.27 Human Rights

6.28 As referred to within the local ward member representations it is therefore appropriate to consider the Human Rights implications of the proposal.

6.29 The Human Rights Act of 1998 protect rights and fundamental freedoms, while promote the ideals and values of a democratic society. It sets out basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

6.30 The specifics of the act relevant to planning are Article 6 (Right to a fair hearing), Article 8 (Right to respect for private and family life), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Protection of property).

6.31 These rights have been taken into account in coming to this recommendation and efforts have been made to ensure the privacy of the surrounding neighbours have been maintained to acceptable amount.

6.32 Public Sector Equalities Duty

6.33 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 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
- 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 complies with the 3 main aims set out.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Taking the above into consideration, the proposal complies with the relevant Local Plan policies, JCS policies and NPPF.
- 7.2 Officer recommendation is permit this application subject to the conditions set out below;

8. CONDITIONS

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

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

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

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

INFORMATIVES

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

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

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

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APPLICATION NO: 20/02249/FUL		OFFICER: Mr Daniel O'Neill
DATE REGISTERED: 17th December 2020		DATE OF EXPIRY : 11th February 2021
WARD: St Peters		PARISH:
APPLICANT:	Mr Chris Adey	
LOCATION:	Adey Ltd, Gloucester Road, Cheltenham	
PROPOSAL:	Insertion of windows into the building	

REPRESENTATIONS

Number of contributors	13
Number of objections	13
Number of representations	0
Number of supporting	0

13 Brickfield Drive
Cheltenham
Gloucestershire
GL51 8PN

Comments: 8th January 2021

I object this. It is residential area and need privacy.

22 Cobblestone Way
Cheltenham
Gloucestershire
GL51 8PW

Comments: 28th January 2021

Myself and family wish to object in the strongest possible terms to this planning application for more windows at the ADEY site on Gloucester road. As has been noted by a number of fellow residents, the site is seemingly operating, at best, JUST within and possibly beyond its current allowed grade. Impromptu smoking shelters, near constant air conditioning whine and noise pollution of small scale industrial undertakings, are already causing residential upheaval at best, and in worst case misery.

As a property that will be completely overlooked by this proposed window insertion (for what reasons I would like to understand better), what action has been taken to mitigate the effects on residents?

In our property, the use of the garden is paramount. This application would not only cause significant noise pollution, potentially cause health implications as I can see no plan on how airborne materials would be stopped from entering residents properties. Speaking as a frontline NHS health care worker and registered health care professional, what risk assessments have been taken in regards to potential respiratory implications for people at risk of airborne contaminants? The number of windows and other proposed works will cause significant structural change to the building resulting in waste materials

of various sizes, the likelihood of airborne contaminants at a time when the world faces a respiratory pandemic could not be more ill timed.

Furthermore, the absolutely unequivocal assault on residents privacy is wholly unacceptable. In our specific case, our children are home schooled in a converted classroom container in our garden. If the impact of the noise and general works can be subdued, the ongoing legacy of severe constant invasion of privacy into our kitchen and eating area along with the only outside space we have to exercise safely (again in the context of a lockdown we have no other choice) is going to detrimentally impact both our children's wellbeing and right to a safe and protected upbringing, along with mine and my wife's own mental health needs.

In spite of the proposed changes to not add any windows on the first floor, we would still have our privacy compromised by the lower windows as they would still be perfectly visible from our bedrooms. There has also been no consideration, consultation or explanation given to how the building works will impact on our lives from a health and safety perspective. The site is literally up against our gardens on Cobblestone Way, the very real risk of injury either from falling debris etc, or respiratory related effects such as fine dust/particulate particles has not been addressed!

We can see no reasonable reason why our homes should be subjected to this application, the north west facing aspects of the building all face directly into residents homes. Our bedrooms would need to be constantly shielded, depriving them of natural light, potentially fresh air for however long this takes and a completely unreasonable adjustment to our (already extremely stressful) daily routines.

17 The Crescent
Gloucester Road
Cheltenham
Gloucestershire
GL51 8PF

Comments: 28th January 2021

I am concerned that my original objection to this application does not appear on the list of objections made.

I have reviewed the amended drawings and agree with the other objections posted in that while it is to be welcomed that some of the proposed new windows have been removed there are still many more that remain. These will impact the privacy of residents in the Crescent.

The implied increased usage of the facility will also increase the noise from the site again disturbing the neighbours.

14 The Crescent
Gloucester Road
Cheltenham
Gloucestershire
GL51 8PF

Comments: 7th January 2021

As a neighbour of the Adey Facility I strongly object to this planning permission.

The context of this objection is fact that this business only has planning permission for office use, yet it has become clear over the last year, its use is falling outside of the boundaries of this usage.

Several industrial skips and 50+ storage crates are in constant use within the back yard area, serviced by forklift vehicles and causing an increased noise levels throughout the day. As such planning permission compliance for existing usage should be challenged as part of this application.

Residents of the Crescent already suffer noise pollution day and night due to the Air Conditioning units, which provide a constant noise through the late evening. Additionally the erection of a smoking shelter facing the Crescent (without planning permission and not shown in the plans submitted), results in groups of staff congregating below my apartments windows, looking directly into my bedroom. This location was totally unnecessary and could have been located elsewhere on the site with no impact to its use or residents, but Adey has shown no effort to consider or work with local residents.

Moving on to this specific planning permission, the proposed windows would look directly into the windows of my apartments bedrooms, one of which is a full 7ft x 7ft patio style sliding window with Juliet balcony. It would result in restricted use of one bedroom or require window coverings to be fully closed throughout the day and I do not consider this to be a reasonable expectation. Photos supporting this objection are available.

10 The Crescent
Gloucester Road
Cheltenham
Gloucestershire
GL51 8PF

Comments: 7th January 2021

The proposed plans will have a negative effect on the amenity of the local area by reducing the privacy of the residents and by having an overbearing effect.

The Crescent is designed in such a way as to have very limited sightlines to neighbouring residential properties and the Adey building. In its current form, the proposed plans will remove this level of privacy from the residents of the crescent, which is a significant alteration to the existing character of the area. This would impact on the quality of life for the residents who would be now overlooked.

From the submitted documentation I can find no reference to whether an assessment of the window-to-window distances has been undertaken to see if this complies with current best practice.

The number and position of the windows will significantly alter the development and will have an overbearing effect on the surrounding area. Currently the sides and rear of the building have limited windows. Residents and pedestrians on the Honeybourne Line are not overlooked. The proposed change will have a significant effect on the scale of the

building, one of which will be to increase the presence of the building which could lead to people feeling intruded upon when they had not previously been.

15 The Crescent
Gloucester Road
Cheltenham
Gloucestershire
GL51 8PF

Comments: 6th January 2021

I object to the proposal by Adey Ltd to install windows on the south-east elevation of their existing building as it would adversely affect the privacy of our bedroom windows into which they would face.

We already suffer noise pollution from this neighbour due to large heat exchangers / air conditioning units running continuously day and night. And if the capacity of this building is to be augmented, I should imagine the the heating / cooling needs will increase correspondingly.

The ADEY building is approved for office use -class E but we notice a gradual increase of light industrial use, witness the many waste bins which have recently started populating the site.

Comments: 12th January 2021

Email available to view in Documents tab.

Comments: 27th January 2021

The SE elevation of the amended plan - that is facing The Crescent is unchanged and therefore our concerns regarding privacy remain. I see no reference to the fitting of frosted windows which would make this proposal more acceptable.

18 Cobblestone Way
Cheltenham
Gloucestershire
GL51 8PW

Comments: 3rd January 2021

The insertion of windows into the existing North West elevation will impact immensely on the PRIVACY of the new build estate adjacent to the Adey building. The windows will look directly into the gardens and patio doors into the lower living areas, and upper windows will look directly into the first floor bedrooms of the houses!

Visually the building is vast and already impacts on the visual aspect of these new build houses, inserting many windows is only going to make this visual impact even worse.

Established screening in the form of mature trees should be installed as a condition to the application before any changes to the unit are even considered. If any new windows are installed they should be obscure glass.

The existing drawing on the planned North West elevation is actually incorrect as there are already 2 windows present here currently.

Comments: 26th January 2021

The revised plan is an improvement, however even the downstairs windows can still look upwards into the first floor bedrooms of the properties. Therefore, I still maintain any windows inserted should be required to be in frosted glass and with mature trees planted to maintain the privacy of the homes next door.

20 Cobblestone Way
Cheltenham
Gloucestershire
GL51 8PW

Comments: 7th January 2021

I object the installation of windows at Adey Ltd, Gloucester road. These new windows would face into my garden, my living room and a bedroom and would directly affect my family's PRIVACY.

This building already have a very negative visual impact on the new estate my family live in. The building is massive and there is no tree or any type of vegetation surrounding it. Adding many windows would increase this negative impact.

22 Cobblestone Way
Cheltenham
Gloucestershire
GL51 8PW

Comments: 7th January 2021

Myself and family wish to object in the strongest possible terms to this planning application for more windows at the ADEY site on Gloucester road. As has been noted by a number of fellow residents, the site is seemingly operating, at best, JUST within and possibly beyond its current allowed grade. Impromptu smoking shelters, near constant air conditioning whine and noise pollution of small scale industrial undertakings, are already causing residential upheaval at best, and in worst case misery.

As a property that will be completely overlooked by this proposed window insertion (for what reasons I would like to understand better), what action has been taken to mitigate the effects on residents?

In our property, the use of the garden is paramount. This application would not only cause significant noise pollution, potentially cause health implications as I can see no plan on how airborne materials would be stopped from entering residents properties. Speaking as a frontline NHS health care worker and registered health care professional, what risk assessments have been taken in regards to potential respiratory implications for people at risk of airborne contaminants? The number of windows and other proposed works will cause significant structural change to the building resulting in waste materials of various sizes, the likelihood of airborne contaminants at a time when the world faces a respiratory pandemic could not be more ill timed.

Furthermore, the absolutely unequivocal assault on residents privacy is wholly unacceptable. In our specific case, our children are home schooled in a converted classroom container in our garden. If the impact of the noise and general works can be subdued, the ongoing legacy of severe constant invasion of privacy into our kitchen and eating area along with the only outside space we have to exercise safely (again in the context of a lockdown we have no other choice) is going to detrimentally impact both our children's wellbeing and right to a safe and protected upbringing, along with mine and my wife's own mental health needs.

We can see no reasonable reason why our homes should be subjected to this application, the north west facing aspects of the building all face directly into residents homes. Our bedrooms would need to be constantly shielded, depriving them of natural light, potentially fresh air for however long this takes and a completely unreasonable adjustment to our (already extremely stressful) daily routines.

24 Cobblestone Way
Cheltenham
Gloucestershire
GL51 8PW

Comments: 2nd January 2021

I wanted to raise my objection to the installation of windows at Adey Ltd, Gloucester Road due to the close proximity to my home. I would have a lack of privacy in my garden as they would have a complete view of my garden as the windows would be placed above the height of our fence

26 Cobblestone Way
Cheltenham
Gloucestershire
GL51 8PW

Comments: 10th January 2021

I strongly object the installation of these windows as they would overlook into our garden and would be directly opposite my bedrooms! I feel uncomfortable knowing mine and my family's privacy would be invaded.

28 Cobblestone Way
Cheltenham
Gloucestershire
GL51 8PW

Comments: 8th January 2021

I strongly object to these works being carried out as it will mean an invasion of our privacy and may also increase other factors such as noise. This building is currently situated right next to our back garden and is already an eyesore even without the proposed addition of windows all the way along

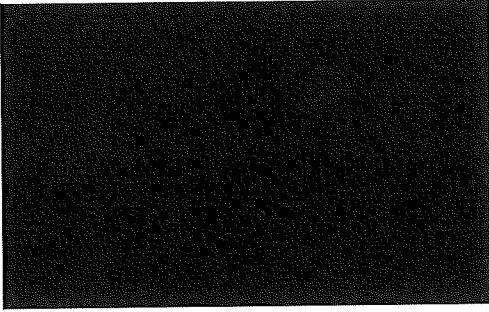
30 Cobblestone Way
Cheltenham
Gloucestershire
GL51 8PW

Comments: 29th January 2021

My family and I strongly object the insertion of windows at Adey Ltd as they will overlook into our garden and kitchen/dining area on the ground floor and into our two bedrooms on the first floor which will have a huge impact on our privacy. This is a residential area, it needs privacy and the insertion of windows will only cause nuisance not just from a privacy point of view but also the excess noise, high level of pollution. The windows will face all of our back gardens where quiet, privacy and safe pollution level come at a premium. The addition/plantation of trees and greenery is a must!

[REDACTED]

From: Internet - Built Environment
Sent: 12 January 2021 16:51
To: Internet - Planning Comments
Subject: FW: Planning Application - 20/02249/FUL - Insertion of windows into the building - Adey Ltd



From: [REDACTED]
Sent: 12 January 2021 16:48
To: Internet - Built Environment
Subject: Planning Application - 20/02249/FUL - Insertion of windows into the building - Adey Ltd

To Cheltenham Borough Council Planning Department,

With regard to the application by Adey Ltd for the insertion of windows in their existing building, I wish to register my strong objection. The many windows proposed face closely those of my two bedrooms, one of which is floor to ceiling, this would present a gross intrusion into my privacy.

We are already disturbed by the continuous running of air conditioning units night and day which are located on the south east wall of the Adey building and not shown on the plan. It is reasonable to assume that increasing the capacity of the building will entail upgrading the air conditioning/heating requirement to our further detriment.

This building is approved for office use only but we have noticed a gradual creep toward light industrial, with a great many bins and skips appearing in their yard with the associated noise of heavy vehicles etc. I enclose pictures to demonstrate some of my points.

Sincerely,

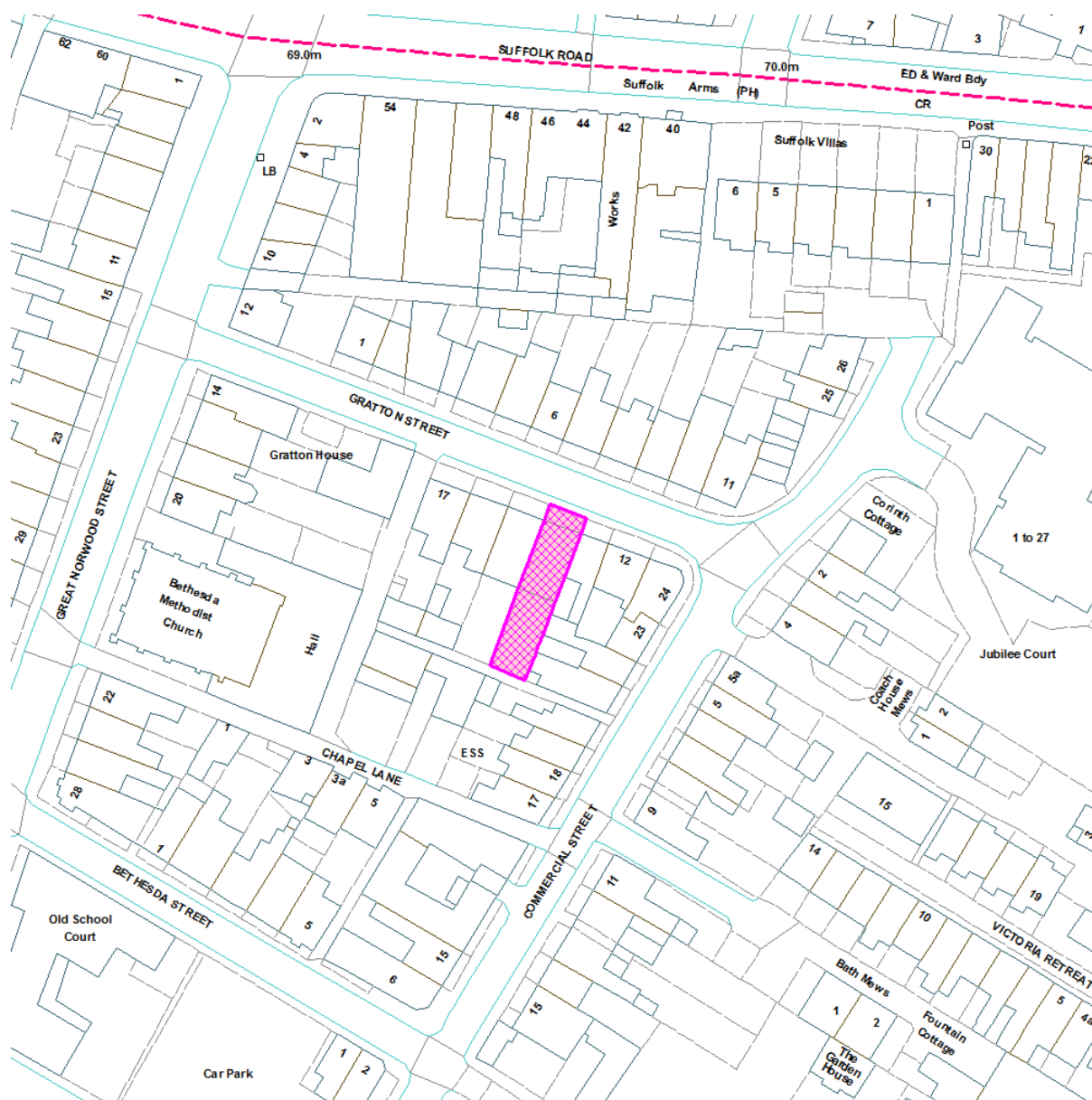
[REDACTED]

15 The Crescent
Gloucester Road
GL51 8PF



APPLICATION NO: 20/02138/FUL		OFFICER: Mr Ben Warren	
DATE REGISTERED: 3rd December 2020		DATE OF EXPIRY: 28th January 2021	
DATE VALIDATED: 3rd December 2020		DATE OF SITE VISIT:	
WARD: Park		PARISH:	
APPLICANT:	Mr and Mrs S Carpenter		
AGENT:	RRA Architects		
LOCATION:	14 Gratton Street, Cheltenham, Gloucestershire		
PROPOSAL:	Proposed rear extension and front basement extension with internal alterations		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a mid-terraced property located within a residential area on Gratton Street. The site is located within Cheltenham's Central Conservation Area and The Suffolks Character Area.
- 1.2 The applicant is seeking planning permission for a single storey rear extension and front basement extension with associated internal alterations.
- 1.3 The application is at planning committee at the request of Councillor Barrell, who wishes members to consider the concerns raised by the neighbour at number 13 Gratton Street regarding loss of light and loss of outlook as a result of the proposed single storey rear extension.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area
Principal Urban Area

Relevant Planning History:

04/01960/FUL 18th January 2005 REF

Conversion of basement area into a self-contained flat together with a two storey extension to the rear

05/01263/FUL 16th September 2005 PER

Two storey rear extension

05/01264/FUL 21st October 2005 PER

Change of use of basement into a self-contained flat including new access to the front

10/00224/CLPUD 16th February 2010 CERTPU

Single storey rear infill extension

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 4 Decision-making

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

Supplementary Planning Guidance/Documents

Residential Alterations and Extensions (2008)

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

4. CONSULTATIONS

Building Control

4th December 2020

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

5. PUBLICITY AND REPRESENTATIONS

- 5.1 5 letters were sent to neighbouring properties on two separate occasions, a site notice was displayed and an advert was published in the Gloucestershire Echo.
- 5.2 Two letters of objection have been received from the neighbouring land user at number 13 Gratton Street who objections to the proposed rear extension due to a perceived loss of light and loss of outlook.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The main considerations in relation to this application are the design, impact on the conservation area, and the impact of the proposal on neighbouring amenity.
- 6.3 A site visit has been carried out to the neighbouring property, in addition, site photos have been provided and google maps / google street view have been used to fully consider the proposed development.

6.4 The site and its context

- 6.5 The existing building is a mid-terraced rendered property providing accommodation over three levels, basement, ground and first floor. To the front of the site is an existing light well opening with access stairs to the basement level and railings, to the rear of the site is an existing two storey wing and small single storey lean to extension.
- 6.6 The site is located in a built up residential area of Cheltenham and properties in the Gratton Street have various single and two storey additions to the rear.

6.7 Impact on neighbouring property

- 6.8 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.
- 6.9 The plans originally submitted as part of this application included a full width single storey rear extension. A site visit was carried out following receipt of an objection from number 13 Gratton Street who raised concerns regarding a loss of light and loss of outlook. Number 13 Gratton Street has a small rear garden/courtyard area which is already bound on three sides by existing structures/boundary walls. The garden of this site is lower than the ground floor level of the property and is therefore accessed by a couple of external steps. With this being the case, the existing structures to the east and south of this garden already have an impact on this space, as does the extent of the existing single storey extension within the application site.

The application originally proposed to add a further single storey full width rear extension that would run the full length of the neighbour's garden. Whilst the proposal would not result in any unacceptable loss of light to any habitable room, officers considered that it would result in an unacceptable overbearing impact on the neighbour's private amenity space and would therefore have a detrimental impact on the usability and enjoyment of this limited outside space. Officers therefore requested revised plans to address these concerns.

- 6.10 The revised plans now show the new extension to be set in from the boundary with number 13 by approximately 1.8 metres. Officers acknowledge that the neighbour still objects to this revised scheme and also appreciate that the extension will likely be visible from the rear doors of number 13. However, in its revised form, officers do not consider that the extension will result in any unacceptable overbearing impact. It is also noted that these gardens are south westerly facing and therefore will receive adequate sunlight throughout the majority of the day.
- 6.11 The works to the basement will have no impact on neighbouring amenity in terms of a loss of light or loss of privacy.
- 6.12 In its revised form the proposals are 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.
- 6.13 **Design**
- 6.14 Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture and layout.
- 6.15 Adopted Cheltenham Plan Policy D1 requires extensions and alterations of existing buildings to avoid causing harm to the architectural integrity of the building or group of buildings. JCS policy SD4 relates to design and identifies the key considerations to include context, character, legibility and identity, amenity and space. Furthermore JCS policy SD8 requires designated and undesignated heritage assets and their settings to be conserved and enhances as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place. In this case the heritage asset is the conservation area.
- 6.16 Cheltenham's Supplementary Planning Document (SPD) – Residential Alterations and Extensions identifies that development should maintain character, achieve subservience, maintain space between buildings, maintain privacy and ensure adequate daylight is maintained.
- 6.17 The proposed rear extension in itself is a relatively small scale addition to the site, however will further increase the footprint of existing extensions to the property. The new extension will sit comfortably within the plot and will read clearly as a subservient addition to the existing building. The proposed extension has a contemporary design approach, and whilst this is not in keeping with the traditional design of the existing building it is considered to represent an acceptable modern addition that will not result in any unacceptable harm to the design or character of the existing building or to the surrounding conservation area. External finishes/materials have not been detailed within the application. It is understood that the material will be a standing seam metal cladding, which officers consider to be acceptable in principle, however a condition has been suggested which requires full details to be submitted.
- 6.18 The proposed works include an extension at basement level which would partially infill the existing light well/opening to the front of the property. Whilst light wells are a common

feature of the properties in Gratton Street, these vary in size and form, some have large openings with access steps to the basement level, others only have small light wells for light and escape purposes. The partial infilling of this area to create a basement extension is not considered to result in any unacceptable harm to the design of the existing building or any unacceptable harm to the character of the conservation area and is therefore considered to be acceptable. However, details of the roof construction, including materials is considered necessary and therefore a condition has been suggested.

- 6.19 The proposal is considered to be compliant with the requirements of the Adopted Cheltenham Plan (2020) policy D1, adopted JCS policies SD4 and SD8 and the Supplementary Planning Document – Residential Alterations and Extensions (adopted 2008).

6.20 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 Having considered all of the above, whilst the concerns of the local residents have been duly noted, officers consider the proposed development to be compliant with the adopted Cheltenham plan policies, adopted JCS policies and guidance within Cheltenham’s Supplementary Planning Document – Residential Alterations and Extensions.
- 7.2 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 begun not later than the expiration of three years from the date of this decision.

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

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

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

- 3 No external facing materials shall be applied to the single storey rear extension unless in accordance with:

- a) a written specification of the materials; and
- b) supporting images

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

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

- 4 Prior to the commencement of works to extend the basement, details of the roof construction including

- a) a written specification of the materials; and
- b) supporting images

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

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

INFORMATIVES

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

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

In this instance, the authority sought revisions to reduce impact on neighbouring amenity;

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

APPLICATION NO: 20/02138/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 3rd December 2020		DATE OF EXPIRY : 28th January 2021
WARD: Park		PARISH:
APPLICANT:	Mr and Mrs S Carpenter	
LOCATION:	14 Gratton Street, Cheltenham, Gloucestershire	
PROPOSAL:	Proposed rear extension and front basement extension with internal alterations	

REPRESENTATIONS

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

13 Gratton Street
Cheltenham
Gloucestershire
GL50 2AS

Comments: 22nd December 2020
Letter attached.

Comments: 22nd January 2021
Letter attached.



13 Gratton Street
Cheltenham
Gloucestershire
GL50 2AS

David Oakhill
Head of Planning
Cheltenham Borough Council
PO Box 12,
Municipal Offices
Cheltenham
GL50 1PP

19th December 2020

Dear Sir

Your reference 20/02138/FUL

Thank you for informing me of the proposal to build an extension to the rear of the house next door to mine. I wish to object to this application made in respect of 14 Gratton Street. My reasons are outlined below.

The planned extension will have a very significant adverse impact to the rear of my property. It will overlook and overshadow my entire back yard, leading to a significant "loss of light" and an major loss of on my visual amenity. I have a small back yard measuring 2.6 meters by 6 meters which is planted with two vines, a cold frame, numerous pot plants and includes a table and four chairs. I use this all the year round especially in the summer months. I enclose a picture (figure 1) of the western wall of my yard looking towards the rear of neighbours house – 14 Gratton Street. I also enclose a picture on which I have drawn the extent of what is being proposed. You will note that my neighbour plans to add 0.5 meters vertically above the wall dividing our properties. From that point a roof is planned with its apex about 3.5 meters high. Moreover, the planned extension would be to the full extent of my back yard some 3 meters long. The scale of these proposals is shown in the second picture enclosed (figure 2) and it is clear that the proposed building will have a very significant effect in terms of "loss of light", especially in the afternoon and evening, to both my back yard and to the rooms at the rear of my house.

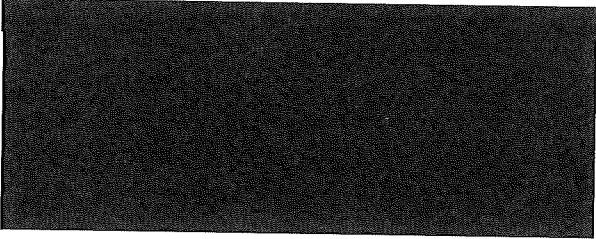
I would also like to suggest that these proposals will have an overbearing visual impact on my property. This is illustrated in figure 2 which indicates that the proposed new building will have a significant adverse effect on the openness of the views to the west of my property. The building of the extension next door would, therefore, make my back yard far less attractive, more difficult for me to nurture and grow plants, and far less useful as a valued part of my property. These proposals could, therefore, be construed as "garden grabbing".

I contend that these plans are not in keeping with the character of the neighbourhood. As I understand it, the houses on Gratton Street were built in the 1820s and are very typical of that time. It is said that the properties housed local traders and shopkeepers and, in common with the immediate area, benefits from being a designated conservation area. I would like to suggest that the scale of these proposals is inappropriate given the special historical significance of the area. It is noteworthy that none of the houses on the street have extensions on the scale of those proposed by the new owner of 14 Gratton Street.

In short, I would like to suggest that if these proposals were to be approved, I would suffer a significance loss of light, an adverse visual effect, a reduction in the usefulness of my back yard, and the proposals, if successful, would represent a major challenge to the special historical character of Gratton Street.

I look forward to hearing from you

Yours faithfully



20201217_111050.jpg

<https://mail.google.com/mail/u/0/?tab=wm>



fig1. View from my back yard taken 17/12/20

20201217_111050.jpg

<https://mail.google.com/mail/u/0/?tab=wm>



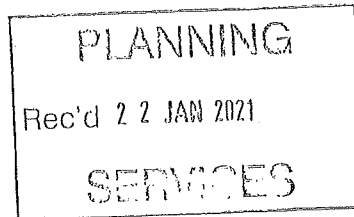
fig 2 View from my back yard
with new roof and wall added.

13 Gratton Street
Cheltenham
Gloucestershire
GL50 2AS

David Oakhill
Head of Planning
Cheltenham Borough Council
PO Box 12,
Municipal Offices
Cheltenham
GL50 1PP

Dear Sir

Your reference 20/02138/FUL



20th January 2021

Thank you for arranging for a site visit and sending me copies of the revised plans in respect of the planning application you have received in respect of 14 Gratton Street. I wish to continue to object to these revised plans for the reasons outlined below.

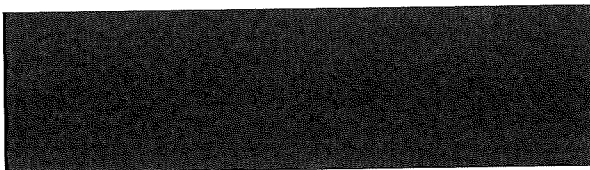
The revised planned extension will still have a very significant adverse impact to the rear of my property. Its height and length have not been changed and it will continue to overlook and overshadow my entire back yard, leading to a significant "loss of light" and major loss of my outlook and visual amenity. As noted in my letter of December 19th I have a small back yard which is used throughout the year. I enclose a picture (figure 2) of the western wall of my yard looking towards the rear of neighbours house – 14 Gratton Street. I indicated on that photograph the height (3.5 meters) and length (3 meters) of the planned roof and there is nothing in the new plans to change this impression of the impact of what is being proposed. While I recognise that the applicant now is planning to build about 1.8 meters from the rear western wall of my yard the height and length of the revised proposed building will have the same effect in terms of "loss of light", especially in the afternoon and evening, to both my back yard and to the rooms at the rear of my house.

Similarly, the new proposals will do nothing to ameliorate the detrimental effects on the back yard of my property making it far less attractive, not as usable as a "garden", and a less valued part of my property. The earlier judgements that I made in terms of the adverse effect of these proposals on the special character of the neighbourhood, as protected by conservation area status, still apply.

In short, I would like to suggest that if these proposals were to be approved, I would suffer a significance loss of light, reduction in outlook, and a decline in the usefulness of my back yard. As noted earlier these proposals, if successful, would represent a major challenge to the special historical character of Gratton Street.

I look forward to hearing from you.

Yours faithfully



This shows that the revised extension will have the same impact as would the original



fig 2 View from my back yard with new roof and wall added.

APPLICATION NO: 20/01914/FUL		OFFICER: Mr Daniel O Neill	
DATE REGISTERED: 3rd November 2020		DATE OF EXPIRY: 29th December 2020	
DATE VALIDATED: 3rd November 2020		DATE OF SITE VISIT:	
WARD: St Peters		PARISH:	
APPLICANT:	Atherstone		
AGENT:	n/a		
LOCATION:	4 Graduate Court, Cheltenham, Gloucestershire		
PROPOSAL:	Erection of a cat cage (Retrospective)		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 4 Graduate Court is a semi-detached dwelling located on a residential cul-de-sac within the St Peters ward. The site was part of 90 new dwelling permitted in 2013.
- 1.2 The applicant is seeking planning permission for the erection of a cat cage. The proposed development is attached to the rear elevation and therefore has been considered in the form as an extension rather than a separate outbuilding.
- 1.3 The application is at committee due to the applicant being an authority member of Cheltenham Borough Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area

Relevant Planning History:

12/00662/DEMCON 23rd May 2012 NPRIOR

Demolition of all school buildings, former caretakers house and other structures (Not including the existing Sports Hall)

13/00911/OUT 17th January 2014 PER

Outline application for residential development including means of access (indicative layout of 85 dwellings)

14/01317/REM 24th November 2014 APREM

Approval of reserved matters in connection with permission 13/00911/OUT. Residential development of 90 dwellings and associated roads, footways, parking, landscaping, and public open space.

15/00017/DISCON 16th June 2015 DISCHA

Discharge of conditions 4, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27 on outline planning permission 13/00911/OUT

15/00619/AMEND 26th May 2015 PAMEND

Non material amendment to planning permission 14/01317/REM- moved alignment of access road, moved entrances to plots fronting Arle Road, dwellings on Arle Road frontage adjacent to the footpath moved, railings removed from plot 17 and cycle store moved to the entrance of the LEAP

C12/00012/DEMO 1st May 2012 CLOSED

Demolition of Former Christ College School

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

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

Building Control

10th November 2020

No comments to be made.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	10
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1** Letters of notification have been sent to 10 neighbouring properties. 3 comments of objection were received from the surrounding neighbours and has been summarised but not limited to the following points

- Design
- Height
- Visual Impact

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The main considerations when determining this application are design, impact on neighbouring amenity and impact on the wider locality.

6.3 Design and layout

- 6.4** Policy D1 of the Cheltenham Plan requires development to reflect the principles of urban and architectural design, while complimenting and respecting neighbouring development within the wider locality. This is reinforced by policy SD4 of the JCS and section 12 of the National Planning Policy Framework.

- 6.5** The application proposes a structure to the safe keeping of a pet animal incidental to the enjoyments of the dwelling house. By virtue of its fixing to the rear external wall by a series of bolts, the form of the proposed development must be considered as an extension to the existing dwelling.

- 6.6** Officers have taken into consideration the height, scale and appearance of the proposed development. It is acknowledged that the structure is somewhat utilitarian in appearance however it gives the appearance as an independent outbuilding incidental to the parent dwelling and a structure that is temporary without a permanent foundation. Furthermore, consideration has been given to how the height and scale of the proposal will not skewer the legibility of the original building, how fits comfortably within the plot and will read as a later addition.
- 6.7** It should also be noted that the dimensions of the structure could be achieved as an outbuilding under permitted development despite its appearance. The height of the cat cage, in relation to the neighbouring boundaries, would adhere to the requirements indicated within regulations for incidental outbuildings. This indicates that a structure of this design could be built, with permanent foundations instead of attachment to the rear elevation, without the benefit of planning permission. This is an important fall-back position to consider.
- 6.8** Whilst the design of the proposal will conflict with the existing red brick of the parent dwelling, its location to the rear and its obscurity from the wider public realm, indicates that no unacceptable harm to the wider locality will be caused.
- 6.9** In light of the above, the modest scale of the proposed development and what can be achieved under permitted development, it would be unreasonable in this instance to refuse the application based on its design.
- 6.10 Impact on neighbouring property**
- 6.11** Policy SL1 of the Cheltenham Plan and policy SD14 of the JCS requires development not to cause any unacceptable impact to neighbouring amenity. Development should not cause a loss of privacy, outlook and/or light to the surrounding neighbours.
- 6.12** Officers understand the comments from the surrounding neighbours regarding its visual impact through its visibility from private amenity areas however this is not sufficient for a reason of refusal given what can be achieved under permitted development.
- 6.13** Consideration has been given to how the proposed development is of a height and depth which will not cause any unacceptable loss of light. Its design will also allow for light to seep through and will not create any detrimental overshadowing affect.
- 6.14** There will be no unacceptable loss of privacy or additional overlooking concerns given the size of the proposed development. This subject area was initially used as rear patio space incidental to the enjoyment of the dwellings private amenity areas. As such, this will not impact the privacy of the neighbouring properties.
- 6.15** Officers have also taken into consideration how the proposed development will not create a high and long boundary impacting the outlook of the neighbouring properties. It is also of note that the development is 2.5m in depth and under permitted development a 3m extension could be achieved without permission.
- 6.16** Overall, it is considered that no harm will be caused to the amenity of the surrounding neighbours in respect to privacy, light and outlook.
- 6.17 Public Sector Equalities Duty**
- 6.18** As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 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
- 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 complies with the 3 main aims set out.

7. CONCLUSION AND RECOMMENDATION

- 7.1 Officer recommendation is to permit this application subject to the conditions set out below;

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.

INFORMATIVES

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

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

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

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APPLICATION NO: 20/01914/FUL		OFFICER: Mr Daniel O Neill
DATE REGISTERED: 3rd November 2020		DATE OF EXPIRY : 29th December 2020
WARD: St Peters		PARISH:
APPLICANT:	Atherstone	
LOCATION:	4 Graduate Court, Cheltenham, Gloucestershire	
PROPOSAL:	Erection of a cat cage (Retrospective)	

REPRESENTATIONS

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

7 Tutor Court
Cheltenham
Gloucestershire
GL51 8PJ

Comments: 10th November 2020

The cage is ridiculously tall and has created an eyesore for me and my family. It can be seen poking above all fences in the area.

I do not understand why they need this, if you want to keep your cat in doors and not have it run away, then do just that. KEEP THE CAT IN DOORS.

Cats shouldn't be both indoor and outdoor, they should be one or the other, and seeing as you've decided to seclude your cats to the cage whenever outdoors, then it's fairly obvious they should be kept in doors at all times. If you want to have your cat get some outside time then get a leash.

14 College Drive
Cheltenham
Gloucestershire
GL51 8NY

Comments: 23rd November 2020

The cage is ludicrously high. It towers above all of the garden fences. If it was the same height as the fence there would be no issue.

Comments: 26th November 2020

The cage is ludicrously high. It towers above all of the garden fences. If it was the same height as the fence there would be no issue.

Also the applicant is named on the letter if you were to require advice. Conflict on interest or what.

Tutor Court
Cheltenham
GL51 8pj

Comments: 28th November 2020

The prison cell is illuminated at night time. It is huge and looks very bad. The letter says decisions will be made on a material basis so the sob story about the cat is irrelevant.

Council do the right thing and get this gone. It is far too high and breaks all planning rules.

Appeals Lodged JAN/FEB 2021

Nothing to report at this time.

Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
9 Rolleston Way Cheltenham Gloucestershire GL51 3NJ	Erection of a double garage	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 20/00860/FUL Appeal Ref: 20/00018/PP1
Apartment 7 North Hall Pittville Circus Road Cheltenham Gloucestershire GL52 2QU	Replace 2 existing single glazed sash windows with uPVC double glazed sash windows at the front of the building	Delegated Decision	Written representation	Appeal Dismissed	Planning ref: 20/00831/FUL Appeal ref: 20/00020/PP1

Authorised By: Mike Holmes 01.02.2021

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