



Notice of a meeting of Planning Committee

**Thursday, 19 August 2021
6.00 pm
Council Chamber - Municipal Offices**

| Membership | |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillors: | Garth Barnes (Chair), Paul Baker (Vice-Chair), Barbara Clark, Bernard Fisher, Stephan Fifield, Paul McCloskey, Tony Oliver, John Payne, Richard Pineger, Diggory Seacome and Simon Wheeler |

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

Important Notice

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This meeting will be recorded by the council for live broadcast online at <http://www.cheltenham.gov.uk> and www.youtube.com/user/cheltenhamborough. At the start of the meeting the Chair will confirm this.

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

Agenda

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST**
- 3. DECLARATIONS OF INDEPENDENT SITE VISITS**
- 4. MINUTES OF LAST MEETING** (Pages 3 - 6)
Minutes of the meeting held on 17 June 2021.
- 5. PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS –
SEE MAIN SCHEDULE**

- | | | |
|-----------|-------------------------------------------------------------------------------------------------------|-------------------|
| 5a | 21/00193/FUL Waterside <u>Planning Application Documents.</u> | (Pages 7 - 30) |
| 5b | 21/00279/FUL Co-op, Leckhampton Road <u>Planning Application Documents.</u> | (Pages 31 - 60) |
| 5c | 21/00583/FUL Clarence Court Hotel <u>Planning Application Documents.</u> | (Pages 61 - 104) |
| 5d | 21/01102/CONDIT 7 Park Place <u>Planning Application Documents.</u> | (Pages 105 - 114) |
| 5e | 21/01351/LBC Cenotaph <u>Planning Application Documents.</u> | (Pages 115 - 120) |
| 6. | APPEAL UPDATES For information. | (Pages 121 - 124) |
| 7. | ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION | |

Contact Officer: Harry Mayo, 01242 264 211,
Email: democraticservices@cheltenham.gov.uk

Planning Committee

Thursday, 17th June, 2021
11.00 - 11.50 am

| Attendees | |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Councillors: | Councillor Paul Baker (Vice-Chair), Councillor Bernard Fisher, Councillor Stephan Fifield, Councillor Paul McCloskey, Councillor John Payne, Councillor Richard Pineger, Councillor Diggory Seacome and Councillor Simon Wheeler |
| Officers in Attendance: | Mike Holmes (Interim Head of Planning) and Legal Officer |

1. Apologies

There were apologies received from Cllrs Barnes, Barrell and Oliver. In the absence of Cllr Barnes (Chair) Cllr Baker as Vice Chair chaired the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Declarations of independent site visits

Cllr Payne visited : 155 Leckhampton Road, Cromwell Court and Burrows Field.

Cllr McCloskey visited: 155 Leckhampton Road, Cromwell Court and Burrows Field.

Cllr Fifield visited: Robert Harvey House.

4. Minutes of last meeting

The minutes of the last meeting were approved.

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

6. 21/01106/FUL 155 Leckhampton Road, Cheltenham GL53 0AD

The Planning Officer presented the report.

There were no Member questions and the matter then went to debate.

The only point raised in the debate was a matter for the Head of Planning regarding the colour that houses are painted and is there a way that they can insist that properties are painted a certain colour to assist with the Climate Emergency. It was suggested that the Member approached the Cabinet Member for Climate Change to discuss.

The matter then went to the vote to permit:

Permit: 7
Abstain: 1

PERMIT

7. 21/00646/CONDIT Cromwell Court, Greenway Lane, Charlton Kings, GL52 6PW

The Planning Officer presented the report.

The agent on the applicant spoke on the application and reassured the committee that the properties will fit in with an AONB and that it does comply with custom build.

There were no Member questions.

The matter then went to debate:

- There is a need for a formal definition of a self-build as the properties appear to be bespoke rather than self-built.
- It seems that the change in condition is an excuse not to pay Community Infrastructure Levy (CIL)
- There is variation in the estate but still believes that it is contrived not to receive CIL.
- This matter has uncovered a loop hole with regard to CIL.
- The loss of natural habitat is a concern.

The Legal Officer stated that CIL is a legislation matter and issued a reminder to Members that they are only considering the layout, design etc.

The Interim Head of Planning explained that the original permission was for self and custom build properties.

- The point was then made by a Member that the Forest of Dean use Section 106 for self and custom build dwellings and the Cheltenham should investigate this.

The Interim Head of Planning agreed that this could have been used in hindsight and that the Legal Officer and himself would investigate further. The Chair had concerns regarding maximum investment in the town and asked that Section 106 be looked into as soon as possible.

The matter then went to the vote to permit.

Permit – 6
Against – 2

PERMIT

7. 21/00853/COU 37 Robert Harvey House, Winchcombe Street, Cheltenham GL52 2NL

The Planning Officer presented the report.

There were no public speakers.

There were no Member Questions and no Member debate.

The matter went to the vote to permit.

Permit – 8 – Unanimous

PERMIT

8. 21/00935/FUL Burrows Field Pavilion, Merlin Way, Cheltenham

The planning officer presented the report.

There were no public speakers.

The matter went to Member questions:

- The question was raised regarding noise and it was confirmed that Environmental Health were happy with the noise level.

- A further question was raised regarding the security of the unit. It was explained that this was not part of the planning process and would be to the Green Space teams responsibility.
- A question was raised with regards a maintenance programme – this is also not part of the planning permission and is the Green Space teams responsibility.

No Member debate.

The matter then went to the vote to permit.

Permit – 8 unanimous.

PERMIT

9. Appeal Updates

These were noted as published.

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

The matter was raised that when Members names appear as does their political party as it is an a- political committee does this need to be the case. This was referred to the Legal Officer and the Interim Head of Planning. It was agreed that it was not relevant, the Chair disagreed as he thought that it was good to see that it was a mix of political parties. The Legal Officer will confirm his decision.

The meeting closed at : 11.50 am

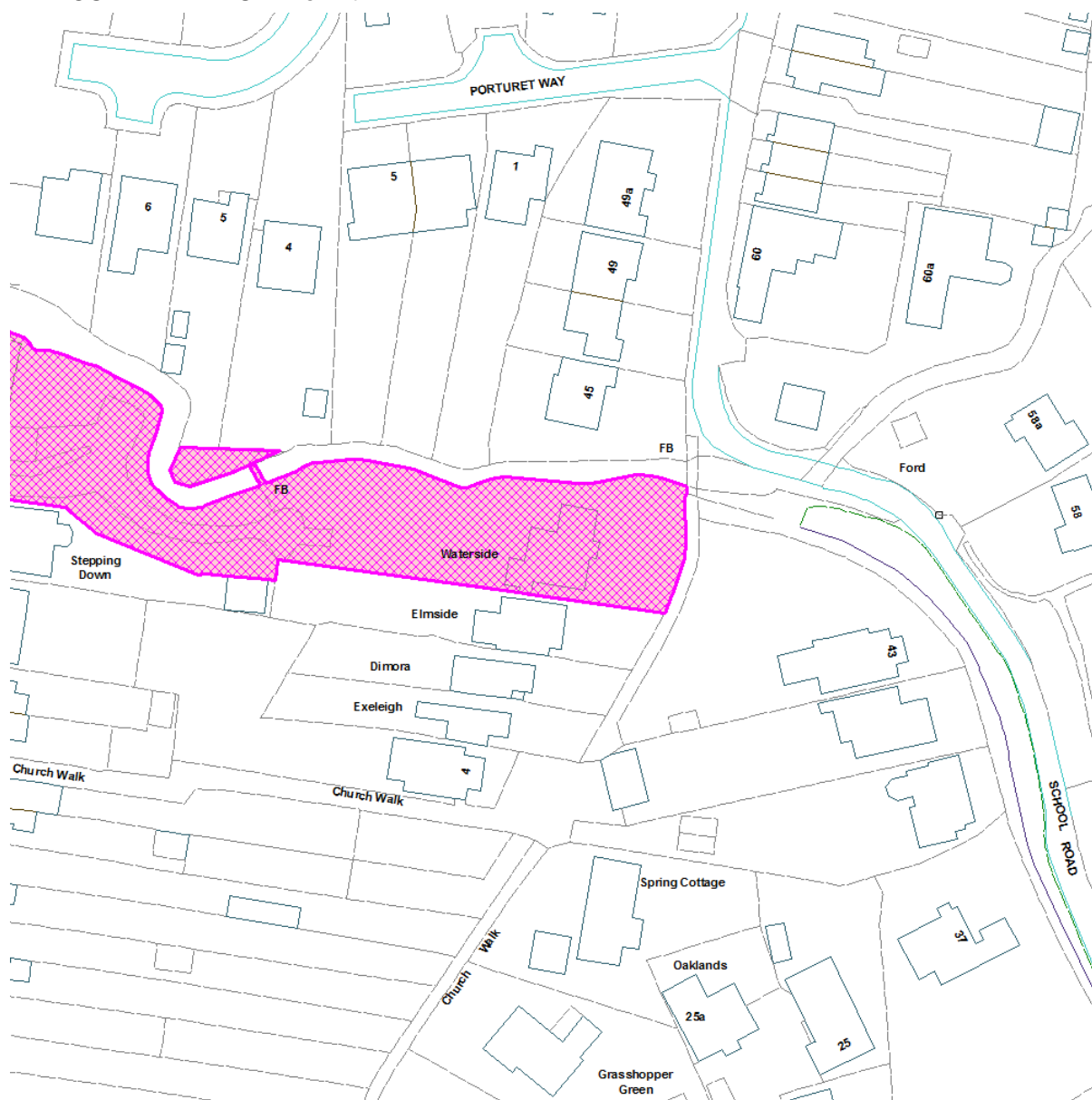
Next Meeting – Thursday 15th July has been cancelled – next meeting Thursday 19th August.

Chairman

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| | |
|-------------------------------------------|------------------------------------------------------------------------------|
| APPLICATION NO: 21/00193/FUL | OFFICER: Mrs Lucy White |
| DATE REGISTERED: 9th February 2021 | DATE OF EXPIRY: 6th April 2021/Agreed Ext of Time 23rd August 2021 |
| DATE VALIDATED: 9th February 2021 | DATE OF SITE VISIT: |
| WARD: Charlton Kings | PARISH: Charlton Kings |
| APPLICANT: | Mr and Mrs McCrerrick |
| AGENT: | Stanley Partnership Architects |
| LOCATION: | Waterside, Church Walk, Charlton Kings |
| PROPOSAL: | Erection of replacement dwelling |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site comprises of a two storey, extended, four bedroom detached dwelling constructed in the 1960'S. The dwelling fronts Church Walk but occupies a long plot which extends to Copt Elm Road to the west. Within the site are a number of mature and semi mature trees, some of which are subject to a TPO, a large garage, various footpaths and ancillary outbuildings and an outdoor swimming pool. There is pedestrian access (plus an informal arrangement for vehicular access) to the dwelling from Church Walk. The principal vehicular access to the property and its garage and off road parking area is via Copt Elm Road.
- 1.2 The site generally is heavily landscaped with an unmistakable woodland character. The River Chelt runs adjacent to the northern site boundary with a small parcel of the site extending to the opposite side of the river bank via a footbridge. The site is surrounded on all sides by established residential development which varies in age and architectural style. The site lies just outside of the Charlton Kings Conservation Area.
- 1.3 The applicant proposes the erection of a two storey replacement dwelling, plus the filling in of the swimming pool. The summer house located on the river bank would be retained along with the majority of the other existing outbuildings and structures. Vehicular access is proposed via Copt Elm Road with pedestrian access only from Church Walk.
- 1.4 The scheme has been revised during the course of the application; in response to concerns regarding potential overlooking into neighbouring properties, flood risk and drainage issues and the retention and protection of trees within the site.
- 1.5 This application is before the Planning Committee at the request of Councillor McCloskey. The reason given for the referral is the potential impact of the proposals on neighbour amenity.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Principal Urban Area
Smoke Control Order

Relevant Planning History:

74/00275/PF 12th July 1974 PER

Church Walk Waterside . Cheltenham Gloucestershire - Erection Of Garage And Covered Swimming Pool

82/00194/PF 27th May 1982 PER

Church Walk Waterside . Cheltenham Gloucestershire - New Bed Sitting Room And Bathroom For Young Handicapped Person

84/00605/PF 27th September 1984 PER

Church Walk Waterside . Cheltenham Gloucestershire - Erection Of Garage

10/01441/TPO 30th September 2010 PER

3 x beech alongside Copt Elm Rd (T10, T11 and T12 on TPO) - crown lift all round to 15ft max and trim back from lamp standard

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD10 Residential Development

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Tree Officer

24th February 2021

The CBC Tree section considers that there is a lack of tree related information accompanying this application and as such please could the following be submitted as a part of the application:

- i. BS5837 (2012) tree survey of all trees on and off site within the sphere of influence of this development,
- ii. Tree retention and removal plan,
- iii. Tree protection plan of all trees to be retained,
- iv. Details of any access facilitation and other pruning,
- v. Details of all underground services to run through the root protection area of retained trees,
- vi. Arboricultural implications assessment.

Upon receipt of this information further consideration would be possible.

9th April 2021

I have no objection to the proposed tree removals. However I would like to see an "Arb monitoring" timetable to include:

- i. Prior to any demolition (and to include CBC Trees Officer) to view tree protection
- ii. During the hand dig of excavations. Greenwood Tree Surveys recommend specialist foundation type for installation around trees. I would like it confirmed that the architect is happy to instruct such bespoke foundations.

- iii. The infill of soil into the pool-if the pool sides and base are to be demolished, this need to be undertaken with supervision being so close to the large oak (T20?)
- iv. During the reconstruction/upgrading of footpaths where they are within the RPA of trees.

26th July 2021

The CBC Tree Section welcomes the retention of T36 Magnolia

Please could new Tree protection Plan be submitted reflecting this retention. In that it is anticipated that much demolition and construction work is to be within the vicinity of this tree, it is anticipated that all hard surface within its Root Protection Area is retained during the course of all demolition/construction until the end of all construction activity. Should it need to be removed prior to this, suitable ground protection must be installed so as to continue to maintain root protection.

Drawing no 1547(SK)025 Revised Proposed Site Plan shows this tree retained but marked "retained and reduced as required". Anything other than a very minor reduction of the crown of this tree will likely seriously reduce the tree's amenity-such species does not usually respond well to significant pruning. Any pruning should be done by a qualified arborist and be to BS3998 (2010) (as should all other tree pruning works on site).

Environmental Health

24th February 2021

Assessed application, replacement dwelling. No con land concerns, next to River Chelt therefore pile condition added as precaution. Adjacent to other residential properties and potential to affect amenity. Response below posted on PP:

With reference to the above planning application I have reviewed the documents provided and have no objection to this development in principal, however there is also potential for noise and nuisance from demolition and construction works to affect neighbouring properties.

In light of this I must therefore request the following be added to any permission for development:

Construction Management:

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

- Parking of vehicles of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

Pile Foundations:

No piling activities shall be carried out at this site until a full pile method statement method statement has been submitted to and been approved in writing by the Local Planning

Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures.

Reason: To prevent nuisance being caused to residents of neighbouring property due to noise and vibration.

Informatives:

- Environmental Protection will require a noise report should there be installation of air source or ground source heat pumps - to indicate impact on nearby residential property, not just the rated noise levels for the equipment.
- Electric vehicle charging points shall be considered as a basic minimum requirement and where it is considered unviable to do so, dwellings should be designed to enable the provision of an electrical charging point either as an optional extra or at a later date. Where residential dwellings do not have parking within their curtilage, consideration should be given to providing charging points on-street or within communal parking areas, including designing the development so as to minimise the cost and disturbance of retrofitting charging points at a later date

If you would like to discuss further, or if you believe the recommendation not suitable, please do not hesitate to contact me.

Building Control

22nd February 2021

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

Parish Council

15th February 2021

No Objection

Gloucestershire Centre For Environmental Records

28th February 2021

Biodiversity report available to view.

Architects Panel

5th March 2021

Design Concept The panel had no objection to the principle of replacing the existing dwelling which is in a poor state of repair. The site is surprisingly large but the scheme proposed is relatively modest, no doubt constrained by the sloping site and the need to retain important mature trees.

Design Detail

The panel thought the contemporary design approach was refreshing and entirely appropriate in this location. Considerable thought has been given to the architectural language and construction details resulting in a very well designed scheme that takes full advantage of the site's special characteristics.

Recommendation

Supported.

Cheltenham Civic Society

20th March 2021

SUPPORT

The Civic Society Planning Forum are pleased to see this original and thoughtful design, on this awkward site. The design is well considered with good proportions and good use of materials. We hope the applicant will retain the woodland character of the garden.

Publica Drainage and Flooding

3rd March 2021

See Comment in documents tab.

5th August 2021

ADDENDUM TO PREVIOUS COMMENTS

Apologies I hadn't realised this was an existing structure to be replaced. I can now confirm all matters relating to surface water drainage and flood risk have been addressed subject to implementation in accordance with the attached drainage document. Please see below compliance condition.

CONDITON: The development shall be carried out in accordance with the approved drainage details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (National Planning Policy Framework and Planning Practice Guidance).

21st July 2021

With regards to the surface water drainage proposal although this is acceptable in principle we will require infiltration tests to confirm that infiltration is not viable.

We do not appear to have received any information addressing my flood risk concerns. 'A Flood Risk Assessment has been submitted providing information regarding existing and proposed finished floor levels relative to the adjacent river. However, the assessment only appears to take into account flood depths for the high risk scenario and not the medium and low risk scenarios where surface water encroaches on the dwelling. Proposed levels should take into account the potential for below 300mm flood depths at the property. We would strongly recommend that the standing advice for vulnerable developments be applied with FFLs 300mm above the ground level. If this cannot be achieved flood resistance and resilience measures should be considered.

The currently proposed site plan suggests the new dwelling and associated structures will be in close proximity to the watercourse. Please note, to allow for future maintenance of the watercourse the dwelling should be a minimum of 5m from the watercourse bank, confirmation is sought. Details of the proposed structure on the watercourse bank are also required.'

I would expect the above concerns to be addressed prior to a decision.

Environment Agency

16th March 2021

Thank you for referring the above application, which was received on 3 March 2021.

We note the reason for consultation is development in or within 8 metres of top of bank of a Main River.

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

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

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

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

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

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|-----------|
| Number of letters sent | 20 |
| Total comments received | 11 |
| Number of objections | 8 |
| Number of supporting | 1 |
| General comment | 2 |

5.1 Letters of notification were sent to 20 neighbouring properties. A total of 11 representations were received and the comments and concerns raised, in summary, are as follows:-

- Visual impact of inappropriate footprint, scale and design and resultant harm to the character and appearance of the area
- Overlooking and loss of privacy
- Loss of and damage to trees and unstable trees within site
- Impact on natural habitat, fauna and flora
- Application lacks detail of retained and proposed landscaping and tree planting, location and resurfacing of proposed parking areas, existing outbuildings and swimming pool and alterations to the river bank

- Impact of foundations on river bank and potential flood risk to neighbouring properties
- Proposals are attractive and would enhance the area

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2** The key issues for consideration are the loss of the existing dwelling, the design, scale and layout of the proposed development and their impact on the character and appearance of the area, the amenities of occupiers of neighbouring properties, drainage and flood risk, natural habitats and protected species and existing trees. Parking, access and highway safety implications will also need to be considered.

6.3 Principle/Policy Context

- 6.4** The relevant policy documents for consideration are the policies of the adopted Cheltenham Plan (2020) (CP), the NPPF (2019) and the adopted Joint Core Strategy (2017) (JCS). Policies D1 and SL1 of the CP and policies SD4, SD10 and SD14 of the JCS are most relevant.
- 6.5** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated in NPPF paragraph 47.
- 6.6** The site lies within the Principal Urban Area (PUA) and in a sustainable location where the principle of residential development or the conversion of buildings to residential uses on previously developed land is supported by Policy SD10 of the JCS, unless otherwise restricted by policies within District Plans.
- 6.7** The existing four bedroom dwelling is of no special architectural merit and although constructed in the 1960s and since extended is nonetheless dated and considered by the applicant to be beyond useful repair and offering little in terms of energy efficiency. As such, there are therefore no concerns regarding its demolition and the proposed development offers a unique opportunity to provide a bespoke replacement dwelling within the setting of this unique plot.
- 6.8** In light of the above, the principle of redeveloping the site to provide a single replacement dwelling is acceptable.

6.9 Design and layout

- 6.10** Paragraph 124 of the NPPF sets out that good design is a key aspect to achieving sustainable places, and creating better places in which to live. Paragraph 127 goes on to set out that development should add to the overall quality of the area, be visually attractive, and be sympathetic to local character. Policy SD4 of the JCS and Policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that responds positively to and respects the character of the site and its surroundings.
- 6.11** In addition, the Council's Supplementary Planning Document 'Development on Garden Land and Infill Sites (June 2009)' offers useful and relevant guidance in respect of new residential development on garden land – 'Proposals for development on garden land and other infill sites should be based upon a thorough understanding of the character of the neighbourhood and in particular the street and block within which the site is located' with a

'requirement to complement and respect neighbouring development'. This advice can be applied equally to replacement dwellings.

- 6.12** The proposed development (as revised) includes the demolition of the existing dwelling and its replacement with a single, three bedroom, two storey dwelling with small basement area. The existing dwelling follows the staggered building line of properties on the west side of Church Walk, leading towards the river bank. The proposed dwelling overlays the existing building footprint; responding to the established staggered building line, but the front elevation projecting a little further at ground floor level, towards Church Walk. As such, the building line and gaps between the neighbouring house and river bank are maintained. Similarly, site topography and the ridge height of the proposed dwelling have been considered carefully such that the shallow pitched roof of the proposed dwelling does not extend beyond the ridge height of the existing dwelling or that of adjacent properties.
- 6.13** The design approach and architectural detailing of the proposed dwelling are overtly contemporary with extensive use of full height glazing, timber louvered screens and panelling and a wraparound overhanging eaves feature at ground floor level which also provides a covered side walkway and covered side entrance. The internal layout and fenestration have maximised outlook onto the front and rear garden and riverside aspects. Given the length of the plot, with access via Church Walk and Copt Elm Road, the proposed dwelling does not have a conventional front and rear aspect. The main pedestrian and vehicular access would be via Copt Elm Road. However, the elevation fronting Church Walk has been designed to complement and address the street frontage. The courtyard to the front of the dwelling would be re-landscaped with the retention of the existing Magnolia tree.
- 6.14** Proposed facing and external materials and palette are a simple and consistent mix of facing brickwork, and timber cladding with elements of profiled metal and timber beams. The main roof would be covered in metal standing seam and the lower roofs would be sedum planted.
- 6.15** Both the Architects Panel and Civic Society support of the proposals. The Architects Panel thought *'the contemporary design approach was refreshing and entirely appropriate in this location. Considerable thought has been given to the architectural language and construction details resulting in a very well designed scheme that takes full advantage of the site's special characteristics'*. These comments are echoed by the Civic Society.
- 6.16** For the reasons outlined above, this is a good quality development which, despite a slight increase in footprint, mass and scale in comparison with the original dwelling, and despite its contrasting architectural style, is considered appropriate. The proposed replacement dwelling should assimilate well into the landscape of this site and therefore sit comfortably within the plot without harm to the character and appearance of the street scene. As such, the proposed development adheres to the objectives of policy D1 of the Cheltenham Plan and policy SD4 of the Joint Core Strategy.
- 6.17 Impact on neighbouring property**
- 6.18** Paragraph 127 of the NPPF requires development to be of a high standard of amenity for existing and future users. Policy SD14 of the JCS and policy SL1 of the Cheltenham Plan require development not to cause unacceptable harm to the amenity of adjoining land users and the locality.
- 6.19** In response to the concerns raised by local residents regarding overlooking, the first floor windows/glazing in the north elevation facing the river Chelt are shown as obscurely glazed. Similarly, the first floor external terrace is shown with a privacy screen to protect the privacy of the adjacent property to the south, Elmside.

6.20 The first floor kitchen window on the south elevation would be located approximately 7 metres from the boundary with Elmside and some 10 metres to the front elevation of Elmside. This degree of separation coupled with the forward projection of the two storey element and set back of the proposed kitchen window, would mean that views out of the kitchen window towards Elmside would be largely blocked by the front elevation of the proposed dwelling. As such, there should be no significant harm to the amenities of the adjacent dwelling.

6.21 Conditions have been added to ensure that the obscure glazing and privacy screen elements are carried out and retained. A condition has also been added requiring approval of a Construction Management Plan which will include measures to control dust and noise nuisance during both the demolition and construction phases of the proposed development.

6.22 In light of the above considerations, the proposals adhere to the objectives of Policy CP4 of the Local Plan and Policy SD14 of the JCS.

6.23 Access and highway issues

6.24 There are no proposed alterations to the vehicular access from Copt Elm Road and off road parking arrangements, other than some general improvements and the re-surfacing and extension of the driveway into the site. Ample off road parking and turning facilities would be available and in closer proximity to the proposed dwelling.

6.25 Other considerations

6.26 Landscaping and Trees

6.27 Although the significant trees within the site would be retained (including the TPO Alder, Sycamore, Oak and Maple), a small number of existing trees and hedging are proposed to be removed. The application is therefore accompanied by an Arboricultural Impact Assessment and Tree Survey.

6.28 In summary, the Tree Survey identifies 33 individual trees and 3 tree groups across the site. Four grade C trees would require removal to facilitate the construction of the proposed dwelling, alongside 2no. very low grade categorised trees which should be removed for reasons of sound arboricultural management. All 12no. grade B and 6no. grade A trees would be retained. It is also noted that site topography and conditions would not allow standard tree protection fencing to be installed around all root protection areas. Alternative methods of demolition of outbuildings and ancillary structures and hand dug excavations, as appropriate, are therefore recommended.

6.29 The Council's Tree Officer has reviewed the above documents and considers the extent of tree removal acceptable subject to conditions relating to arboricultural monitoring during construction works and appropriate tree protection measures, where feasible. A condition has also been added requiring the submission of details of specialist foundations near trees and all new landscaping within the site.

6.30 Ecology/Biodiversity

6.31 Given the nature and character of this site and proposed demolition works, there is potential for ecological interest and harm to protected species. As such, the applicant was asked to carry out a (proportionate) preliminary ecological site survey and roost survey.

6.32 The submitted Preliminary Ecological Survey and Roost Survey identifies the existing building as having moderate potential to support roosting bats with two possible roosting features (via damaged roof soffits), but there was no evidence of bat roosting within the building. Two bat emergence and re-entry surveys would be required prior to the

commencement of development. Trees impacted by the development have negligible potential for bat roosting. No other protected species were recorded on or in close proximity to the site, including badgers, otters and reptiles. Similarly, no protected and/or notable flora and fauna were identified, nor is the site considered suitable to support such species.

- 6.33** The various outbuildings within the site (other than a greenhouse/shed) would be retained and are therefore not impacted by the proposed development in terms of ecological implications.
- 6.34** GCER records also show that other important species have been sighted near the site. Given the distance from the site, when they were sighted and the nature of the proposals, it is not considered that this development would have any impact on these species. In addition, there is no evidence to suggest that these species are located on the application site.
- 6.35** The proposed development would need to be carried out in accordance with the recommendations of the Preliminary Ecology Survey, notably the bat survey. A condition has been added accordingly alongside the requirement to submit an Environmental Construction Method Statement prior to commencement of development.

6.36 Drainage and Flood Risk

- 6.37** Given the proximity of the river Chelt and parts of the site falling within Flood Zones 2 and 3, the applicant has provided a Flood Risk Analysis and subsequent proposed Drainage and Maintenance Strategy. These documents have been reviewed by the Environment Agency and the Council's Drainage advisor. It should be noted that the majority of the site and the existing and proposed dwelling footprints are almost entirely within Flood Zone 1; land with the lowest flood risk probability. The two consultee comments are set out in full in section 4 above and are not repeated here.
- 6.38** The revised scheme and proposed Drainage Strategy address the concerns raised initially regarding proposed finished floor levels needing to take account of both flood risk depth and the medium and low risk scenarios of surface water encroaching on the dwelling. Finished floor levels 300mm above the ground level are now shown.
- 6.39** There were also concerns about the proximity of the proposed dwelling to the watercourse bank. To allow for future maintenance this distance should normally be a minimum of 5 metres. Whilst the existing dwelling footprint, in places, falls a little short of the required 5 metre distance, the proposed dwelling footprint (as revised) would, in contrast, be set slightly further away from the river bank and largely improves on the current situation. The applicant has also confirmed that the existing summerhouse constructed immediately adjacent to the river bank would be retained. The applicant intends at some point in the future to replace this outbuilding with a more light weight, pergola type structure. The applicant has also confirmed that the current outbuilding sits on a concrete base which could be retained should a replacement structure be erected.
- 6.40** In light of the above considerations, no objection is raised by the Council's Drainage advisor subject to a condition to secure the implementation of an approved drainage scheme.

6.41 Public Sector Equalities Duty (PSED)

- 6.42** As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are three main aims:
- Removing or minimising disadvantages suffered by people due to their protected characteristics;

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

6.43 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.

7. CONCLUSION AND RECOMMENDATION

- 7.1** The proposed development achieves a good standard of architectural design, which architecturally, is interesting and responds well to this attractive but challenging site. Despite the contrast in architectural style, the proposed dwelling would not appear as a discordant addition or appear overly prominent within the street scene to cause significant harm to the overall character and appearance of the area. Similarly, there are no significant amenity, flood risk or highway safety concerns. The proposals (as revised) thus adhere to relevant local and national policy guidance.
- 7.2** For the reasons set out above, it is recommended that planning permission be granted subject to the following conditions; the applicant having agreed the pre-commencement conditions.

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:

- i) windows and external doors (including materials, colour, finish, glazing detail and opening mechanism)
- ii) roof overhang detail on north and west elevations, including front entrance timber screen
- iii) balustrades and (solid, obscure) privacy screen to first floor rear external terrace
- iv) new retaining walls/structures, boundary walls and fences
- v) rainwater goods
- vi) vents, flues and any other external pipework
- vii) specialist foundation type/details (installation near trees)

- viii) sedum roof (including planting specification and maintenance strategy)

Reason: To preserve or enhance the character or appearance of the area, having regard to adopted policies D1, GE12 and GE13 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).

- 4 Prior to the commencement of development, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) a full site survey showing:

- i) the datum used to calibrate the site levels;
- ii) levels along all site boundaries at regular intervals;
- iii) levels across the site at regular intervals;
- iv) finished floor levels or other datum of adjacent buildings; and
- v) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels of adjacent buildings

(b) full details showing:

- i) the proposed finished floor level of all buildings and ground levels including hard surfaces; and
- ii) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces.

The development shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory relationship between the proposed development and adjacent buildings and land, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017). Approval is required upfront to allow the impact of the development to be accurately assessed.

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

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

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

Reason: To minimise disruption on the public highway and to adjacent land users, accommodate the efficient delivery of goods and supplies during the course of the

construction works, prevent harm to protected species and pollution of the watercourse, having regard to adopted policies SD14 SD9, SD14 and INF1 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable highway impact during construction.

- 6 The development shall be carried out in strict accordance with the recommendations and requirements of the ecological survey report dated 29th June 2021 submitted with the planning application. Prior to the commencement of development (including demolition works), the results of the required bat surveys shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard important ecological species, having regard to adopted policy SD9 of the Joint Core Strategy (2017).

- 7 Prior to first occupation of the development, parking and turning facilities shall be provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain free of obstruction for such use at all times.

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

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

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).

- 9 No external facing or roofing materials shall be applied unless in accordance with:

- a) a written specification of the materials; and/or
- b) physical sample(s) of the materials.

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

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

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, walls, fences or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.

Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the area, having regard to adopted policies D1 and SL1 of the Cheltenham Plan (2020) and adopted policies SD4 and SD14 of the Joint Core Strategy (2017).

- 11 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the first floor windows/glazing in the north elevation (as shown in Drawing No 1547(SK)027) shall at all times be glazed with obscure glass to at least Pilkington Level 3 (or equivalent).

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

- 12 Prior to first occupation of the development the privacy screen to the first floor external terrace (accessed from the kitchen) shall be installed in accordance with the approved details and shall thereafter be retained as such.

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

- 13 All trees and hedges within the site shall be retained unless shown on the drawing No GWS-2102-TPP as being removed (with the exception of T36 Magnolia which is proposed to be retained). Any retained trees and hedges indicated on the approved drawings which, within a period of five years from the date of first occupation of the development, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season (October to March inclusive) with other trees and plants of a location, species and size to be first approved in writing by the Local Planning Authority. Any pruning works within the five year period shall be carried out in accordance with BS 3998:2010 (or any standard that reproduces or replaces this standard).

Reason: In the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020).

- 14 Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 15 Prior to the commencement of development, full details of the proposed no-dig method for works within the tree Root Protection Area(s) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented strictly in accordance with the approved details. All paths, parking areas and other forms of hard landscaping that fall within the tree Root Protection Area(s) shall be constructed using a no-dig method.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

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

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

- 17 Prior to the commencement of development a full drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The proposed drainage scheme shall accord with the drainage strategy principles as set out in 'Davidson Walsh Drainage & Maintenance Strategy' dated June 2021 (received 5th July 2021) and Drawing No 1547(SK)025(A). The approved drainage scheme shall be implemented in full and prior to the first occupation of the development hereby approved.

Reason: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality having regard to adopted policy INF2 of the Joint Core Strategy (2017).

- 18 No piling activities shall be carried out on site until a full pile method statement has been submitted to and been approved in writing by the Local Planning Authority. The method statement must assess and include full details of the noise and vibration impact from the piling operations on the nearest residential property, dates and times of piling and details of monitoring measures.

Reason: To prevent nuisance being caused to residents of neighbouring property due to noise and vibration having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the JCS (2017).

- 19 Prior to the commencement of development (including any works of site preparation or demolition), an Arboricultural Monitoring Statement and timetable thereof shall be submitted to and agreed in writing by the Local Planning Authority. The arboricultural monitoring shall take place at and/or during the following stages of development, the details of which shall be included within the submitted arboricultural monitoring statement:

- i) Prior to any demolition to view tree protection (and to include Cheltenham Borough Council's Trees Officer)
- ii) During the hand dig of excavations.
- iii) The infill of soil into the pool
- iv) During the reconstruction/upgrading of footpaths where they are within the root protection areas of trees.

The development shall be carried out at all times in accordance with the approved arboricultural monitoring statement and timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to adopted policies GI2 and GI3 of the Cheltenham Plan (2020). Approval is required upfront to ensure that important trees are not permanently damaged or lost.

- 20 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting

specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

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

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

INFORMATIVES

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

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

In this instance, the authority sought revisions to the scale, layout and design of the proposed development in the interests of local amenity and potential flood risk.

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

- 2 It is anticipated that all hard surfaces within the Root Protection Area of the retained Magnolia Tree (T36) will be retained during the course of all demolition/construction works and until the end of all construction activity. Should it need to be removed prior to this, suitable ground protection must be installed to ensure continued tree root protection. In addition, anything other than a very minor reduction of the crown of this tree will likely seriously reduce the tree's amenity. Such species do not usually respond well to significant pruning.
- 3 The applicant is advised that any works, in, under, or within 8 metres of the top of the bank of any designated main river (including a new outfall to the watercourse) require a permit from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2016. The EA is not in a position to confirm whether the proposals are likely to obtain a permit and would advise the applicant to contact the Environment Agency at the earliest opportunity for more information and advice to confirm whether a permit is required, what type, and exemptions. The applicant should ring 03708 506506 and ask for the local Partnerships and Strategic Overview Team. For further advice

please see: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
Please note the riparian owner is responsible for the maintenance of their length of bank, as appropriate.

| | | |
|-------------------------------------------|----------------------------------------|----------------------------------------|
| APPLICATION NO: 21/00193/FUL | | OFFICER: Mrs Lucy White |
| DATE REGISTERED: 9th February 2021 | | DATE OF EXPIRY : 6th April 2021 |
| WARD: Charlton Kings | | PARISH: CHARLK |
| APPLICANT: | Mr and Mrs McCrerrick | |
| LOCATION: | Waterside, Church Walk, Charlton Kings | |
| PROPOSAL: | Erection of replacement dwelling | |

REPRESENTATIONS

| | |
|---------------------------|-----------|
| Number of contributors | 11 |
| Number of objections | 8 |
| Number of representations | 2 |
| Number of supporting | 1 |

6 Grovelands Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BS

Comments: 5th March 2021

Our house and garden look over the river to Waterside Gardens at the Copt Elm Road end. Having seen the plans for Waterside I feel the new dwelling is most attractive, enhancing the area and it would be good to have the gardens maintained equally well.

We have no issues with privacy as long as there are no plans for housing immediately over the river.

Near neighbours may have privacy issues if the new dwelling's living room looks directly into their rooms/bedrooms.

I should like to be reassured that the trees on the opposite side of the river are in good repair as they may damage our house if they fell.

Exeleigh
3 Church Walk
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BJ

Comments: 4th March 2021

I would like to object to the proposed dwelling on the following grounds:

1. This area and its environs is an historic part of Charlton Kings, with pleasant, open vistas down towards the river and foot bridge, from both Church Walk and School Road. It is much-loved by families and residents alike. Whilst we have no objection in principle to a new-style dwelling, the large footprint/size and positioning of the proposed dwelling very close to the public footpath and amongst more traditional, smaller houses means that it would have a negative visual impact on

this charming, characterful area. It would dominate the neighbourhood and change the views, affecting others' enjoyment of this part of the village.

2. From the plans it would appear that there are two roof terraces and many huge floor to ceiling windows. Whilst we note that the proposal is limited in height, these terraces and the large number of windows would encroach on our/others' privacy and our ability to enjoy our property which is to the south, unless strategic planting of mature trees and shrubs is included in the plans.

3. This is a very large plot of land which adds significant greenery to the area. It also contributes to this part of Charlton Kings being regarded as a hidden oasis. The woodland and foliage muffle the traffic noise from London Road, and play an important part in the character of the neighbourhood, as well as fulfilling an environmental role. And yet no mention has been made in the plans for what landscaping, tree planting etc will be done and what existing planting will be retained.

47 School Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BL

Comments: 22nd March 2021

Windows and terrace area will be overlooking my property giving me no privacy

4 Porturet Way
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BN

Comments: 10th March 2021

The design of the proposed house is completely out of character of neighbouring properties and totally out of keeping with the area. Strongly object to this planning proposal lets keep the character of the area as it is a beautiful and is enjoyed by many.

4 Grovelands Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BS

Comments: 16th March 2021

There is a Horse Chestnut tree (ref 0.60 ht11 72.86) located beside the swimming pool, which is opposite our garden in Grovelands Close, this tree unfortunately fell down and damaged fences and the cabin in our properties. The tree could not be taken down as it would destabilise the river bank but I just thought a word of caution when working in that area. There is a lot of ivy surrounding the trunk of said tree so may need to be cleared to avoid further destabilisation. I would love to see as many of the trees maintained as it is such a beautiful unique view, with squirrels, cranes, kingfishers, bats, doves etc. I wish our new neighbours well with their application, it will be an interesting development.

5 Porturet Way
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BN

Comments: 1st March 2021

We are concerned about the following:

1. Tree removal and the impact on the natural habitat in the garden
2. Loss of privacy for houses in School Road and Porturet Way due to the layout of the house and extension to the current footprint.
3. Lack of detail in relation to the following:
 - A. The current outbuildings and swimming pool
 - B. Intentions regarding any changes to the riverbank and the subsequent impact that this would have on flooding and established wildlife.

3 Porturet Way
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BN

Comments: 28th February 2021

I am concerned about the loss of privacy for the houses on Porturet Way. The upside down living and first floor sun terrace mean that the living areas higher than the existing houses and gardens meaning the new house will overlook us.

There is a lack of information in the application about what will be done in the garden in relation to the existing outhouses and swimming pool. Will these be left or replaced. If replaced what with?

It is also important that the wooded character of the plot is maintained. I would hate to see the established wooded area being lost. The trees provide an important habitat for wildlife including bats.

The current banks of the river are in poor condition so I would be interested in knowing what the intention is for these. Any changes which would push any potential flooding in the direction of Porturet Way need to be avoided

I understand that the access from the new property will be via Copt Elm road. I would like to know how far from the existing garage the new owners plan to clear and tarmac for vehicular access.

Comments: 6th July 2021

I appreciate the use of obscured glass to remove some of the issues of over looking neighbouring properties but am still concerned that the upside-down nature of the house and elevated nature of the site will mean that the new property will overlook the lower properties in school road and Porturet Way especially from the first floor sun terrace

My second concern relates to the garden and parking. I have tried contacting both the architects and the local councillors to understand the plans for the garden but have received no response. While I appreciate the tree protection orders and will preserve some of the wooded nature of the site, and that the remaining vegetation may not offer significant habitats, I am still concerned

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about the vehicular access being from Copt Elm Road and how close to the house the new owners will want to park. I have still not seen any information on this and would like this clarified

1 Porturet Way
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BN

Comments: 28th February 2021

I object to the proposed plans on multiple counts.

1- Tree removal: this will significantly increase the rain run off leading to an increased risk of local flooding and damage to the river banks. Furthermore, the environmental impact of removing so many trees would reduce the absorption of traffic pollution and noise from the busy Copt Elm Road.

2- Local wildlife: the trees and vegetation are also are a natural habitat to many protected species including bats and kingfishers. The plans show the removal of over 20 trees which would be devastating to the flora and fauna in the area.

2- Loss of privacy: the increased footprint of the proposed building and the design with the living quarters on the first floor will significantly impact every dwelling bordering the property. The design would overlook and impose on all neighbouring properties.

I believe it would be possible to build a suitable dwelling within the existing property, which would have the living quarters situated on the ground floor. The proposed plan would have the main living areas directly overlooking multiple bathrooms and bedrooms across at least 6 properties which is very invasive. The removal of trees, increased footprint and overall design of the proposed building is insensitive to the existing neighbouring properties and would have a major environmental impact.

45 School Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BL

Comments: 1st March 2021

I am concerned about the loss of privacy as the window walls on both the ground and first floor living areas (see drawings for North Elevation - River Chelt) will mean the house will be directly overlooking our private garden and internal living area.

43 School Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8BQ

Comments: 26th February 2021

My objections are that the plan will directly overlook my garden and most of my house, particularly as the plan is 'up-side-down' with the living areas upstairs. The windows on the eastern aspect are also very large and the house will be further forward towards the eastern

Page 29

boundary. Not only will we be overlooked and lose our privacy but we will I'm presuming, be looking straight in to their rooms.

I think it would be better for the front/east side to be no further forward than the existing property. It has such a long back garden which is south/ west facing, this would mean more house getting more light beyond 1 Church Walk, going deeper that way into the garden with loads of garden left beyond towards Copt Elm Rd.

I like the design and materials but don't think it compliments it's plot or this much loved historic area of Spring Bottom. I am pleased it has a pitched roof and that it isn't higher than the existing ridge height. The very modern houses built a few years ago on Balcarras Lane with large lovely windows are now all covered in net curtains. Presumably not the architects vision?

My other concerns are the amount of foundations and walls which will be built along the north side of the property or near the river. These banks and natural vegetation all absorb and slow down the flood/ surge of waters all along that stretch of river as do the banks opposite in Porturet Way and Grovelands Close. This is a potential food / drainage risk which I don't see addressed in the water level maps. Those show water amounts and levels but don't account for the rapid flow and surges that happen.

Comments: 18th July 2021

The updated planning application includes more opaque windows to the north and west aspects to reduce invasion of privacy which I am pleased to note.

So why are the large living area windows still clear glass on the eastern aspect, that directly overlook my house and garden? There is some screening from leaves in the summer in the garden but not upstairs in our bedroom windows and obviously no screening at all from these deciduous trees at other times of year.

The large magnolia tree in the front garden(east side) is marked for removal. This also helps to screen a little when in leaf, so will also reduce our privacy.

The root protection circles around the trees on the west side of my property will surely be affected by the foundations/ digging in the east side of the new dwelling.

What assurance will I have to totally protect my trees from root damage that could cause future tree damage particularly T33 and 34. The large tree in Waterside T32 would also cause massive damage if weakened.

37 Copt Elm Close
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AF

Comments: 26th May 2021

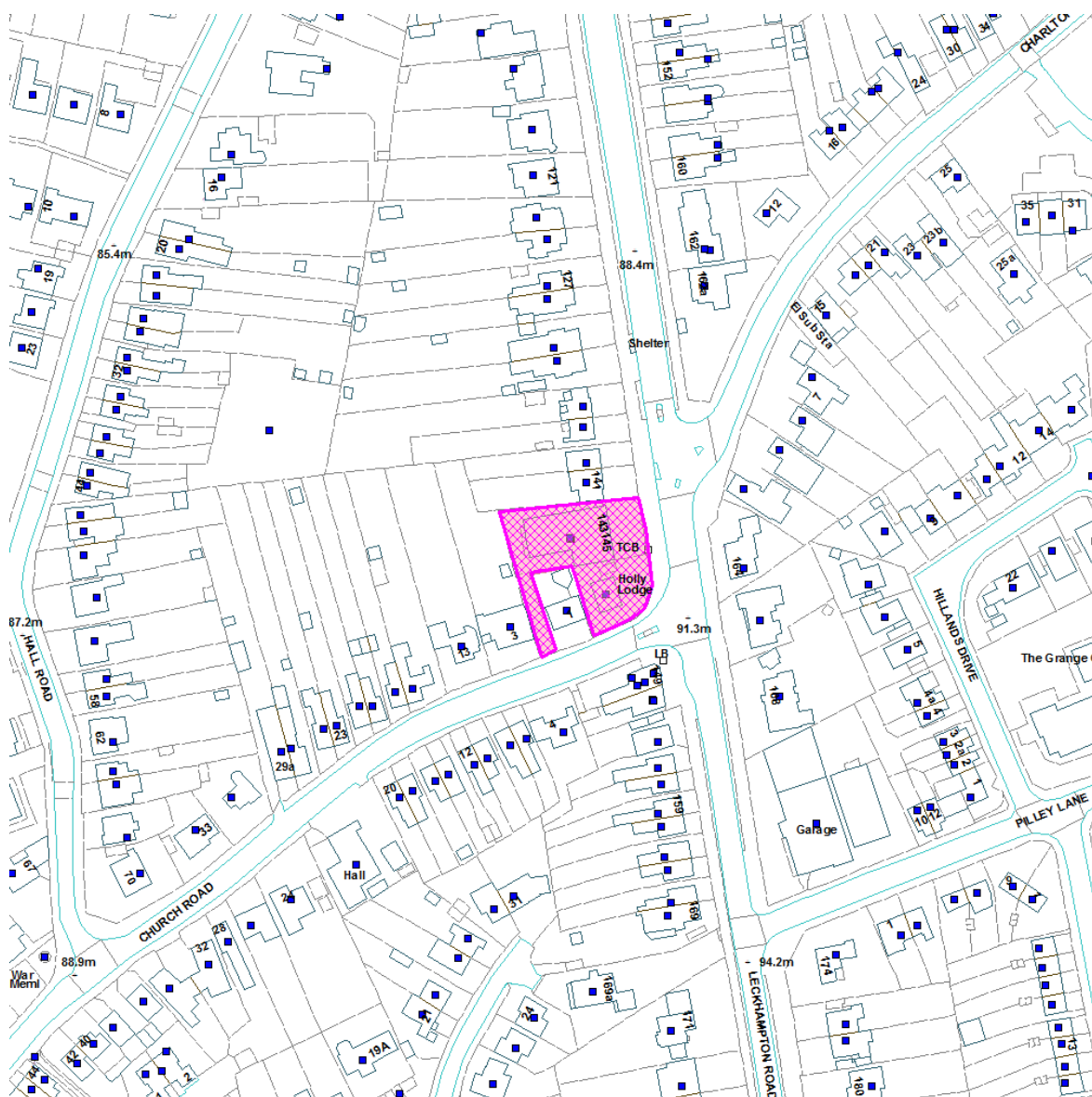
I live in Copt Elm Close and we regularly see bats in our garden at this time of year and through the summer.

With regard to the above property, I would like to ask if any inspections have been carried out to establish whether any bats are roosting, either in the property itself or in any of the outbuildings?

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| | | | |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|--|
| APPLICATION NO: 21/00279/FUL | | OFFICER: Mrs Victoria Harris | |
| DATE REGISTERED: 24th February 2021 | | DATE OF EXPIRY: 21st April 2021 | |
| DATE VALIDATED: 24th February 2021 | | DATE OF SITE VISIT: 10/03/21 | |
| WARD: Leckhampton | | PARISH: Leckhampton With Warden Hill | |
| APPLICANT: | Midcounties Co-Operative | | |
| AGENT: | Gould Singleton Architects | | |
| LOCATION: | Co Operative Retail Services, Leckhampton Road, Cheltenham | | |
| PROPOSAL: | Proposed demolition of existing bungalow to create additional car parking for adjacent foodstore,new external cladding and signage to Foodstore | | |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to an existing retail unit currently occupied by Co-op and a detached bungalow (Holly Lodge) also owned by Co-op & positioned on the corner of Church Road and Leckhampton Road.
- 1.2 The applicant is proposing to demolish the existing bungalow and extend the existing car park forecourt into this land. The existing access on Leckhampton Road will be widened on the left-hand side approach, landscaping is proposed within the new extended car park and a 2.1m high acoustic fence is proposed along the side boundary between the application site and No.1 Church Road. The dropped kerb connection for the driveway to the existing bungalow would be widened slightly to assist turning movements to and from 1 Church Road.
- 1.3 3 existing parking spaces would be lost to provide a connection between the existing car park and new parking area. The new car park will create a net increase of 8 additional parking spaces which will see the overall parking provision increased to 15 spaces, an accessible parking space and cycle storage is proposed and a pedestrian route through the car park will be provided.
- 1.4 The external appearance of the existing retail unit will be updated with grey cladding to the front and side of the building.
- 1.5 The application is at committee at the request of Councillor Martin Horwood on the grounds of loss of amenity (use of the pavement), highway safety and design in contravention of local policies encouraging walking and public safety. The Parish Council have also objected to the revised plans.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Principal Urban Area
Neighbourhood Shopping Area
Smoke Control Order

Relevant Planning History:

16/01003/FUL 26th July 2016 PER
New shop front and decoration, plus internal fit

17/01794/FUL 9th January 2018 WDN

Proposed demolition of existing bungalow to create additional car parking for adjacent Foodstore.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Adopted Cheltenham Plan Policies

D1 Design

HM3 Loss of residential accommodation

SL1 Safe and Sustainable Living

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD9 Biodiversity and Geodiversity

SD14 Health and Environmental Quality

INF1 Transport Network

INF2 Flood Risk Management

4. CONSULTATIONS

Publica Drainage And Flooding

21st April 2021

Site Geology and Source of Information

Lime-rich loamy and clayey soils with impeded drainage

<https://www.landis.org.uk/soilscapes/>

Flooding History / EA Flood Zone

According to EA Flood Maps, the site is wholly within Flood Zone 1, in an area at low risk from fluvial flooding. <https://flood-map-for-planning.service.gov.uk/>

1. There is no evidence to suggest that the site is susceptible to surface water flooding.
2. There is no apparent surface water flow route through the site.
3. There is no documented history of flooding of the site.
4. The application site is not within 20m of an ordinary watercourse or main river.
5. Susceptibility to groundwater flooding $\geq 25\%$ $< 50\%$

Surface Water Drainage Proposal

Main sewer

Other Relevant Information (such as contours and levels of neighbouring plots)

Site area - 0.1ha

Comments Surface Water Drainage:

In accordance with the SuDS hierarchy infiltration must be considered in the first instance. Soakaways may or may not be viable on site, given the geology of the postcode. However, this must first be proven by soakage tests in accordance with BRE 365. If there is evidence of good infiltration and acceptable groundwater levels, soakaways must be designed in accordance with the guidance below:

Soakaway Guidance Notes:

- Soakaways must be $> 5\text{m}$ from any structure and $> 2\text{m}$ from the boundary.
- If soakaways are viable it is important that they are positioned at a lower elevation to the property or neighbouring property, in case of exceedance. If this is not possible due to site restrictions, it is vital that they are located at a depth whereby the invert level of the inlet pipe is lower than the threshold level of the property. Landscaping must then be considered to route water away from any vulnerable property in an exceedance event.

- Individual, geocellular soakaways are recommended for ease of maintenance and reduced footprint, and are particularly effective if the groundwater level is found to be within 1m of the soakaway inlet pipe.
- If soakaways are located beneath a carparking/turning area, they will need to have adequate clearance and the design will need to be suitable for the additional loading.
- During the construction phase it is important not to compact ground where soakaways are proposed.

If infiltration is proven not to be viable due to poor permeability, onsite attenuation (storage) will be required prior to controlled discharge, not exceeding the (Qbar) greenfield runoff rate.

The onsite surface water drainage system must be designed to accommodate up to and including, either a:

- 1 in 100 year storm event plus 40% climate change (C.C); or
- 1 in 30 year event plus 40% C.C. but any volume above this must be kept on site for all return periods up to and including the 1 in 100 year event + 40% C.C. and must not cause a risk to any existing property or land beyond the site.

General Comments:

The site must contain surface water for all return periods up to and including the 1 in 100 year event + 40% climate change.

It is important to note that development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance route plan for flows above the 1 in 100 +40% CC event must be submitted with the proposal, identifying the surface water flow routes though the site should the capacity of the drainage system be exceeded.

We would welcome the use of permeable construction on access routes and hardstandings.

We would also welcome water butts or rainwater harvesting being incorporated into the proposed surface water drainage system.

RECOMMENDATION

No Objection subject to conditions

SUMMARY REASON FOR RECOMMENDATION (including details of required conditions/revisions where applicable)

We highly recommend that infiltration tests are undertaken at the earliest opportunity in order to determine the most appropriate surface water drainage system. However, in this instance, we are happy for this information to be conditioned.

However, if insufficient surface water drainage information is provided, please notify the applicant that a pre-commencement condition will be required.

CONDITION TO BE ATTACHED:

That, prior to commencement of the development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in

accordance with the approved details prior to the first occupation of the development hereby approved.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The Cheltenham Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

In these cases the following notes should also be added to the decision notice:

NOTE TO APPLICANT:

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- CIRIA C753 SuDS Manual 2015

Gloucestershire Centre For Environmental Records

9th March 2021

Report available to view on line.

Architects Panel

5th March 2021

Design Concept;

The panel had no objection to the principle of demolishing the bungalow on this site to provide improved parking and access to this prominent Foodstore. Existing traffic movement around the store is known to be problematic due to its restricted access and position adjacent to busy road junctions. However, the panel was not convinced that the proposed layout of the extended car park worked. Car movement through the site is tortuous and likely to be problematic due to poor positioning of certain spaces and inadequate space for turning. A more efficient and safer parking layout could be designed here, with the potential of providing even more parking spaces and safer traffic and pedestrian access.

Design Detail;

The recladding of the store is supported but this scheme will not transform the building into a building of any architectural merit. The landscape proposals are welcome but only a token gesture - a better layout could result in less tarmac and more substantial planting which could positively enhance the road junction.

Recommendation;

Not supported.

Parish Council

4th March 2021

The Parish Council has a site visit organised with Co-op Head Office personnel on 5th March so will be able to comment further, after that visit.

We understand that the application has already been called in to go to a planning Committee meeting.

The overall plan to increase parking capacity by expanding the car park must be welcome but its a real shame agreement wasn't reached with the owners of 1 Church Road, leaving their house enclosed by Co-op parking and driveways on all sides. Their objections to the resulting application are quite serious including two-way access onto a shared drive the Co-op plan to use as one-way, potential noise, light intrusion and pollution and surface water flows from the much increased tarmac area. While the loss of 'Holly Lodge' and the risk of 'youths' hanging out in the car park are inevitable if we are to have this improved community amenity, the applicants should be asked to show how screening, flood risk measures such as SUDS and limitation of noise, light and pollution for 1 Church Road can be achieved.

- The changes to the design of the main store seem unexceptional but the switch to black and dark grey panelling and signage from the current pale green and white are quite harsh and out of keeping with the surrounding red brick properties. If Co-op's corporate palette and house style offered any possible variations to soften this rather dark, brutalist style, that would be welcome.
- The current awkward two-way access point on Leckhampton Road is retained but widened for easier two-way access and this is where, of course, we have a persistent problems with pavement parking at the moment as well as regular issues when cars and sometimes delivery lorries try to exit one or other nearby mini-roundabout and then stop to turn into the car park. The detail of how this entrance would look and work in practice and whether it would improve the pavement parking situation and interact with the nearby mini-roundabouts is pretty sketchy in the Design & Access Statement. Much more detail would be welcome.
- The overall car park design is puzzlingly awkward and only increases the number of car parking spaces from the current 7 to 14. This is partly because of the complications with No 1 but even so there is far more space devoted to tarmac driveway and turning space than actual parking space in the design. Co-op could be encouraged to revisit this with some more expert geometry!
- The cycle security hoops are a welcome improvement.
- The established hedge around Holly Lodge 'may' be replaced with rather token and sporadic planting by the look of the site plan and D&A statement, with potential loss of biodiversity in contravention of stated objectives in the Cheltenham Local Plan. Especially given its ethical marketing position, Co-op should take and promise to follow expert advice before the planning decision is taken (not 'at a later date.. in keeping with the commercial operation') on how to ensure planting and final design provides useful habitats and connectivity to nearby gardens with a resulting net gain in biodiversity compared to the existing garden and hedge.

18th March 2021

The PC has now undertaken a site visit with Co-op managers and the architect and the following was agreed with them. Cllr Martin Horwood attended the site visit on behalf of the PC.

- They agreed to try one more time to approach the neighbour at 1 Church Road whose insistence on his dual access rights has caused them such a headache in design. They will explore negotiating to reorient his garage and switch his access rights to the opposite side of his property so that they apply to the two-way staff access road between 1 and 3 Church Road, allowing them much more flexibility on the main car park side. This could then mean repositioning the cycle parking and better pedestrian access.
- They also confirmed their intention to carry out the planting scheme which is only provisional in the application and agreed to look into extending the planned hedge all the way to the Leckhampton Road access point (beside the proposed disabled parking bay) making the pavement there more obviously for pedestrian use. They agreed to approach Highways to allow the use of a little more of the wide pavement at this point to increase the depth of the hedge which would both encourage its use as a habitat and further discourage pavement parking.
- They did agree to revisit the fascia design to look at a gentler palette more suitable to the neighbourhood than the black and grey urban design proposed.

23rd June 2021

This is in many ways a significant modification of the earlier submitted plans, with a pragmatic solution to the problems presented by the shared access space with No 1 Church Road, a consequent increase of one parking space overall, cycle parking closer to the store entrance and more details of - and more extensive - green planting, as well as the promise of a more sympathetic fascia to the store. The Parish Council welcomes these developments

We are however still obliged to object to the latest plan, albeit in the hope that the objections can be resolved, on grounds of pedestrian safety.

The revised plan almost exactly reverts to the current problematic single entrance design on Leckhampton Road, just with a wider dropped kerb. At present - and under these plans - pedestrians have to run the gauntlet of moving cars, including cars reversing out of the parking spaces on either side en route to the store. And there are persistent problems with cars parking on the pavement, despite huge lettering saying 'keep clear' on both sides, because there is no clear demarcation between the pavement and the car park.

In these plans, there is still no dedicated pedestrian access to the store from the pavement so requiring pedestrians to run the gauntlet of an even busier exit than at present and again having to walk past cars that may be reversing out of parking bays. At the exit across the pavement, a line is shown cutting across the pavement on the southern (hill) side, in front of the tree, which will at least discourage parking there although it is hard to tell from the submitted plan if this will be anything more than painted lines in practice. And on the northern (town) side there is only a wider dropped kerb leading to the same line of parking spaces unseparated from the pavement which seems very unlikely to change the current pavement parking habit on that side.

Our objection would be withdrawn if we see plans from the Co-Op which provide for the following, perhaps even with use of different surfaces, more planted boundaries and other relatively superficial measures that could nevertheless send clear messages to drivers in particular:

- a) a clearly demarcated route for pedestrians to use to access the store from Leckhampton Road without walking through a busy exit and between actively used parking bays;
- b) clear demarcation between the car park and the pavement, perhaps with an extended line of planting on the southern (hill) side and perhaps even a temporary barrier or bollards

on the northern (town) side which could be removed or opened for delivery vehicles but which provided a clear barrier between road and car park at all other times.

We hope to see this objection taken into account and revised plans or greater details submitted that would enable us to support this application with enthusiasm.

GCC Highways Planning Liaison Officer

7th June 2021

Gloucestershire County Council, the Highway Authority acting in its role as Statutory Consultee has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Highways Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

The proposals create a net increase of 8 additional parking spaces which will see the overall parking provision increased to 15 spaces.

All traffic to and from the enlarged car park would use the existing access from Leckhampton Road.

Both the access points serving 1 Church Road and the food store will require widening as part of the proposals. The dropped kerb connection for the driveway to the bungalow would be widened slightly to assist turning movements to and from 1 Church Road, while the dropped kerb for Co-op on Leckhampton Road would be extended to facilitate left turn in vehicles too as the delivery vehicles use spaces 1-3 fronting the store and due to their size they significantly hangover on to the footway making it difficult for vehicles to enter the site without mounting and potentially damaging the full height kerbing.

Whilst it would be beneficial to swap the accessible parking space (15) with 1 affording the shorter distances to and from the food store it is acknowledged that spaces 1-3 aren't always available due to delivery vehicles utilising these spaces in the absence of the Church Road service yard being workable for the Co-op delivery vehicles, which has been accepted.

Although the siting of such development between two mini roundabouts is not ideal the principal of an access here has already been established and the additional parking spaces will not generate any additional demand in their own right and as the footprint of the building is not increasing any increase in trips will be negligible.

Therefore it is considered that the proposal will not cause any significant highway safety or network assurance issues.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

POC2 Extension of Vehicle crossovers

The development hereby permitted shall not be occupied until the extension to the vehicle crossovers has been installed at the carriageway edge and constructed across the footways fronting the sites.

Reason: In the interests of safety and accessibility.

POC6 Completion and Maintenance of Cycle Provision

The development hereby permitted shall not be occupied until the cycle storage facilities for a minimum of 6 no. cycles have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking.

POC21 On-site Parking and Loading/Unloading Facilities

The development hereby permitted shall not be occupied until vehicular parking, turning and loading/unloading facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: In the interest of highway and pedestrian safety.

Informatives

A2 Alterations to Vehicular Accesses

The proposals will require the extension of verge and/or footway crossings from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.

Environmental Health

1st March 2021

I have reviewed the documents provided for the above application, there is not enough information provided at this stage regarding noise and lighting, given the proximity of residential properties, I will require further details in order to assess the requirement for any conditions relating to this and request the following:

Lighting:

There is potential for light to affect nearby residential properties, therefore I would ask that the applicant provide a report detailing the proposed lighting scheme, predicted light levels and vertical light levels at neighbouring residential properties for approval.

Noise:

I have concerns regarding the location of the proposed entrance on Church Road and potential noise disturbance and disruption to nearby residents from access and associated one-way floor recessed vehicle flaps. The applicant has documented current delivery procedures, there are no details regarding future delivery procedures. I have concerns regarding noise disturbance and disruption from customer vehicles, staff vehicles and delivery vehicles, such as manoeuvring, loading / unloading activity and engine idling. I must therefore request that the applicant completes and submits an acoustic report to establish the levels of noise affecting the nearby residential properties, including noise generated by access and egress, delivery routes/times and the use of the one-way floor recessed vehicle flaps, this must include any necessary mitigation measures. The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014 - methods for rating and assessing industrial and commercial sound and aim to achieve levels of at least 5dB below the existing background noise level.

Should any permission be granted, I request that the following condition be attached:

Construction Management:

No development shall take place, including any works of demolition, until a construction management plan or construction method statement has been submitted to and been

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approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- Method of prevention of mud being carried onto highway
- Waste and material storage
- Control measures for dust and other air-borne pollutants
- Control measures for noise in regards to both demolition and construction
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works.

If you would like to discuss further, or if you believe the recommendations are not suitable, please do not hesitate to contact me.

6th July 2021

The revised plans do deal with our concerns relating to noise from deliveries, one way flaps etc. A condition to approve a lighting plan before installation would suit me.

Tree Officer

1st March 2021

The CBC Tree Section does not object to this application but considers that the removal and replacement of existing large evergreen hedge with a 1.2 metre high beech hedge and a single hawthorn tree variety to be insufficient mitigation for the loss of the current screening offered.

Please could a second tree be planted along the boundary with Leckhampton Road/Church Road.

Whilst hawthorn species is welcome, it may be preferable to plant flowering pear (*Pyrus calleryana* Redspire or Chanticleer) which has a longer season in leaf and drops less litter than hawthorn. It may also be more tolerant of poor soil conditions.

7th June 2021

The CBC Tree Section does not object to this application but considers that the removal and replacement of existing large evergreen hedge with a 1.2 metre high beech hedge and a single hawthorn tree variety to be insufficient mitigation for the loss of the current screening offered.

Please could a second tree be planted along the boundary with Leckhampton Road/Church Road.

Whilst hawthorn species is welcome, it may be preferable to plant flowering pear (*Pyrus calleryana* Redspire or Chanticleer) which has a longer season in leaf and drops less litter than hawthorn. It may also be more tolerant of poor soil conditions.

Building Control

12th February 2021

No comment.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|-----------|
| Number of letters sent | 15 |
| Total comments received | 10 |
| Number of objections | 8 |
| Number of supporting | 1 |
| General comment | 1 |

- 5.1** Letters of notification were sent out to 15 neighbouring properties. 9 representations have been received in response to the publicity. The comments are available to view on the Documents tab, but in brief, the comments relate to loss of the existing residential dwelling, impact on neighbouring amenity, traffic and highway safety concerns, antisocial behaviour, flooding and visual impact.
- 5.2** Following revised plans, revised letters of notification were sent out to 15 neighbouring properties. 1 representation has been received in response to the publicity. The comments are available to view on the Documents tab, but in brief, the comments relate to antisocial behaviour, proposed landscaping and highway safety.

6. OFFICER COMMENTS

6.1 Revised plans

- 6.2** The plans have been revised during the course of the application following concerns from officers relating to design and impact on neighbouring amenity. The original plans proposed a new access from Church Road located to the side of 1 Church Road, no buffer providing the defensible space between the neighbouring property and the car park was proposed. All resulted in an unacceptable impact on the amenity of 1 Church Road.
- 6.3** The revised plans show the access from Church Road omitted from the application, landscaping and an acoustic fence is now proposed between the car park and the existing retained driveway and neighbouring property, a new pedestrian route through the car park is proposed and the existing dropped kerb extended to allow for wider access along Leckhampton Road. The proposed dark grey cladding to the existing retail unit has also been amended to a lighter colour of grey.

6.4 Determining Issues

- 6.5** The main considerations in relation to this application are principle, design, neighbouring amenity and highway safety.

6.6 Principle

- 6.7** Policy HM3 of the Cheltenham Plan states that development involving the loss of residential accommodation through the change of use or demolition of existing housing will not be permitted, except where:
- a) continual residential use is undesirable because of environmental conditions; or
 - b) there is evidence that the arrangement of the accommodation and its facilities are very poor and difficult to improve the residential use; or
 - c) the change of use is necessary to ensure the retention or renovation of a building of architectural or historic interest; or

- d) the proposed use would be beneficial to the wider economy and the local community (Note1) and cannot suitably be accommodated on alternative sites.

6.8 Note 1 states services and facilities which support the economy and the needs of local communities will be considered which include community facilities such as corner shops.

6.9 The agent, neighbours and the Parish Council have identified that there is significant difficulties with the existing car park in front of the shop with minimal car parking spaces resulting in customers parking on the pavement. The new car park will provide an additional 8 car parking spaces, an accessible parking space, cycle parking and a pedestrian route through the car park. All will result in the improvement of the service and facilities of the existing shop and should remove the demand from customers parking on the pavement.

6.10 The proposal accords with CP Policy HM3 for the reasons set out above.

6.11 Design and layout

6.12 Section 12 of the NPPF emphasises the importance of achieving well designed places that are visually attractive and sympathetic to local character and setting. In addition, policy SD4 of the JCS and policy D1 of the Cheltenham Plan require development to be of a high standard of architectural design that positively responds to and respects the site and its surroundings.

6.13 The existing building and landscaping will all be removed and replaced with a new car park finished in tarmac with new landscaping and a low level timber knee rail around the new site.

6.14 The loss of the existing landscaping is regrettable but new planting is proposed. Given the location of the site on a prominent corner, it is important that the replacement landscaping makes a positive contribution to the character of the locality. The Tree Officer has identified that the proposed landscaping is insufficient mitigation for the loss of the current screening. A landscaping condition is proposed which will allow for additional landscaping and should hopefully soften the impact of the car park within the street scene.

6.15 The appearance of the existing building will be updated with light grey cladding to the front and side of the retail unit. Dark grey cladding was originally proposed but following neighbours concerns the applicant has amended the colour to light grey.

6.16 It is acknowledged that grey cladding will give a more contemporary design approach to the building and grey cladding is not common within the street scene; however, that in itself is not reason to withhold planning permission. The lighter colour cladding should help the building be more in keeping with the street scene; for the avoidance of doubt, the colour can be secured by way of a suitably worded condition.

6.17 It is considered that the proposed development complies with the relevant policies and guidance in terms of achieving an acceptable design.

6.18 Impact on neighbouring property

6.19 Section 12 of the NPPF highlights that development should promote a high standard of amenity for existing and future users. This is further emphasised in policy SD14 of the JCS and Cheltenham Plan SL1 which set out the requirement for development not to cause unacceptable harm to the amenity of adjoining land users and the locality.

6.20 The Environmental Health Officer has assessed the revised plans and no longer has an objection to the proposal.

- 6.21** The neighbour most affected is No.1 Church Road. The new access road from Church Road has been removed, a new 2150mm boundary enclosure (dwarf wall and acoustic fence) is proposed between the car park and existing drive and No.1 Church Road. Access to the new car park would not be possible using the driveway between No.1 Church Road and the new boundary enclosure. Given the distance between the proposal and the neighbouring property and the proposed acoustic fence, the new car park should not cause unacceptable harm to the amenity of the adjoining land user.
- 6.22** The lighting plan for the new car park has not been submitted but the agent has suggested low lighting bollards and street lighting. Given the close relationship the new car park will have with the neighbouring properties a lighting plan condition is required.
- 6.23** Subject to the below conditions, the proposal is considered to comply with the relevant policies in terms of protecting neighbouring amenity.
- 6.24 Access and highway issues**
- 6.25** Adopted JCS policy INF1 advises that all development proposals should provide for safe and efficient access to the highway network for all transport needs. The policy identifies that planning permission should be granted where the highway impacts of the development would not be severe.
- 6.26** The Gloucestershire County Council (GCC) Highways Officer has been consulted and does not object to the application subject to a number of conditions.
- 6.27** The existing car park at the front of the retail unit has 7 spaces. A small service yard is provided at the rear of the building which is accessed via Church Road. The rear service yard is not a workable service yard for Co-op vehicles and is generally used for staff parking only. Co-op delivery vehicles therefore reverse from Leckhampton Road to the front of the building and deliveries are provided through the front door of the store. 3 parking spaces are coned off for the delivery lorry leaving 4 spaces for customers.
- 6.28** The Transport Statement states; *"The location of the store, within a residential area, suggests that many car trips would be pass-by or diverted trips from adjacent routes. The development itself is expected to generate only a limited number of specific home-store-home car trips. Traffic generation perhaps by work to home trips may divert to the store. However, the lack of parking and the possible presence of service vehicles is supressing trade and the feedback from customers suggests that parking improvements are required. Some customers may park across the footway or alternatively would be customers may travel further for food shopping. Therefore, additional parking at the store can better serve the local pass-by drivers and avoid some problems caused by parking on-street near the store."*
- 6.29** The new car park will provide 15 spaces overall, an accessible parking space, cycle storage and a pedestrian route through the car park. The existing access on Leckhampton Road will be used but widened on the left-hand side approach.
- 6.30** Given the limited space between the existing car park and pavement there is not enough room on site to provide a clear boundary between the highway and the site without the loss of the existing parking and therefore a barrier or bollards are not proposed to the entrance of the site.
- 6.31** GCC Highways Officer acknowledges that; *"Although the siting of such development between two mini roundabouts is not ideal the principal of an access here has already been established and the additional parking spaces will not generate any additional demand in their own right and as the footprint of the building is not increasing any increase in trips will be negligible."*

6.32 The objections from neighbouring properties and the Parish Council has been noted; however the proposal will not cause any significant highway safety or network accessibility issues, also the proposal is likely to stop customers parking on the pavement.

6.33 Other considerations

6.34 Neighbouring properties have raised concerns relating to surface water flooding as a result of the new tarmac car park. The agent has confirmed the following; *“Prior to any commencement of works on site, excluding demolition, a detailed site investigation will be carried out, together with trial pits and storm water percolation tests. It is recognised that storm water attenuation may be required as part of the extended hard surface area and it is anticipated that storm water attenuation cells will be positioned beneath the proposed car park area with full details submitted and approved prior to any commencement of works on site. The outfall from this storm water attenuation system will be controlled through a hydro brake into the existing storm water system and will be approved by the Local Authority and/or Water Authority prior to any commencement of works on site.”* The Drainage Officer has been consulted and does not have an objection to the new car park but has recommended a full surface water drainage scheme to be submitted prior to commencement of development, which has been conditioned below.

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

6.36 With regards to the site potentially attracting antisocial behaviour; the site benefits from natural surveillance from the surrounding neighbouring properties and roads, also a lighting plan has been conditioned to ensure the site is appropriately lit.

6.37 Public Sector Equalities Duty (PSED)

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

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

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

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

7. CONCLUSION AND RECOMMENDATION

7.1 Therefore, with all of the above in mind, the proposals are considered to be in accordance with relevant national and local planning policy and the recommendation is to grant planning permission subject to the following conditions.

8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 No external facing or roofing materials shall be applied unless in accordance with:
 - a) a written specification of the materials; and/or
 - b) physical sample(s) of the materials.The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

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

- 4 Prior to the implementation of any landscaping, full details of a hard and/or soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify all walls, fences, trees, hedgerows and other planting which are to be retained, and provide details of all new walls, fences, or other boundary treatments; finished ground levels; new hard surfacing of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

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

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size which shall be first agreed in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details [delete if not appropriate].

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 5 Prior to first occupation of the development, the acoustic fencing shall be provided in accordance with the approved plans and shall be retained as such thereafter.

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

- 6 Prior to first occupation of the development, an external lighting plan to serve the new car park shall be submitted to, approved in writing by the Local Planning Authority and implemented in full.

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

- 7 Prior to commencement of the development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017). Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

- 8 The development hereby permitted shall not be occupied until the extension to the vehicle crossovers has been installed at the carriageway edge and constructed across the footways fronting the sites.

Reason: In the interests of safety and accessibility having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 9 The development hereby permitted shall not be occupied until the cycle storage facilities for a minimum of 6 no. cycles have been made available for use and those facilities shall be maintained for the duration of the development.

Reason: To ensure the provision and availability of adequate cycle parking having regard to adopted policy INF1 of the Joint Core Strategy (2017).

- 10 The development hereby permitted shall not be occupied until vehicular parking, turning and loading/unloading facilities have been provided in accordance with the submitted plans, and those facilities shall be maintained available for those purposes thereafter.

Reason: In the interest of highway and pedestrian safety having regard to adopted policy INF1 of the Joint Core Strategy (2017).

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

- i) Parking of vehicle of site operatives and visitors
- ii) Method of prevention of mud being carried onto highway
- iii) Waste and material storage
- iv) Control measures for dust and other air-borne pollutants
- v) Control measures for noise in regards to both demolition and construction
- vi) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To prevent a loss of amenity affecting surrounding occupiers due to noise and nuisance from construction works, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

INFORMATIVES

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

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

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

- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 201
- 3 The proposals will require the extension of verge and/or footway crossings from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway.

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| | | |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| APPLICATION NO: 21/00279/FUL | | OFFICER: Mrs Victoria Harris |
| DATE REGISTERED: 24th February 2021 | | DATE OF EXPIRY : 21st April 2021 |
| WARD: Leckhampton | | PARISH: LECKH |
| APPLICANT: | Mid-Counties Co-Operative | |
| LOCATION: | Co-Operative Retail Services, Leckhampton Road, Cheltenham | |
| PROPOSAL: | Proposed demolition of existing bungalow to create additional car parking for adjacent foodstore, new external cladding and signage to foodstore | |

REPRESENTATIONS

| | |
|---------------------------|-----------|
| Number of contributors | 10 |
| Number of objections | 8 |
| Number of representations | 1 |
| Number of supporting | 1 |

14 The Close
Cheltenham
Gloucestershire
GL53 0PH

Comments: 1st March 2021

Re: Objection to Planning Application 21/00279/FUL

I submitted a letter of objection on 13 October 2017 relating to the previous planning application (17/10794/FUL) for this site. I understand that the planning application was subsequently withdrawn.

I set out below concerns and objections from my previous letter that remain relevant to this new proposal.

1.1. To demolish any house in the light of the current and future housing crisis without providing replacement housing is fundamentally wrong.

1.2. This proposal would leave No 1 Church Road isolated and living on a Co-op island with the food store at the rear of the property, store rear access to one side and busy car park with its entrance to the other.

1.3. Local residents will have continual noise and disturbance from vehicular activity of both the Leckhampton Road and proposed Church Road car park entrances from 7.00am-10.00pm Mon-Sat and 7.00am-11.00pm Sundays.

(The current listed opening times appear to be 7.00am-10.00pm Mon-Fri, 7.00am-11.00pm Sat & 7.00am-11.00pm Sunday and at present are, no doubt, subject to change during Covid).

1.4. Traffic on and approaching Leckhampton Road, Charlton Lane & Church Road, their junctions and mini roundabouts is already a bottleneck problem. The existence of a larger car park will exacerbate this and add more fumes and danger to pedestrians.

1.5. Many young children (there is a primary school nearby), parents with buggies and toddlers, people with disabilities and those in wheelchairs regularly use these walkways, as well as many secondary school pupils catching the local and school buses in this vicinity.

1.6. The existing car park and pedestrian entrance/exit in Leckhampton Road has been, and still is, an ongoing problem. Vehicles travelling up Leckhampton Road continually block the junction by stopping suddenly and waiting to turn right, then crossing over the clearly marked lane dividers located mid-way between the two mini roundabouts. Consequently this creates congestion from all directions involving both mini roundabouts and junction.

The right turn here can be highly dangerous, especially to pedestrians as, once there is a brief lull in oncoming traffic, drivers find themselves having to speedily cross road and pavement to access car park. The same dangers can be said of the vehicles exiting the car park.

1.8. Leckhampton Road is also a busy route for the Emergency Services travelling to and from the numerous incidents at the notorious Air Balloon/Crickley Hill/A417 black spots. Any added delays would be life threatening.

My further concerns/objections relating to this new proposal are as follows.

2.1. Ref paras 1.4 & 1.5. The nearby Primary School is in the process of being expanded with increased pupil numbers. A new secondary school (The High School Leckhampton) with an eventual capacity of 900 is under construction nearby. These two developments will further increase pedestrian and vehicular traffic on Leckhampton Road, Charlton Lane & Church Road.

2.2. On leaving the car park on Church Road customers will exit via front car park onto Leckhampton Road. This, in turn, will create a bottleneck meeting customers entering to park in the proposed disabled space and other three spaces. There will also be a problem when exiting drivers meet with the large delivery lorry in the front car park.

2.3. In recent months to safeguard pedestrians/wheelchair users, etc., two extremely bold Keep Clear notices have been painted on the pavement either side of the front entrance car park. These have been most welcomed. Unfortunately, on several occasions these notices are being deliberately ignored even when there are empty spaces in the car park. Only last week both Keep Clear spaces were parked on at the same time. Such simple requests and instructions obviously for safety reasons that some drivers are not prepared to adhere to.

2.4. The Co-op say their Leckhampton store is already very successful, which pleases me, but any extra business created by this proposal will, in turn, increase stock supplies and the demand for more storage space. My concern is that if this planning application is agreed the Co-op will, in time, seek to acquire more residential properties and land to further expand the store and parking facilities. To achieve this, more perfectly habitable nearby residential properties will be demolished.

To sum up, whilst I am very pro Co-op as my main supermarket shopping is done in both the Leckhampton Road and Bath Road stores, my main concern is for the protection, safety and preservation of the local residents and surrounding community.

If this application is allowed my concern is it would be difficult to turn down further applications by businesses to acquire and demolish other neighbouring residential properties, thus turning this established residential area into a mini business park with heavy lorries coming and going at all hours of the day and night.

The roads in this area are not designed for such traffic volume of these variations and proportions.

I strongly object to this proposal.

14 The Close
Cheltenham
Gloucestershire
GL53 0PH

Comments: 1st March 2021

My objection is on the following grounds:-

Policies SD 4 and INF 1 Joint Core Strategy (JCS) adopted 2017
Traffic congestion and vehicle/pedestrian conflict and pollution.
Policy HM 3 Cheltenham Borough Council Local Plan approved 2020
Loss of residential accommodation

Traffic congestion/pedestrian conflict

This area is very congested with traffic especially at peak times.

The application site is located on the corner of what is essentially a staggered crossroads where the movement of traffic is guided by two mini roundabouts, traffic islands and painted road markings.

Traffic frequently backs up on all of the approach roads as large volumes of traffic try to negotiate the road junction. Traffic is often at a standstill, generating noise, pollution and congestion.

The current access to this Co-op store is located in Leckhampton Road directly between the two mini roundabouts. This compounds the congestion as vehicles try to move in and out of the existing car park to the Co-op. On a regular basis, large delivery lorries add to the congestion and further disrupt traffic and pedestrian movement across the car park. The present access is in a dangerous location but it is historic, designed to serve a small local shop in the days prior to mass car ownership and when people had very different life styles. Residents of the area and the Co-op can only live with this.

The Co-op states one of the purpose of the extended car park is to accommodate customers who might potentially use the store - not necessarily to attract new ones but to allow parking for those who might otherwise move on. It is a fact of life that this store has outgrown its location and the Co-op should live with it. As they state in the application, the store is already successful; what more do they want? There is another Co-op store within a one mile distance.

The proposed additional car parking will do nothing to relieve this congestion and in my opinion makes it worse. The existing car parking on the Leckhampton Road frontage will be reduced to allow access to the proposed extended area on the site of the bungalow which currently adjoins the site.

At present vehicles frequently enter the site only to find there is no parking available; this results in inappropriate car parking outside the limits of the existing car park on two areas of public pavement are very clearly marked in BOLD letters which say KEEP CLEAR. This is designed to allow pedestrians to use the area more safely and to allow unimpeded access for wheel chair users.

The extension to car parking, which the applicant clearly states is designed to attract more vehicles to the site, will inevitably contribute to more awkward manoeuvres as cars enter the area and fail to obtain a space to park thereby increasing danger to pedestrians crossing the car park to enter the shop and conflicting with users of the one and only proposed space for disabled people's car parking. Unable to find a convenient space, the increase in traffic will only encourage drivers to further ignore the Keep Clear areas and park on them.

The proposed "in only" access from Church Road will add further to congestion and conflicts with other road users. Already traffic backs up in this area where the road is just adequate for two-way traffic but not overgenerous. Vehicles frequently have to give way in order to pass safely. Those turning left will inevitably slow down and there could be a traffic movement conflict with the occupiers of 1 Church Road where I understand there is already an issue with the Co-op. Any traffic turning right will inevitably cause a back up of traffic, not only impeding the flow of vehicles but also pedestrians as they try to cross over at the island refuges at the junction.

Many pedestrians, cyclists and people with movement difficulties use this area which is predominantly residential where local residents use to go about their day to day business. It is a main thoroughfare to/from the local primary school and a local bus stop. There is NHS health unit in Charlton Lane and a Leonard Cheshire residential home and other residential homes for persons with complex needs who rely on the shopping facilities and who should expect to be able to use them safely.

The primary school is recently undergoing extensive alterations to increase the number of pupils by as much as 50%. Already at peak times many children are taken to school using this route which is hazardous and polluted. Recent traffic studies in this area have identified Church Road as being one of the most polluted streets in the town during peak times. The pavements are not wide and even well supervised children can stray onto the road.

This proposal all too clearly contravenes Policy INF 1 (3) in the Joint Core Strategy which requires developers to assess the impact of their scheme against traffic congestion, safety noise and pollution.

Furthermore the scheme also contravenes policy SD 4 (v) and (vi) which requires developers to demonstrate they have taken into account safety of the communities and reduce any risk of conflict between traffic, cyclists and pedestrians.

Traffic, road safety, congestion noise and pollution are already a problem and will only become worse if this proposal is allowed.

Although the proposed plans show a parking for disabled persons in a different location to the one currently provided. It is to a minimum standard and located adjacent to the in/out access to the extended car park. It will be awkward to use and potentially dangerous to use. It is in my opinion it is a token gesture to comply with current legislation with no proper consideration for the proposed users and their needs. The present space gets abused and I have no reason to suspect this one will not get abused too. The Co-op does little to prevent this abuse taking place and they have no interest in preventing inappropriate parking adjacent to the access to which I have referred earlier. This proposal does not fully address inclusiveness as proposed in policy SD4

Loss of residential accommodation

The proposed demolition of the bungalow will be in direct conflict with Policy HM 3 in the Cheltenham Local Plan which explicitly states that "development involving the loss of residential accommodation through change of use or demolition of existing housing will not be permitted."

The bungalow, probably built in the 1960s, is nevertheless perfectly habitable and with some relatively minor updating work could be pleasant property. There is no legitimate reason to justify demolishing it. It was lived in until comparatively recently and would make a pleasant home for many more years.

If this scheme is approved it will have an adverse effect on the residents of 1 Church Road which would then be completely surrounded by the Co-op. The residents will be subjected to increased noise, pollution and traffic congestion and their whole aspect would be dominated by the presence of the Co-op to the extent that their living conditions would be intolerable and the continued use of the property as a residence will be compromised. A further application to extend

the Co-op might be difficult to resist as it could then be argued 1 Church Road becomes one of the exceptions to your policy (a).

The approval of the current scheme could therefore ultimately result in the loss of two perfectly good and habitable residential property.

Finally I have no objection to the proposed alterations to the façade which will improve the appearance of this dated building.

180B Leckhampton Road
Cheltenham
Gloucestershire
GL53 0AE

Comments: 1st March 2021

I support the overall plan to increase parking space for the co-op, on the basis that it currently endangers pedestrians within and around the co-op premises itself.

Large numbers of very young school children pass by every week day, and the safety of the entrance to Leckhampton Road at peak times is highly questionable.

I do NOT support access to the co-op from Church road due to the excessive traffic currently queueing and parking at peak times. The traffic will increase as further housing is developed, not to mention the building of the new secondary school.

The current pavement along Church Road cannot handle current pedestrians, never mind the additional school children for the extended primary and new secondary, and new homes.

Placing a high volume entrance to the co-op from Church road therefore will not work safely.

Certainly flatten the bungalow and increase the parking, but put safety first and better design for the twin roundabout with the co-op entrance.

22 Coombe Glen Lane
Cheltenham
Gloucestershire
GL51 3LE

Comments: 28th February 2021

Unfortunately, the agent Gould Singleton has made several misrepresentative claims within their Design and Access statement.

First it must be highlighted that the property references across the planning submission are incorrect. The application states of demolishing number 1 Church Road. This is my mother's property, not the property owned by the Co-op. Clearly, this cannot be authorised. They have stated that the building at the rear of number 1 Church road is a store, when very clearly it is a garage, with a garage door and a parking space, both of which are accessed via the driveway between 1 Church Road and Holly Lodge - this is where the rights of access mentioned in the Site Constraints is exercised. The garage and parking space will also be left exposed by this plan - the parking space and garage are often used by ourselves and other family members when visiting the property.

I would also add that aside from this fact, whether the right to park or use is exercised is irrelevant, the excise of this right should neither be stated or assumed under this planning application. The fact that it is stated as a falsehood is misleading to the application.

The Transport and Access Statement details an entrance only from Church Road into the new proposed carpark, whilst simultaneously using this same route as access and egress from the rear of 1 Church Road.

I raise particular safety concerns at this arrangement for the possibility of confusion, confrontation or head on traffic meeting each other at times when a vehicle would be exiting from 1 Church Road by this route meeting an incoming vehicle to the proposed car park.

In the event of which one vehicle would need to reverse to let the other by, either the Vehicle servicing 1 Church Road, or the Coop Customer, in which instance would be reversing with restricted vision, over a pedestrian footpath serviced often by the Local Primary School, and traversing traffic at a nearby congested junction. Neither option is ideal with respect to safety or impinging rights of access as a subservient for 1 Church Road. Similarly, safety concerns also arise via 'egress on foot' of 1 Church Road along this area meeting vehicular access entering the car park.

This increased health and safety risk to people living at or visiting one church road should not be an acceptable solution to the coop trying to bypass the covenant. There should be some physical separation between the new car park and the covenanted access to and from the rear of 1 church road. As this is already such a busy car park we would please urge you to reject this application on the grounds of the extra risks to people living in or visiting 1 Church Road.

The Recorded Delivery letter from 'Gould singleton Architects' Dated 3rd February states that with respect to the Property and Owners of '1 Church Road' their 'rights are [sic] fully respected and the enjoyment of this are will remain the same - this is a subjective supposition and should not be included. It is misleading the case for planning. The 'enjoyment' of the area served by the covenant will not be the same as instead of servicing two individual residential properties, as was the point in time that the property was purchased, the area under becomes accessible under this planning application by the general public at large.

Furthermore, this revised application from withdrawn application 17/01794/FUL does not take into consideration the responses made by the Councils Senior Urban Design & Projects Officer with respect to impacts to noise and disturbance to 1 Church Road, which will significantly affect the rights and enjoyments to the existing property, including privacy and security due to general public access as stated above. This is further exacerbated by the proposal of the one way floor recessed vehicular traps which have significant noise impact, and which under the proposals as the route of entry to the car park would be under constant usage. This would clearly impact on the enjoyment of the property, both in use of front and rear gardens and where opening windows.

I urge you to reject this application.

2 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0PR

Comments: 14th February 2021

I live opposite to the proposed entrance and on a term time weekday morning traffic is at a standstill in both directions on Church Road. The parking restriction (faded yellow lines) on Church Road are already ignored and I am concerned that traffic on Church Road will back up further with drivers queuing to enter the car park to try to find a limited space. I agree that the current car park is dangerous but congestion and pollution here in the morning is very bad.

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The other point I would like to make is outside of trading hours, especially in the Summer people could use this as a meeting point and create anti-social noise in the early hours. A solution to balance this would be a locked barrier across the entrance and exit to secure the car park when the store is shut.

Comments: 7th June 2021

If this store is to have a larger car park then the latest application is better than the original. There are some comments of concern I would like to raise.

1. The entrance and exit to Leckhampton Road should have a locked barrier when the store is closed to protect neighbours from anti-social behaviour. The car park could become a meeting area after hours causing noise pollution and litter.
2. The landscaping around the perimeter should be that people cannot walk across it otherwise it will become a shortcut to Church Road and be used by drivers that are not using the store.
3. There needs to be bollards on the pavement on Leckhampton Road to stop vehicles parking on the footway. Recently there is 'Keep Clear' painted on the footway but this is ignored by the majority of vehicles. The whole corner of Church Road and Leckhampton Road needs proper management to stop vehicles mounting the pavements. Yellow lines and painted words do nothing as it is not enforced by the local authority and vehicles know they can park wherever they wish as there is no penalty and they feel it is their right to park anywhere they please as long as they get their shopping.

Suffolk House
166 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0AA

Comments: 12th February 2021

The idea of making the Church Road access one way is sensible. The installation of a one way device as suggested in the transport letter is essential.

I am concerned that the car park could potentially be used by parents dropping/ collecting from the local primary school just around the corner in Hall Road. It is currently being expanded; therefore pupils are coming from a wider area and the number of parents driving has increased. The area surrounding the school is often gridlocked at pick up/ drop off time with cars parked dangerously. Many parents use the COOP around pick up time and it could become a convenient place to leave the car. This will need to be policed carefully.

My final concern is that a larger car park could provide somewhere for youths to gather once the store has closed. Could a barrier to prevent access to the car park once the store has been closed be considered?

1 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0PS

Comments: 24th February 2021

Some fundamental details are incorrect and misleading about our home mentioned on the planning application:

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- The covering letter title is proposing demolishing 1 Church Road (our home) rather than "Holly Lodge".
- The "Design and Access Statement" document repeatedly refers to the number of our home as number 3. This is wrong - it is number 1.
- The "Design and Access Statement" document states our home has a small workshop with narrow doors which are not suitable for motor vehicles and no vehicle access into the garden is possible.

The "workshop" is in fact a garage which has been used to store vehicles. Access to the rear garden has large wooden gates which we've had open on many occasions and parked vehicles on our property.

- The Cheltenham Plan, adopted in July 2020, states under policy HM3: "Development involving the loss of residential accommodation through the change of use or demolition of existing housing will not be permitted".

Practical Impact of development on neighbouring properties:

- Our property has become landlocked by Co-op owned premises. With existing staff/delivery access between 1 and 3 Church Road this plan effectively places our home in a car park.
- The proposed plan would change the use of a driveway, over which we have access rights, into a one way lane meaning our residential use of it for egress becomes hazardous with inevitable conflict with incoming traffic.

In essence the Co-op intend us to go the wrong direction on a one way vehicle lane to leave our home.

- We are very concerned that an all tarmac hard surface will lead to excessive run-off of rain water flooding our back yard and garage.

From the Co-op's previous withdrawn application from 2017 (17/01794/FUL) the Councils Senior Urban Design & Projects Officer stated:

"The most significant issue from a visual impact and drainage point of view, is the use of materials. Tarmac is indicated across the whole of the proposed hard-surfaced area. This will present a significant downgrade in the area of permeable surface, which at present consists mainly of green space. The material itself will not enhance the character of the area or respond to the existing quality found locally. I would expect a finer material approach in this area, consisting of permeable setts, with a contrasting colour for the access area and parking spaces. That approach would help to visually breakdown the area of hard landscaping and add visual interest"

Noise & Disturbance:

- From the Co-op's previous withdrawn application from 2017 (17/01794/FUL) the Councils Senior Urban Design & Projects Officer stated, with regards to our home, that "not providing any form of screening to the side of the property would lead to sound and visual impacts on that property".
- We are concerned about vehicles running within inches past our home in terms of noise, disturbance and pollution (forcing us to keep windows closed). We are further concerned about any ensuing damage due to vehicle proximity.

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- The "Design and Access Statement" mentions an option to install floor recessed traffic control flaps. This will make an intolerable 'clatter' noise next to our home. Many suppliers of such devices openly state noise nuisance in residential areas is a problem and as such the device is unsuitable.
- We are concerned about non daylight times when vehicles turning right from Church Road to pass by our home will mean headlights shining in through our windows.
- There is the potential for anti-social behaviour with the increased likelihood that youths will hang around this expanded area, which is not visible from the store, from late evening and into the night.

If this occurs there is the potential for this to result in trespass into the recess by our back gates / garage.

Visual Impact:

- The destruction of "Holly Lodge" would result in a massive loss of visual amenity blighting the area with a vast expanse of tarmac for what is classed as a convenience store.

Any residential properties close by would have a view of a car park the landscape of which is almost all entirely tarmac.

Traffic:

- Vehicles turning right into the Church Road access would need to cut across the eastbound traffic flow causing traffic to backup and block the flow over the Leckhampton Road / Church Road roundabout resulting in standing traffic on Leckhampton Road. The volume of traffic is already significantly increasing due to the Brizen Park estate and the expansion of the primary school. It will get worse with the opening of the new secondary school.
- A large number of pedestrians use the pavement on Church Road - in particular many children attending the primary school. Crossing the proposed entrance combined with the proximity of the other immediate junctions presents an even greater hazard, especially for young ones who often run ahead.

We urge you to reject this application.

3 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0PS

Comments: 1st March 2021

This application as the previous one submitted and subsequently withdrawn in 2017 does not address the issues raised and will more likely lead to further disruption to both vehicular and pedestrian traffic in the area, rather than less.

This store is described in the Transport Statement as a "convenience" store - meaning a corner store or small retail business with a floor area of around 230m² so at nearly 300m² this store is 30% larger and would more likely be described as a small supermarket. Mention is also made that there is a small service yard at the rear which is not workable and is used for staff parking, it

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does not mention that it also stores many `empty delivery racks, waste packaging and refrigeration equipment.

Before the store was expanded to it's current size in 2016 more of this equipment was kept inside the store and many of the deliveries to the store were via this service yard.

In regard to the disruption caused by delivery vehicles at the front of the store, might it be an idea to schedule the deliveries to coincide with quiet times at the store?

On page 2 of the Transport Statement, it is suggested that trade is being suppressed, but also mentions that home-store-home trips are limited, which fits with the local convenience store description and the main users being local and walking to and from the store. The main cause of the parking issue is the pass-by or diverted trips also mentioned, the fact is that Leckhampton Road is a main route into Cheltenham and Church Road/Charlton Lane is a daily "rat-run" and this is the root cause of the parking problems, with most of the issues being around peak travel times. During the daytime the car park can have only 1 or 2 cars parked.

The suggested increase to the car park may clearly allow more parking but it will also encourage much more of the so called pass-by trade, which is clearly the main reason for this application, profit!

The suggested change in the application this time to provide a one-way entry only from Church Road with exits onto Leckhampton Road, will only create further hold-ups with the flow of traffic junction traffic attempting to turn right across the traffic flow on Church Road into the new car park entrance will quickly build back, from over 25 years of trying to enter and leave our own drive I can assure you this is not a straightforward procedure, queuing vehicles at peak times are very loathe to allow space for cars to turn across their path even though they are stuck waiting to get through the junction!

We would also list all the issues raised in objection to the earlier proposal as still being valid:

- Potential additional lighting impacting on adjoining properties.
- Noise for larger car park in particular at peak times
- Litter issues which are always apparent are likely to increase
- Potential for anti-social behavior occurring with the increased car park a potential gathering point.
- Increased car park movements will make the pedestrian traffic in the area more vulnerable, in particular at school times, please note that the local school has increased in size considerably since the last application, plus we are also gaining a large secondary school in the next 18 months.
- Demolition of a perfectly good house, which we believe according to The Cheltenham Plan, adopted in July 2020 that - "development involving the loss of residential accommodation through the change of use or demolition of existing housing will not be permitted"
- This route is an important route into Cheltenham. The loss of this property and its mature gardens will be a considerable loss of visual amenity.
- The adjoining property 1 Church Road will in effect become surrounded by the Co-op, which raises concern for further development should that property be put on the market.

On a general note, over the last 12 months we have had a big reduction in the amount of vehicle traffic in this area, however, as we start to look forward to a return to normal, a return to previous traffic levels is surely a foregone conclusion. Added to this we have the completion of the Redrow development, increase of 50% in Leckhampton school size, the coming Secondary School and potential for more than 350 more homes in the immediate area this junction is only going to become even busier, this application will only add to the problems, not ease them.

We would like to point out, also highlighted by our neighbors at 1 Church Road in their response, the numerous errors on the application in relation to the identification of the properties.

We strongly object to this application and urge you to reject it.

141 Leckhampton Road
Cheltenham
Gloucestershire
GL53 0DQ

Comments: 17th March 2021

I live at 141 Leckhampton Road, immediately next to the Coop. I did not make any objection or comments on the development as I believe my concerns had adequately been raised in submissions I read on the portal. However, there are a few points which might help amplify some of those concerns raised, I understand that you cannot acknowledge or respond to the current planning application:

Planning application:

It is noted that the amount of tarmac intended to be used in the extension of the car park might cause local flooding. My property and 139 already suffer from flooding as the Coop has inadequate drainage and all the rain water from their roof and down the delivery road to the back of the shop runs off into the lowest points of our garden. I am in correspondence with the head of property at Coop head office and have requested that if they are not going to address their drainage issues then they should have soak-aways dug in the low spots of our gardens. The point is, flooding is already an issue and it is not being dealt with.

The matter of the lack of greenery is mentioned on the portal, an increase will help with the point above but just as importantly, a clear de-markation between the path and the car park is desperately needed and the plan as submitted is far short of that; I mention as I see the Liberal Democrats are pressing the Coop, with much support from local people, to extend the low 'fence' and increase the planting.

98 Shurdington Road
Cheltenham
Gloucestershire
GL53 0JH

Comments: 10th March 2021

The Traffic Commissioner has stated that there is "Much work to be done" in relation to the traffic around the Leckhampton triangle (A46 - Leckhampton Lane - Church Road, Leckhampton Road) to provide high quality sustainable transport routes vital for the New Leckhampton School, Leckhampton Junior school enlargement and the planned housing developments (MD4). Church Road and the junction of Leckhampton Road is a key junction, and nothing should be approved that impacts on the ability to provide High Quality Sustainable routes. Any development should be in conjunction with the needs of the overall transport solution.

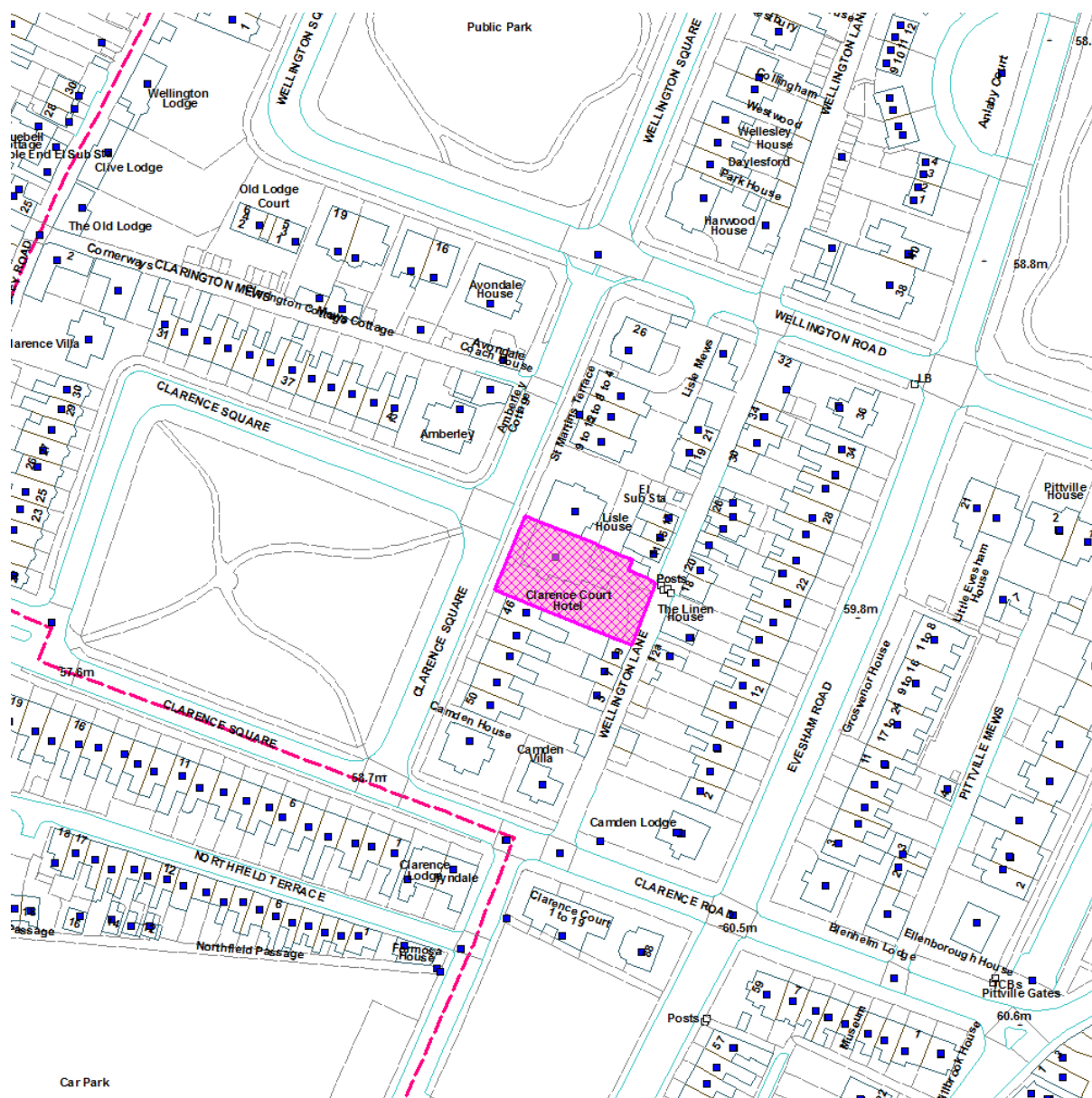
The proposed demolition of the bungalow will be in direct conflict with Cheltenham Policy HM 3. Whilst the current shop is a community asset the expansion of the Parish needs to consider how to expand the infrastructure to provide a "Corner shop" elsewhere in the Parish nearer the 400 houses.

Further since it does not meet the policy HM3 this development should only proceed if the developer offers amendments to the application to provide 2 or 3 accommodation units above the car park and shop.

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|-----------------------------------------|-----------------------------------------------------------|
| APPLICATION NO: 21/00583/FUL | OFFICER: Mr Daniel O Neill |
| DATE REGISTERED: 19th March 2021 | DATE OF EXPIRY: 14th May 2021 (EOT: 23.08.2021) |
| DATE VALIDATED: 19th March 2021 | DATE OF SITE VISIT: |
| WARD: Pittville | PARISH: n/a |
| APPLICANT: | Ms Elaine Cross |
| AGENT: | n/a |
| LOCATION: | Clarence Court Hotel, Clarence Square, Cheltenham |
| PROPOSAL: | Construction of a pergola (retrospective) |

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Clarence Court Hotel is a Grade II listed building currently used as a C1 hotel with associated facilities located in Clarence Square. The site lies wholly within the Pittville character area of the Central Conservation Area.
- 1.2 The applicant is seeking planning permission for the construction of a 'pergola'. Works have already been completed and therefore this application has been considered in a retrospective manner.
- 1.3 The application has been requested by Cllr Payne for determination at planning committee due to the impact of the pergola on the amenity of the surrounding residents and wider locality.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m
Conservation Area
Listed Buildings Grade 2
Principal Urban Area
Smoke Control Order

Relevant Planning History:

03/01845/LBC 1st April 2004 WDN
To face off entrance steps in Forest of Dean stone

03/01846/FUL 1st April 2004 WDN
To erect railings to the front of the hotel

03/01852/ADV NOTREQ
Free standing double-sided sign

70/00478/PF 23rd February 1971 PER
Wellesley Court Hotel Clarence Square Cheltenham Gloucestershire - Addition Of Single Storey Kitchen At Basement Level Erection Of Single Bedrooms At Ground And 1st Floor Levels Internal Alterations And Improvements And Escape Staircase At

77/00230/PF 24th August 1977 REF
Wellesley Court Hotel Clarence Square Cheltenham Gloucestershire - Formation Of New Stepped Access To Basement Replacement Of Basement Window By Entrance Doors And Installation Of Balustrading

77/00394/PF 27th December 1977 PER
Wellesley Court Hotel Clarence Square Cheltenham Gloucestershire - Formation Of Stepped Access To Basement Area

84/00566/AI 27th September 1984 PER
Wellesley Court Hotel Clarence Square Cheltenham Gloucestershire - Display Of 2 Illuminated Projecting Signs (Motoring Organisations)
As Amended By Your Letter Dated 15 September 1984

84/00636/LS 27th September 1984 PER

Wellesley Court Hotel Clarence Square Cheltenham Gloucestershire - Display Of Illuminated Signs

97/00071/LA 20th March 1997 PER

Internal Alterations To Bathroom. Alterations To Soil Stack.

99/00074/PF 11th March 1999 PER

Extension Of Car Park To Rear (Retrospective).(Revised Plans)

06/00532/FUL 11th September 2006 WDN

Erection of mews wing containing 14 bedrooms

06/00533/LBC 11th September 2006 WDN

Erection of mews wing containing 14 bedrooms

06/01672/FUL 21st June 2007 REF

Erection of mews wing containing 14 bedrooms and new railings to front

06/01673/LBC 21st June 2007 REF

Erection of mews wing containing 14 bedrooms and new railings to front

11/00384/TIME 11th May 2011 PER

Application to extend time to implement planning permission 06/01672/FUL (Erection of mews wing containing 14 bedrooms and new railings to front)

11/00386/TIMELB 11th May 2011 GRANT

Application to extend time to implement Listed Building Consent 06/01673/LBC (Erection of mews wing containing 14 bedrooms and new railings to front)

81/00831/LBC 17th December 1981 PER

Internal alterations

21/00464/CACN 23rd March 2021 NOOBJ

2 sycamore trees in rear car park - Remove (and replace with 6 Italian cypress trees)

21/00628/CACN 22nd March 2021 NOOBJ

Application to remove and replace lilac tree at front of building

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

G12 Replacement Trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment
SD14 Health and Environmental Quality
INF3 Green Infrastructure

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Tree Officer

16th April 2021

The CBC Tree Section does not object to this subject to an agreeable detailed landscape plan being submitted and agreed.

Cheltenham Civic Society

13th April 2021

The need for suitable outdoor space for restaurants and bars is acknowledged and supported in principle in the current operating climate but this is a densely populated area and the structure's use could generate considerable noise nuisance and anti-social behaviour for neighbours and those in the vicinity, although this might be controlled with, for example, conditions on opening hours and capacity controls. Alternatively, these might be addressed through licensing conditions.

Oak or similar rustic style rough wooden structures are not appropriate in one of Cheltenham's important Georgian squares in a conservation area and within the curtilage of one of its Grade II listed buildings. The proposal risks significantly harming this setting.

However, we recommend mitigation by painting the structure an appropriate painted finish in off white or a pastel colour, use of appropriate trellis and decorative items such as finials, appropriate paving and edging rather than just a cheap spread of gravel, and planters of appropriate designs as well as planting. Such measures would enhance the setting and should be covered by conditions to assist this business in the current operating environment.

Notwithstanding the Covid operating environment, this application is of a very poor standard and should not have been permitted to pass to this stage as it is not of sufficient quality or detail for a sensitive site to enable retrospective consideration. CBC is respectfully advised to remind the applicants of their responsibilities as custodians of a listed building in a conservation area and a significant Georgian setting.

Heritage And Conservation

2nd August 2021

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

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

Paragraph 189 of the National Planning Policy Framework (MHCLG: 2021) (NPPF) states that 'Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance'.

Paragraph 197 of the NPPF states that 'In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets'.

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

Paragraphs 199-202 of the NPPF provide an exercise that the decision maker(s) are required to undertake if harm to the significance of a designated heritage asset is identified.

The consideration of the scheme is undertaken as a desk based assessment (the application and representations contain a number of images, and Google Maps and its associated functions have been consulted).

Paragraph 194 of the NPPF states that 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.' The application does not appear to contain such information.

The building now known as Clarence Court Hotel was listed on 12 March 1955 together with the attached building to the north (Lisle House) (Grade II). List entry number: 1386856. The buildings are depicted as having been planned on H.S Merrett's 1834 plan of Cheltenham, they are shown as having been constructed on a plan of 1855.

The terrace immediately to the south of the proposal site (Nos. 46-50 Clarence Square), was listed on 12 March 1955 (Grade II). List entry number: 1386852.

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

A plan of 1855 depicts outbuildings to the rear of the site (south-east), likely to have been a coach house and/or functional buildings with access to the service lane beyond (Wellington Lane). With the principal and polite entrance to the main building (the now hotel) located as existing, on the south-west elevation. On the 1855 plan no planting is shown at the location of the subject structure and though forward of the line of the south-west elevation of the principal building, this area set back in the plot, adjacent to the service lane, functional buildings and part enclosed by bare brick walls would have been a space of lower status.

The NPPF defines the setting of a heritage asset as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral' (Annex 2: Glossary).

Immediately to the south-west of the entrance elevation of the hotel, the area between the hotel and No. 46 Clarence Square, is hard standing used for car parking. To the north-east of the subject structure, some planting and an area for bin storage. The prevailing nature is that of functional space.

The subject structure is of timber and has an open form, and its height respects that of the boundary walls. It reads as a later addition to a pre-dominantly functional area of the site and does not hinder views of the hotel; the significance of the polite south-west elevation of the hotel remains evident. The structure does not detract from how the surrounding listed buildings are experienced and therefore their respective settings are maintained.

The only publically accessible vantage point of the subject structure appears to be from Clarence Square through the gap between the hotel and No. 46. Given the nature of this area of the plot, the form of the structure and the limited views of it; the pergola does not detract from the character or appearance of the conservation area.

In conclusion, the structure does not detract from the significance of the designated heritage assets.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|----|
| Number of letters sent | 35 |
| Total comments received | 45 |
| Number of objections | 20 |
| Number of supporting | 24 |
| General comment | 1 |

5.1 There were 20 objections received as part of this application and these have been summarised but not limited to the following points;

- Impact on privacy and outlook
- Increase in noise and disturbance
- Impact on the listed building and conservation area
- Sitting and scale of the pergola
- Impact on wider locality
- Impact on parking
- Incorrect type of application
- Misleading information submitted
- Loss of trees in conservation area

6. OFFICER COMMENTS

6.1 Determining Issues

6.2 The main considerations when determining this application are design, in regards to impact of the proposed works on the historic environment, impact on the wider locality, impact on the amenity of the surrounding neighbours, parking arrangements and impact on trees.

6.3 The site and its context

- 6.4** The application site is in use as C1 hotel with associates bar, restaurant and other facilities. To the rear of the site is an area used for functional purposes and grassland land. To the side of the main building is the on-site parking spaces used by guests of the hotel.
- 6.5** The area of grassland to the rear has several trees, bushes and other vegetation located within the curtilage of the property. This is the subject area of the proposed development. Several trees have been removed and this has been considered as part of a separate conservation area notification.
- 6.6 Design and Impact on Historic Environment.**
- 6.7** The application proposes a timber 'pergola' located at the rear of the site in part of the existing grassland and adjacent to the on-site car parking area. The pergola is a freestanding structure measuring approximately 7feet and 10inches tall, or 2.3m high, at a width of approximately 8m and approximately 7m deep.
- 6.8** The pergola will sit adjacent to the rear and side boundary brick wall. The ground surface will consist of permeable hard standing that will replace existing grassland. Two sycamore trees have been removed to facilitate the construction of the pergola structure.
- 6.9** In context of this application, the historic environment relates to how the proposal is located within the curtilage of a listed building and lies wholly within the central conservation area. The Councils conservation officer has been consulted as part of this application and full comments are available to read above.
- 6.10** The conservation officer has raised no objection to the proposed development. Consideration has been given to how the 'pergola' structure has an open form, sits at a modest height in comparison to the boundary walls and will not hinder views of the listed building. Furthermore, it will clearly read as later addition to the functional area of the while the rear elevation of the main building will still be evident. Overall, it is considered that neither the significance of the listed building or it surrounding setting will be detracted by the proposed development.
- 6.11** With regard to its impact on the wider conservation area, the proposal will have limited views within the public realm. Given its location at the rear, the nature of the area and its overall openness; it is considered that the proposal will not detract from the character and appearance of the conservation area.
- 6.12** Officers therefore are satisfied that the proposed pergola will comply with Cheltenham Plan policy D1, JCS policies SD4 and SD8, as well as the section 12 and 16 of the NPPF.
- 6.13 Impact on Neighbouring Amenity and Wider Locality.**
- 6.14** There are been numerous objections to this application in regards to its impact on the amenity of surrounding neighbours and wider locality. Clarence Court Hotel is surrounded on either side by residential properties. Its boundary to the rear is adjacent to Wellington Lane, a rear back lane, which is itself sits between several back lane developments and rear gardens of properties facing Evesham Road.
- 6.15** The most notable cause of concern is the potential increase in noise and disturbance as a result of the proposed pergola. The 'pergola' will be used as an area of outdoor seating for the hotels bar and restaurant.
- 6.16** It should be noted that the 'pergola' only requires planning permission as the structure is located within the grounds of a listed building and stands to the side of building that sits in a conservation area. Planning permission is not required for the provision of outdoor

seating operated by the hotel. The specific use of the 'pergola' is not pertinent to the merits of this application.

- 6.17** Nevertheless, officers do consider that the proposed 'pergola' could exacerbate the existing use of the hotel's bar and restaurant as it does give the appearance of a more formal seating area. For this reason, officers have restricted the hours of use for pergola intended outdoor seating area. A suitable condition has been attached and the pergola can only be used for these purposes between 9am to 9.30pm Monday – Saturday and 9am to 8.30pm Sunday.
- 6.18** There were concerns raised regarding the privacy and outlook of the surrounding neighbours. The proposed pergola will be at ground level and screened by boundary walls of a similar height. Any views to the upper floors of the neighbouring buildings will be at an oblique angle and therefore there will be no unacceptable loss of privacy. While the proposal will be visible from some surrounding upper floor properties, its open form and screening will not cause any unacceptable loss of outlook to the surrounding neighbours. Additionally, it is not reasonable to refuse the application solely on the basis that the 'pergola' is visible from the certain neighbouring properties.
- 6.19** A concern has been raised with regard to potential disturbance from lighting associated with the pergola's use. Outdoor lighting is considered external paraphernalia which can be installed without the benefit of planning permission. This type of work is considered De Minimis and therefore does not form a material planning consideration.
- 6.20** In light of the above, the proposed development will not cause any unacceptable impact on the amenity of the surrounding neighbours or the wider locality. As such, it is considered that the application complies with the relevant local and national policies related to amenity.
- 6.21 Impact on Trees**
- 6.22** Two sycamore trees have been removed to facilitate the development of the proposed pergola. Works to remove these trees began without any formal consent from the local planning authority Tree Officer. Conservation Area Consent was formally sought and no objection was raised by the council's Tree Officer with regard to their removal.
- 6.23** In order to mitigate the loss of the proposed sycamore trees and proposed pergola, the application will seek to plant 6 cypress trees to the rear of the proposal adjacent to the brick boundary wall. Under legislation, the local planning authority is only required to request the replacement of two trees. It is welcomed that the application will propose 6 cypress trees to ensure a more attractive area.
- 6.24** The tree officer raises no objection to this scheme and a condition has been attached for a detailed landscape plan to be submitted before any trees are planted. The remaining grassland area including other trees and vegetation will be unaffected by the proposed development.
- 6.25 Parking Arrangements**
- 6.26** It is acknowledged that the proposed development will result in the loss of one off-road parking space adjacent to the subject area. The existing parking arrangements designated to hotel guests have been established as formal parking through painted white lines. The submitted information indicates that 3 more additional spaces have been created but these are informal parking spots located adjacent to functional area of the hotel.
- 6.27** Officers consider that the proposed loss of the one parking space will not impact the residential on-road parking situated within Clarence Square. The remaining parking spaces will be unaffected by the proposed development. The hotel is located within a

sustainable area, a short walk from the town centre and in close proximity to a wider range of transport links. Additional customer parking can also be provided by the large North Street car park.

- 6.28** Furthermore, the on-street parking around Clarence Square is subjected to residential permits or pay and display parking tickets. As such, it is considered that no unacceptable impact on the existing parking arrangements within the immediate vicinity will be caused as a result of the proposed 'pergola'.

6.29 Other considerations

- 6.30** Several objections have been made regarding how the type of application submitted is correct and a change of use is required. A change of use application relates to how if a site proposes to change from one Use Class to another. The 'pergola' will be used in relation to the sites overall C1 hotel use and its associated facilities such as the bar and restaurant.
- 6.31** There have been claims from several objections that the proposed information submitted within the application is misleading and there has been facial misrepresentation of the proposal. Officer's consideration does not involve disputing whether certain information made by the applicants in regard to the site is factual or not. Consideration can only be made with regard to the proposed pergola impact in regards to design, amenity, parking, and trees. Assessing factual misrepresentation of the proposal is not a material planning consideration.

7. CONCLUSION AND RECOMMENDATION

- 7.1** In light of the above, officers are satisfied that the proposed development will comply with the relevant Cheltenham Plan policies, JCS policies, NPPF and any other supporting planning documents.
- 7.2** Officer recommendation is to permit this application subject to the conditions set out below;

8. CONDITIONS

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

Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 No customers shall be served or remain in the outdoor dining/seating area outside of the following hours Monday-Saturday 09:00-21:30, Sundays and Bank Holidays 09:00-20:30.

Reason: To safeguard the amenities of the neighbours and the area, having regard to adopted Policy SL1 of the Cheltenham Plan (2020) and adopted Policy SD14 of the JCS (2017).
- 3 Notwithstanding the submitted information, a landscape plan shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. All landscaping works shall be carried out in accordance

with the approved details prior to the first planting unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 4 The use hereby granted shall only be for the benefit of Clarence Court Hotel and in accordance with the details set out within the application form and accompanying documents.

Reason: The development is only acceptable in this location because of the special circumstances of the applicant, having regard to the provisions of the Cheltenham Plan (2020) and the Joint Core Strategy (2017).

INFORMATIVES

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

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

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

| | | |
|----------------------------------|---------------------------------------------------|--------------------------------|
| APPLICATION NO: 21/00583/FUL | | OFFICER: Mr Daniel O Neill |
| DATE REGISTERED: 19th March 2021 | | DATE OF EXPIRY : 14th May 2021 |
| WARD: Pittville | | PARISH: |
| APPLICANT: | Ms Elaine Cross | |
| LOCATION: | Clarence Court Hotel, Clarence Square, Cheltenham | |
| PROPOSAL: | Construction of a pergola (retrospective) | |

REPRESENTATIONS

| | |
|---------------------------|-----------|
| Number of contributors | 45 |
| Number of objections | 20 |
| Number of representations | 1 |
| Number of supporting | 24 |

36 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 11th April 2021

It would be reasonable for both the Planning Officers and the Planning Committee of Cheltenham Borough Council to assume information contained within a Planning Application is accurate, and presents a true reflection of the circumstances of the Application. This Application is cause for considerable concern, as it would appear to bypass normal due processes. It contains significant errors, omissions, and contradictions. It seems from the Application that no site visit has been made by either Building Control or Planning, as it appeared unnecessary to verify the statements made by the applicants. The principal objection therefore needs to address the content of the Application itself.

The Sections of the Planning Application which should be called into question are:

(a) Item (3) Page 2 (a) - Description of Proposal : "Construct Pergola to rear of car park in waste ground.....Use is for guests and local residents dining. Use was previously the same but in an untidy environment and used for fly tipping". Applicant states therefore there has been no change of use. This is patently inaccurate. There has never been any hospitality area situated in this position. The only outside area ever used by the present owners to serve meals or drinks was on the street/pavement (west) side of the hotel (see 3 tables and 18 chairs existing (e)). No seating or table plan has been submitted with the Application, and no indication of increased client numbers is forecast. On Friday 9th April the owners posted on social media that they are opening for "drinks" on Monday 12th April. At the same time they state that no food will be served until the hotel opens on 17th May. This does not constitute the dining use as specified. Item (a).

(b) Item (3) Page 2 (b) ,the proposed use of the Pergola is stated as "dining", and that "Use was previously the same....". This hardly tallies with the impression of a derelict site given in (a) above and in (f) below .

(c) Item (9) Page 4 - Lighting "Fixed, wired, subtle lighting on a timer".
This consists of approx. 40 exposed light bulbs strung from the rafters of the structure.

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(d) Item (10) Page 4 - Vehicle Parking. Total existing spaces 20, total proposed spaces 20. How is it possible to reduce the available parking area by 56 sq.m, (h), and not reduce the number of car parking spaces?

(e) Item (14) Page 5- Existing Use: "Derelict/waste land with fly tipping. Plus 3 tables and 18 chairs existing." This use "ended" on 24/2/21. The chairs and tables referred to were positioned in the front of the hotel on the street side of the building until moved on to parking spaces at the south side of the building whilst "essential workers" were accommodated at the hotel last summer. It seems this temporary arrangement now constitutes "existing use".

(f) Item (18) Page 7 - All types of Residential Development - Non-residential Floorspace. Does your proposal involve the loss, gain, or change of use of non-residential floorspace? - Box ticked is "NO". The continued references to derelict and waste land, and to fly tipping begs the question that the area referred to was ever used for hospitality.

(g) Item (20) Page 7 - Hours of Opening : 07.30 - 23.00 Monday - Friday / 08.00 - 23.00 Saturday / 08.00 - 22.30 Sunday

How can these licensing hours (outdoors) be considered acceptable within an area which is otherwise completely residential?

(h) Item (21) Page 7 - Site Area "7 sq.m.". This is shown clearly on the rough drawing of the proposed footprint of the application (as measured by the applicant) at 7 m x 8 m. = 56 sq. m.

The overall implication is that the owners are reclaiming derelict land. The statements made in the Application patently misrepresent the situation as the space is in fact a section of the hotel car park and has never been used for any form of hospitality. The claim that there is no change of use is specious. The property was purchased by the current owners in March/April 2020: if the location in question has been allowed to deteriorate to the condition described within a twelve month period, that neglect can hardly be used to support an argument for a Planning Application.

Item (5) Pre Application Advice : through email conversations with Sara Clevely it has been indicated that "in principle the building 'seems' to be OK but the final decision is the planning officer". One assumes this advice is based in good faith that the Planning Application submitted is factual and the statements made are substantially correct: this is not the case.

We all appreciate the difficult times hospitality businesses have experienced over the last year, and Cheltenham Borough Council have in their Licensing Recovery Plan relaxed certain policy measures and restrictions. However, within that plan, it is clearly stated that wider considerations which might affect residential areas are taken into account. Licence holders are expected to produce evidence of what practical measures they are taking to prevent disturbance to local residents, and what actions they will introduce to prevent or reduce noise. There is no evidence in this Retrospective Planning Application that any of these points have been addressed.

Local residents have been supportive of the Clarence Court Hotel's new owners. The café tables and chairs on the street side of the hotel last year were a very well received innovation. However, in view of the lack of detail within this Retrospective Planning Application, there is major concern that permissions granted will allow whatsoever interpretation the owners of the Clarence Court Hotel (present and future) may chose. That which is presented as temporary will inevitably become permanent. This ill-conceived and open ended proposal as it stands can only result in the detrimental changes to the area.

9 Cranley
Wellington Square
Cheltenham
Gloucestershire
GL50 4JX

Comments: 12th April 2021

I became aware of this application recently when I walked past the hotel on my way into town. I then read the many ridiculous and frankly selfish objections posted on this site. I am not going to dignify the obviously 'organised' objections with a rant of my own as I am sure the planning officers will be able to see them for what they are! I strongly support this and any business who has for the last 12 months plus fought to survive during the pandemic and now may finally be in a position where they may have some light at the end of the tunnel. They should be encouraged and supported by all local residents to help them survive, what is the alternative, a boarded up closed building as we have seen happen far to many times even before the COVID crisis. I think this initiative is most in keeping with the hotel and the area and greatly enhances what was a scruffy and unused piece of land. Come on Cheltenham SUPPORT your local businesses and let's get the town thriving again!!!

1 Regency Court
59 Brookbank Close
Cheltenham
Gloucestershire
GL50 3NS

Comments: 13th April 2021

First let me start by saying the responses and objections to the pergola are utterly mind boggling. Clarence Court Hotel, like so many other hospitality businesses have been hard hit by covid. The pergola is not huge nor an eye sore, it fits in perfectly with the surrounding structures and is barely visible to any neighbours. The hotel brings in civilised customers and mostly locals, so the complaints of noise pollutions is absurd.

As for the worries about parking, Clarence hotel has its own private parking and does not allow guests to park on the street.

I have personally had the pleasure of meeting the owner and the rest of the team, they are wonderful people, and the owner is trying to do the very best for her business, so to receive so many negatives from local neighbours is awful and must be extremely hurtful. One would think that locals would love a nice civilised beautiful area to enjoy summer evenings, but apparently they would rather complain and try to ruin a new and up and coming business, not very neighbourly.

Morcote Villa
26 Wellington Road
Cheltenham
Gloucestershire

Comments: 15th April 2021

Apologies, I may be too late but I wish to lodge my SUPPORT to the pergola construction at Clarence Court Hotel.

28 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 9th April 2021

There have been several attempts over the years to extend this hotel along the rear boundary. This one is unique inasmuch as the extension has already been constructed, under cover of the

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pandemic, and now retrospective permission is sought to keep as permanent a structure which is essentially a tent but which would inevitably soon become more solid and permanent..

Apart from the stark variation in appearance of the pergola from the surroundings, there is a total certainty that the peace and pleasant outlook of several neighbours will be affected strongly by any social use of the structure.

Also, the noise of functions in the pergola, which could, I am informed house to to 100 people for some function types, would impact not only residents of the square, but that of streets in all directions around, all currently noted for their peaceful and historic nature.

So I feel it better for this retrospective permission not to be granted, not least since there is plenty of social space in the hotel, and apart from providing cover for the shrinking number of smokers, there should be no need for further al fresco cover for eating or drinking purposes once the current social space restrictions are eased..

Flat 4
Rembridge Court
453 High Street Cheltenham
Gloucestershire
GL50 3HY

Comments: 13th April 2021

Nice and relaxing area to sit in, not loud and very comfortable and spacious and will benefit the area in a number of ways.

42 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 12th April 2021

As close neighbours (50 paces) of the property, I write to object most strongly to the construction (Planning and Building Control) and imminent commercial use (Licensing) of a substantial, pergola-type building in what was the garden and part of the car park at the Clarence Court Hotel.

Clarence Square, part of the original Pittville Estate, is well known as the most complete Regency square in Cheltenham, the south west and maybe the country, and highly respected for its heritage value at national level. The square is in a Conservation Area and comprises detached family villas and 50 town houses in four terraces. The only non-residential, commercially-operated property is the Clarence Court Hotel.

The hotel has operated as a privately-run residential hotel and has recently been acquired by a small hotels group. There is local support for this business but now great concern that the new owners do not appreciate the planning, tree and other constraints imposed on their activities and development in a Conservation Area surrounded by domestic properties.

1. The retrospective planning application is for an oversized, permanent pergola-like building on hard standing butted up against two boundary walls with adjacent properties. Change of use to the existing garden / car park into an outdoor food and beverage area, as an addition to the hotel's existing internal restaurant facilities, will be required.

2. The pergola is in full view from the road and at circa 50 square meters this substantial new outdoor restaurant area will not be easily serviced as it is away from the main building, which

suggests, despite a lack of detail in the application, that integrated barbecue and/or other cooking equipment will be employed.

3. The scale of the development suggests occupancy of around 50 seated covers (one sq metre / person) or over 100 people for standing drinking events, which again the applicant fails to detail. There is no mention of how toilet facilities will be managed let alone improved to accommodate these extra guests.

4. The lack of detail in the application would undermine Building Regulations being met.

5. This will also undoubtedly lead to increases in terms of regular occupancy, higher levels of noise nuisance, light pollution due to the need for extra lighting, impact on residential parking and compromise security issues, none of which is mitigated in the application.

6. A number of residents, through the local Neighbourhood Watch scheme, are actively involved with the local police and have been successful in minimising anti-social behaviour and drug/alcohol misuse in the area over the past ten years and this change of use would go against these successful protocols.

7. This application should not be viewed as a post-Covid recovery plan as the structure is permanent, which further raises concerns over licensing in the long term. Although the application may be able to align hours of opening with those of the hotel, presumably 11pm closure, it is not unreasonable to conclude that permissions will further be granted for late licenses for special events especially those on a regular basis such as Cheltenham racecourse events. This will totally change the dynamic of the area and compromise the heritage of a residential environment.

8. This application has failed in so many aspects as outlined above and permission should not be granted as it will have a detrimental irreversible impact on the quiet residential nature of the area and will lead to further strains on policing measures, both by residents, CBC wardens and the police.

I strongly object to this construction and its application.

30 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 10th April 2021

I am writing to express my concerns re the above planning application and express my objection to the plan.

Whilst an outside dining area may be of benefit to the Hotel, this is not the case for the residents. Clarence Square is a purely residential area and an outside dining/drinking area would impact negatively on this.

The position of the pergola is unacceptable for the Hotel's immediate neighbours. Privacy trees and bushes have been removed and the likely increase in noise, passive smoke and other anti social behaviours will undoubtedly increase. This impacts on their ability to use their gardens.

The application and usage of the pergola is also vague. The suggestion is purely for dining and drinking. However, in the future could we see a development of drinking into an 'in out' bar. open mic venue or bottomless brunches being offered by the hotel? This again is not appropriate in a residential family area.

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The noise imposition on the square is likely to increase. The operating hours are from 8.00am until 11.00pm - 10.30pm on Sunday. If patrons are leaving the venue at 11.00pm then this will increase noise levels in a normally quiet residential area. I am also confused as to why a hotel requires an outside venue from 8.00am?

The location of the pergola to the hotel is a significant distance. It is not clear how the Hotel will monitor the usage of the venue or the behaviours of patrons. There is no line of view from the bar restaurant area to the pergola. Clarence Square is not a main thoroughfare so any anti social behaviours would be 'hidden' from view to all except the residents.

The residents have worked hard to maintain behaviours in the park area and previously experienced significant anti social behaviours. I would not wish this to change and I feel the provision of an outside drinking and dining area may do this.

29 Tom Price Close
Cheltenham
Gloucestershire
GL52 2LE

Comments: 13th April 2021

It looks lovely. Gives more space for the guests, give them more "freedom" and a chance to enjoy the summer time in these really hard times. The owners knows how to keep everything under control and how not to disturb the neighbours with this "new feature". There is no music or anything outside so it's just like a normal house with a garden where the whole family can have a nice time, chatting and laughing but with respect for others.

5 St Georges Close
Cheltenham
Gloucestershire
GL51 8PP

Comments: 13th April 2021

What a tasteful and beautiful way of bringing the area into a thing of beauty. This place is one of the hidden gems of Cheltenham

Flat 2
Avondale House
Wellington Square
Cheltenham
Gloucestershire
GL50 4JS

Comments: 14th April 2021

I would like to support the Planning application for an outside pergola at Clarence Court Hotel in Clarence Square.

It is a small and discreet area for outside eating and socialising which does not impact on the every day life of the Square. In fact it is an asset to have such a pleasant place nearby to meet friends. The owners have assured us that there will be no music or adverse lighting which could cause distraction at the pergola and there appears to be ample parking at the site for visitors.

This is a family-run hotel and surely in these difficult times we could possibly wish to support local enterprise in our area and enable businesses to run successfully.

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Having looked closely at the pergola , I see that it is also a very small area but just sufficient for a few tables and it will adequately maintain social distancing during COVID restrictions, if needed .

Camden Villa
Clarence Road
Cheltenham
Gloucestershire
GL52 2AU

Comments: 8th April 2021

I object to the proposal because Clarence Square is an entirely residential area. I do not feel that it is suitable to have extensive outdoor seating which will result in additional usage and probably extended operating hours.

This will create a potential nuisance to local residents, with additional noise (during usage of the outdoor venue and patrons returning to their vehicles) and also light pollution at night.

Presumably , the car park area that is being lost will result in patrons parking on the square creating additional parking in zone 10 - an area that is already heavily parked making it even more difficult for residents to find a space.

I am also concerned about the scale of building in relation to the site and the removal of another green area.

Flat 5
10 Pittville Crescent
Cheltenham
Gloucestershire
GL52 2QZ

Comments: 13th April 2021

As a regular frequentor of Clarence Court Hotel, I support the application for the modest outdoor structure which is tasteful and inconspicuous at the rear of the property.

The objections seem to exaggerate the impact of a small outdoor space (which has always been available as a garden!) for a local business trying to manage in an extremely difficult covid environment. The revamp of the space will provide much needed additional space to allow diners and residents to be safe in respecting covid restrictions.

This is merely a modest evolution for a hotel that was here before the current resident of the square and will hope to be here for decades to come for locals and visitors to enjoy Regency Cheltenham.

39 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 11th April 2021

Letter attached.

49 Clarence Square
Cheltenham
Gloucestershire
GL50 4JR

Comments: 13th April 2021

I object to this retrospective application on the basis that this large outdoor bar area will have a negative impact on the purely residential surrounding area in terms of noise and traffic disturbance.

The surrounding houses which are most closely affected should have been consulted and allowed to comment BEFORE the structure was erected.

Flat 7
St Martins Terrace
Clarence Square Cheltenham
Gloucestershire
GL50 4JR

Comments: 12th April 2021

We wholeheartedly support this welcome addition to a delightful local hotel. My daughter and her family routinely stay and having a peaceful outside space will only enhance their experience. We often have a coffee when passing and being able to sit outside in the sunshine will be wonderful. This progressive addition will allow exactly the sort of open air socialising society is increasingly demanding.

We fully support this endeavour and look forward to making use of the new facility.

2 Nailsworth Terrace
Cheltenham
Gloucestershire
GL50 4BE

Comments: 13th April 2021

The new outdoor seating area in the car park looks is an appealing addition to the hotel and the local area. It will be useful to attract more customers to support the small family run boutique hotel

11, Clarence Square
Cheltenham
GL50 4JN

Comments: 14th April 2021

I am concerned that this work was carried out without planning permission.

I have no idea how it will impact on the neighbourhood in regards to noise, light pollution etc

Also is the structure in keeping with a grade 2 listed Property?

17 Balladine Crescent
Stoke Orchard
Cheltenham/Gloucestershire
GL52 7SN

Comments: 13th April 2021

I absolutely support this, as someone who was a regular for many years and now again have the pleasure of visiting many times (pre - lockdown) the change is welcomed !

5 Wharfdale Square
Cheltenham
Gloucestershire
GL51 8DL

Comments: 14th April 2021

As a frequent visitor to the area I fully support the application.

At first I was confused why is a pergola being declared as on a grade two listed building when the red brick building next to it doesn't look very Georgian? Is it one rule for one and one rule for another?

I had a brief discussion with one of the residents of the square while stopping off for a pint in the lovely pergola on my walk back from work today about those claiming that there will be 100 people with live music and the streets will be flooded with cars and the light pollution will mean that nobody with a 1 mile radius will never need to put their lights on.

All it would take would be a 5 minute discussion with the owners to understand that these claims are completely untrue the setting for this has always been to provide a nice setting for hotel guests and local people of the two squares to enjoy. To see the development of the hotel be halted in it's efforts to bring it in line with the high quality surroundings would be a true shame.

A few of the further issues would be solved by licensing surely and are not applicable to the core principles involved in the decision making process although I know I have raised a couple.

The Linen House
Wellington Lane
Cheltenham
Gloucestershire
GL50 4JF

Comments: 8th April 2021

In terms of the retrospective planning application for Clarence Court Hotel, I have various comments which determine my reason for objection.

1. The Positioning of the Pergola. The hotel has conveniently placed the structure as far away from the hotel as possible to minimise the impact on the hotel. They have placed it against the hard boundary with 46 Clarence Square / 9 Wellington Lane and immediately opposite my home, The Linen House. The distance between my doorstep and the structure is 5.6 metres. Any potential disruption created by the proposed operation will impact my property and the neighbouring properties more than the hotel itself.

2. Misleading Planning Application. After witnessing the construction and seeing the installation of tables and chairs, it is clear that this is not a pergola to enhance the garden, it is an unsightly creation of an outdoor Food and Beverage area placed in a car park to increase trade for the hotel.

3. Noise Pollution. Wellington Lane and Clarence Square is a quiet residential area where no pubs/outdoor eateries exist. With late-night trading till 23:00hrs, the operation of the new Food and Beverage area will create a large amount of noise which will cause neighbours great distress. It is also unclear from the application whether the hotel is planning to use music on-site, which is concerning as this would generate more unwanted noise.

4. Light Pollution. The area will need to be illuminated in order for the Hotel's service to operate safely. Considering the close proximity to neighbouring properties, we will be subjected to excessive light pollution.

5. Security/Privacy. The siting for the construction is far from the staffed premises of the hotel with no view from the hotel to the pergola. How can the hotel operate a safe, secure operation without a line of sight or direct access which is obstructed by parked vehicles? The height of the pergola has also created a new access point for potential criminals to climb over the boundary walls into neighbouring gardens. Public access from the road at the hotel's entrance is not blocked off in any way, therefore how will the hotel monitor who is entering their property? The Linen House overlooks the site of the structure and the hotel's car park. With the increased footfall which the new operation will bring, our home will be exposed to more people spending extended amounts of time looking into our property. As the site photos show, our home has large windows with a Juliet balcony which leaves us exposed.

6. Style. The structure is not in keeping with the architecture of this period hotel nor the neighbouring properties on Clarence Square. The timber structure is rough looking and does not blend in with the surrounding area.

I feel the hotel owners have not considered the implications neighbouring properties will face and are thinking only about their own financial gain.

I hope my comments are taken seriously when considering the assessment of this planning application.

The Coach House
9 Wellington Lane
Cheltenham
Gloucestershire
GL50 4JF

Comments: 10th April 2021

With reference to your letter dated 23 March 2021 inviting comments in respect of the above retrospective application.

The application as it stands is so incomplete and inaccurate that, in my view, it should have been returned to the applicant for further clarification. With no accurate 'as existing' information; seating plans; usage plans; public security statement; location/ environmental impact assessment or structural plans in the application, I fail to see how proper consideration can take place.

A rare, mature tree had already been felled without permission, giving rise to concerns as to adherence to local regulations.

For the avoidance of doubt, the application is not for a domestic scale pergola in a private, enclosed garden. It is for a large, commercial, industrial designed erection in an otherwise totally residential location.

I strongly object to this application on a number of grounds, including but not exclusively:

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Incomplete, inaccurate and misleading submission

Change of Use

Siting, scale and size of the Proposed Pergola

Increased Occupancy

Noise and Light pollution

Sanitation

Proposed Trading Hours

Impact on Parking

Security and Control implications

INCOMPLETE, INACCURATE, MISLEADING SUBMISSION

Absence of any supporting 'as is' documentation.

False statement about previous usage. The area was garden and car parking. Tables and chairs were moved from the front of the building to the side during lockdown to accommodate 'essential workers' staying at the hotel. Later, new tables and chairs were installed at the front of the property. The old tables remained at the side of the building, often piled up, presumably awaiting removal.

The area was garden and car parking. It was not well maintained but certainly not derelict. No evidence of fly tipping had been witnessed but had this occurred, it was under the watch of the applicant and would demonstrate a lack of supervision of the location.

The stated number of 'as existing' car parking spaces is false. The building further reduces this.

CHANGE OF USE

As far as it is possible to ascertain, no application has been submitted for 'change of use'. The site was garden and car parking. The construction now constitutes a large, commercial entertainment space. There can be no argument that it is a 'change of use'.

SITING, SCALE AND SIZE OF THE BUILDING

Siting

The site is as far remote from the hotel as possible, as hard against neighbouring boundary walls as can be, including the side wall to this property. Nuisance from noise, light and fumes will have more impact on my and neighbouring properties than on the hotel itself.

Scale

The sketchy drawings in the application do not reflect the scale of the building within the site. Scale and size are inappropriate for the location and for erection in a residential area.

Style

The flat roofed, industrial appearance of the building does not reflect the important, heritage area within which it is located. The 'flat' appearance gives rise to concerns about future roofing and/or other enclosure taking place.

INCREASED OCCUPANCY

No seating plan is provided. Numbers for a construction of this size are 50+ seated or 100+ standing. All this in an area that previously had only traffic from guest returning to or leaving vehicles.

No limitations are given for proposed occupancy. At times within the year, racing festivals for example, even greater numbers might be experienced, overspilling into the car park and public spaces. How would this be supervised and managed? Again, no information/consideration given.

NOISE, LIGHT and FUMES POLLUTION

Resulting noise could be unbearable for neighbouring properties. Residents have a right to 'peaceful enjoyment of their property' - Human Rights Act, Protocol 1 Article 1. The intended usage of the building, within the residential location, completely countermands that law.

Commercial lighting, shining directly into properties and the environment gives rise to concern under the same Act.

Residents in Britain have a right to breathe fresh air. As has been seen from recent cases arising from damage through traffic fumes, serious consequences can arise. Impact from fumes and pollution from smoking, barbecues and patio heaters emanating from commercial trading, immediately adjacent to residential properties and gardens, cannot be dismissed and must be taken into consideration.

SANITATION

No reference is made in the application to increased sanitary facilities: W.C.s and hand washing. Information on how this is intended to be managed is essential for this application. In the lockdown period last summer, when the garden area was being used by key workers, guests were observed urinating in the garden area. One wonders what current lavatory facilities are available let alone how vastly increased numbers will be accommodated.

PROPOSED TRADING HOURS

Trading on a daily basis from 7.30am until 11/11.30 pm with resulting noise, light, pollution and disruption, places an unsupportable strain on residents and their children trying to sleep or go about their daily life. This might be acceptable in a town centre or retail area but not in an otherwise entirely residential area.

SECURITY AND CONTROL

The proposed food and beverage area is completely remote from existing staffed areas of the hotel. There is no sight line from which staff can readily view the area or the access to it. The area is further obscured by parked vehicles. Access to the proposed area is unobstructed by gates or control, open to anyone to enter without checking. No plan of how this might be managed is given in the application and, I suggest, has not been given any consideration.

The siting and construction of the 'pergola' compromises security to neighbouring properties. It is erected hard against the wall to 9 Wellington Lane and No 46 Clarence Square. A large planter affords easy access to the 'climbing frame' of the struts. From there, easy access to all other garden in the terrace.

It is clear no thought has been given to neighbours security.

The Square suffers nuisance from drugs and alcohol abuse and abusers. The potential to increase that problem by this ill conceived, commercial development and the impact on our already overstretched police force is very concerning.

The hotel make great play in their publicity materials of the 'quiet, leafy setting'; 'heritage' and 'Listed status' of the building. They have, however, had no compunction about felling trees, destroying green areas, and ignoring the planning regulations designed to protect the heritage and environment.

On arrival, the current owners said they wanted to improve the hotel, making it an up market, boutique, hotel. On that basis, they have enjoyed the support and encouragement of local residents. Recent actions - felling trees without permission, erecting an outdoor, entertainment space without permissions, and showing no regard to impact on neighbours and residents in the surrounding area - shows contempt and disregard to residents, regulations and Cheltenham's valued heritage.

I urge the committee to decline the application.

Basement Flat
46 Clarence Square
Cheltenham
Gloucestershire
GL50 4JR

Comments: 13th April 2021

I write to express my objection to the retrospective planning application referenced above.

Firstly I must convey my surprise and concern that as of 12th April 2021 the 'Pergola' appears to be in use for paying customers when the planning permission has not been granted and the owners of the hotel are fully aware of the concerns of their immediate neighbours. I trust that this will not sway the council's decision and that they will take the proper and appropriate action and not be pressured by the business already operating from this structure.

Not only does this structure completely disregard the keeping of the local area & its Grade 2 heritage, it also impacts me as a resident and I am extremely disappointed that a knowledgeable, experienced hospitality business owner would proceed with these changes with no regard for their neighbours and locals. With business being so quiet during lockdown (unfortunate but a reality), I am curious as to why the application was not submitted in advance of beginning the works. Undoubtedly the hotel will be reluctant to undo the works having invested in the structure, however this is simply unfortunate and due process must be followed when all factors are fully considered.

I think it is reasonable to assume that the owners are fully aware of the likely restrictions when further developing the property and its grounds, this is something that will have been made very clear to them during the purchase of the hotel and as they so clearly reference the buildings Grade 2 status on their website, it is simply extraordinary to claim they didn't believe permission would be required. I am also aware that this retrospective planning application was not made until local residents stressed to the hotel owners that they should check if permission was required, this brings into question the owner's future intentions and consideration for the local area and their neighbours, will future changes be implemented with the hope the council does not notice/will concede under pressure for additional retrospective changes?

As a resident of the square and immediate neighbour to the hotel, I feel it is important to clarify some of the points claimed in the application, additionally I have concerns for my security and quality of life in my property should the changes be permitted under the current arrangements, I have detailed these below:

Planning application

As neither photos or plans of the existing area have been submitted, this brings into question how the council can review & consider this application and the impact to the local area, you are as such 'working blind' which surely should never be the case when reviewing applications for protected buildings/areas. Sufficient design plans for the future Pergola have also not been provided, severely limiting local resident's ability to consider the impact to them & their properties.

As the resident of Basement flat 46 Clarence Square since January 2020, I would like to highlight the following points:

- o The area for the Pergola was not a 'derelict area or waste ground', this has always been used as a garden area during my time of residence. I have witnessed the owners and hotel guests enjoying this area many times for the purposes of relaxing and smoking.

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o The area was not used for dining purposes, are the owners claiming that food was served in this 'waste area'? I think this is unlikely and clearly there is a disjoint between the submitted 'as is' and 'reason for application' information from the owners, when read in parallel they do not tally and this should be put back to the applicants for further explanation & evidence.

o I am aware that during Covid lockdown, there were a few small tables placed in the garden area which were used by key workers staying at the hotel, this was temporary and should not be considered as evidence that the area was previously used for dining purposes.

o I have not witnessed any fly tipping on the property, the hotel grounds have always appeared in good order during my time here.

o The 'Pergola' in construction is quite frankly huge, calling it a Pergola seems almost misleading for a garden area of that size. A smaller more tasteful Pergola would have enhanced the area, that is not in question, however the structure that is in place means the character of the remaining garden is lost and is now actually just trees and bushes. The structure itself is also unattractive and industrial looking.

Parking

As a parking permit holder, I pay to park my vehicle in Zone 10 which surrounds the hotel, this is already at capacity in the evenings and I have concerns regarding the number of customers that the new dining area will generate. The number of parking spaces belonging to the hotel will not be sufficient to support the increase of customers the Pergola will bring, therefore customers will of course park on the road, reducing the number of spaces available to permit holders.

Noise nuisance

As a resident who lives next door to a hotel, potential noise nuisance is a big concern for me as I'm sure you can understand. The Pergola will surely result in an increase to customer numbers which directly relates to the noise levels coming from the hotel, to date this has been limited by the existing outside area which consists of 4 café tables.

The noise that will come from the Pergola itself will be considerable, additionally I would like to know if there are plans for music of any kind to be played outside.

The noise created by customers leaving the premises until late at night will directly impact me, the current tables are at the front of the property whereas the new Pergola means guests will be stationed at the back of the grounds and therefore the noise to my bedroom will be considerable.

Whilst not strictly relevant to the application, it was non the less disappointing that I did not receive any communication from the hotel owners informing me (as their immediate neighbour) that they would be having building works carried out. As the owners will of course be aware, the majority of people are currently working from home due to the pandemic and the unexpected loud noise from the building works has inconvenienced my work several times. I would have been grateful for the curtesy of prior warning of the building works being carried out.

Security & management

The new structure provides easy access to anyone that now wishes to scale the wall of 46 Clarence Square. Previously the wall was of a height that would deter intruders, the new structure gives them a leg up with a convenient planting box and wooden post to climb up. This is hugely concerning to me, once over the wall, an intruder has direct access to the back of 46 Clarence Square.

I would like to know what security measures the hotel will be putting in place to monitor their customers whilst they are situated in the Pergola, for example ensuring noise pollution and anti-social behaviour is minimised. There is no direct line of sight for hotel staff working within the hotel to the outside Pergola, I would like reassurance on how this will be managed to a safe level.

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As a previously frequent customer of the hotel, I wish it every success as a business, however this business must operate within the governance that exists to protect buildings and areas of heritage. I trust as the person appointed to ensure this governance is kept you will listen to each of the concerns of the local residents and will work with the hotel to reach a satisfactory outcome for all.

I look forward to receiving your acknowledgement of this letter and my concerns.

46 Clarence Square
Cheltenham
Gloucestershire
GL50 4JR

Comments: 10th April 2021

Construction of a Pergola at Clarence Court Hotel, Clarence Square. Cheltenham

I write in response to your letter dated 23 March 2021, inviting comment in respect of the above retrospective application,

On its website Clarence Court Hotel promotes its location, setting and heritage as can be seen in the following extracts:

"Clarence Court Hotel is situated in a premier Regency square, in a quiet, leafy sanctuaryThe Hotel has been created within an elegant Regency building.....Many of the original features have been maintainedThe hotel is a grade 2 listed building".

The proposal set out in this retrospective application ignores, compromises or destroys many of these attributes. Through failure to submit a timely application and subsequently proceeding with the works in advance of determination the hotel has sought to by-pass the Planning processes which protect the very heritage the hotel extols.

In terms of the application submitted, I have a number of comments arising both from perusal of the documents posted on line and resulting from observation of the works carried out. It should be noted works continue to progress despite the outcome of the retrospective application not having been determined.

Had this application been for a domestic scale pergola, to enhance a private enclosed garden, there would be little cause for concern. Likewise, had it been for a temporary structure facilitating an outdoor food and beverage operation during post-Covid recovery, concerns would be tempered by the short term nature of any permission granted.

Neither of these situations apply. The retrospective application submitted is for a massive permanent pergola structure, out of scale with the garden area of the hotel. Also, by implication, the Change of Use of a significant area of existing garden / carpark to become a commercial outdoor Food and Beverage consumption space in a location remote from and not visible from the existing hotel operations. As the existing hotel facilities already provide a bar and substantial restaurant (with outside seating on the hotel frontage) the proposed pergola area creates a significant increase in "sales area" and thereby increased customer numbers. As such it raise a number of serious concerns for both immediate neighbours such as myself and for the wider Clarence Square / Wellington Lane community.

My concerns and objections are set out below under the the following heads:

Incomplete submission in respect of the "As Existing" condition
Misleading reason for the Application
Siting of the Proposed Pergola

Scale of the Proposed Pergola
Style of the Proposed Pergola
Increased Occupancy
Impact on Parking
Noise Nuisance
Light Pollution
Security and Control

Incomplete Submission in respect of the "As Existing" Condition

In order that Planning Officers or Committee members are fully informed when considering any application it is essential that the materials submitted accurately reflect both the "as existing" situation and new proposals. Unfortunately, in this instance, neither aspect is fulfilled - no as-existing plans or photos have been submitted nor are there any meaningful plans of the proposal only photographs of a partially built pergola.

However, as a long term neighbour to the Clarence Court Hotel I am in a position to advise the following in respect of the "as existing" condition.

the area for the proposed pergola was not a derelict area or waste ground as suggested but a garden space with trees, shrubbery and a small area of gravel paving as shown in the attached 2007 and 2019 photographs.

the area was not historically used for dining etc until Covid Lock Down Restrictions limited the use of internal bar / restaurant facilities. Three or four small tables and chairs were then provided in the garden area for the benefit of key workers staying at the hotel - a temporary arrangement.

I have neither seen nor heard any evidence of fly tipping in the garden area but if so then it has occurred on watch of current owners - possibly whilst the premises were closed due to "Lock Down" Likewise any "untidy environment" has only resulted from lack of attention by the owners - albeit understandable during the Covid shut down.

designated parking spaces for the hotel never totalled 20 as stated. In the "as existing" condition 17 marked spaces were provided. Construction of the pergola reduces this to 16 usable spaces.

Reason for Application

It is clear that the primary reason for this application is not the desire for a pergola to enhance the garden area but quite obviously the creation of a substantial, outdoor Food and Beverage area (dining / drinking / smoking) to enhance trade at the hotel. The pergola is simply a means of defining this proposed area, essentially obliterating much of the garden area (see attached March 2021 photograph).

Siting

Siting of the proposed "Food and Beverage / Pergola" area is as remote from the hotel as is possible on the site - minimising impact on the hotel - but hard against the boundary with 46 Clarence Sq / 9 Wellington Lane and immediately opposite 12A and The Linen House in (the narrow) Wellington Lane. Any nuisance arising from the proposed operation will have greater impact on these properties than on the hotel. This can be clearly seen from the attached photograph of the partially completed Pergola.

Scale

The limited drawn information / scale of the site plan submitted give no real concept of the size of the proposed "Food and Beverage / Pergola" area. The attached photograph clearly shows the

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massive scale of the proposal which extends to 56m² - by observation, more than 50% of the existing garden area.

Style

Style of the pergola as constructed is "industrial" in appearance with no reference to style or period of the hotel, adjacent Clarence Square buildings or to classic pergola designs. The form of construction is more in keeping with that of a flat roof structure raising the question is some form of roof covering planned downstream.

Potential Occupancy

The application states the use to be for "dining" but no table / seating plan is provided to define intended occupancy levels. However Building Regulations suggest that where no fixed seating is provided in a dining area, the occupancy should be determined as 1 person / 1 m². From the dimensions stated in the application (7m x 8m) the pergola covers an area of 56m² and is therefore capable of accommodating up to 56 persons in a dining environment. However it is far more likely that this "food and beverage" area will become more attractive to drinking / smoking customers in which case the suggested occupancy levels (from Building Regs) are likely to be 1 person / 0.5m² ie. up to 112 persons.

These potential numbers would most likely require additional toilet facilities etc but no reference is made within the application.

Parking

As mentioned above the proposed development decreases the parking available on site which, together with the potential for a substantial increase in clientele, will have a significant, negative impact on parking within Clarence Square to the detriment of residents.

Noise Nuisance

The creation of an outdoor Food and Beverage operation in this location trading until 22:30 / 23:00hrs will generate an unbearable level of noise nuisance in the quiet residential area of Clarence Square where none exists currently except for the three - four cafe tables sited adjacent to the footpath at the front of the hotel.

Also, as modern bars and restaurants seem unable to operate without some level of piped music, I am concerned that, whilst the application is silent on this aspect, it may well be added later.

In addition to this "on site" noise there will be the noise nuisance generated by the greatly increased number of customers leaving the premises late at night.

Light Pollution / Nuisance

There will be a need for considerable additional lighting to facilitate a food and beverage operation in this location bringing greatly increased light pollution / nuisance from the pergola area however lighting arrangements are not defined. The recently upgraded floodlighting covering the hotel car park / pergola area is unshielded and so illuminates not only the hotel area but overflows onto adjacent properties on a 24/7 basis.

Security, Control, Management

The application states the proposed area to be for dining but the trading times specified align with those of the bar and will inevitably lead to outdoor consumption of drinks late into the night. The submission is silent on the matter of Security, Control and Management of the proposed area. This will be extremely difficult for the following reasons:

The new pergola will be clearly visible from the public footpath but with no gates, barrier or other means of limiting access from the footpath. With no visibility of the access route from the hotel - the area will be open for anyone to "wander in" unchecked.

The proposed Food and Beverage / Pergola area is remote (30m+) from staffed facilities in the hotel. There is no line of site from the existing bar, restaurant, reception or management offices to either the proposed pergola area or of the access route (through the car park) leading to it and clientele will be partially obscured by vehicles using the car park.

Additionally, the positioning of the pergola, hard against the boundary wall and projecting from front of the flank wall to 9 Wellington Lane, seriously compromises the security of 46 Clarence Square. Previously, security was afforded by the high boundary wall - minimum 2.4m high on the hotel side. As constructed, the pergola together with the large planter box positioned beneath, provides a convenient "climbing frame" immediately adjacent to the neighbouring boundary - see attached 2021 photograph

I consider these issues clearly indicate that little or no thought has been given to security or control aspects of the operation. "Secure by design" concept is ignored.

With so many important issues not addressed by this application and with works continuing / likely to be complete before the application process is concluded, I believe it places the Council in an invidious position but should not be allowed to shy away from due consideration of all aspects.

Unfortunately, there is a history of inappropriate, unauthorised works being implemented at the hotel (under previous ownerships):

removal of front garden area to provide additional parking - subsequently unusable without obstructing the public pavement and resulting in unattributable damage to the Civic Award winning railings fronting 46 Clarence Square

unauthorised installation of inappropriate signage (as acknowledged by a visiting Planning Officer) but for which a retrospective application was not enforced.

All subsequently approved /accepted retrospectively on the basis "too late to do anything about it now"

I readily acknowledge the considerable investment made by the current owners since acquiring the hotel early last year and accept that a successful hotel in Clarence Square is more desirable than a failing one. Indeed a better located, in scale pergola and seating within a garden setting would probably have received little comment. However, Clarence Square is a quiet residential area and any desire to substantially expand trade, particularly outdoors, must be tempered by consideration of the detrimental impact on all other residents.

I am sure that the owners response to many of the issues raised above would be that they intend to provide a "well managed - up market" operation and that these concerns will never materialise. Unfortunately any permissions granted will be permanent and outlive any change of ownership / style of operation that may occur in the future . It is therefore essential that the full impact of the issues arising from this application be considered and determined now, even if this means remedial action being required.

I look forward to your acknowledgement of this letter and to the concerns raised being fully considered in assessment of the application.

Comments: 11th April 2021

Photographs showing the following are available to view in Documents tab.

Hotel Garden 2007:

no waste or derelict areas, no dining

Hotel Garden 2019:

lawn replaced by gravel, well tended, no waste or derelict areas, no dining

Hotel Garden 5 March 2021:

Over 50% of garden lost, parking space lost, pergola extending beyond rear of 9 Wellington Lane plus planter box beneath creates security threat to 46

21 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 13th April 2021

As a resident of Clarence Square for three decades I am amazed to discover the recent retrospective planning application and the apparent disingenuous intentions behind it. We are well aware that we are dealing here with something "after the fact" and the recent inclusion on the council's website of photos relating to this planning issue reveal a different story to the actual contents of the application itself.

The application refers to an area of "derelict waste land with fly tipping" but earlier photo evidence reveals a small garden, admittedly somewhat neglected with a bench and table, at the far end of a long car park.

"Use was previously the same.....area will be picturesque, tidy and much improved", but what we now see is a permanent pergola covering 8 metres x 7 metres with the removal of all greenery and the intention of providing outside dining and drinking.

This has "fixed wired subtle lighting on a timer" and I observe outside space heaters.

There has seemingly been no consultation with residents, save a single notice on a lamppost outside the hotel. And this is in a conservation area of Grade 2 listed buildings, all residential except for this hotel. In other words, we are dealing with the only non-residential, commercially operated property in the square.

If this does not attract the careful scrutiny from our planning authorities that is so clearly deserves, then I do not know what does.

This has the potential to impact not only the residents of Clarence Square but all those bordering Wellington Lane and the rear of properties on the Evesham Road. What is proposed is clearly not temporary, (even though it might attract support as part of a temporary post Covid recovery plan).

No, in essence we are dealing with an outside dining area/bar that is not easily serviceable from the hotel because it is away from the main building, that has the potential for increased noise and light pollution hitherto unknown to local residents. It is fully visible to, and open from, the road and therefore provides an open invitation to attract footfall without restriction.

The debate about area size relative to occupancy has been covered extensively, quoting up to 50 occupants. This must constitute a change of use. Also if any go ahead is given, suitable operating hours for a residential area could be impossible to monitor and control effectively.

Another impact area concerns parking. The application states that the hotel's 20 on-site places are unaffected but this is questionable given the enlarged space of the pergola and its forward intrusion into the hotel's car park. This would increase demand for parking on the square where places are already at a premium, particularly in the evening and overnight.

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Please reconsider this application most carefully as the consequences are far reaching, particularly for those in the closest vicinity. Those objectors have my strongest support.

27 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 13th April 2021

I would like to raise concerns over the above retrospective Planning Application for the construction of a large pergola in the garden/car park of the Clarence Court Hotel. As the Application stands it lacks detail, accuracy and clarification on the purpose and long term usage of the structure.

Most residents in Clarence Square have been supportive of the Hotel and its new owners and their vision to turn the Clarence Court into a boutique hotel befitting its location in a residential area of conservation with listed houses. However, any commercial outside development/build of this size and nature in a majorly residential space ought to address the concerns of its neighbours and the potential impact, with particular regard to noise, light pollution and vehicle numbers and parking. The objections raised by many referencing these concerns are wholly valid given the sparsity and inaccuracy of the information on the Application. Ultimately the work has been undertaken without planning permission and sadly without consultation with its residential neighbours who will be directly affected.

33 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 12th April 2021

You will already be aware of the poor standard of core the details in the hotels shameful attempt to bypass the planning laws wrong facts no notice to the Square The effect on the listed area will be massive we and most of past coucillers have have push to ensure the only untouch square remains a place that visitors come to admire and photo and a place to sit This is not for the benefit of the listed square or the people staying at the hotel they have space and from my talks with them over 20years they go into town THIS IS ABOUT PEOPLE THAT HAVE NO INTEREST IN CHELTENHAM Cheltenham has dire problems with less shopping taking place and it is unlikely that will change even though we have brought in an expert to help ,people will come because of its past What would if you past this is a major change in this listed area I grew up in hotels and spent part of my working owning them we found you cannot police them to say you can is untrue even if you had security when that is need it is to late Save what will be need to save Cheltenham from slipping down the tourist list once lost you not get it back I wait your honest treatment of our and your town

5 St Martins Terrace
Clarence Square
Cheltenham
GL50 4JR

Comments: 12th April 2021

It has been brought to my notice that The Clarence Hotel is seeking retrospective planning permission for a pergola which has been erected at the back of the garden. I fully SUPPORT the application. The pergola is well to the back of the land, is well constructed, and with planting will

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look very pretty. I look forward to eating there. I hope you will take my views into account when making your decision.

Yours sincerely

8 Morningside Close
Prestbury
Cheltenham
Gloucestershire
GL52 3BY

Comments: 13th April 2021

In line with the letter written 5 March 2021 by the Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and :Local Government, there is a clear mover to reduce and remove red tape to allow the safe reopening of hospitality businesses.

This includes the facility of providing outside seating and tables WITHOUT THE NEED FOR PLANNING PERMISSION.

The pergola is not huge nor an eye sore, it is an improvement to the previous concrete slab that was there, and fits in perfectly with the surrounding structures and is barely visible to any neighbours. The hotel brings in a select clientele and mostly locals, so the complaints of noise pollutions are excessive. The pergola space will hold a similar number of persons to that that can be accommodated within any garden or yard of the local residences. The footfall past the hotel is relatively low and therefore large unruly crowds would not be anticipated.

As regards parking concerns, Clarence hotel has its own private parking and does not allow guests to park on the street. Free parking is available 2 minutes walk away and therefore local residences would not be impacted.

The hotel owners, management and team are trying to do the very best for the personally-owned business, and rely on the support of their neighbours and local community. The pergola provides a pleasant civilised area to enjoy summer evenings.

We should all support individual businesses to survive in the current economic climate and this addition will only enhance the existing area, and provides only a limited number of covers for hotel residents (post-May) and for diners.

We fully support the pergola and this local business.

15 Wellington Lane
Cheltenham
Gloucestershire
GL50 4JF

Comments: 15th April 2021

My property is near to Clarence Court Hotel's garden. I don't object to making use of outside space in this way, whether by a private or business neighbour.

25 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 11th April 2021

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I am a resident of 25 Clarence Square opposite the Clarence Court Hotel.

Today I have received a letter through my door from a neighbour objecting to a new wooden structure the hotel have put up in order to be able to open and offer outdoor service from the 12th April.

I wanted to email clarifying that both myself and my partner are in full support of the hotel and will be looking forward to visiting this week.

This has been a difficult year for all industries but most noticeably hospitality. How anyone can object to this business trying to make money whilst adhering to government guidelines is beyond me.

Having lived on the square for over 5 years, there has never been any nuisance caused by the hotel or their guests and instead has provided a lovely place for us to visit for drinks in the evenings as well as brining tourism to the area. I don't see how a wooden structure offering shelter from the rain will suddenly create all of the problems this neighbour is alluding to.

Once again, we are in full support of this local business and hope they will be open to as planned without any objections.

21 Wellington Lane
Cheltenham
Gloucestershire
GL50 4JF

Comments: 11th April 2021

I'm a resident of 21 Wellington lane.

I have NO OBJECTION to this retrospective application. This business must be supported in these times. I've viewed the construction and in my view it's minimal and unobtrusive.

Clarence Villa
Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 11th April 2021

We are writing to object to the above retrospective planning application (21/00583/FUL) made for the construction of a large pergola outside the Clarence Court Hotel, Clarence Square.

We strongly agree with all of the objections made by a fellow resident which you have already received (no. 39 Clarence Square).

This structure, which is to provide outdoor drinking and eating space for the hotel, is misplaced in a residential area. The noise from extra people, increased traffic and potential anti-social behaviour is a major concern.

Clarence Square is an important, historic, residential square. A large outdoor bar/restaurant of this nature would disrupt the architectural integrity of the square.

It is concerning that the owners have constructed this with only a retrospective planning application and no liaison with residents for whom this will have a major, negative impact.

I urge the planning authorities to reject this application.

22 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 11th April 2021

We strongly object to the erection and subsequent usage of a pergola currently under construction at the Clarence Court Hotel, Clarence Square, Cheltenham.

Clarence Square is well regarded as the most complete Regency Square in Cheltenham and highly respected for its heritage value on a national level. The Square comprises of a few detached owner/occupier detached family villas at its corners and has 50 town houses, of which 14 are rented or owner/occupier flats with a further 36 owner/occupier family homes. This reflects the very strong residential nature of the area in this jewel of heritage in a highly prized conservation area.

Clarence Court Hotel has nestled in this community as a residential hotel. There is undoubtedly local support for this local business, the only commercial business in the immediate area, and we and others actively endeavour to support the very nature of what would be an inclusive business model.

However, the retrospective application currently submitted to CBC Planning Department is at odds with a substantially quiet residential area:

The current pergola works are being carried out without any granted planning permissions and as far as we can ascertain there has been little or no contact made with owners of adjacent properties nor residents in the wider community in general about this 'proposal'. It is being progressed/completed despite any outcome of this retrospective application, or even that of a full application, being determined.

There are a number of anomalies in the application, for example, a large rare specimen fir tree was felled before planning permission was sought and the pergola was subsequently constructed before permission was granted to fell the other two young sycamores. All of this took place despite an objection by The Linen House being lodged (27 February) and was ignored in the formal handwritten application form. A lilac tree has also been felled at the front of the hotel. We find it unbelievable that a commercial enterprise such as The Clarence Court Hotel, would not know this is a conservation area let alone fail to understand planning protocols, and disregarded all planning procedures within appropriate time scales, but they have done so. We also find it concerning that a Planning Department would allow work to be progressed when the application is not approved, even retrospectively, which would not be afforded to an individual in a private property.

The application is for an oversized permanent pergola with subsequent Change of Use to the existing garden/carpark, as this is an outdoor Food and Beverage area in addition to the hotel's existing internal restaurant facilities and is in full view from the road. At approximately 50 square meters this substantial new outdoor restaurant area is not easily serviced as it is away from the main building, which suggests, despite a lack of detail in the application explaining intentions, that an integrated barbecue and/or other cooking equipment could/would be employed by necessity. Furthermore the scale of the pergola suggests occupancy of around 50 seated restaurant covers (1 sq.mtr./per person) or over 100 people for standing/drinking events, which again the applicant fails to detail. Obviously this will be restricted to lesser numbers during temporary Covid-19 restrictions. There is no mention of how toilet facilities will be managed let alone improved to accommodate these extra guests. The lack of detail in the application in general undermines Building Control Regulations being met.

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This new outdoor area will also undoubtedly lead to increases in terms of: regular increased occupancy, higher levels of various types of noise nuisance (noise echoes loudly around the Square particularly after dark), light pollution due to the safety aspect for extra lighting being needed, impact on residential parking and also compromise security issues for adjacent properties and Clarence Square in general. None of which are defined in the application as to their solution nor resolution. A number of residents in Clarence Square are actively involved with the local Police and have been successful in minimising anti-social behaviour and reducing drug/alcohol misuse in the area over the past ten years and this change of use would in fact go against these successful protocols.

This application should not be viewed as a post-Covid recovery plan as the structure is permanent, despite its Greek Taverna temporary appearance, which further raises concerns over licensing in the long term. Although the application may be to align hours of opening with those of the hotel, presumably 11pm closure, it is not unreasonable to conclude that permissions will be granted for late licenses for special events especially those on a regular basis such as Cheltenham Race events. This totally changes the dynamic of the area and compromises the heritage of maintaining a safe and quiet residential environment.

This application has failed in so many aspects as outlined above and permission should not be granted as it will have a detrimental and irreversible impact on the quiet residential nature of the area and will lead to further strains on policing measures, both by local residents and the Police Authorities.

We strongly object to this construction and its application by Clarence Court Hotel and we look forward to your acknowledgement of this letter.

Camden House
Clarence Square
Cheltenham
Gloucestershire
GL50 4JW

Comments: 11th April 2021

Construction of Terrace/Pergola at Clarence Court Hotel, Clarence Square

As a resident of Clarence Square I am astonished not to have received notification of intent regarding the Terrace/Pergola development at Clarence Court Hotel.

Clarence Square domiciles are Grade 2 listed

- 1: A commercial development like this totally infringes on the privacy of private gardens and bedrooms in neighbouring properties.
- 2: Residents will now have to tolerate unwelcome noises, light pollution and smell from food, heaters etc
- 3: Privacy - totally gone.
Clarence Court Hotel unceremoniously felled mature trees which prior to this provided welcome screening for surrounding properties.
The Linen House and 46,47,48 Clarence Square will now have to look at a noisy public terrace instead of green trees.

DOES NOBODY CARE???

WHAT IS THE POINT OF AN AREA BEING GRADE 2 LISTED IF THIS PROJECT GETS THE GO-AHEAD?

40 Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 15th April 2021

I would like to withdraw my objection, as outlined in my letter sent on the 11th April 2021, regarding the retrospective planning application for the construction of a pergola at Clarence Court Hotel, Clarence square, Cheltenham.

It appears there has been some misunderstanding and I have now received a letter from the owners of the hotel explaining their proposed plans for the pergola which seem perfectly reasonable and in keeping with the nature of the square.

I would therefore like to withdraw my previous objection.

Comments: 11th April 2021

I am writing to strongly object to the retrospective planning application made by Clarence Court Hotel, Clarence Square, Cheltenham for the erection of a pergola in order to create an outdoor food and beverage area.

I understand work on the pergola is already underway and has been taken without reference to building controls and appears to have bypassed the due process required.

Clarence Square is a well-regarded, Regency Square situated in the centre of Cheltenham. It is a quiet, residential area populated almost entirely by families and a handful of owner/occupied rental flats.

Clarence Court Hotel, is a small residential hotel, with some outdoor seating, nestled within the square and has been largely welcomed and supported by the Clarence Square community.

However, the retrospective planning application for the pergola is causing considerable concern because I understand it is intended to accommodate up to 100 guests for eating and drinking, both standing and sitting, outside.

If it goes ahead, as planned, the numbers it will attract will undoubtedly lead to disturbance in the square in terms of noise nuisance, light pollution. In addition, it will have an impact on residential parking as well as compromising security issues.

It will totally change the dynamic of the square and is simply not in keeping with the quiet residential nature of the area which is of great historical value.

I strongly object to the construction of the pergola and its application by Clarence Court Hotel and I look forward to your acknowledgement of this letter.

9 St Martins Terrace
Clarence Square
Cheltenham
GL50 4JR

Comments: 13th April 2021

Re the above application. I completely support this planning application. The structure is tasteful and unobtrusive. To have such an outside eating and drinking area can only be an advantage to the local area.

Flat 4
Avondale House
Wellington Square
Cheltenham
Gloucestershire
GL50 4JS

Comments: 13th April 2021

I am responding to your letter dated 23 March 2021 inviting comments in respect of the above planning application. This is also in response to emails and fliers circulated to residents of Flats 2 and 4 Avondale House, Wellington Square.

As a very near neighbour of Clarence Court Hotel, we have visited the Pergola and find it to be a very pleasant seating area, discretely sited at the rear of the hotel and attractively furnished. We support the establishment of this outside dining area for residents of both squares and welcome the additional facility it will provide for us to meet in a Covid-friendly and socially distanced way.

Cornerways
Clarence Square
Cheltenham
Gloucestershire
GL50 4JP

Comments: 13th April 2021

The Clarence Court Hotel has existed since well before my 20 year residency in the Square. As far as I am aware, relations between hotel and residents have been good. This is perhaps surprising, given the potential for disturbance.

The proposal risks destroying that relationship at a stroke. Reasons for this have been made clear in other Comments. I shall not repeat these objections but do agree with them.

I feel some sympathy for the proposer, given the appallingly bad luck at the timing of the change in ownership. But I feel none for the proposal, the consequences of which will remain with residents long after the pandemic is over.

8 Greenfields
New Barn Lane
Cheltenham
Gloucestershire
GL52 3LG

Comments: 13th April 2021

I think this is absurd that a business that is trying to get going after a turbulent year is being put through its paces like this. I know the hotel and grounds well and I know for a fact those trees were self seeded and I've seen the pergola in question it's well built, tasteful and is on the wall line interfering with no one. Maybe people should look at what business it will bring to the local economy rather than worrying about something that doesn't even impact them! Maybe go and have a drink and meet the owners then you'll change your mind.

Morcote Villa
26 Wellington Road
Cheltenham
Gloucestershire

Comments: 13th April 2021

I TOTALLY SUPPORT THIS APPLICATION .

Those people complaining could better spend their time putting their own properties in order .

8 Wellington Square
Cheltenham
Gloucestershire
GL50 4JU

Comments: 13th April 2021

This is the finest construction project in Regency Cheltenham since the construction of the bollards in St Martin's Terrace (itself comparable with Hadrian's Wall) erected as it was to protect the civilised and enlightened residents of superior Wellington Square from invasion from the Clarence Square Nimbies armed with very bad cases of organised ludicrous objection righteousness.

As the Chairman of the Cotswold Calypso Steel Band the Pergola will make an excellent venue for our Tuesday Night practice sessions and forthcoming concerts complete with lazer light show and guest star Meat Loaf.

Can I recommend you try reaching out to the owners of the hotel?
You may be pleasantly surprised.

You may find them accommodating to replanting trees, you may find they are happy to provide residents of the Square with discounts on the excellent Sunday Roasts they serve up? But no doubt you would prefer an orchestrated complaint fest to the police et al at the first available opportunity. Get a grip CLARENCE SQUARE and support this business.

50 Clarence Square
Cheltenham
Gloucestershire
GL50 4JR

Comments: 9th April 2021

The work proposed was commenced without planning permission and attractive trees was felled. We appreciate that times are difficult for the hotel trade, but we raise the following objections:

- 1) Removal of trees;
- 2) Scale of provision of outdoor drinking and dining, leading to noise and light pollution in a residential area;
- 3) Parking in Clarence Square is already at a premium without exacerbating the problem with a large outdoor dining and drinking facility attracting visitors into the Square;
- 4) Extension of nightlife economy into a residential area.

Flat 11
St Martins Terrace
Clarence Square Cheltenham
Gloucestershire
GL50 4JR

Comments: 13th April 2021

I write to support the retrospective planning permission sought by the Clarence Court Hotel in the construction of their Pergola.

I find this to be an excellent addition to Clarence Square and one I hope to enjoy and make use of in the coming months.

In the current climate we should be supporting enterprise and development of local business, especially the hospitality sector who have suffered so much over the last twelve months.

31 sarahs walk, parklands
scotter road
scunthorpe
DN171RA

Comments: 13th April 2021

I am a key worker in this area at the moment and except this pergola as a necessary addition to this hotel , the lockdown means that we can't go anywhere to get a meal or drink after work and I think it will be good for the area . The owners seem like responsible people.

David Oakhill Esq
Head of Planning
Municipal Offices
The Promenade
Cheltenham
GL50 9SA

10th April 2021

Dear Mr Oakhill,

Retrospective Planning Application: 21/00583/FUL
Construction of a Pergola at Clarence Court Hotel, Clarence Square, Cheltenham GL50 4JR

As residents of Clarence Square, we write to wholly object to the unauthorised construction and proposed commercial use of a permanent and substantial pergola-type building situated in what was the garden at the end of the car park of the Clarence Court Hotel, Clarence Square.

Clarence Square is an important part of the original Pittville Estate and is well known as the most complete Regency square in Cheltenham and is an important historic asset of the town and has regional and national value. The square is in a designated Conservation Area and comprises detached family villas and 50 town houses in four terraces. Clarence Court Hotel is exceptional in that it is the only non-residential, commercially operated property in the square.

For some decades, the hotel has operated as a privately-run residential hotel; it is understood that the property has recently been acquired by a small hotels group. The residents have successfully coexisted with the hotel until now and there is local support. However, the new owners have precipitated action that has generated great unease and concern to the square residents as they have constructed the pergola without any notice to, or consultation with house owners, or consideration of the impact. In particular, the affect on the day to day lives of the residents of the square and denial of their right to a quiet enjoyment of their homes in the Conservation Area.

We request the Planning Department to reject the retrospective application currently submitted to CBC Planning Department in consideration of the material matters as noted below:


- The legal planning requirements have not been met and the hotel owners have unilaterally disregarded proper process.
- It is clear that given the construction already executed, this structure is not designed or intended to be temporary. It should not then be considered as a temporary Covid business recovery tactic.
- The reason presented for the application as a desire to enhance the garden area is wholly disingenuous and the applicants are attempting to mislead the planning authorities and the residents.
- The residents were not consulted and accordingly, no accommodation of their views has been considered.
- The structure is an oversized, permanent pergola-like building on hard standing butted up against two boundary walls with adjacent properties and is not in-keeping with the dominant property style in the square. Any pergola like structure betrays the Regency architecture of the square.
- The pergola is in full view from the road and at circa 50 square meters this substantial new outdoor restaurant area will not be easily serviced as it is away from the main building, which suggests, despite a lack of detail in the application, that integrated barbecue and/or other cooking equipment will be employed.

- The scale of the development is disproportionate to the surroundings with estimated occupancy of circa 50 seated covers at one sq metre/person. That is, around 100 people standing in drinking events. The planning application does not detail how toilet facilities will be managed to accommodate substantial additional customers or how numbers will be controlled.
- The hotel owners cannot expect to create facilities in a quiet residential area that are akin to the town centre restaurants and bars.
- Police patrols are concentrated in the town centre and do not situate themselves in Clarence Square. Having large numbers of customers under the influence of alcohol will be threatening to women and families in the square.
- With uncontrolled access from the road, any number of persons may occupy the area. Through the local Neighbourhood Watch scheme, residents are actively involved with the local police and have been most successful in minimising anti-social behaviour and drug/alcohol misuse in the area over the past ten years and this change of use would go against these successful protocols.
- It would be reasonable to forecast that permissions will be subsequently granted for late licenses for special events especially those on a regular basis such as Cheltenham races. This again will totally impact the quiet enjoyment of the area by the residents.
- Obvious outcomes arising from increased numbers of food and beverage customers being served outside of the main hotel structure will be:
 - noise nuisance to residents
 - littering
 - light pollution from additional lighting for the dining and drinking area
 - impact on residential parking where there is already limited parking available in the square
 - compromised security issues where the pergola structure gives direct access to neighbouring gardens

In summary, this retrospective application is misaligned with the dominant residential nature of the properties in the square and entirely out of step with the architecture and purpose of design of Clarence Square. It is thus misconceived and disrespects the wishes of the residents and has failed as outlined above. Permission should not be granted as it will have a detrimental and irreversible impact on the quiet residential nature of the area and will lead to further strains on policing measures, both by residents, CBC wardens and the police.

We wholly object to the pergola construction and any retrospective application to approve such.

Yours sincerely


39 Clarence Square

From: 46 Clarence St Page 101,

10.04.21



Hotel garden 2007- no waste or derelict areas,
no dining



Hotel garden 2019 - lawn replaced by gravel,
well-tended, no waste or derelict areas, no
dining.

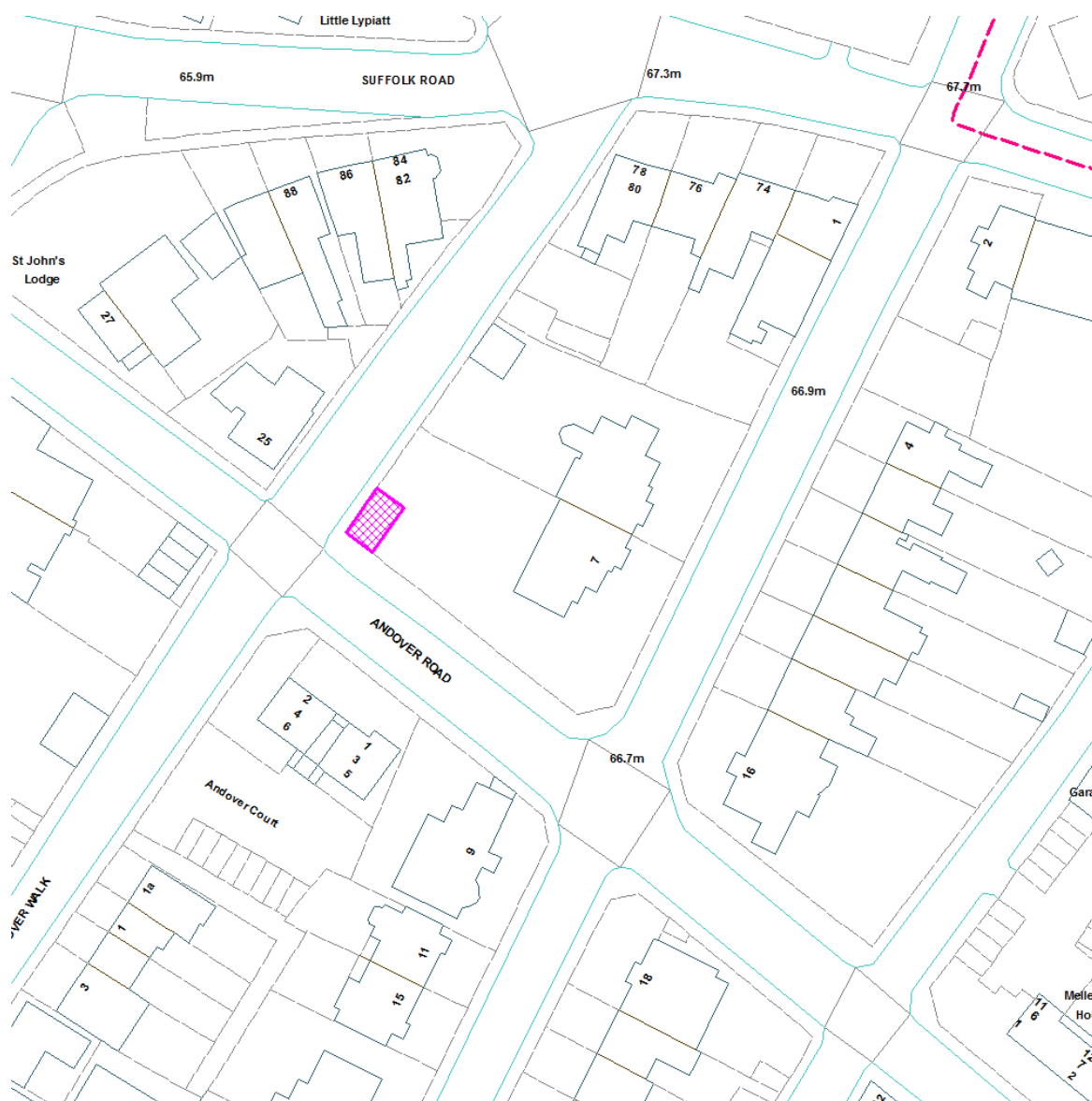
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Hotel garden, 5th March 2021 - Over 50% garden lost, parking space lost, pergola extending beyond rear of 19 Wallington Lane plus planter box beneath creates security Threat to No. 46.

| | | | |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--|
| APPLICATION NO: 21/01102/CONDIT | | OFFICER: Mrs Emma Pickernell | |
| DATE REGISTERED: 11th May 2021 | | DATE OF EXPIRY: 6th July 2021 | |
| DATE VALIDATED: 11th May 2021 | | DATE OF SITE VISIT: | |
| WARD: Park | | PARISH: | |
| APPLICANT: | Mrs E A Stevens | | |
| AGENT: | Jackson Architects Ltd | | |
| LOCATION: | Segrave, 7 Park Place, Cheltenham | | |
| PROPOSAL: | Variation of condition 2 (approved plans), condition 5 (Roofing materials) and 6 (Design) of planning permission 20/00397/FUL of Conversion and alteration of existing Coach House to create a new dwelling (retrospective) | | |

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a coach house which was formerly within the curtilage of 7 Park Place which is locally indexed.
- 1.2 The site is located within The Park character area of the central conservation area.
- 1.3 Planning permission (20/00397/FUL) was granted last year for the conversion of the coach house to a separate dwelling with minor amendments (20/01201/AMEND) to the approved drawings subsequently being approved.
- 1.4 The application was granted subject to conditions relating to tree protection, materials and design details. Works were commenced in October 2020 with none of the conditions having been discharged.
- 1.5 This application seeks to regularise the situation by agreeing the relevant details and removing conditions which were not discharged but are no longer relevant. The application also seeks to vary condition 2 in order to allow for changes to the design which primarily involve the placement of timber panelling around the central pier between the two approved sections.
- 1.6 The plans have been amended during the course of the application to reflect the change to the design and to address some of the concerns raised, primarily by the Civic Society.
- 1.7 The application is referred to committee due to the objection from the Civic Society.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Airport Safeguarding over 45m

Conservation Area

Local Listing

Principal Urban Area

Relevant Planning History:

19/00506/PREAPP 25th April 2019 CLO

Erection of 2 detached dwellings and conversion of Coach House to form ancillary accommodation to main dwelling

20/02064/PREAPP 8th July 2021 CLO

Erection of new 1 bedroom dwelling

21/01251/PREAPP 9th June 2021 NOTREQ

Erection of 1 new dwelling

03/01535/CACN 28th October 2003 NOOBJ

Rear garden:- lime tree - reduce crown by 50% and reshape. Prune 2 apple trees. (Wellingtonia - remove dead, dying wood - no notification necessary). Front garden:- lift crown of sycamore.

05/01383/CONF 20th October 2005 CONFIR

Confirmation of Tree Preservation Order number 620: wellingtonia in the rear garden

08/00526/FUL 18th June 2008 PER

Creation of vehicular access onto Andover Road and erection of a 1.8 metre high brick wall with wooden powered double gates between brick pillars (retrospective)

08/01002/CACN 14th August 2008 NOOBJ

Lime adjacent to house - fell

Birch to front boundary - fell

78/01064/PF 6th November 1978 PER

Demolition of dilapidated outbuildings and erection of extension

15/00225/CACN 11th March 2015 NOOBJ

Removal of 2x Cherry and 1x Hawthorn trees

19/01720/FUL 15th November 2019 PER

Conversion of coach house to annexe accommodation and new brick boundary wall

20/00397/FUL 28th April 2020 PER

Conversion and alteration of existing Coach House to create a new dwelling

20/01201/AMEND 24th July 2020 PAMEND

Non material amendment to Planning Permission 20/00397/FUL - Fenestration changes. Re-opening and existing doorway. Change of boundary material to south elevation and new pedestrian gate.

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan Policies

D1 Design

HE1 Buildings of Local Importance and Non-Designated Heritage Assets

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD4 Design Requirements

SD8 Historic Environment

SD10 Residential Development

SD14 Health and Environmental Quality

Supplementary Planning Guidance/Documents

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

4. CONSULTATIONS

Civic Society

2nd June 2021

(Comments made in response to initial consultation)

Cheltenham Civic Society is disappointed that this matter was picked up through site observation rather than the developer complying with and respecting the appropriate consents that were in place. This shows a worrying disregard for the planning process and the town's architectural heritage, and we commend Cheltenham Borough Council on requiring relisting.

The site sits within the historic and architecturally rich Central Conservation Area and within a group of listed and locally listed buildings. Cheltenham Civic Society supported the original application because it appeared to respect both the building and its setting. The earlier applications acknowledged the importance of the historic architecture and context. Their design and access statements specifically mentioned the insertion of timber doors, windows and gates as being consistent with the building's historic form and with other similar buildings in the area.

The Officer Report for 20/00397/FUL stated, 'The Andover Walk elevation would see the two modern garage doors removed and replaced with fixed timber panels with glazing. The aesthetic appearance of a coach house will be retained which is appropriate in this historic setting. In order to retain a level of control over the works, conditions are proposed to ensure the appropriate level of finish is achieved.' That was a pragmatic statement that summarised an appropriate approach, which we supported.

The Officer Report for 19/01720/FUL stated, 'The Andover Walk elevation would see the two modern garage doors removed and replaced with fixed timber panels with glazing. This will enable the coach house to have a more appropriate appearance in this historic setting. Appropriate conditions have been included to ensure the works are undertaken to a standard necessary for this prominent building within the conservation area.' The report also stated, 'Policy SD8 of the JCS states how designated heritage assets and their setting will be conserved and enhanced whilst Policy SD4 notes how development should positively respond to and respect the character of the site and its surroundings. These are supported through Local Plan Policy CP7 which requires development to not harm the architectural integrity of the building.'

These statements not only indicate the policy context but the architectural context of the latest application. Planning policies and Conservation Area Assessment and Management Plans have not changed since the first applications were decided. The use of artificial materials in this scheme is not acceptable and is not supported. To use them would have a significant negative effect on the Conservation Area and on the building in question, and would set an unwelcome precedent in the Conservation Area with grave consequences for enforcement and compliance.

The use of timber doors, cladding, windows, fascia, soffit and mock coach house doors would be in keeping. Cheltenham Civic Society continues to support the original proposals and the use of natural materials and strongly opposes this amended retrospective application for all the reasons cited.

5. PUBLICITY AND REPRESENTATIONS

| | |
|-------------------------|----|
| Number of letters sent | 15 |
| Total comments received | 0 |
| Number of objections | 0 |
| Number of supporting | 0 |
| General comment | 0 |

- 5.1 The application was publicised by way of letters to 15 neighbouring properties, a site notice and a notice in the local paper. No representations were received. The exercise was repeated upon receipt of revised plans and no representations were received.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 The principle of the proposal was accepted through the granting of the earlier consent. As such the key issue in determining this application is whether the proposed details and amendments to the conditions have an acceptable impact upon the building itself, the adjacent locally indexed building and the wider conservation area.

6.3 Design, appearance and heritage impact.

- 6.4 The National Planning Policy Framework (NPPF) in section 12 refers to achieving well designed places. It states that amongst other things planning decisions should ensure that developments are visually attractive, are sympathetic to location character and history and establish or maintain a strong sense of place.
- 6.5 The building is located in the conservation area and in the setting of a locally indexed buildings which are both heritage assets. Section 16 of the NPPF states that in determining applications local authorities should take account of the significance of a heritage asset and the level of any potential harm to it.
- 6.6 Policies D1 of the Cheltenham Plan and SD4 of the JCS relate to design and require that development adequately reflect the principles of urban and architectural design, including context, character and sense of place and respects neighbouring development.
- 6.7 Policy HE1 of the Cheltenham Plan seek to ensure that any development that would affect the setting of a locally important non-designated heritage asset will be required to have regard to the scale of any harm or loss to the significance of the heritage asset. Policy SD 8 of the JCS also relates to the historic environment and seeks to ensure the conservation of heritage assets and that they make a positive contribution to local character.

6.8 Condition 2.

- 6.9 Condition 2 currently reads as follows:

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.

- 6.10 Permission is sought to vary the approved plan referred to in schedule 1. This is the appropriate mechanism for securing changes to the approved design. In this instance the changes to the approved design comprise the cladding of the central pier between the two approved sections of cladding on the front elevation.
- 6.11 The original building had timber cladding between the two garage doors which previously existed in this location. The approved design was intended to replicate two coach house doors. The proposed design still achieves this and given that the original building had this central section clad in timber it is difficult to argue that this element of the works fails to preserve or enhance the character of the conservation area or the building itself.
- 6.12 As such officers consider this element of the proposals to be acceptable.
- 6.13 Conditions 3 & 4
- 6.14 Condition 3 currently reads as follows:

- 6.15** *Prior to the commencement of development (including demolition and site clearance), a Tree Protection Plan (TPP) to BS5837:2012 (or any standard that reproduces or replaces this standard) shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall include the methods of tree and /or hedge protection, the position and specifications for the erection of tree protective fencing, and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details, and the protective measures specified within the TPP shall remain in place until the completion of the construction process.*

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

- 6.16** Condition 4 currently reads as follows:

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

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

- 6.18** Condition 4 did not require any further information to be submitted to the LPA and there has been no suggestion that the works have not been carried out in accordance with this condition. However condition 3 required a Tree Protection Plan (TPP) to be submitted prior to the commencement of the development. This was not done. However the applicants have confirmed that protective fencing was erected before the building work was carried out. The case has been discussed with the tree officers who have confirmed that whilst the situation is not ideal, the tree to the rear of the building appears to have been unaffected by the construction phase of the project which is now complete.

- 6.19** As such whilst it is unfortunate that the TPP was not submitted it is now considered that this condition can be removed.

6.20 Condition 5

- 6.21** Condition 5 currently reads as follows:

No external facing or roofing materials shall be applied unless in accordance with:

a) a written specification of the materials; and/or

b) physical sample(s) of the materials.

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

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

- 6.22** The roofing materials were applied without details having been provided to the LPA as required by this condition. Details have now been provided which explain that the roof slates are blue grey Spanish slate. This is considered to be wholly appropriate for the building. The new facing materials comprise reclaimed bricks which have been used in the raising of the roof. These are considered to be a good match with the original brickwork and this element of the proposal is considered to be acceptable. The timber cladding is covered by condition 6.

6.23 Officers consider the facing and roofing materials to be acceptable and as such this condition can be removed.

6.24 Condition 6

6.25 Condition 6 currently reads as follows:

Notwithstanding the submitted details, the following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority:

- a) Vents/flues;*
- b) Rainwater goods;*
- c) Eaves/soffits/barge boards;*
- d) Rooflights;*
- e) Windows and doors, and;*
- f) Timber Panelling*

The works shall not be carried out unless in accordance with the details so approved. The design and details shall be accompanied by elevations and section drawings (where appropriate) to a minimum scale of 1:5 or a physical sample / written specification.

Reason: To ensure a high quality finish to the building and to preserve the character of the Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Policies SD4 and SD8 of the Joint Core Strategy (adopted 2017), and Section 12 and 16 of the National Planning Policy framework.

6.26 These details should have been provided before the materials were used. At the last visit to the site most of these elements had been applied/installed although not all. Some of these details have changed since the submission of this application. What is now proposed is as follows:

- a) Vents/flues; - None proposed*
- b) Rainwater goods; - Gutters and downpipes – black aluminium. Soil pipe – Black UPVc*
- c) Eaves/soffits/barge boards; - Slate grey UPVc*
- d) Rooflights; - Conservation style grey/back aluminium*
- e) Windows and doors - Grey aluminium window and doors on the east elevation, aluminium window on the north elevation, grey aluminium high level windows on west elevation. Grey painted timber gate in south elevation boundary, grey painted timber vehicular gate in west elevation boundary. The originally submitted drawing indicated aluminium pedestrian and vehicular gates.*
- f) Timber Panelling – painted grey timber. The originally submitted drawing indicated timber effect fibre cement boarding.*

6.27 These elements were not fully specified in the original application, hence the condition. However the application form indicated that timber windows were proposed.

6.28 The comments of the civic society were made prior to the amendments being made to the plans, although it is understood that their objection is maintained. The issues raised relate primarily to the use of alternatives to timber on the doors, windows, fascia and soffit. They consider that natural materials (timber) should be used in these locations.

6.29 Due to officers negotiations the outward facing elements of the building comprising the two gates and the cladding would now be timber. The doors face inwards to the site and would not be widely visible from public vantage points within the conservation area. The aluminium windows and roof lights would be visible. However the use of aluminium, particularly in secondary buildings such as this is not uncommon and it is considered that their appearance is acceptable. The fascias and soffits have already been installed and as such their visual impact can be readily assessed. Officers consider their appearance to be acceptable.

6.30 Assessment

6.31 Whilst the opinion of the Civic Society with regards to the use of natural materials is understood, there is no policy basis upon which to resist the use of artificial materials as a point of principle. Similarly the frustrations with regards to the retrospective nature of the proposal are understood. However, it is necessary, as with all applications to consider this case on it's own merits.

6.32 Taking the scheme as a whole the materials proposed and the appearance of the front elevation are considered to be acceptable, and to have an acceptable impact upon the conservation area.

6.33 The scheme has been discussed with conservation officers who raised no objections to it.

6.34 Other considerations

6.35 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 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 For the reasons outlined above the proposal is considered to be acceptable and as such the recommendation is to permit the application. The conditions have been updated to reflect the current position.

- 7.2** It is recommended that an additional condition requiring any unauthorised elements to be removed within 1 month of the date of the decision.

8. CONDITIONS / INFORMATIVES

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

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

- 2 Any unauthorised works shall be removed/reversed within 1 month of the date of this decision unless otherwise agreed in writing by the Local Planning Authority.

Reason: The unauthorised works are considered to have an unacceptable impact upon the character and appearance of the conservation area, their removal is required to ensure the scheme complies with policy SD8 of the Joint Core Strategy.

- 3 Prior to the first occupation of the approved dwelling the following shall be completed in strict accordance with the approved drawing:

- Rainwater goods
- Eaves and Soffits
- Rooflights
- Windows and Doors
- Vehicular and Pedestrian gates
- Timber Panelling.

Reason: To ensure a high quality finish to the building and to preserve the character of the Conservation Area, having regard to Policies CP3 and CP7 of the Cheltenham Borough Local Plan (adopted 2006), Policies SD4 and SD8 of the Joint Core Strategy (adopted 2017), and Section 12 and 16 of the National Planning Policy framework.

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.

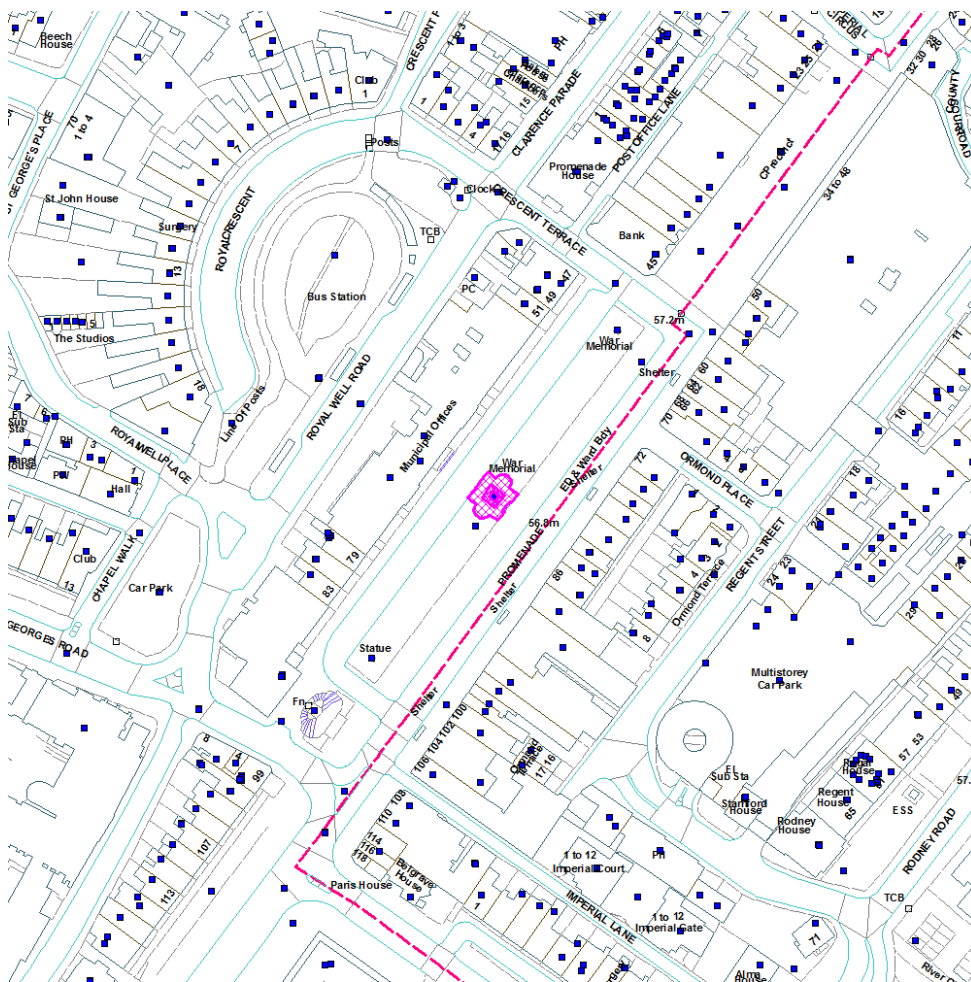
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in 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: 21/01351/LBC | | OFFICER: Mr Chris Morris |
| DATE REGISTERED: 8th June 2021 | | DATE OF EXPIRY: 3rd August 2021 |
| DATE VALIDATED: 8th June 2021 | | DATE OF SITE VISIT: |
| WARD: Lansdown | | PARISH: |
| APPLICANT: | Cheltenham Borough Council | |
| AGENT: | | |
| LOCATION: | Cenotaph Promenade Cheltenham | |
| PROPOSAL: | Incising 2 new names on the war memorial within the curtilage of the Municipal Offices to match the original style. | |

RECOMMENDATION: Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site is Cheltenham War Memorial which is located within the Long Gardens to the front of the Municipal Building, along The Promenade.
- 1.2 The proposed works are for the incising of 2no. new names on the war memorial to match the original style.
- 1.3 This listed building consent application is at Planning Committee due to the agreed decision making process. This requires all Cheltenham Borough Council owned property to be considered and determined by Planning Committee.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Land Allocated for Mixed Use
Airport Safeguarding over 45m
Business Improvement District
Conservation Area
Core Commercial Area
Flood Zone 2
Principal Urban Area
Smoke Control Order

Relevant Planning History:

12/01767/LBC 11th February 2013 GRANT

Replacement of paving slabs with natural stone paving. Replacement of edging of raised planting bed with Forest of Dean stone plinth. Installation of uplighters and LED strip lights to illuminate Cenotaph and plaques. Repair of plinth steps and balustrade stonework. Replacement of existing lanterns with replicas of those originally installed. Installation of information panels.

14/01340/DISCON 24th September 2014 DISCHA

Discharge of conditions 4 and 5 of listed building consent ref. 12/01767/LBC

15/01604/LBC 10th December 2015 GRANT

Conservation of the war memorial to include cleaning of the stonework, carrying out repairs to decayed and fractured stone, repointing, re-cutting and re-filling deteriorated letters, and incising 8no. new names to match original style

16/00728/LBC 8th June 2016 GRANT

Insertion of a narrow stainless steel flashing above inscription panels

16/01290/LBC 23rd September 2016 GRANT

To renew 4 number lamps with 4 purpose fabricated globe lamps and caps

16/01296/CLBW 5th August 2016 CERTPU

Cleaning works to the Cenotaph

16/02132/FUL 17th February 2017 PER

Erection of war memorial interpretation board

17/00381/CLBW 5th April 2017 CERTPU

Cleaning of flagstones

17/00920/LBC 19th July 2017 GRANT

To renew 4 number lamps around the war memorial in the promenade Cheltenham, with new fabricate globe and cap fittings

18/02264/LBC INV

Replace 4 no. lamps to long gardens

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 16 Conserving and enhancing the historic environment

Adopted Joint Core Strategy Policies

SD8 Historic Environment

4. CONSULTATIONS

Historic England

13th July 2021

Thank you for your letter of 21 June 2021 regarding the above application for listed building consent. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Cheltenham War Memorial is associated with the municipal buildings on the promenade, and while at the time of a previous restoration application in 2016, it was considered as curtilage to principal listed building, it was subsequently listed Grade II on 16th June 2016. The memorial was constructed in 1921 and paid for by donations. Its significance lies mainly in its historic value in commemorating the tragic loss of the First World War and the way in which it has subsequently been added to commemorate the loss in later conflicts. Monuments of this type hold a great deal of historic significance; marking a great (and tragic) age of memorial building in the aftermath of the First World War. The Cenotaph in Cheltenham was paid for by the community and makes use of a conventional obelisk architectural design. Its prominent location and surrounding balustrading adds to its sense of impact and the continual investment in its upkeep and the addition of new plaques marking later conflicts attached to the balustrading signifies its continuing importance. The municipal buildings on the Promenade are designated Grade II* and the site is situated within the central Conservation Area.

Historic England previously supported proposals to clean and repair the monument, including the incising of 8 new names to match the original style. In heritage terms we have no objection to the proposed additional two names. The Design and Access Statement outlines the criteria by which the former six names were added in 2016. We advise that the council and other relevant consultees and stakeholders come to a decision on the principle on this basis. We understand that lettering would be to match the original style on the Memorial, for which we have no objection.

Central to our consultation advice is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to "have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses". Section 72 of the act refers to the council's need to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area in the exercise of their duties. When

considering the current proposals, in line with Para 189 of the NPPF, the significance of the asset's setting requires consideration. Para 193 states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. Para 194 goes on to say that clear and convincing justification is needed if there is loss or harm.

Recommendation

Historic England supports the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 189 and 193. In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

5. PUBLICITY AND REPRESENTATIONS

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

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

5.2 No comments were received.

6. OFFICER COMMENTS

6.1 The listed building consent application for the proposed works to incise two new names on the war memorial needs to be determined by Planning Committee because it falls outside the agreed delegated decision making process, it being in the ownership of Cheltenham Borough Council.

6.2 It is important to consider the policy context in which the proposal needs to be determined. The cornerstone of heritage legislation is the Planning (Listed buildings and Conservation Area) Act 1990, Section 16(2), which requires local planning authorities to have special regard to the desirability of preserving the special architectural or historic interest of listed buildings and their setting. A core principle of the National Planning Policy Framework 2019 (NPPF) is set out in Chapter 16, this includes heritage assets be conserved in a manner appropriate to their significance, great weight be given to the asset's conservation and the significance of heritage assets to be sustained and enhanced. This assessment takes account of the relevant considerations in these paragraphs.

6.3 Cheltenham war memorial is grade II listed, most of the buildings and structures surrounding it are also listed, most notably is the Municipal Offices, which is a grade II* listed buildings. The site is also located within the Central Conservation Area. The war memorial is located within the Long Gardens, adjacent to the entrance of the Municipal

Offices. It consists of a Portland stone obelisk, square on plan, rising from a large square plinth set on a three stepped base. It is a First World War memorial by R L Boulton and Sons, dated 1921, with additions for later conflicts. The plinth has a raised carving of the Borough coat of arms on its west face and bears the incised inscriptions of the names of the fallen from the First World War on the other three sides.

- 6.4** The proposed works are for two additional names to be added as incised inscriptions to the North face of the memorial. Justification and support for the addition of the names is justified within the supporting Design and Access Statement. The proposed works are supported by Historic England.
- 6.5** The impact of the proposed works on the significance of the listed building is considered in keeping with the existing memorial. The proposed works are considered to sustain the designated heritage assets and comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

7. CONCLUSION AND RECOMMENDATION

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

8. CONDITIONS / INFORMATIVES

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

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3** The incising shall match the existing work on the war memorial listed building in respect of font, size, layout and finish.

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

INFORMATIVES

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

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

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

Appeals Lodged JUNE/JULY 2021

| Address | Proposal | Delegated or Committee Decision | Appeal Type | Anticipated Appeal Determination Date | Reference |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------|---------------------------------------|---------------------------------------------------------------------|
| 35 Park Place Cheltenham Gloucestershire GL50 2RE | Horse Chestnut to front - Fell | Delegated | Fast track appeal | Aug 2021 | Appeal ref: 21/00008/TP1 Planning ref: 20/01965/TPO |
| 15 Deep Street Prestbury Cheltenham Gloucestershire GL52 3AW | Unauthorised works, The erection of a single storey extension to the rear of the main building | N/A | Written representation | Sept 2021 | Appeal ref: 21/00009/ENFAPP Enforcement ref: 17/00144/DCUA |
| Church Court Cottages Mill Street Cheltenham Gloucestershire | Re-build and reinstatement of former outbuilding to the north of Church Court Cottages to be used as storage associated with Cleve Cottage, Church Court Cottages (part retrospective). | Delegated | Written representation | Sept 2021 | Appeal ref: 21/00010/PP1 Planning ref: 20/01711/FUL |

Appeals Determined

| Address | Proposal | Delegated/Committee Decision | Appeal Type | Outcome | Reference |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------------------|----------------|--------------------------------------------------------------|
| Lotty Lodge 33 Wellesley Road Cheltenham Gloucestershire GL50 4LD | Use of part of ground floor as dog grooming business (sui generis) | Committee | Written representation | Allowed | Appeal ref: 21/00004/PP1 Planning ref: 20/01311/FUL |
| 1 - 2 Montpellier Walk Cheltenham Gloucestershire GL50 1SD | Insertion of new mansard roof window (and associated internal alterations and refurbishment works to second floor flat). | Delegated Decision | Written representation | Allowed | Appeal ref: 21/00003/PP1 Planning ref: 20/00914/FUL |

Appeals Lodged JULY/AUG 2021

| Address | Proposal | Delegated or Committee Decision | Appeal Type | Anticipated Appeal Determination Date | Reference |
|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|------------------------|----------------------------------------------|-----------------------------------------------------------------|
| Hanover House Montpellier Walk Cheltenham Gloucestershire | Internal alterations to first and second floors to create 4 residential flats retaining restaurant on ground and basement floors | Delegated Decision | Written representation | Oct 2021 | Appeal ref: 21/00011/PP1 Planning ref: 20/02273/FUL |
| Hanover House Montpellier Walk Cheltenham Gloucestershire | Internal alterations to first and second floors to create 4 residential flats retaining restaurant on ground and basement floors | Delegated Decision | Written representation | Oct 2021 | Appeal ref: 21/00012/LISTB1 Planning ref: 20/02273/LBC |

Appeals Determined

'Nothing to report'

Authorised By: Mike Holmes 09.08.21

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