



## **Notice of a meeting of Planning Committee**

**Thursday, 17 February 2022  
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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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 THE LAST MEETING** (Pages 3 - 8)  
To approve the minutes of the meeting held on 20<sup>th</sup> January 2022.
- 5. PLANNING APPLICATIONS**
- 5a 21/02675/FUL Burrows Field, Moorend Grove, Cheltenham** (Pages 9 - 34)  
[Planning application documents](#)

- |           |  |                   |
|-----------|--|-------------------|
| <b>5b</b> | <b>21/02148/FUL Land East Leckhampton Reservoir,<br/>Leckhampton Hill, Cheltenham</b><br><a href="#">Planning application documents</a>  | (Pages 35 - 64)   |
| <b>5c</b> | <b>21/02330/FUL 1 Halland Road, Cheltenham, GL53<br/>0DJ</b><br><a href="#">Planning application documents</a>   | (Pages 65 - 78)   |
| <b>5d</b> | <b>21/02361/FUL 37 Market Street, Cheltenham GL50<br/>3NH</b><br><a href="#">Planning application documents</a>  | (Pages 79 - 102)  |
| <b>5e</b> | <b>21/02364/FUL &amp; 21/0364/LBC Charlton House,<br/>Cirencester Road, Charlton Kings GL53 9NE</b><br><a href="#">Planning application documents</a><br><br><a href="#">Listed building consent documents</a> | (Pages 103 - 176) |
| <b>5f</b> | <b>21/02779/FUL 15 Morlands Drive Cheltenham<br/>GL53 8LR</b><br><a href="#">Planning application documents</a>  | (Pages 177 - 186) |
| <b>5g</b> | <b>21/02785/FUL 21c Finchcroft Lane Cheltenham<br/>GL52 5BD</b><br><a href="#">Planning application documents</a>  | (Pages 187 - 214) |
| <b>5h</b> | <b>21/02650/LBC Municipal Office Promenade<br/>Cheltenham GL50 9SA</b><br><a href="#">Planning application documents</a>   | (Pages 215 - 224) |
| <b>6.</b> | <b>22/00044/CACN 71 LECKHAMPTON ROAD<br/>CHELTENHAM GL53 0BS</b><br><a href="#">Planning application documents</a>   | (Pages 225 - 234) |
| <b>7.</b> | <b>APPEAL UPDATE</b><br>To be noted for information  | (Pages 235 - 236) |
| <b>8.</b> | <b>ANY OTHER ITEMS THE CHAIRMAN DETERMINES<br/>URGENT AND REQUIRES A DECISION</b>  |                   |

**Contact Officer:** Claire Morris,  
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### Planning Committee

**Thursday, 20th January, 2022  
6.00-8.00pm**

<b>Attendees</b>	
<b>Councillors:</b>	Councillor Garth Barnes (Chair), Councillor Paul Baker (Vice-Chair), Councillor Barbara Clark, Councillor Bernard Fisher, Councillor Stephan Fifield, Councillor Paul McCloskey, Councillor Tony Oliver, Councillor Richard Pinegar, Councillor Diggory Seacome and Councillor Simon Wheeler
<b>Officers in Attendance:</b>	Claire Donnelly (Planning Officer), Emma Pickernell (Principal Planning Officer), Andrew Robbins (Interim Head of Planning) and Gary Spencer (Legal Officer)

#### **1. Apologies**

There were none.

#### **2. Declarations of Interest**

Item 5b 12 Royal Well: Cllr Seacome has dined at the restaurant.

#### **3. Declarations of independent site visits**

Cllr Clark had visited sites 5b – 5e.

Cllrs Pinegar and McCloskey had visited all sites.

Cllr Barnes visited site 5d when considering a previous application.

Cllr Seacome had visited site 5b, and 5d when considering a previous application.

Cllr Oliver had visited sites 5a – 5d.

#### **4. Minutes of last meeting**

These were approved and signed as a correct record of the meeting.

#### **5. Planning Applications**

##### **6. 21/00847/REM Land at Kidnappers Lane, Cheltenham**

The case officer introduced the reserved matters application for 22 new dwellings, including nine affordable units, following the outline application for 25 houses on the site which was granted on appeal. The proposed development at Kidnappers Lane will comprise 13 detached dwellings, with the affordable element made up of four flats and five houses, all of which will achieve 100% zero net carbon emissions. Technical issues, and affordable housing and highways concerns have been resolved, and officers consider the scheme to be high quality, well designed and appropriate. The recommendation is to approve, with conditions as set out in the report.

#### **Public Speakers**

Mr Alan Bailey, a local resident, felt that the proposal does not reflect the Cheltenham Plan, as required in the Inspector's report, increasing traffic, and without sustainable transport links. The Highways response was disappointing - no cycle paths or footways through the area or to the centre of Cheltenham, GCHQ or Shurdington, no acknowledgement of the other development along the A46, and worsening pollution at the Moorend crossroads. No additional infrastructure is proposed – the doctor's surgery is full, there are no shops within a mile, the nearest indoor leisure facilities are at Pittville, thus not meeting equality standards.

There is a presumption in favour of sustainable development, but when assessed against all the policies in the NPPF, this proposal does not address Sections 6, 7, 8, 9 and 14.

Mr Craig Cobham, representing Newland Homes, told Members that Newland Homes is an award-winning local company, providing well-designed homes across the south of England, and with a successful record of delivery, especially in Cheltenham. This proposal responds to the unique character of the site and its surroundings, following engagement with the Parish Council, and offers high-standard, carefully-crafted homes which reflect 21<sup>st</sup> century living, enhance the location and, for the first time in Cheltenham, achieve a zero-carbon rating, outdoing current government targets and going beyond the obligations of local policy.

Councillor Nelson was aware of the site's history, and the significant impact of both parish and borough councillors in getting the proposal to its current state. She said this disused site was crying out for development – the original proposal for 45 houses was refused, the subsequent scheme for 25 houses granted at appeal - and she welcomed this well-presented, rural development proposal for 22 houses, which will provide quality, sustainable, carbon-neutral homes, including nine affordable units, and appropriate tree-planting. It will blend in well with the Leckhampton community and she was happy to support the proposal.

Councillor Horwood, while understanding the concerns of local residents, supported the proposal, reminding Members that Policy MD4 of the Local Plan, for 350 new homes in this area, had been accepted by the Inspector and the Parish Council. Newland Homes had engaged well – modified the design, height and number of dwellings – and, the biggest positive, this is the first zero-carbon rated housing by a commercial developer. As a lifelong campaigner, he drew Members' attention to the IPCC report to Cop26, which stated that rapid, immediate action was required and new homes should not add to the existing problems. He welcomed this proposal and hoped it will be the start of a revolution. Newland Homes should be congratulated, and he urged the Committee to vote in support.

### **Member questions**

In response to questions from Members, the officer confirmed that:

- mention in the report to cladding on party walls referred to the affordable houses;
- the outline application set the principle, and this reserved matters application fills in the blanks – together they are the equivalent of a full planning application;
- CIL will be applied for at the point of commencement, depending on the final scheme; a S106 was agreed at the outline stage, concerned with affordable housing and management of the open space on the site;
- a footpath is scheduled as part of the school proposal, although there is no date at present. This site will join onto the path, and it will be a dual cycle and footpath;
- the nearest bus stop is on Shurdington Road – approximately 10 minutes' walk from the site. The Inspector of the outline proposal felt that this was reasonable.

### **Member debate**

A Member was delighted that Newland Homes have achieved what many builders have said was unachievable and unaffordable – carbon neutral homes, the first commercially available in Cheltenham. This is the only way forward. Another Member commented on how refreshing it was to have an applicant not just out to make money, but actually reducing the original scheme from 25 to 22 dwellings, and engaging with the community. He hoped they would build more homes in the town.

### **Vote on officer recommendation to permit**

10 in support – unanimous



**PERMIT****7. 21/01265/FUL & LBC 12 Royal Crescent, Cheltenham GL50 3DA**

The case officer introduced the proposal for internal alterations and a single-storey extension, which had undergone a number of changes to overcome Conservation Officer and Historic England concerns about the loss of historic fabric. The changes were now considered acceptable and the recommendation was to approve. The application was at Committee at the request of Councillor Fisher.

**Public Speaking**

The applicant told Members that he started his business just before the start of the pandemic, and quickly built a successful reputation for fine dining experience. Since the lockdown, he and the landlord had discussed plans to expand and improve the restaurant. The Grade II\* listed building has contributed to the success of the venture and retaining its historic significance is important, so the proposed layout had been amended to overcome any constraints whilst providing for the needs of the business. He hoped that Members would agree with the Conservation Officer and Historic England, who now considered the minimal level of harm was outweighed by the benefit of the continued operation and expansion of this successful local business.

**Member Questions**

There were none, but a member expressed regret that site visits were not routinely carried out as it would have been particularly useful in this case.

**Member debate**

Councillor Fisher said he had called this application to Committee not out of disrespect to the business, which he hoped will succeed, but to highlight the inconsistency in the way applications of this type are viewed. A similar proposal to create a doorway between two properties in Royal Crescent was refused outright, and the council must be careful in preserving its Georgian heritage. The Chair reminded Members that every case is considered on its own merits, but that policies are consistent.

Another Member congratulated the applicant on his engagement with the planning team in developing his proposal to one which he is now happy to support. He reminded Members that buildings have to evolve to have a viable future life, and this one is being well looked after and restored.

A Member wondered whether it would be appropriate to include a condition or informative to limit the hours of operation for the outside space in summer. The suggestion was considered to be more of a licensing issue, but would be passed on.

**Vote on officer recommendation to permit/grant**

10 in support – unanimous

**PERMIT/GRANT****8. 21/02409/FUL Avenue Lodge, Chargrove Lane, Up Hatherley, Cheltenham GL51 3LD**

The case officer introduced the application for a new dwelling to the rear of Avenue Lodge, following a previous refusal. The proposed scheme overcame the refusal reasons – including its size and height, siting, impact on neighbouring properties, and loss of trees – and the recommendation was therefore to approve, with conditions.

**Public speaking**

The applicant confirmed that the current scheme had been redesigned to overcome and address previous concerns – it was smaller, not as high, centrally sited away from the pond, no trees would be lost, and surface water discharge onto the site would be reduced. The proposal was for one small house in a one-acre garden; there would be no overlooking, and the new dwelling will complement the site. He hoped that Member would accept the officer recommendation to support the scheme.

### **Member questions**

In response to questions from Members, the case officer confirmed that:

- a previous application to reduce the size of the pond – allowed at appeal – required a scheme for compensatory water storage, including an on-site area of swale, designed to flood in a high-water event. This had been looked at by a drainage surveyor, who was confident that it would work, and the neighbouring property would not suffer increased flood risk as a result of this proposal;
- there were no specific proposals to include carbon neutral measures in this application; there were currently no policies requiring any sort of standard over and above Building Regulations;
- although the Architects' Panel comments were discussed with the applicant, no revised drawings were submitted. Officers felt able to support the scheme as presented;
- the site was surrounded by neighbours, which is why the upper windows, particularly on the NE elevation, had been kept relatively small.

The officer agreed with the Chair's suggestion that an informative could be included to emphasise that the council wanted to encourage carbon neutral schemes as far as possible.

### **Member debate**

A Member was concerned that the reduction of the natural pond would continue to cause flooding issues for neighbours, with no SUDS scheme in place. The officer confirmed that the previous application provided compensatory water storage in the form of a swale. There were no proposed changes to the pond as part of this application and any SUDS scheme would deal only with water run-off associated with the new dwelling.

### **Vote on officer recommendation to permit**

5 in support, 3 in objection, 2 abstentions

### **PERMIT**

#### **9. 21/02675/FUL Burrow's Field, Moorend Grove, Cheltenham**

The case officer introduced the application for a single-storey storage unit at Burrows Field to store equipment for Leckhampton Rovers Football Club, at Committee because CBC is the applicant. The main issues were the design and lay-out. Officers considered the proposal to be functional but simple, with the nearest property 80m away, and no impact on trees, ecology or drainage, and thus the proposal was acceptable, with conditions.

### **Public Speakers**

Mr Russell Peek said that neighbours understood the desire for more storage but were disappointed at the lack of engagement, and that the storage unit wasn't included in the original plans for improvements at Burrow's Field. He considered the size and location of the unit unjustified, particularly as the council will continue to cut the grass and mark the lines. A mini-tractor with specialist attachments could carry out any enhanced maintenance and the size and excessive height of the unit was therefore unnecessary. The tractor could

be filled directly to avoid the risks of transferring and storing fuel on the field, the unit was on the wrong side of the pavilion for electricity, water and drainage, and there was a risk to the pre-school from contaminated waste water. Additional storage on or near the car park would be more sensible, or better still, on one of the nearby industrial estates. He asked that the scheme be re-considered, following engagement with local residents.

Mr Mark Beaney, speaking on behalf of Leckhampton Rovers, said this well-established and wide-reaching club has committed to Burrow's Field for 21 years, raising £900,000 to improve the pavilion and fields. The storage unit was required to ensure that volunteers can maintain the fields to the high standard required. The proposed location was chosen over many others as it was functional, convenient, accessible, and did not impact playing surfaces, other buildings, trees or wildlife. A tractor with a cab was essential, and would only be used during daylight hours. All relevant legislation would be followed regarding fuel storage, and the club had taken all steps to meet the climate change emergency, as well as forging links to provide more recreational and formal sport at Burrow's Field for the wider community.

Councillor Nelson praised the renewal process undertaken by Leckhampton Rovers at Burrow's Field. She discussed her earlier reservations with the club trustees, and now understood that a convenient and secure unit was required to store the multi-purpose tractor needed to ensure the pitches were properly maintained, and the reasoning for the height, size and location of the unit. She was also reassured that fuel storage would be in a secure, caged area, following stringent rules, that impact on neighbours would be reduced by trees and hedges, maintained by the club, and that the new driveway would enable the tractor to drive onto the field without harming the new footpaths. With these assurances, she was happy to support the officer recommendation.

Councillor Horwood confirmed that Burrow's Field was acquired by the borough council in 1930, from Edgar Burrow, who developed it for the sporting use of employees of his publishing company. He praised the spectacular transformation of the field, supported by Sport England, and congratulated Leckhampton Rovers for developing their club to 35 teams involving hundreds of people. He said the club, and in particular Mark Beaney, had worked enormously hard with the borough and parish councils and the local community to raise finance and make the project happen. The storage unit is essential to the task of maintaining the pitches to the required standard, and although initially alarmed at the unit's size, it is carefully sited and over time, planting will mask its appearance from both inside and outside the field. He agreed that it was unfortunate it wasn't included in the original proposals, but this was on officers' advice. He urged Members to support the proposal.

### **Member questions**

In response to questions from Members, officers confirmed that:

- it should be quite easy to connect to nearby cabling, should an electric tractor be used in the future; an informative could be added, suggesting that cabling suitable for charging the tractor be included at the construction stage;
- the reasons for the size, height and position of the unit have been justified, although some Members may consider these excessive.

### **Member debate**

A Member considered the height of the unit to be excessive, without any reasonable explanation. He said it may be a stock building, but he could not understand the amount of headroom and felt it would be a blot on the landscape. Another Member agreed, and while praising Leckhampton Rovers for its ongoing work and commitment, and acknowledging the support of local councillors, felt that the local resident made good points. He proposed

deferral, pending a thorough investigation as to why this size of building was needed, confirming that he was not, at this stage, seeking a reduction in the size of the unit – just clarity and justification as to why and whether it had to be so large.

**Vote on Councillor Baker's move to defer**

8 in support, 2 in objection

**DEFER**

**10. 21/02729/FUL 90 All Saints Road, Cheltenham GL52 2HQ**

The case officer introduced the application for a rear dormer window, at Committee because the applicant is a borough councillor. The recommendation is to approve, with conditions.

There were no Members questions, and no Member debate on this application.

**Vote on officer recommendation to permit**

9 in support, 1 in objection

**PERMIT**

**11. Appeal Updates**

This had been circulated to Members. There were no questions, but a councillor asked about the progress of the Oakley Farm appeal. The legal officer confirmed that this appeal started in November, but had been adjourned for a variety of reasons. The current date for a site inspection is the end of March.

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

There were none.

Chairman

<b>APPLICATION NO:</b> 21/02675/FUL		<b>OFFICER:</b> Mrs Emma Pickernell	
<b>DATE REGISTERED:</b> 2nd December 2021		<b>DATE OF EXPIRY:</b> 27th January 2022	
<b>WARD:</b> Leckhampton		<b>PARISH:</b> Leckhampton With Warden Hill	
<b>APPLICANT:</b>	Cheltenham Borough Council		
<b>AGENT:</b>	Mr Mark Beaney		
<b>LOCATION:</b>	Burrows Field Moorend Grove Cheltenham		
<b>PROPOSAL:</b>	Proposed storage unit		

## Update to Officer Report

### 1. OFFICER COMMENTS

- 1.1 This update should be read in conjunction with the previous officers report from January 2022.
- 1.2 The application was deferred by committee on 20<sup>th</sup> January 2022 for officers to explore with the applicant whether the proposed building could be reduced in size and/or provide a justification for the size.
- 1.3 Revised plans have been submitted which secure a reduction in the size of the building and the perimeter fencing. A commentary has been provided to accompany the plans which is appended to this update however the main changes are highlighted below.
- 1.4 The applicant has been able to reduce the overall size of the building and has provided the following table outlining the changes:

	Height (m)	Width (m)	Depth (m)	Overall area – cubic metres
Original Building	3.740	9.144	6.096	208.47
Revised Building	2.965	8.500	5.500	138.61
Difference	0.775	0.644	0.596	69.86
Percentage Saving	20.7%	7%	9.8%	33.51%

- 1.5 The applicant has explained that the height now proposed is the minimum possible to house the tractor and other pitch maintenance equipment, pack away goals and fuel.
- 1.6 The applicant has also been able to reduce the depth and height of the perimeter fencing as follows:

	Width (m)	Depth (m)	Area square m	Height
Original	8.850	13.850	122.57	2.380
Revised	8.850	12.670	112.13	1.980
Difference	0	1.180	10.44	0.400

- 1.5 The applicant explains that the compound cannot be reduced further due to the space required to storey and manoeuvre goods into the space.
- 1.7 In addition to the above the building has been moved 2m forward within the compound.

## 2. CONCLUSION AND RECOMMENDATION

- 2.1 The recommendation remains as per the previous report; to approve the application subject to the conditions detailed below.

## 3. CONDITIONS

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

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

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

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

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

Reason: To safeguard the existing tree(s) in the interests of visual amenity, having regard to 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.

- 4 Prior to the first use of the development a water butt shall be provided into which the roof is drained. This shall have a tap and a piped link to a new soakaway at least 5m away from the base with dimensions of 1 cubic metre.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

### INFORMATIVES :-

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with

planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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

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## **Burrow's Fields Design & Access Statement - Addendum**

This document should be read in conjunction with the original Design and Access Statement presented to the January 2022 Planning Committee Meeting. The original application was deferred and the club was just asked to explain why such a large storage unit was required.

Please find attached revised plans following the January Planning Committee Meeting.

There are 3 attachments:

1. Aerial View of the storage unit
2. Elevation Plan
3. Ground Floor Plan

We have revisited the plans and have managed to reduce the size of the storage unit and also the perimeter area, which is fenced.

A summary of the changes in measurements are set out below:

	Height (m)	Width (m)	Depth (m)	Overall area – cubic metres
Original Building	3.740	9.144	6.096	208.47
Revised Building	2.965	8.500	5.500	138.61
Difference	0.775	0.644	0.596	69.86
Percentage Saving	20.7%	7%	9.8%	33.51%

Included on the plans are the dimensions of the equipment that we wish to purchase. For information the dimensions are set out below:

Item	Height (m)	Width (m)	Length (m)
John Deere 3 series tractor (or equivalent)	2.278	1.728	3.230
SISIS Quadraplay	0.622	1.382	1.120
Trimax Procut Mower	1.035	1.834	1.340
Auto Roller 4 cricket roller	1.260	1.400	2.500

The only way in which we have been able to reduce the height of the building is to downgrade the tractor. The one above is the minimum we require in order to tow the relevant equipment. It is essential that the tractor has a cab so that maintenance can be carried out at appropriate times. We rely on volunteers and they need to be protected from the elements to be able to carry out the required work. Volunteers will be out on the tractor for several hours at a time. The height of the entrance to the storage building is now the minimum possible (2.380m) to accommodate a tractor height of 2.278m and have minimal headroom. A further 100mm is needed above the door to house the roller shutter fittings and provide space for the rolled up shutter. The roof apex is now just 0.485m above this. We cannot lower these any further for the necessary equipment.

The plans show the depth and width of the building, having taken account of the equipment needed above. The equipment and dimensions are shown on the plans for illustrative purposes. We also require shelving on the back wall (opposite the roller shutter) with a depth of approximately 1m. We have over 40 moveable “pack away” goals already which we need to store.

We will not have all the equipment straight away. The cricket roller is likely to be the last purchase. We have a 21 year lease with CBC and have planned ahead for our future needs over this period.

The storage building has been reduced as far as to accommodate the equipment we need. Any further reduction will make maintenance very difficult. It would also prevent us from maintaining the fields to their current excellent standard, and meet the terms of the Football Foundation's grant.

We have also significantly reduced the fuel storage requirement, from 200 litres to 50 litres. All we need is sufficient to fuel the tractor without having to bring fuel to the site every time we use it.

A summary of the changes in dimensions of the perimeter fencing are set out below:

	<b>Width (m)</b>	<b>Depth (m)</b>	<b>Area square m</b>	<b>Height</b>
Original	8.850	13.850	122.57	2.380
Revised	8.850	12.670	112.13	1.980
Difference	0	1.180	10.44	0.400

The area outside the storage building will be predominantly used for the storage of moveable goals. These are fixed structures, which can be moved to and from the pitches. The largest goals are 7.32m long and 2.44m high. The depth varies depending on the type of goal that is purchased but they will be at least 1m deep when folded. As a result, we can only reduce the length by 1m and cannot reduce the depth. We need to be able to manoeuvre the goals in the storage area in the compound so need some additional space over and above the exact goal measurements.

In order to achieve the above we have changed the gates to open outwards. The front gate will open over the path. All the gates will open so they can be folded back against the fence ie 180 degrees. This will ensure they will not block the path. The gates will only be opened to obtain equipment and will be shut straight away for security purposes.

We met with local residents and have tried to accommodate their concerns as far as we can. As a result:

1. The building has been made smaller as set out above
2. The building has been moved forwards by 2m in the compound so that it is as far away from the neighbour's boundary as possible within the fenced area
3. The reduction in the width of the fenced compound has all been taken from the North West end of the building which was their preference
4. The perimeter fence has been reduced in size from 2.380m to 1.98m. This will be the same height as the neighbour's hedge when it is cut. We intend to grow appropriate plants and trees next to the fence so this will in time blend in with the current hedgerow.

We have therefore tried our best to accommodate both the comments made by the Planning Committee and local residents.

### **Electric Tractor**

We were asked to consider the idea of an electric tractor.

Initially we plan to buy a second hand tractor as we cannot afford a new one at this time. Electric tractors are extremely expensive and a long way beyond our current budget. We have to raise money to fund this project and we do not believe this will be affordable.

We will however consider the appropriate infrastructure for an electric tractor when we finalise the building electrical design with the chosen contractor.

We have no lack of commitment to sustainability. One of our key club objectives is to have “outstanding green credentials”. We have just redeveloped the Burrow’s pavilion which is run on renewable energy which we understand is the first in the borough and the CBC project team has set as their new ambition for all other pavilions; we have secured over 1,000 trees to plant at the Burrow’s during February; a circular footpath has been put in as part of the development of the Fields to encourage walking to the park and outdoor activities; cycle stands have been agreed and will be put into the Burrow’s; recycling bins are being arranged; bird and bat houses are being sourced; and all of these are going to be linked into an online Climate Change Experience, which will be used for educational purposes to visitors to the Burrow’s. In addition, we have already had outline permission from the local schools to use their parking to help reduce matchday traffic. All of these demonstrate the huge effort the club is putting in to help Climate Change.

### **Location**

We would like to reiterate that a number of different locations at the Burrow’s were considered for the storage building. The chosen location is the primary site for a number of reasons:

1. It needs to be near the pavilion as users will require access to both when undertaking some maintenance activities. It will also act as a store for football and sporting equipment and people will need to be able to easily access both.
2. Situated near to the pavilion it is a secure location. Other areas of the Burrow’s are very remote. Sports equipment in remote locations is often targeted by criminals which we want to avoid.
3. It is near enough to connect electricity and water supplies simply.
4. It is far enough away from the pavilion and Broadlands Pre School so it will not interfere with fire evacuation.
5. It avoids areas of the park that can be susceptible to flooding in winter months.
6. It avoids the car park. This was considered as a possible location but it would have taken away valuable parking and access to the site, leading to more on street parking.
7. It minimises disruption to any neighbours at the site.
8. It does not affect any trees or wildlife.

We hope that the above addresses the issues raised at the January Planning Committee Meeting and will enable you to agree the planning application.

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<b>APPLICATION NO:</b> 21/02675/FUL	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 2nd December 2021	<b>DATE OF EXPIRY:</b> 27th January 2022
<b>DATE VALIDATED:</b> 2nd December 2021	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Cheltenham Borough Council
<b>AGENT:</b>	Leckhampton Rovers Football Club
<b>LOCATION:</b>	Burrows Field Moorend Grove Cheltenham
<b>PROPOSAL:</b>	Proposed storage unit

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a playing field accessed from Moorend Grove. The field and pavilion are undergoing a programme of improvements.
- 1.2 Planning permission is sought for the positioning of a storage building to house mowers and other equipment associated with the maintenance of the playing fields. This comprises a metal framed building with composite cladding panels with a pitched roof which is a maximum of 3.7m high. This would be surrounded by 2.3m high security fencing.
- 1.3 The application is before committee as the applicant is Cheltenham Borough Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport Safeguarding over 45m  
Parish Boundary  
Public Green Space (GE36)  
Smoke Control Order

### Relevant Planning History:

**90/00933/PF 27th September 1990 PER**

Erection Of New Sports Pavilion And Associated External Works

**91/00022/PF 21st February 1991 PER**

Erection Of Temporary Buildings To Provide Changing And Shower Facilities For A 26 Week Period

**15/02065/FUL 19th February 2016 PER**

Construction of BMX pump track

**17/01737/AMEND 13th September 2017 PAMEND**

Non material amendment to planning permission 15/02065/FUL construction of BMX pump track - Amendment to path location.

**20/00332/FUL 5th May 2020 PER**

Creation of two sustainable perimeter pathways in Burrows field to allow users (on foot and cycle) to traverse field

**20/02028/FUL 17th February 2021 PER**

Engineering works to improve and level playing surfaces

**21/00935/FUL 17th June 2021 PER**

Fitting of an air source heat pump on wall of Pavilion

**20/02182/AMEND 17th December 2021 PAMEND**

Non- material amendment to planning permission 20/00332/FUL, seeking to construct a path off the consented perimeter path to run along side the childrens nursery

**21/01081/DISCON 1st July 2021 DISCHA**

Discharge of conditions 4 (Tree Protection), 5 (Construction Management Plan), 6 (contaminated land) and 7 (SUDS) of planning permission 20/02028/FUL

## 3. POLICIES AND GUIDANCE

### National Planning Policy Framework

Section 4 Decision-making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

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**

SD4 Design Requirements  
SD9 Biodiversity and Geodiversity  
SD14 Health and Environmental Quality  
INF3 Green Infrastructure  
INF4 Social and Community Infrastructure

**Gloucestershire Centre For Environmental Records**

*15th December 2021*

Biodiversity report available to view in documents tab.

**Tree Officer**

*9th December 2021*

It seems very likely that the storage unit would be outside of the sphere of influence of the two trees to either side. However, to make certain that these trees are not damaged during construction, a tree protection plan should be submitted.

**Publica Drainage And Flooding**

*3rd December 2021*

I do not have an objection to this proposal but I would recommend that the roof is drained into a large covered water butt with a tap and a piped link to a new soakaway at least 5mtrs away from the base (with dimensions of 1mtr cubed).

**Sport England**

*7th December 2021*

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- o all or any part of a playing field, or
  - o land which has been used as a playing field and remains undeveloped, or
  - o land allocated for use as a playing field
- unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)

The Proposal

The proposal is for the siting of storage building of the edge of the playing field. The building is to be used the storage of equipment to maintain the playing pitches.

### Assessment

The building is located between some trees and outside the playing pitch run-off area behind a footpath. The new building will not impact on the existing playing pitch layout.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

### **Building Control**

*3rd December 2021*

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

### **Parish Council**

*22nd December 2021*

Leckhampton with Warden Hill Parish Council (LwWHPC) accepts the need for a storage facility for ground maintenance and sports equipment to service the needs of the recently upgraded sports pitches at Burrows Field, a project undertaken in conjunction with Cheltenham Borough Council (CBC) and Leckhampton Rovers Football Club (LRFC). This venture was supported financially by the Parish Council (PC) to the tune of £20,000.

It is noted with regret that the Parish Council was not informed at the time of the upgrade of the pavilion and sports pitch (and earlier funding request) that this additional proposal was being planned. However the PC has now been assured that no additional works beyond this are currently proposed.

The Parish Council notes the proposed location of the storage facility and its considerable size. This is of concern because of potential adverse impact on neighbouring properties.

However the PC understands that the choices are limited for locating the shed and that the proposed site may be the least bad option of those available because of flood risk and the desire to avoid tree removal.

Regarding size, the PC is told the proposed 3.74m height of the building is to accommodate a tractor with a cab in order to facilitate all-weather use. The surrounding compound will be used to securely store moveable goal posts and other equipment at risk of vandalism or theft. The PC understands that the equipment stored will be solely for use on Burrows Field.

Adjacent to the storage unit there is pre-existing hedging which will to some extent reduce the impact on neighbours. At around 4.8m the apex of the existing nearby sports pavilion is



thought to be higher than the proposed structure. The intended site currently contains a dilapidated seating bench. The existing crushed stone footpath will require re-routing in line with the join of the two parts of the existing pavilion building. Any fuel storage, presumably diesel unless the tractors are to be battery electric, will need to comply with current safety regulations.

The PC understands that if only a smaller storage shed were permitted it would then not be possible to utilise the most efficient size of equipment to maintain the pitches. This is a significant issue as it would markedly increase ongoing annual maintenance costs as more man hours would otherwise be required to complete essential tasks using smaller mowers etc. This would make maintaining the newly upgraded pitches, a valuable community asset, more difficult and expensive.

In summary, Leckhampton with Warden Hill Parish Council accepts the proposal but would ideally have preferred the storage unit to be smaller and preferably sited away from existing dwellings. However the PC understands the reasons for the proposed location and accepts the need for the storage unit.

Nevertheless given the impact on neighbours, LwWHPC respectfully requests that if minded to approve, before sign-off officers explore again with LRFC and other parties to ascertain if other alternatives of siting and/or building size might yet be found to allow a less impactful solution.

If Cheltenham Borough Council is minded to approve the application LwWHPC also respectfully requests the approval be conditioned that:

1. suitable shrub and vegetation screening be deployed to mitigate the visual impact of the building and wire enclosure
2. that the replacement footpath in front of the storage facility (over which the tractor will drive) is constructed to allow use by mechanised equipment without degradation which would otherwise disadvantage Burrows footpath users.
3. any fuel stored in the facility must be fully compliant with relevant statutory regulations to ensure safety
4. the equipment and materials stored in the unit is mandated for use exclusively at Burrows Field.

#### 4. PUBLICITY AND REPRESENTATIONS

Number of letters sent	14
Total comments received	10
Number of objections	10
Number of supporting	0
General comment	0

- 4.1 The application was publicised by way of letters to 14 neighbouring properties. 10 representations were received which, to briefly summarise, raise the following issues:

- Size of building
- Industrial design is inappropriate
- Impact on enjoyment of the area
- Should have been included in original application

- New trees should be planted in this area
- Concerns about pollution from waste water and fuel
- Impact on Ecology
- Impact on neighbour amenity
- Safety concerns around fuel being stored onsite

## 5. OFFICER COMMENTS

### 5.1 Determining Issues

**5.2** The key issues in determining this application are considered to be (i) siting and design, (ii) neighbour amenity, (iii) trees and landscaping, (iv) drainage and flooding, (v) ecology.

### 5.3 Site and context

**5.4** The proposed storage building and compound is located adjacent to the north eastern boundary of the site, to the rear of the existing pavilion. To the south is the remainder of the playing fields and to the northeast are residential properties.

**5.5** The application is made by Leckhampton Rovers Football Club (LRFC). The submitted information explains that LRFC will shortly be taking on a 21 year lease on the pavilion and a licence on the playing area of the field. It explains that the storage unit is required to allow the club to purchase equipment including a tractor and mowers to enable them to maintain the pitches to a high standard. The intention is that the club and a 'Friends of Burrow's Park' group will carry out some of the maintenance work currently undertaken by UBICO.

**5.6** The authority supports the aims of the club with regards to sports and recreation opportunities. Members will recall that a scheme for the improvement of the surfaces was approved in February 2021. The need for a storage building appears to be justified and in keeping with the uses and activity taking place in the area. As such the principle of the building is considered to be acceptable.

### 5.7 Design and layout

**5.8** Policy SD4 of the JCS and Policy D1 of the Cheltenham Plan set out design requirements of new development which reflect the general principles set out in Chapter 12 of the NPPF.

**5.9** These documents require that schemes respond positively to their context, character and sense of place; that proposals are designed to contribute to safe communities, facilitate connections to sustainable transport modes and are inclusive and adaptable.

**5.10** The building is relatively utilitarian in appearance. It is a metal framed building with green cladding, with a green metal fence surrounding. However it is not unattractive in appearance and reflects its functional purpose. Whilst the green colour will not disguise the building it is the appropriate colour for the location.

**5.11** The siting of the building is considered to be appropriate. It is near enough to pavilion for security and to access electricity and water connections, whilst not being so close to interfere with fire exits etc. In this area it would appear in the context of other buildings as

opposed to being in an isolated location where it would appear more prominent. As such the siting of the building is considered to be acceptable.

### **5.12 Impact on neighbouring property**

**5.13** Policies SD14 of the JCS and SL1 of the Cheltenham Plan require that development does not cause unacceptable harm to the amenity of adjoining land users and living conditions in the locality.

**5.14** The proposed building is to the rear of properties on Peregrine Road however it is approximately 18m away from the nearest building, is single storey and is set off the boundary with a mature hedge adjacent.

**5.15** The roof of the building would likely be visible from the nearest properties however it is not considered that it would have a significant impact upon neighbour amenity with respect of light or privacy.

**5.16** The building would only be used during daylight hours in connection with the maintenance of the playing field and as such it is not considered that it would result in an unacceptable level of disturbance, over and above that which would be experienced by any other maintenance arrangements.

**5.17** Concerns have been expressed over the safety of storing fuel on the site. The scheme has been designed with a specific caged area for this purpose. There will be regulations around fuel storage which will need to be adhered to, however these are dealt with by separate legislation and are not a material planning consideration.

**5.18** Whilst the concerns the neighbours are understood it is considered, for the reasons outlined above, that the impact on neighbouring properties is acceptable.

### **5.19 Trees and Landscaping**

**5.20** Section 15 of the NPPF and policies GI2 and GI3 of the Cheltenham Plan seek to resist any unnecessary felling of trees and the retention, replacement or protection of trees as necessary.

**5.21** The proposal does not involve the removal of any trees or hedges. The Council's tree officer has assessed the proposals and has no objection subject to the imposition of a tree protection condition.

**5.22** With this condition in place it is not considered that the proposal would have any adverse impact upon trees and landscaping.

### **5.23 Drainage and Flooding**

**5.24** Section 14 (meeting the challenge of climate change, flooding and coastal change) of the NPPF and policy INF2 (flood risk management) of the JCS require new development to demonstrate that it will not increase the risk of flooding and include measures such as sustainable urban drainage systems (SUDS) where appropriate.

**5.25** The drainage engineer was consulted on the proposal and raises no objection subject to the provision of a water butt and soakaway. As such a condition to this effect is recommended.

**5.26** With this condition in place it is considered that there would be no adverse impact in terms of drainage and flooding.

### **5.27 Ecology**

**5.28** Section 15 of the NPPF (conserving and enhancing the natural environment) and policy SD9 (biodiversity and geodiversity) of the JCS require that any harm to biodiversity should be avoided where possible and any risk of harm should be mitigated.

**5.29** The proposal is not of a scale which would warrant an ecological appraisal. A report from the Gloucestershire Centre of Environmental Records has been received which explains that there have been several bird and bat sightings within a 250m radius, however the nearest reported sighting was in 2014 and almost 100m from the site.

**5.30** It is not considered that the proposal would result in unacceptable harm to any protected species.

### **5.31 Other considerations**

### **5.32 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.

### **5.33 Climate Emergency**

**5.34** Cheltenham Borough Council, in common with a number of Local Planning Authorities, has declared a climate emergency, with an aim to be a carbon zero authority by 2030.

**5.35** The proposal does not include any specific green technologies and is not required to do so by any policy. However it will allow the site to be maintained to an acceptable standard without the need for contractors vehicles visiting the site.

## **6. CONCLUSION AND RECOMMENDATION**

**6.1** For the reasons outlined above the proposal is considered to be acceptable and is therefore recommended for approval.

## **7. CONDITIONS / INFORMATIVES**

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

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

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

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

- 3 Prior to the commencement of development (including 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.

- 4 Prior to the first use of the development a water butt shall be provided into which the roof is drained. This shall have a tap and a piped link to a new soakaway at least 5m away from the base with dimensions of 1 cubic metre.

Reason: To ensure sustainable drainage of the development, having regard to adopted policy INF2 of the Joint Core Strategy (2017).

### INFORMATIVES

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

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

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

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<b>APPLICATION NO: 21/02675/FUL</b>		<b>OFFICER: Mrs Emma Pickernell</b>
<b>DATE REGISTERED:</b> 2nd December 2021		<b>DATE OF EXPIRY :</b> 27th January 2022
<b>WARD:</b> Leckhampton		<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	Cheltenham Borough Council	
<b>LOCATION:</b>	Burrows Field Moorend Grove Cheltenham	
<b>PROPOSAL:</b>	Proposed storage unit	

## REPRESENTATIONS

Number of contributors	<b>10</b>
Number of objections	<b>10</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

5 Arden Road  
Cheltenham  
Gloucestershire  
GL53 0HG

**Comments:** 20th December 2021

I would like to object to the plan for a storage unit under the reference above.

The proposed building is unnecessarily large, ugly, obtrusive and industrial in nature. A building such as this did not feature in the original plans for Burrow's field. The fact that it would be green is entirely irrelevant - literally greenwash. It certainly does not need to be so tall, simply to house tractors.

Any building should be planned to blend with the size and height of the existing pavilion, which is reasonably attractive. There is also the wider issue of the unique nature of Burrow's field. This is not some neglected urban patch, which needs "improvement" - it is a local beauty spot, much enjoyed and used by many, accessible to old and young. The football team are behaving as if they own the field - they do not. It "belongs" to all of us who live locally and use it regularly. Our enjoyment of it has already been seriously marred by the work over the past eighteen months. The reassuring words and use of greenspeak do little to convince me that the wider community's wishes are being considered.

Tai Po Tsai  
23 Peregrine Road  
Cheltenham  
Gloucestershire  
GL53 0LN

**Comments:** 12th December 2021

I would like to object to this planning application for the following reasons:

The structure is too big. A structure of this size would have a substantial visual impact on the natural look and feel of Burrow's field. At a height of 3.7m it will tower over the 2m native hedging surrounding the field. The original redevelopment plan for Burrow's field reassured us that "the look and feel of Burrow's field will remain unchanged once the work is completed.." I think this promise should be upheld as this application is part of this redevelopment plan. I am unsure why this storage unit was not included with the original plan if the storage of maintenance vehicles is an essential part of the plan.

The application states that "no trees need to be felled" for the building to take place. Whilst this is true, the only reason that it is true is because the chestnut tree that stood at the site of the building became diseased and was felled by the council a couple of years ago. Our next step as a Council and community should be to replant and nature a replacement tree for our future generations to enjoy and not to lay 123 square metres of concrete which will never be lifted.

The native hedgerow surrounding Burrow's field homes nesting birds and hedgehogs. Roosting bats live in the trees adjacent to the buildings and can be seen circling the area on summer's evenings. Any building put within metres of this hedge and trees would disrupt this ecosystem. There is no explanation of where waste water that has been used to clean the tractors would go (there are no drains nearby) and my fear is that this waste water with associated fuel and oil from the vehicles will go into the ground around the building. The native hedgerow has been beautifully maintained by the Cheltenham Parks and Gardens team for the 15 years that I have lived nearby. It is cut back to a height of 2m once a year in winter. This allows natural regrowth. A tractor with cutting attachment needs a clearance of 3m to be able to do this (the cutting has just taken place and so I was able to measure.) The plans (allowing 1.7m) do not allow for this maintenance to continue to happen.

I can see no reason that tractors, cutting equipment and fuel should be stored on Burrow's field. The council have had no problems in bringing in this equipment in the past. Industrial storage units are available less than a mile from Burrow's field which could be used. I understand that Leckhampton Rovers FC need more storage for sports equipment but I feel this could be accomplished by a small extension to the NorthWest wall of the changing room which would have a small visual and environmental impact or a storage unit put onto a car parking space.



15 Peregrine Road  
Cheltenham  
Gloucestershire  
GL53 0LN

**Comments:** 13th December 2021

Having seen the proposed plan for the Storage Unit ,we feel this is a much larger building than would be needed for storage . This was not mentioned in the original planning for the alterations to Burrows Playing Field. There is a covenant on the field stating it is to be used for games & sport so this application should be refused . It has been mentioned there will be tractors & machinery stored in the building including fuel for the same ? this would definitely not be acceptable and against all safety regulations , considering its proximity to houses and Day Nursery.

21 Peregrine Road  
Cheltenham  
Gloucestershire  
GL53 0LN

**Comments:** 20th December 2021

I would like to object to this application for a number of reasons.

1. There will be a loss of light and over shadowing in my neighbors garden from the structure which is only 0.75m from the boundary hedge.
2. The structure is to house 140litre of fuel which is 4/5 times what is in a car. To fill this must require a tanker to drive around the park past the playground on a regular basis. This does not seem acceptable or wise.
3. The council currently trims all the hedges around the parameter of the field. It is not clear who will be doing this in future. If its the football club then the tractor will need to be one that can cut hedges 2m high which a normal grass cutting machine cannot do. If it is the council as I think it will be then they will require at least 3m from the back of the structure to the hedge to get their tractor down behind.
4. Personally I am concerned that volunteers will be driving around the park every week and filling fuel. If you lived adjacent to this application I am sure you would not be pleased.
5. If the above is required then it would make sense to be closer to the entrance.

Grove End  
Moorend Grove  
Cheltenham  
Gloucestershire  
GL53 0EY

**Comments:** 5th December 2021

I object to the building of this unit which will be next to my property boundary. We have already had to put up with much nuisance with the building and refurbishment of the pavilion and pitches. There is already increased noise created by the gravel footpath and increased footfall around our property spoiling our enjoyment of our property and garden. The pavilion refurbishment has led to lighting around the building that shines directly into my property and house. Often this light goes on well into the night and beyond. I am concerned that the erection of this unit will be an eyesore despite plans to tone it down and will also cause extra noise to that already caused by building on an ongoing basis so far. If you insist on building this unit it should be well away from existing properties that are already putting up with increased noise and light pollution.

Tai Po Tsai  
23 Peregrine Road  
Cheltenham  
Gloucestershire  
GL53 0LN

**Comments:** 24th December 2021

In addition to comments made previously, I object to this application on the grounds that it would overshadow and lead to loss of light reaching our garden. We use and value this area for growing vegetables and as a habitat for wildlife.

**Comments:** 11th December 2021

I am strongly opposed to the proposed development for the following reasons:

The proposed outbuilding is unnecessarily large for its intended use. A smaller building would have less impact on the environment and still allow storage of sporting and pitch maintenance equipment for Leckhampton Rovers Football Club.

If proximity to the existing pavilion is important, the proposed site is an unreasonable distance from existing buildings. It would be more appropriate to place any new storage within or close to the pavillion, thereby maintaining as much open green space as possible. The impact on Burrow's field and local residents of extending building development over such a large area has not been adequately considered or consulted upon.

The proposal for a new building contradicts information on the Cheltenham Borough Council website about the Burrow's field development, which explicitly states that "We would like to assure local residents that this work is to enhance the quality of the current playing fields and does not include any expansion of the overall site" and "The only change to the look of Burrow's will be that the playing fields will be level."

([https://www.cheltenham.gov.uk/info/33/parks\\_and\\_open\\_spaces/1630/the\\_burrows\\_playing\\_field/3](https://www.cheltenham.gov.uk/info/33/parks_and_open_spaces/1630/the_burrows_playing_field/3))

Furthermore, the website states that LRFC will work with team members on a strategy to ensure that parking is better managed on match days. LRFC are also encouraging walking, cycling and car sharing to Burrow's Field whenever possible and bike racks will be installed on site to support this. A more considerate approach to the need for storage might be to consider a smaller building on the existing car park. This would marginally reduce the number of parking spaces, encouraging people travelling from a distance to use more sustainable modes of transport. The majority of local residents already access the fields on foot or by bicycle, making the car park less relevant to them.

We should be doing all we can to reduce our impact on the climate, including reducing the use of fossil fuels. Cheltenham Borough Council has declared a Climate Emergency and committed to becoming a net zero carbon council and borough by 2030. The environmental impact of storing two agricultural machines for exclusive, intermittent use on Burrow's fields is completely inappropriate. Furthermore, storing fuel on site is unnecessary and potentially dangerous. Machinery using sustainable energy sources should be actively encouraged. The application includes a water supply but no clear plan for disposal of foul water. As it stands, the proposed development risks water used to clean agricultural machinery contaminating the local area.

Finally, it is not clear from the information on the planning website whether the letters of support relate specifically to this outbuilding or more generally to improvement of the playing fields on Burrow's field. I do not see any evidence of support for this building from the community who value Burrow's field as a public open space. More sustainable and less damaging alternatives to the proposed development have not been given due consideration. Rather than building storage for machinery on an important local green area, it would ultimately be preferable to convert a nearby brownfield or industrial site for this purpose.

I am grateful to the planning committee for carefully considering these concerns and suggestions when reviewing the application.

5 Arden Road  
Cheltenham  
Gloucestershire  
GL53 0HG

**Comments:** 20th December 2021

I object to the plan for a storage unit under the reference above

First of all, I would like to say that pushing out this proposal with a closure date for public comment of 24th December is wrong, as this coincides with the busy run up to Christmas for many people. I wonder if this is deliberate in order to reduce possible adverse public comment on the proposal. I only became aware of this on 17th December. Also, I have seen nothing from the supposed liaison group of the LRFC.

The proposed building did not feature in the original plans for Burrow's field and it is wrong to include any evidence in support of the original proposal (as in the letters of support index document) as supporting the proposed shed, especially as it would be

located next to residential housing. The size and height appear out of proportion in relation to the pavilion, especially as they are not shown side by side.

The building appears oversized for its intended purpose, especially its height. The height would appear to exceed the height of the hedge to the rear. The outer, security fence further increases the visual impact of the proposed shed and its 'footprint' on the ground. Interestingly if it is supposed to be a security fence why is it only on 3 sides and not also to the rear of the shed; this somewhat negates the need for it. A 4th side would push the shed further out into the field and further increase its visual impact. The proposed fencing seems unnecessary.

Because the proposed shed and fencing would be green in colour does not make it more acceptable. Green colour equals greenspeak.

Increasingly Burrow's Field is becoming a football dominated location and non-football users and local residents considered secondary, despite LRFC public protestations. LRFC does not have sole rights to the field as this was a green space that was used by a wide variety of people. Increasingly non football use is reducing, and the proposed shed is symptomatic of this.

10 Hobby Close  
Cheltenham  
Gloucestershire  
GL53 0LP

**Comments:** 16th December 2021

We object to this proposal on the following grounds:

1. This storage should be sited on the opposite side of the pavilion, where the contractors equipment was stored during site developments, thereby allowing necessary vehicular access at a more appropriate point
2. The proposed site will impede the visual and environmental impact of the pre-school playgroup
3. The proposed building will have an overbearing impact on neighbouring properties
4. Whereas previously CBC has had responsibility for field maintenance, this responsibility is to be shared with volunteers from the LRC. Such an arrangement should be detailed and monitored accordingly
5. This whole development has taken place with minimal public consultation and the opinions of local residents by-passed or ignored. There has been an assumption that all residents approve

55 Moorend Park Road  
Cheltenham  
Gloucestershire  
GL53 0LA

**Comments:** 14th December 2021

I want to support this venture but the location of this building is totally inappropriate.

Firstly I cannot see dimensions of the proposed building length nor the dimensions of the compound. Secondly as this is an addendum to the original application it is arguably very

wrong to attach the original letters of support for the project as none of them actually agreed with this proposed building being built.

With regard to the siting of the proposed building placing it in front of homes with SW facing gardens is extremely unfair on the residents. It will detract from their views and darken their gardens and affect the resale value of the properties.

As this will be a industrial building, unattended most of the time it will attract wild life and vermin that will quickly enter adjacent gardens. I would support this application should the proposed building be moved to the SE edge of the field adjacent to the allotments and close to the current workers temporary compound. Here it will offend no one and is environmentally safer for local residents. The tree preservation issues is the same at this location as it is on the proposal and cannot, in my opinion, be used as a counter argument.

10 Hobby Close  
Cheltenham  
Gloucestershire  
GL53 0LP

**Comments:** 16th December 2021

The council tax we pay should include enough to mow this field which is used for recreational walks and play by local people. The proposed storage would then be unnecessary. The position allows no vehicle access and if any building was needed it would be better by the car park on the left as one enters the field.

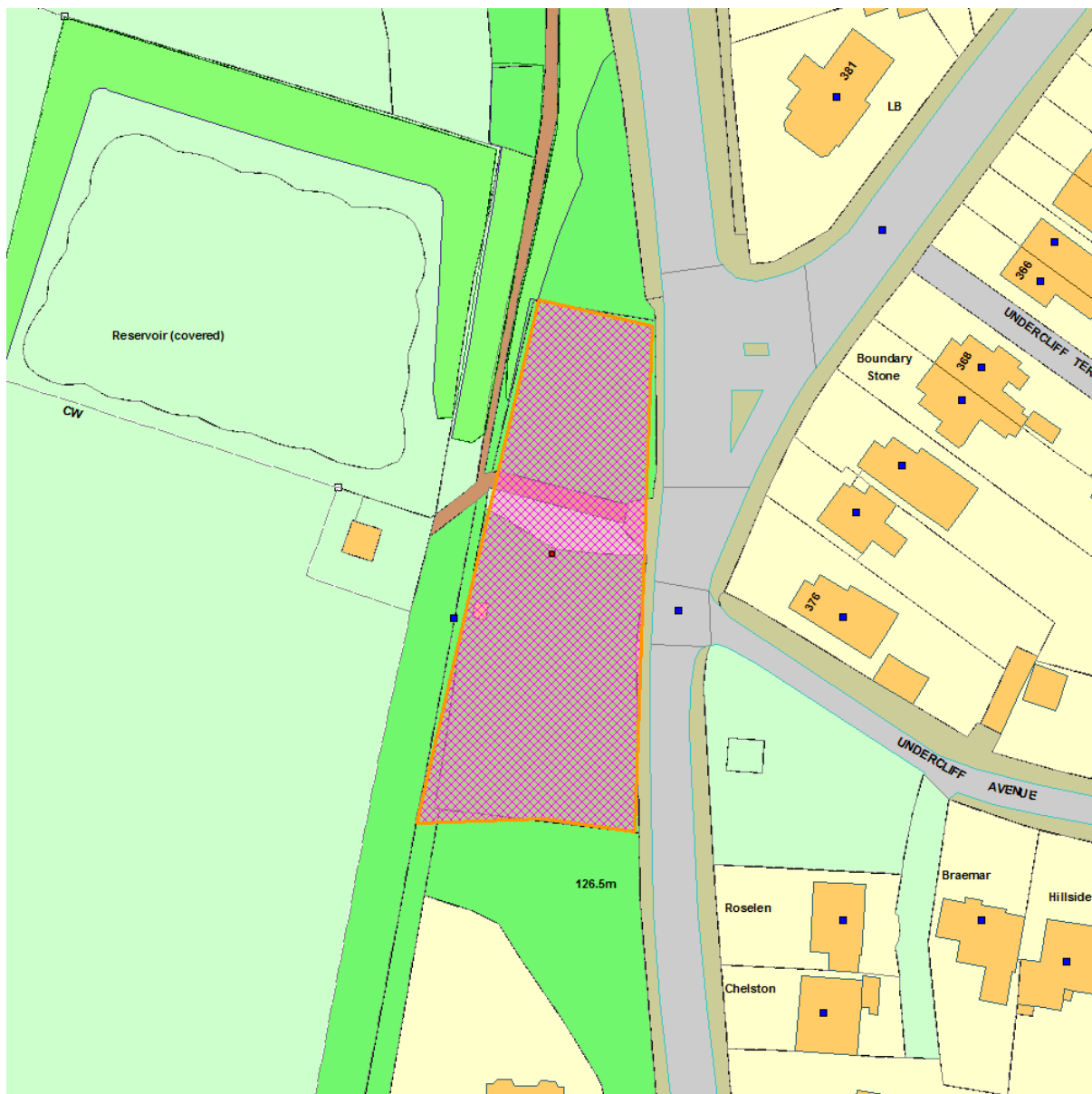
The football club seems to have taken over this shared green space and even wants volunteers to maintain it.

I prefer the maintenance to remain with the council.

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APPLICATION NO: 21/02148/FUL		OFFICER: Mr Ben Warren
DATE REGISTERED: 28th September 2021		DATE OF EXPIRY: 23rd November 2021
DATE VALIDATED: 28th September 2021		DATE OF SITE VISIT:
WARD: Leckhampton		PARISH: Leckhampton With Warden Hill
APPLICANT:	The Applicant	
AGENT:	SF Planning Limited	
LOCATION:	Land east of Leckhampton Reservoir Leckhampton Hill Cheltenham	
PROPOSAL:	The erection of 2 dwellings	

**RECOMMENDATION:** Permit



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

## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located at the foot of Leckhmapton Hill, on the western side, opposite the junction with Old Bath Road. The site is located to the east of the disused reservoir site and is within Cheltenham's Principle Urban Area.
- 1.2 The applicant is seeking planning permission for the erection of two residential dwellings on the site.
- 1.3 The application site was recently granted Permission in Principle (PIP) under application number 20/01620/PIP, which gave consent in principle for the erection of up to 3 dwellings on the site (stage 1). This application now forms stage 2 of the process, which considers the technical and relevant design details of the proposed development.
- 1.4 The application is at planning committee at the request of Councillor Horwood who has raised concerns regarding access and highway safety. An objection has also been received from the Parish Council and Civic Society. Comments relating to the impact of the development on the surrounding landscape have also been acknowledged in these comments.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Airport safeguarding over 15m  
Principal Urban Area

### Relevant Planning History:

**17/02236/PREAPP 21st November 2017 CLO**

Alterations to existing dwelling and possible new additional dwelling

**81/01212/PF 21st May 1981 PER**

Erection of a detached double private car garage

**19/00011/FUL 27th June 2019 REF**

Erection of 2 no. additional dwellings

**19/02199/FUL 24th February 2020 PER**

Erection of 1 no. replacement dwelling and 1 no. additional dwelling (revision to planning application 19/00011/FUL)

**20/01006/CONDIT 16th September 2020 REF**

Variation of Condition 16 on Planning permission 19/02199/FUL - 1.5m high privacy screen for Plot 2 terrace

**20/01014/DISCON 6th January 2021 DISCHA**

Discharge of condition 3 (construction management plan), 4 (construction method statement), 5 (site survey), 6 (surface water drainage scheme), 10 (details of hard and soft landscaping scheme), 11 (new boundary treatments), 12 (hard surfaces), 13 (external materials), 19 (tree protection plan), 21 (details proposed no-dig method), 22 (refuse and recycling), 24 (arboricultural method statement) of planning permission 19/02199/FUL.

**21/00020/DISCON 18th January 2021 DISCHA**

Discharge of conditions 7 (design details) and 11 (boundary treatment) of planning permission 19/02199/FUL

**21/00076/AMEND 10th February 2021 PAMEND**

Non material amendment to planning permission 19/02199/FUL - amendments to ground floor fenestration and internal layout

**21/00506/DISCON 4th March 2021 DISCHA**

Discharge of condition 13 (facing/roofing materials) of planning permission 19/02199/FUL

**21/00852/CONDIT 28th May 2021 PER**

Variation of condition 16 on planning permission reference 19/02199/FUL - alterations to privacy screen for roof terrace (plot 2)

**21/01345/DISCON 9th June 2021 DISCHA**



Discharge of condition 5(3) (design details - balustrade and screens) on planning permission reference 21/00852/CONDIT (retrospective)

**21/01784/CONDIT 21st September 2021 PER**

Variation of condition 1 (schedule 1) of planning permission 21/00852/CONDIT to allow amendments to height of Plot 2 dwelling above finished floor levels, alterations to front porch roof of Plot 2 dwelling and alterations to height of rear garden retaining walls of Plots 1 and 2 (part retrospective)

**20/02097/PREAPP 12th February 2021 CLO**

Erection of three dwellings

**20/01620/PIP 28th October 2020 GRANT**

Permission in principle application for the erection of up to 3no. dwellings

### 3. POLICIES AND GUIDANCE

#### **National Planning Policy Framework (NPPF)**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

#### **Adopted Cheltenham Plan (CP) Policies**

D1 Design

L1 Landscape and Setting

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

#### **Adopted Joint Core Strategy (JCS) Policies**

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD6 Landscape

SD7 The Cotswolds Area of Outstanding Natural Beauty

SD9 Biodiversity and Geodiversity

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)

The Cotswold AONB Management Plan

### 4. CONSULTATIONS

#### **GCC Highways Planning Liaison Officer - 1st November 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 justification for this decision is provided below.

The site already benefits from Permission in principle for the erection of up to 3no. dwellings ref 20/01620/PIP. On this basis, the Highway Authority would not wish to object to the proposal subject to a condition for electric vehicle charging points in order to promote sustainable modes of transport, and the proposed access be surfaced to bound material in the interest of highway safety.

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

The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To promote sustainable travel and healthy communities.

Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 21.20.008 PL005 with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: In the interest of highway safety.

### **Tree Officer - 19th October 2021**

There is currently insufficient detail to assess the impact on the retained trees. The topographic survey has trees overlaid onto it and reference is made to a separate tree survey. The details of this survey are not currently available - this should be submitted.

An arb impact assessment should be submitted. As the ground is sloping, attention should be paid to any changes in ground level (see section 5.5.6 h of BS 5837:2012).

A tree protection plan should be submitted.

Until such documents are made available, it will be difficult to properly assess the merits of the landscape plan. All documents should be submitted for approval prior to determination. All documents should conform to BS 5837:2012.

### **Tree Officer - 7th December 2021**

Much tree removal has already occurred already within this site.

As such, new tree planting is the only way to mitigate for recent tree loss.

MHP Landscape Strategy of August 2021 (drawing no 20093.101) varies from that described within the MHP Nov 2021 Tree Protection Plan and Arb Impact assessment (Drawing no 200093.502 Rev A).

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The Landscape strategy describes relatively minor tree/hedge planting (5 field maple and 4 hawthorn and a mixed native hedge) whilst the TPP/AIA includes the planting of 3 wild service trees and 3 oak trees as well as mixed native hedge planting.

Oak trees have a long season in leaf (leaf loss is usually early December). As such these trees will provide screening into/out of the site. However it is considered preferable if some evergreen planting could take place as well as deciduous trees.

These evergreen species could take the form of native Scot's pine with an understory of eg bird cherry, wild service and other ultimately medium sized trees. However the proposed oak would also (ultimately) become landmark trees. Such a planting scenario would still afford long distance views, but a proposed avenue of pine would provide a welcome tree feature landmark seen from Old Bath Rd as well as Leckhampton Rd.

MHP landscape strategy and also report (para 2.2.9) suggests the planting of field maple at this address. However, on site observations revealed much squirrel related damage to remaining sycamore (maple species). As such, it is anticipated that new field maple will also be seriously damaged by squirrels and never thrive. As such alternative species are recommended.

Please could a revised landscape strategy be submitted and agreed as a part of the application. Such proposed planting should not only reflect the above but also include tree planting proposals to the west of the site.

It would be helpful if a firm decision could be made which reflects previous/current tree felling as well as future (ash tree) felling proposals. It would also be helpful if proposed pruning of T3 retained oak is also described (currently the tree has been suppressed by adjacent ash and as such should the adjacent ash trees be removed the retained oak may benefit from minor formative/cosmetic pruning.

### **Tree Officer - 19th January 2022**

The revised Landscape Strategy (MHP Drawing no 20093.101 Rev B) is welcome and indeed the suggestion of the native pine planting should ensure that the views are retained in the longer term (so there should not be undue pressure to remove these pines fronting Leckhampton Road). Other tree suggested planting is also welcome other than the proscribed beech trees.

It is considered that such a beech will grow too large for this setting and will cast heavy shade adjacent. It is likely that owners will want to remove/heavily prune these trees. However that assumes that the local squirrel population will leave the trees alone before they mature. It is more likely that they will damage the trees to such an extent that they will not thrive and will be removed. Please could the suggested tree species for the west of the site be changed to one that will not grow too large nor attract the unwanted attention of squirrels (or deer). More wild service trees (*Sorbus torminalis*), whitebeam (*Sorbus aria*) or bird cherry (*Prunus padus*) are more proportionate as well as not prone to attracting the attention of such pests and are native tree species.

Please could the suggested landscape plan be further amended.

The native hedge planting proposal is welcome.

### **Tree Officer - 21st January 2022**

The Revised Landscape plan (Drawing no 20093.101 Rev C) is acceptable. These trees hedges etc need to be retained in perpetuity for the site to remain aesthetically pleasing in the local environment. As such please use any conditions possible to retain them in the longer term.

The Revised Tree protection Plan (Drawing no 20093.502 Rev B) and a Part of MHP Arb Survey, AIA Report and received 21/1/22) is also acceptable. Please could these 2 documents be "Approved Documents" attached to any permission.

Please could a pre-site commencement site meeting to check protective fencing is to spec be attached as a condition to any planning permission to be issued.

### **Public Rights Of Way Department - 6th October 2021**

We note there is a submitted DMMO application under 573/11/130(1) for an additional footpath, currently with the Definitive Map Team and acknowledged within the application, our comments therefore relate only to the existing Public Rights of Way.

This application does not appear to affect the nearby public rights of way, ASH42 & CHL18 as long as this route remains unaffected, with no changes with the current access e.g. new Gates etc., we offer no objections.

Please note:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route (preferably providing a suitable alternative route); or

b) If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route by the Planning Authority under the Town and Country Planning Act 1990 as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order.

2) Additionally:-

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures (e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

It is important to note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights exist which have not been recorded or that higher rights exist on routes shown as public footpaths and bridleways.

### **Architects Panel - 25th November 2021**

#### **Design Concept**

The panel had reviewed a previous Pre-app scheme for this site and had supported the principle of development but advised the site was more suited to two detached dwellings rather than three originally proposed. This application has taken the comments on board and is a well considered design proposal.

The scale and character of the contemporary design works well with the steep contours of the site.

### Design Detail

The public right of way that runs down the west edge of the site is very close to the new buildings and the panel questioned whether further consideration is needed to fenestration and boundary landscaping to avoid overlooking/privacy issues that could result in unattractive post development remedial works.

The panel questioned the need for Trespa cladding which can look out of place on buildings so close to the AONB.

The panel acknowledged the application was fully considered in all aspects of design, in particular the detailed drainage proposals which are very welcome.

Recommendation  
Support.

### **Parish Council - 16th November 2021**

Leckhampton with Warden Hill Parish Council (LwWHPC) has significant concerns about this proposal and **STRONGLY OBJECTS** because of:

1. the road access on the downhill side of Leckhampton Road immediately opposite the busy junction with Old Bath Road which we believe to be hazardous.
2. several accidents have been documented by the junction of Leckhampton Road and Old Bath Road including on video: <https://youtu.be/PvZjmcAzMwA>
3. both cars and cyclists often descend the adjacent steep downhill carriageway at speed
4. the proximity of the site to AONB
5. potential compromise of the adjacent PROW (tramway) and its connecting footpath/proposed PROW through the site to Leckhampton Road.

When this application was discussed at a meeting of the Parish Council some expressed the view that due to the road access issue this was one of the most dangerous planning applications ever seen by the Parish Council.

LwWHPC therefore requests that this planning application is considered at full committee rather than being a delegated officer decision.

*15th October 2021* - Leckhampton with Warden Hill Parish Council (LwWHPC) has significant concerns about this proposal and objects to it because of:

The road access on the downhill side of Leckhampton Road immediately opposite the busy junction with Old Bath Road which we believe to be hazardous.

The proximity of the site to AONB

Potential compromise of the adjacent PROW (tramway) and its connecting footpath/proposed PROW through the site to Leckhampton Road.

LwWHPC therefore requests that this planning application is considered at full committee rather than being a delegated officer decision.

### **Publica Drainage And Flooding - 14th October 2021**

Site Geology and Source of Information

Soil - Slowly permeable seasonally wet slightly acid but base-rich loamy and clayey soils  
<https://www.landis.org.uk/soilscapes/>

Bedrock - Lias Group and Inferior Oolite Group - Limestone, Argillaceous Rocks and Subordinate Sandstone, Interbedded Geology of Britain viewer | British Geological Survey (BGS)

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Flooding History / EA Flood Zone According to the EA Flood Maps, the proposed development is in flood zone 1. <https://flood-map-for-planning.service.gov.uk/>

1. Surface water flood maps - there is no apparent surface water flood risk to the site according to the Risk of Flooding from Surface Water map.
2. Surface water flow route - there is no apparent surface water flow route through the site.
3. Historic flooding - there is no known history of flooding at the site.
4. Groundwater flooding - the site is in an area at High Risk according to Gloucestershire County Council's Groundwater Management Plan.
5. Within 20m of a watercourse - No

Surface Water Drainage Proposal Soakaway

Other Relevant Information (such as contours and levels of neighbouring plots) Site Area: 0.2 ha

Comments Surface Water Drainage

The geology of the area indicates that soakaways are not likely to be viable on site and an attempted infiltration test confirms this.

Instead, the applicant has identified a public surface water sewer in Leckhampton Road and is proposing to discharge into this. Considering there is no available watercourse nearby, this is acceptable. The discharge rate will be limited to the equivalent greenfield runoff rate for QBar and attenuation provided through the use of permeable paving and underground storage crates for events up to and including the 1 in 100 year plus 40% climate change.

The Drainage Layout, does not appear to show where the flow control will be located. This is important to understand as it may have implications for any future issues with the drainage.

The Drainage Strategy suggests that in events where the rainfall exceeds the design of the drainage, surface water will be directed off site via the access road. However, the driveway of plot 1 appears to be lower (119.900) than the access road (120.03 or 119.95). This means in exceedance events, surface water could flow towards plot 1. Can the applicant clarify this?

More information on the management and maintenance of the drainage network can be provided through a condition.

We would like to see waterbutts/rainwater harvesting being incorporated into the proposed surface water drainage system if possible.

### RECOMMENDATION

Additional Information Required (Please re-consult when received)

### SUMMARY REASON FOR RECOMMENDATION

Can the applicant clarify the above points to ensure the drainage layout is consistent with their description of the drainage strategy?

### **Publica Drainage And Flooding - 9th November 2021**

Surface Water Drainage

The drainage layout has been updated to show the location of the flow control.

The drainage layout also appears to confirm that exceedance flows could be directed towards plot 1. What measures will be put in place to minimise the risk that surface water

from the access road or plot 2 either doesn't reach the property or don't enter the property if flows do reach it?

More information on the maintenance strategy has been provided confirming that the responsibility will lie with the residents. Can the applicant confirm how responsibility for the draining of the access road will be determined as well as the network from SWC5, which is taking surface water from both properties? There is also no mention of the permeable paving, what maintenance requirements does this require?

### RECOMMENDATION

Additional Information Required (Please re-consult when received)

### SUMMARY REASON FOR RECOMMENDATION

Can the applicant clarify the above points?

#### **Publica Drainage And Flooding - 30th November 2021**

A detailed surface water drainage strategy has been provided that includes the size, position and construction of the drainage. Infiltration was attempted but was shown not to be effective so discharge will be to the public surface water sewer in Leckhampton Road at a rate restricted to the greenfield runoff rate for QBar. The drainage is shown to accommodate a 1 in 100 year rainfall event as well as climate change. A maintenance strategy has been included and, while maintenance may be difficult due to the underground nature and the low discharge rate, factors to mitigate this have been provided like the use of permeable paving which will manage the water quality. If the maintenance strategy is carried out, the drainage should be effective for its lifetime without putting the proposed property and others elsewhere at increased risk of flooding.

#### **Gloucestershire Centre For Environmental Records - 13th October 2021**

Report in documents tab

#### **Cheltenham Civic Society - 28th October 2021**

##### OBJECT

This is a very sensitive site on the edge of the AONB. Ideally it would not be developed, but given that permission in principle has been granted, it is important that any development is scrutinised and managed to ensure that it is sympathetic to its surroundings, and is not to the detriment of an important landscape.

The proposed buildings are very prominent. If they followed the contours of the land, rather than being square on, they would sit in the landscape better. Reducing the height of the Plot 2 building, or introducing pitched roofs would help with this.

The Civic Society Planning Forum's concerns include:

##### - Trees

Most of the mature trees on the site are ash and are likely to succumb to ash dieback (many have already). The replacements proposed are hedgerow trees; hawthorns and field maples. Replacement planting should be mature trees. Whilst we acknowledge the extent of development of the site makes it difficult to accommodate this replacement planting, perhaps permission can be secured for mature trees at the perimeters of the site.

##### - Public Right of Way

The footpath is the historic tramway, and should be protected, especially from heavy plant during the construction process, as well as ensuring public access and right of way throughout.

##### -Traffic

We share others' concerns about the road entrance onto a road which is already busy with fast moving traffic coming down the hill, and two nearby junctions. The entrance needs a much wider visibility splay, for vehicles turning out, which could be achieved by moving the boundary wall/ hedge of Plot 2 further from the road. The entrance needs to be 2 cars width at entrance.

- Water run-off

How will water run-off be managed, given the extent of the development of the site?

### **Environmental Health - 19th October 2021**

I have assessed the application from an Environmental Health perspective, and have no adverse comment on the application.

Informative

Given the proximity of the highway and road junction, traffic noise will be a significant impact at the site of the proposed dwellings. Design choices are described in the application towards limiting that noise impact.

Given the self-described 'high quality bespoke nature' of the development, in respect of noise control, that aim is likely to be achieved through careful consideration of noise control in materials, glazing and ventilation arrangements. This would be best informed by the following approach:-

A suitably qualified acoustic consultant should identify what (further) measures, if any, may be necessary to ensure that harm to amenity (including habitable rooms and gardens) is unlikely to result. A written report shall detail all measurements taken and results obtained, together with any sound reduction scheme recommended and the calculations and reasoning upon which any such scheme is based.

### **Ward Councillors - 17th January 2022**

Letter available to view in documents tab.

### **Ward Councillors - 27th January 2022**

Comment available to view in documents tab

### **Ward Councillors - 27th January 2022 –**

I'd like to draw the attention of county highways officers and all interested parties to the May 2021 Transport Report by Highways England (now National Highways) produced for the A417 missing link public examination which has just begun. You'll see the map Figure 7-1 on p50 in which the road past the application site, technically the C377 but called Route ID4 on that map and in the report, is projected to increase from a 2015 baseline Annual Average Daily Traffic (AADT) flow of 7000 vehicles a day to 7600 by 2041 under the 'do minimum' (DM) scenario and 11500 - a 51% increase in traffic - under the most likely 'do something' (DS) scenario which includes the preferred Option 30 for the A417 which is now being examined for the final go-ahead.

In the county council's joint Local Impact Report to the examination (with Tewkesbury and Cotswold councils), it asks (para 3.2.15) that National Highways' "should provide more information to demonstrate how the impacts associated with the traffic increase on the local roads network can be mitigated and how these measures would be secured and implemented".

The Transport Report anticipates one of the biggest increases on any minor road in the area on the C377 into Leckhampton, right past the application site in this case. So we can presumably assume that the request by the county council and the other councils for more information and mitigation plans and measures from National Highways will have been



prompted by concerns at the implications of increased traffic flows on this road and the other most seriously affected roads.

I share that concern and fear that is likely to make an already dangerous accident black spot even more dangerous in the near future and only adds weight to the road safety argument for this application to be turned down.

Cllr Martin Horwood  
26 January 2022

### 5. PUBLICITY AND REPRESENTATIONS

- 5.1 10 letters were sent to neighbouring properties, and a site notice was displayed. A total of 19 letters of representation have been received in response to this neighbour notification process.
- 5.2 Of the comments received, 15 object to the application, the concerns have been summarised but are not limited to the following:
- Highway safety, traffic generation
  - Visual amenity
  - Loss of trees / environmental impact
  - Impact on non-designated Public Right of Way
  - Loss of privacy
  - Design
- 5.3 3 letters of support and one general comment have also been received, the comments relate to:
- Use of infill site, rather than Greenbelt
  - Design
  - Increase in housing stock

### 6. OFFICER COMMENTS

- 6.1 **Determining Issues**
- 6.2 The main considerations of this application are design and layout, impact on neighbouring amenity, highway safety, flooding/drainage, and the impact on the landscape and site character.
- 6.3 The site and surrounding area has been visited and site photos have been provided in order to enable the assessment of the application.
- 6.4 **The site and its context**
- 6.5 The application site is a parcel of undeveloped land located at the foot of Leckhampton Hill and is directly opposite the junction with Old Bath Road. The site has an existing vehicular access from Leckhampton Road.
- 6.6 The site is located within the Principle Urban Area (PUA) and is situated between the disused reservoir to the West and the highway of Leckhampton Road to the East. The site

is adjacent to, but is not within the AONB and Greenbelt to the west. The constraints of the site include a public footpath that runs along the western boundary of the application site, as well as easements running through the site that relate to the former use of the reservoir site.

6.7 The application site is generally on higher land than that of the adjacent highway, and the site rises steeply from the north to the south. The site until recently was heavily treed, although it is noted that more recently a number of trees have been felled and cleared from the site. An existing stone boundary wall runs the length of the western boundary, parallel with the highway.

6.8 In terms of context, immediately to the west there is no development, to the south are dispersed detached properties accessed from Leckhampton Hill. To the north of the site is a new housing estate (Leckhampton Views/Rise). To the east of the highway is the more densely populated residential areas that include a mix of detached and semi-detached properties on Leckhampton Road and Old Bath Road.

### 6.9 **Permission in Principle (PIP)**

6.10 The applicant has successfully secured a PIP under application number 20/01620/PIP, which establishes the principle of developing this site for residential dwellings as acceptable. PIP is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development (stage 1) from the technical detail of the development (stage 2).

6.11 The PIP application established that the site was capable of development for up to 3 residential dwellings and therefore PIP was granted. With the principle having been established, the considerations of this application therefore only relate to the relevant design and technical details, which are discussed in later sections of this report.

6.12 Following the successful PIP application, a detailed pre-application was submitted to the LPA for comments on a scheme for 3 detached dwellings. Whilst officers generally supported the proposed design of the dwellings, including the stepped/tiered form, officers suggested that the applicant should consider a reduction in the number of dwellings due to the sensitivities and constraints of the site. In addition, officers also suggested that careful consideration needed to be given to the heights of the dwellings, and further suggested that the upper floor of the dwelling located in the lower section of the site should be removed.

6.13 Whilst PIP has already been granted, officers are also mindful that this application is being considered at a time where Cheltenham cannot currently demonstrate a 5 year housing land supply, therefore paragraph 11 of the NPPF is also relevant. Paragraph 11, sets out a '*presumption in favour of sustainable development*'. Where housing policies are out-of-date (including situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), the NPPF is quite clear that development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies as a whole, or specific NPPF policies provide clear reason for refusal.

### 6.14 **Design and layout**

6.15 Section 12 of the NPPF refers to achieving well designed spaces and states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

6.16 Adopted Cheltenham Plan Policy D1 requires new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. Furthermore, JCS policy SD4 relates to

design, and identifies considerations to include context and character, legibility and identity, amenity and space.

Further detail can also be found in Cheltenham's Supplementary Planning Document – Development on Garden Land and Infill Sites. This document sets out various elements that are considered to create the character of an area and includes grain, type of building, location of buildings, plot widths and building lines.

- 6.17 Officers are pleased to see that the officer comments provided at pre-application stage have been taken on-board, the scheme shows a reduction in the number of dwellings from 3 to 2, and the top floor of the dwelling in the lower section of the site has been removed.
- 6.18 The proposed layout shows one dwelling in the lower section of the site, providing accommodation over two levels, this includes lower ground floor and ground floor. The second dwelling sits on the higher section of the site, with the existing easement and access to the properties dividing the plots. The dwelling in the higher section provides accommodation over three floors. Whilst officers duly note that the dwellings are of a generous size, they sit comfortably within the plot and will reflect the general pattern of development on this side of Leckhampton Hill, which is generally detached properties sat in reasonably sized plots.
- 6.19 The design of the dwellings is clearly contemporary, the dwellings have a flat roof and tiered form which addresses the sloping nature of the site. Officers consider the design to be high quality with a good use of modern materials, these include Cotswold stone, timber and metal cladding, and render. The Architects Panel have reviewed the application and have provided comments which are in support of the form and general design approach. Officers note the concern regarding the use of 'Trespa Cladding', however there is minimal use of this product and therefore officers do not consider this to be unacceptable in this scheme. A condition requiring the submission material details has been suggested, and therefore will enable officers to carefully consider the material finishes.
- 6.20 Officers consider the proposal represents an acceptable modern and high quality design that will not result in any unacceptable harm to the design or character of its surroundings. Therefore, the application is considered to be compliant with adopted Cheltenham Plan Policy D1 and adopted JCS policy SD4.
- 6.21 Impact on landscape and trees**
- 6.22 The application site has a prominent position at the foot of the Hill, with particularly clear views of the site when travelling west on Old Bath Road. Whilst the site is not within the Cotswolds AONB or within the Greenbelt, the site is located adjacent to land within these designations, therefore any impact on the setting and character of these designations needs to be carefully considered. It is also clear that the site positively contributes to the landscape character of the area, as it is located at a point where the built up area of Cheltenham starts to move in to a more rural environment.
- 6.23 With regards to impact on the AONB, Policy SD7 of the JCS states '*All development proposals in or within the setting of the Cotswolds AONB will be required to conserve and, where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Proposals will be required to be consistent with the policies set out in the Cotswolds AONB Management Plan.*'
- 6.24 In terms of landscape, Policy SD6 of the JCS requires proposals to have regard to the local distinctiveness and historic character of the different landscapes. Developments are required to demonstrate how the development will protect or enhance character and avoid detrimental effects. The policy also requires applications to be supported by a Landscape and Visual Impact Assessment where the LPA consider it is necessary. Similarly, policy L1 of the Cheltenham plan states 'Development will only be permitted where it wouldn't

not harm the setting of Cheltenham including views into or out of areas of acknowledged importance.

- 6.25 Until recently the site contained a number of trees and vegetation. Since the application has been submitted, it is clear that a number of trees and vegetation have been removed. This was noted in comments from local residents and also noted in several consultee comments. The removal of these trees is unfortunate, however, given that none of these trees were protected, their removal did not require consent.
- 6.26 The council's tree officer has reviewed the application, and whilst no objection was raised, officers considered that the proposed landscape and planting scheme was not sufficient to mitigate the loss of the existing trees. In addition, some of the specified tree species were not considered to be appropriate for this site/ground type. The applicant has addressed these comments by providing a revised landscaping plan, this proposes a significant increase in the amount of planting/trees and a change in species, to reflect the tree officer's comments. The applicant has also submitted a Tree Protection Plan (TPP). The council's tree officer has reviewed the submitted information and considers this to now be acceptable.
- 6.27 The application is supported by a detailed Landscape and Visual Appraisal prepared by MHP chartered landscape architects. The Council has instructed its own landscape consultant to review and comment on the application, detailed comments and recommendations have been provided.

The assessment by the landscape consultant was carried out prior to the submission of the latest landscaping strategy. However, their comments conclude that the development would comply with the relevant landscape policies including JCS policy SD6 and SD7, Cheltenham Plan Policy L1 and NPPF paragraph 174 a). Within the conclusion, the comments emphasise that the landscape proposals for this development are particularly important in considering whether the application should be supported, officers agree that a successful landscaping and planting scheme is a significant factor in determining whether the scheme is successful or not. The landscape consultant has suggested various conditions, these align with officer comments regarding the need for a robust landscaping scheme and a maintenance program, as well as tree protection measures for existing trees.

- 6.28 Having considered all of the comments, officers are satisfied that the revised tree protection plan, tree protection measures and the revised landscaping plan is acceptable for this site and will ensure that development does not result in any unacceptable impact on the design or character of the landscape in this location.
- 6.29 Officers consider various conditions to be necessary, this includes compliance with the tree protection measures, implementation of the landscaping plan, and the submission of a landscape maintenance programme. Furthermore, due to the sensitivities of the site in terms of landscape, officers are suggesting the standard 5 year provision within these conditions is increased to 10 years.
- 6.30 Whilst acknowledging that the development will result in visual change for this currently undeveloped site, having sought a revised and more robust landscaping plan and with the suggested conditions attached, officers consider that the proposal will appropriately conserve the character of the surrounding landscape and will sit comfortably in its context, without resulting in any unacceptable harm to the design or character of the locality. The development is therefore considered to accord with JCS policies SD6 and SD7 of the JCS, Policy L1 of the Cheltenham Plan and the NPPF.
- 6.31 Due to the sensitive location of the site, and to ensure the design and character of the landscape is suitably maintained, further conditions are also considered necessary and

have therefore been suggested. These include; the removal of permitted development rights and a restriction on external lighting.

### **6.32 Impact on neighbouring property**

6.33 It is necessary to consider the impact of development on neighbouring amenity. JCS Policy SD14 and Cheltenham Plan Policy SL1 state how development should not cause unacceptable harm to the amenity of neighbouring properties. Matters such as a potential loss of light, loss of privacy, loss of outlook, noise disturbances and overbearing impact will therefore be considered.

6.34 The only neighbouring property that shares a boundary with the application site is a detached property to the south known as Undercliff. This property is positioned approximately 40 metres from the site boundary and would be approximately 58 metres away from the nearest proposed dwelling located in the southern section of the site. Given this relationship, the proposed development will not result in any unacceptable impact on this property. Other surrounding properties are located on the opposite side of the highway, and whilst the new development would be visible from these neighbouring properties, the development would not result in any harmful impact upon their existing amenity.

6.35 The development is therefore considered to be compliant with adopted Cheltenham Plan policy SL1 and adopted JCS policy SD14 in terms of protecting neighbouring amenity.

### **6.36 Access and highway issues**

6.37 The majority of the concerns raised in the letters of representations received by local residents relate to highway safety concerns, these concerns are also raised in comments from the Parish Council, the Civic Society and from both ward councillors.

6.38 Gloucester County Council's Highways department have reviewed the application and their detailed comments can be read above. As with the PIP application, no objection is raised to the application, however two conditions have been suggested, one relates to the provision of electric vehicle charging points and the other regarding the access layout.

6.39 The conditions suggested by the highways officer are considered necessary and have therefore been attached. With these conditions attached, the proposed development is considered to be compliant with Adopted JCS policy INF1 and will not result in any unacceptable highway safety implications.

6.40 Officers are aware that direct contact from the ward councillors has been made with Gloucestershire Highways in order to further discuss the Highways comments. Various pieces of information/evidence has been submitted and provided to the highways authority for review. The Highways authority have confirmed that they have further reviewed the scheme and the information presented to them, and a further site visit has been undertaken. Their follow up comments have not been received at the time of writing this report, however these will be provided by way of an update, ahead of the committee meeting.

### **6.41 Surface water drainage**

6.42 The application site is not located within flood zone 2 or 3, however due to the sloping nature of the site and its location, the sites development could have an impact on surface water management and drainage. Officers have therefore liaised with the council's flooding consultant, who has reviewed the application and provided detailed comments. The consultant initially requested further detail, which was later received.

6.43 Having reviewed the revised maintenance and drainage strategy, the consultant raises no objection to the application. The development is not considered to result in any unacceptable flooding or surface water run off implications and is therefore considered to be compliant with adopted JCS policy INF2. A condition has been suggested to ensure the development is carried out in accordance with the submitted strategy.

### 6.44 **Public Rights of Way (PROW)**

6.45 As already acknowledged above, a Public Right of Way runs along the western boundary of the site (ref: ASH42 & CHL18). Whilst the development does not directly affect these in any way, the County Council have been consulted and comments have been received. No objection has been raised, however, important details have been provided for the applicant's information. This has been added by way of an informative (4).

6.46 In addition to the above, the LPA are also aware that there is an alleged Public Right Of Way that is suggested to be crossing the application site. This route is not included on the Definitive Map's held by Gloucestershire County Council (GCC), however the LPA are aware that an application has been made to GCC for this route to be included within the Definitive Maps register. The Definitive Map Modification Order (DMMO) application has not yet been determined by GCC.

6.47 The LPA have liaised with the Council's legal team to understand how the above may affect the planning application process. The Council's legal team have confirmed that the planning application can be processed and determined prior to any decision being made on the DMMO application.

Whilst a decision on the planning application can be made, it is important to note that if the application to add this route to the definitive maps is successful then the development, if approved, would not be able to go ahead as planned, as it is a criminal offence to obstruct a PROW under the Section 137 Highways Act 1980. If the development is approved, and then the PROW is added to the definitive maps, the applicant would be required to apply to the Council under Section 257 of the Town and Country Planning Act 1990 for the path to be diverted, however there is no guarantee this will be successful. Alternatively the applicant would need to submit a revised application to resolve conflict with this PROW. The applicant is aware of this information, however a further informative (2) has been added.

### 6.48 **Other considerations**

#### 6.49 *Environmental Impact*

Records show that important species have been sighted near the application site in the past, however none of these identified species fall within the protected species category. The loss of existing trees and vegetation is unfortunate for wildlife, however the proposed planting within the landscaping plan will mitigate any environmental loss as a result of the site clearance.

#### 6.50 *Public Sector Equalities Duty (PSED)*

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics;
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

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

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 Having acknowledged that permission in principle has already been granted for up to 3 dwellings on this site, and with the presumption in favour of development that is required under paragraph 11 of the NPPF, for the reasons discussed above, the development is not considered to result in any adverse impacts that would significantly or demonstrably outweigh the benefits of the scheme, which in this case would be a contribution to Cheltenham’s housing stock.
- 7.2 Having considered all of the above, officer recommendation is to permit the application, subject to the conditions set out below;

## 8. CONDITIONS / INFORMATIVES

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

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

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

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

- 3 Prior to the commencement of development (including demolition and site clearance), the Tree Protection measures identified in drawing number 20093.502 B and the mhp Arboricultural survey, impact assessment and protection plan received on 21st January 2022 be installed, inspected and approved in writing by the Local Planning Authority, these measures 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.

- 4 All landscaping works shall be carried out in accordance with the approved details (drawing no. 20093.101 C) 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 10 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, GI3 and L1 of the Cheltenham Plan (2020), and adopted policies SD4, SD6, SD7 and INF3 of the Joint Core Strategy (2017).

- 5 Prior to the implementation of the landscaping strategy as detailed in drawing number 20093.101 C, a Landscape Management Plan based on the Landscape Strategy drawing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise of a drawing and document that covers:
- a. Aims and objectives of the scheme
  - b. A plan with annotations showing the soft landscape, hard landscape, vegetation and artificial features to be retained, created and/or managed;
  - c. Measures (including establishment, enhancement and after-care) for achieving the aims and objectives of management;
  - d. A work and maintenance schedule for 10 years and arrangements for beyond this time;
  - e. Monitoring and remedial or contingency measures;

The scheme shall be implemented as approved by the Local Planning Authority.

Reason: To conserve and enhance the landscape value of the land and in accordance with JCS policies D1, GI2, GI3 and L1 of the Cheltenham Plan (2020), and adopted policies SD4, SD6, SD7 and INF3 of the Joint Core Strategy (2017).

- 6 The development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and Manual for Gloucestershire Streets. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging points shall be of the same specification or a higher specification in terms of charging performance.

Reason: To prioritise movement by sustainable transport modes, having regard to adopted policy SD4 of the Joint Core Strategy (2017) and paragraph 110 of the National Planning Policy Framework (2019).

- 7 Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan drawing no. 21.20.008 PL005 with the area of driveway within at least 5.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: In the interests of highway safety, in accordance with adopted JCS policy INF1.

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

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

- i) specify the type and number of vehicles expected during the construction of the development;
- ii) allocate space for the parking of vehicles for site operatives and visitors;
- iii) allocate space for the loading and unloading of plant and materials;
- iv) allocate space for the storage of plant and materials used in constructing the development;
- v) specify the intended hours of construction;
- vi) specify measures to control the emission of noise, dust and dirt during construction;



- vii) provide for wheel washing facilities; and
- viii) specify the access points to be used and maintained during the construction phase.

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

- 9 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 and to conserve the landscape value of the land, in accordance with JCS policies D1, GI2, GI3 and L1 of the Cheltenham Plan (2020), and adopted policies SD4, SD6, SD7 and INF3 of the Joint Core Strategy (2017).

- 10 The works shall be carried out in accordance with the information and measures contained within the Drainage and Maintenance strategy received on 18th November 2021.

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 accordance with adopted JCS policy INF2.

- 11 Prior to the installation of any external lighting, details of the lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area with regard to Cheltenham Plan policies D1, L1 and SL1, adopted JCS policies SD6, SD7, SD9 and SD14, and the Cotswold AONB Management Plan 2018-23.

- 12 No external facing materials shall be applied unless in accordance with:  
a) a written specification of the materials; and  
b) photos of the 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).

### 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 Local Planning Authority (LPA) are aware that there is an alleged Public Right Of Way (PROW) that is suggested to be crossing the application site. This route is not included on the Definitive Map's held by Gloucestershire County Council (GCC), however the LPA are aware that an application has been made to GCC for this route to be included within the Definitive Maps register. The Definitive Map Modification Order (DMMO) application to add this route has not yet been determined by GCC.

The applicant should be aware that if the PROW is established, it is a criminal offence to obstruct the PROW under the Section 137 Highways Act 1980. In order to be able to complete the development as proposed, the applicant would be required to apply to the Council under Section 257 of the Town and Country Planning Act 1990 for the path to be diverted. The applicant should be aware that there is no guarantee that an application for a diversion will be successful.

- 3 Given the proximity of the highway and road junction, traffic noise will be a significant impact at the site of the proposed dwellings. The applicant should therefore give careful consideration to noise control through their choice of materials, glazing and ventilation arrangements.
- 4 With regards to the existing nearby public rights of way, ASH42 & CHL18, the County Council have offered the following information that the applicant should be aware of:

1) No change to the surface of the public right of way can be approved without consultation with the County Council and there must be no interference with the public right of way, either during development or once it has been completed, unless:-

a) The development will temporarily affect the public right of way; then the developer must apply and pay for a temporary closure of the route (preferably providing a suitable alternative route); or

b) If the development will permanently affect the public right of way, then the developer must apply for a diversion of the route by the Planning Authority under the Town and Country Planning Act 1990 as part of the planning application process. No development should take place affecting the route of the path prior to the confirmation of a TCPA path diversion order.

2)

a) There must be no encroachment on the width of the public right of way.

b) No building materials may be stored on the public right of way.

c) Vehicle movements during construction should not unreasonably interfere with the use of the public right of way by walkers, etc., and the developer or applicant is responsible for safeguarding the public use of the way at all times.

d) No additional temporary or permanent barriers (e.g. gates, stiles, wildlife fencing) may be placed across the public right of way and no additional gradients or structures

(e.g. steps or bridges) are to be introduced on any existing or proposed public rights of way without the consent of the county council.

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<b>APPLICATION NO: 21/02148/FUL</b>		<b>OFFICER: Mr Ben Warren</b>
<b>DATE REGISTERED:</b> 28th September 2021		<b>DATE OF EXPIRY :</b> 23rd November 2021
<b>WARD:</b> Leckhampton		<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	The Applicant	
<b>LOCATION:</b>	Land East Of Leckhampton Reservoir Leckhampton Hill Cheltenham	
<b>PROPOSAL:</b>	The erection of 2 dwellings	

## REPRESENTATIONS

Number of contributors	<b>13</b>
Number of objections	<b>9</b>
Number of representations	<b>1</b>
Number of supporting	<b>3</b>

18 Foxglove Grove  
Cheltenham  
Gloucestershire  
GL53 0FL

### **Comments:** 5th November 2021

Having lived in Leckhampton for the last decade and moved house in the last twelve months, many of our viewings were by potential buyers from London, a trend which is placing unprecedented demand on housing for Cheltenham - Leckhampton and Charlton Kings in particular - at a time when the council cannot meet its supply targets. The only viable option for us to live in a modern energy efficient home was a Redrow new build on what was previously a much contested green field site.

In comparison, this infill site within the urban area is exactly the sort of development that will help mitigate otherwise inevitable future encroachment upon the green belt.

Wensley  
Undercliff Avenue  
Cheltenham  
Gloucestershire  
GL53 9AA

### **Comments:** 25th October 2021

We object to this planning application.

On the following grounds:

Highway safety - lack of visibility for debouching of vehicles onto B4070 at the bottom of the busy Leckhampton Hill/ Old Bath Road junction.

We live on Undercliff Avenue - which is already a difficult, risky junction to exit - this will be made worse by traffic exiting this proposed site.

### Traffic generation

As above this area is already busy and dangerous for exiting onto the B4070 - during the build this will increase the traffic onto this area.

### Visual Amenity of this area

Already there has been considerable overdevelopment to the left hand side of Leckhampton Road near the scout hut/ reservoir area.

The Brambles  
Leckhampton Hill  
Cheltenham  
GL53 9QJ

### **Comments:** 6th November 2021

I support this proposal for what appears to be a well-designed scheme which follows the contours of the landscape, seems to fit within its setting, and helps provide housing during a shortage from an otherwise useless piece of land.

I drive (walk and cycle) up and down the hill past this site at least once a day and do not share others concerns on road safety. CrashMap data found online: four 'slight' accidents in 22 years.

Given neither of the County Council's Highways or PROW teams objected there is no reason to withhold permission for two houses when there is already permission in principle for three, (and I find it odd the parish council objects to two houses when it chose not to object to three).

If safety is a genuine concern then I would like to see the cut-through moved to go via the existing reservoir access, as others have suggested, and better maintenance of the old tramway (fallen trees overhead, overgrown, unstable, narrow, and mountain bikers using it illegally).

346 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9AF

### **Comments:** 19th January 2022

I am objecting to this development on the grounds of road safety; this is a very bad idea.

For many years I have used the junction between Leckhampton Road and Old Bath Road (OBR) usually to turn right from OBR to go north (downhill) on Leckhampton Road. I can honestly say that I have NEVER seen a vehicle turn into or out of the reservoir site, although I do accept Severn Trent occasionally did access the site. My point of mentioning the above is that I doubt if it was ever accessed during busy commuting times.

As a driver I think the junction is already more complicated than it first appears; there are three lanes on OBR plus Undercliff Avenue.

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Turning north from OBR can be quite taxing already. Vehicles travelling south on Leckhampton Road, may or may not turn onto OBR; vehicles travelling north may be turning into OBR using the central slip lane or maybe continuing downhill on Leckhampton Road (ignoring Undercliff Avenue as an additional option).

The prospect of adding a fifth access point opposite to the other four hardly bares thinking about. Turning out of the proposed development during busy periods is not something I'd be keen to do in a daily basis.

There are also other factors that need to be considered: each time there's an accident on the A417 near to the Air Balloon, the volume of traffic descending down the hill increases enormously; every race day at Prestbury produces two large waves of traffic through the junction in addition to the daily rush hour traffic; cyclists descend the hill at high speed and the danger to them will be significantly increased by traffic emerging from this development.

Has it actually been considered how vehicles will safely turn off Leckhampton Road into the proposed developed when travelling south? There is frequently a queue of traffic coming down the hill to turn onto OBR, so whilst waiting for this to clear, traffic turning from OBR will be blocked.

I note that one of the comments supporting the development is about how low the accident rate is currently. Why should we wait until a junction has accident stats which are unacceptable before deciding something is a bad idea? It's clear that this plan will increase the danger at this junction.

My final point here is about how sad it is to have watched how the development has already decimated the woodland through which I have walked hundreds of times - a classic case of deforestation by stealth, over a two year period.

3 Undercliff Avenue  
Cheltenham  
Gloucestershire  
GL53 9AB

### **Comments:** 9th October 2021

I continue to object to this development on the grounds of health and safety.

The entrance to this site is at the confluence of Leckhampton road and old Bath road and the volume Motorists and cyclists, means the risk to accident is already high, and worsens in winter when visibility and road surfaces are poor.

I acknowledge, as per the access report, there is already access to the site. Of course this was for the reservoir and used infrequently.

This development will mean a constant flow of traffic in and out of site. I urge the council to stand at the junction or Undercliff Avenue at 8am to to observe how much more likely the risk of serious accident / fatality this development presents. I urge the planning committee to rethink the suitability of this site for development on the grounds of health and safety.

6 Leckhampton Rise  
Cheltenham  
Gloucestershire  
GL53 0AP

**Comments:** 31st January 2022

I'm objecting to the proposed application on the grounds of safety. The exit from the proposed site is on a steep area of Leckhampton Hill, a blind bend, and just yards past where the speed limit drops from 40mph to 30mph. The junction between Old Bath Road, Leckhampton Road and Undercliff Avenue is already difficult to navigate, due to cars and bikes speeding down the hill. Whenever the speed trap besides the Scout Hut is operational, it always indicates multiple vehicles travelling well over 30mph on that stretch of road. Further, due to the nature of the road as it bends, there is poor visibility of the potential dangers ahead as vehicles travel downhill.

10 Pilford Avenue  
Cheltenham  
Gloucestershire  
GL53 9EH

**Comments:** 21st October 2021

I support this application as it helps fulfill Cheltenham's need to build more housing. This proposed project is utilizing open land without any other possible use. The plans have a sensitive approach which considers the surrounding land and properties.

376 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9AD

**Comments:** 17th October 2021

As stated previously in response to the PIP application, we object to this planning application on health and safety grounds. At peak times this area is very busy, and traffic at all times of day far exceeds the speed limits. At present the entrance to this site is only used very occasionally when Severn Trent need access to their pumping station. The opening to this plot of land is almost at the bottom of Leckhampton Hill opposite the split junction with the Old Bath Road and Undercliff Avenue. The gradient and camber here is extreme which adds to the problem. The visibility on exiting this proposed building plot is compromised by both the bend, the slope of the road and the poor light levels due to trees and vegetation. In winter and inclement weather this becomes even more the case.

This is a very hazardous junction with two major roads (Leckhampton Hill/Road and the Old Bath Road) meeting two minor roads (Undercliff Avenue/Undercliff Terrace). Both these minor roads have recently had significant housing development resulting in extra traffic using these junctions. This is a complicated, confusing junction with the attention of drivers'/cyclists' coming down the hill being drawn to the right. The hill is very popular with cyclists who descend the hill at high speeds. They blend into the landscape and unfortunately are very difficult to see.



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A high percentage of vehicles travelling down the Hill turn right into the Old Bath Road, heading towards the Richard Pates School and the Charlton Kings area. The current road markings define a refuge area for these vehicles, which in itself is insufficient, as traffic backs up the hill waiting to pass, thus blocking the entrance to the proposed development. Vehicles coming from the opposite direction wishing to turn right into the reservoir site from Leckhampton Road would be unable to find space to wait and would be a definite hazard. There is already significant driver irritation at the current junction with drivers speeding out of the Old Bath Road up Leckhampton Hill without pausing with daily near misses.

We do not understand whether the planners wish to alter the present access. In the application in answer to point 8. Pedestrian and Vehicle Access, Roads and Rights of Way: Is a new or altered vehicular access proposed to or from the public highway? - the answer given is Yes.

We are not reassured that the developers appreciate the importance of this area to the many walkers and dog walkers who use the public right of way, which borders the proposed development and divides it from the reservoir, and who use the stile to access the AONB and enjoy the landscape.

Regarding the mention in Birketts LLP report of the formal application for a public right of way to be recognised from Leckhampton Hill through to the stile on the public walkway, we are disappointed at the tone and that they do not appear understand that a footpath that has been used for many years would not be straight and would vary in width as walkers navigate a slope through woodland. Of course, the woodland has recently been felled and walkers now have to walk around the tree trunks which have been left creating a modified path.

374 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9AD

**Comments:** 25th October 2021

The Erection of 2 dwellings at Land East of Leckhampton Reservoir Leckhampton Hill  
Cheltenham

As stated in the PIP application I strongly object to this development due to health & safety factors. Leckhampton Hill is a very busy road, particular with commuters, and any added traffic trying to get in and out of the proposed development would just be an accident waiting to happen. The original entry to the site was for Severn Trent to very occasionally use for access and not on a daily basis.

There has already been increased development in Undercliff Avenue & Terrace, which will add to the traffic on this junction.

Added to which it is an area used by the local community and walkers in an AONB, including a haven for wildlife and should be left as an amenity for the local residents.

Although, my address is 374 Old Bath Road, my garage and vehicular access is from Undercliff Avenue and, therefore, aware of the increased traffic difficulties.

372 Old Bath Road  
Cheltenham  
Gloucestershire  
GL53 9AD

**Comments:** 25th October 2021

We object to the proposed development on the following grounds:

**Road Safety:**

The creation of residential dwellings as proposed in the plans will effectively introduce a new access point to Leckhampton Road directly opposite the junction with Old Bath Road and Undercliffe Avenue. Until now the existing site has only been accessed very infrequently by Severn Trent service vehicles and therefore did not cause any significant safety risk. The proposed development will result in frequent daily vehicle movements into/from the site. Given that there are already two other roads joining Leckhampton Road at the same point, and since the site access is on the downhill side of the road, this will create a situation where accidents are bound to happen. Leckhampton Hill is very well used by cyclists and the risk of them colliding with vehicles exiting the site must be very high.

My understanding is the developers have options/rights to the former reservoir site immediately to the west of the proposed development. The danger will become even more acute if the former reservoir site was later further developed with the addition of more dwellings.

**Environmental Damage:**

As reported in the Ecological Appraisal, we have witnessed the developers cutting down many mature trees and partially clearing the site during the past two year. The plans also require further felling of trees. If the development is allowed, the result will be replacement of a mature woodland area which is a haven for various wildlife species by large buildings made of concrete and other CO2 intensive materials. This is entirely inconsistent with national targets to reduce CO2 emissions.

**Privacy:**

The window on the eastern side of the sitting room in the proposed property on plot 1 will overlook our front first floor bedroom. Whilst the plans include "native species hedgerow planting" immediately inside the current boundary wall, there is no guarantee the hedge will grow high enough or will not be cut down by the property owners.

2 Leckhampton Rise  
Cheltenham  
Gloucestershire  
GL53 0AP

**Comments:** 31st January 2022

I object on the basis that entry to and from this site is not safe. I regularly use the junction from Old Bath Road, turning into Leckhampton Road, and this is a busy section of road. Traffic always travels quickly down Leckhampton Hill and entrance to and from this site would be dangerous.

Hillside  
Undercliff Avenue  
Cheltenham  
Gloucestershire  
GL53 9AA

**Comments:** 26th October 2021

I live in Undercliff Avenue and confirm my agreement with comments made by other objectors as to the unsuitability of this proposed development because of Highway Safety issues

This is already a very dangerous junction with multiple accesses and adding a further access point to serve 2 houses with potentially a large number of cars is surely ill advised. The previous access to the Site was used very infrequently by Severn Trent Water (once every 2 months at most and then by one vehicle ) and therefore it can't be validly argued that a precedence has been set.

The inherent danger is greatly increased at busy times and during the winter months when visibility is very much reduced.

I would urge the Council to refuse the Application for this very valid reason.

57 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0BJ

**Comments:** 4th November 2021

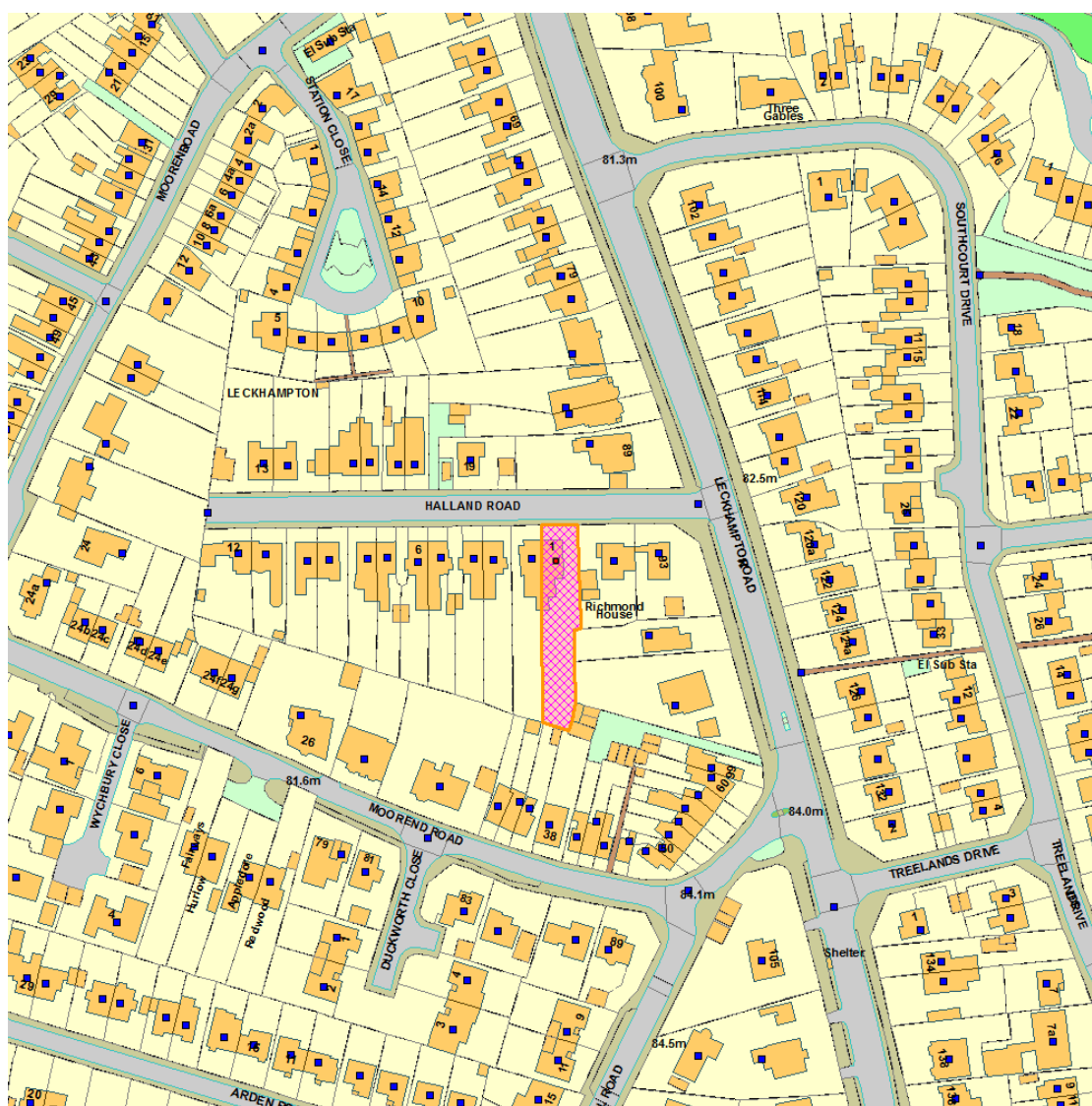
There is at present a (possibly unauthorised) footpath across this bit of land which is a useful link from Leckhampton Hill (opposite the end of Undercliff Avenue) to the route of the abandoned tramway incline and thus to the field above Collum End Rise. It will be a pity to lose this useful shortcut. Perhaps the present access to the reservoir could be opened up as part of the development as an alternative for walkers.

The design of the houses isn't what I would have chosen and is out of character with nearby properties but I concede that this is all a matter of taste...

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<b>APPLICATION NO:</b> 21/02330/FUL	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 22nd October 2021	<b>DATE OF EXPIRY:</b> 17th December 2021
<b>DATE VALIDATED:</b> 22nd October 2021	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Mr Phil Marsh
<b>AGENT:</b>	JW Architectural Studio
<b>LOCATION:</b>	1 Halland Road Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Alterations and extensions (revised scheme to previously approved planning application ref. 20/01107/FUL)

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to 1 Halland Road; a semi-detached, three storey, residential property located on a residential cul-de-sac. The site is located within the Leckhampton Character Area of Cheltenham's Central Conservation Area.
- 1.2 The applicant is seeking planning permission for alterations and extensions to the main dwelling.
- 1.3 This application has been amended throughout the course of the application to address concerns relating to design and the impact on the conservation area; the following changes have been made to this application;
- Reduce height of single storey rear extension by 0.2 metres,
  - Front elevation changed back to the previously approved pitched garage with decorative fascia board,
  - Removal of proposed chimneys.
- 1.4 There have been a number of applications on this site, with the first being in 2019 (ref. 19/00365/FUL). In 2020 an application (ref. 20/01107/FUL) was submitted seeking changes to the 2019 approved scheme; the 2020 revised scheme was approved. This application is now seeking further amendments to the 2020 scheme, the following changes are proposed:
- Increase in height of the single storey rear extension by 0.6 metres,
  - Change in the façade of the single storey rear extension,
  - Alterations to the front entrance porch,
  - Reduction in height of the garage.
- 1.5 The application is before the planning committee at the request of Councillor Horwood due to the design, scale and impact on the conservation area; and an objection from the Parish Council.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

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

### **Relevant Planning History:**

**07/00342/CACN    1st May 2007    OBJECT**

Western red cedar - fell

**07/01159/CONF    18th October 2007    CONFIR**

Confirmation of Tree Preservation Order 639: Western red cedar (Thuja) at front of property

**12/01727/CACN    11th December 2012    NOOBJ**

Holly Tree - fell

**19/00064/TPO    22nd February 2019    PER**

Western Red Cedar to be felled

**19/00365/FUL    26th April 2019    PER**

Proposed single storey side/rear extension, attached garage with office above and new rear dormers

**20/01107/FUL 8th September 2020 PER**

Alterations and extensions (revised scheme to planning application ref. 19/00365/FUL)

### **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 Joint Core Strategy Policies**

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

#### **Cheltenham Plan Policies**

D1 Design

SL1 Safe and Sustainable Living

#### **Supplementary Planning Guidance/Documents**

Residential Alterations and Extensions (2008)

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

### **4. CONSULTATIONS**

#### **Building Control**

*12th November 2021 –*

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

#### **Parish Council**

*11th November 2021 –*

The Parish Council objects to the application on the following grounds:

1. The previously approved application 20/01107/FUL has gables over the garage and porch that match the style of the house. This is far more in keeping with the conservation area than the flat roof design that is now being proposed in the application.
2. The proposal to raise the roof height of the rear extension by about 21 inches compared with that in application 20/01107/FUL will increase the impact on the adjoining property. It is not clear why this increased height is justified. Given that the extension comes almost up to the boundary its height should be kept as low as possible to minimise the impact.
3. There appears to be a discrepancy between the proposed site plan which shows the front part of the extension coming right up to the boundary and the proposed floor plans which shows there is a gap of about 0.4 metres between the boundary and the front part of the extension.

### **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>9</b>
Total comments received	<b>2</b>
Number of objections	<b>2</b>

Number of supporting	0
General comment	0

- 5.1 Letters have been sent to X neighbouring properties, a site notice has been displayed and an advert placed in the Gloucestershire Echo; two objections have been received.
- 5.2 A summary of the main points raised by the neighbouring residents include, but are not limited to, the following
- Extension large in scale,
  - Out of character with the distinctive character of the main house,
  - [initially proposed] Front elevation not in-keeping with the area,
  - Overdevelopment of site as extension projects beyond rear building line,
  - Height of rear extension is overbearing and overshadowing,
  - Overbearing,
  - Loss of light to external patio area.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.2 As mentioned in the introduction, this is a revised scheme to a previously approved scheme. Officers are only considering the changes proposed as part of this application; these changes include the following:
- Increase in height of the single storey rear extension by 0.6 metres,
  - Change in the façade of the single storey rear extension,
  - Alterations to the front entrance porch,
  - Reduction in height of the garage.

- 6.3 The principle of the works and footprint of the single storey rear extension have already been approved in both the 2019 and 2020 applications, and therefore must remain to be acceptable given there have been no change to policy or guidance that would alter this decision.

- 6.4 The key consideration for this application is therefore the acceptability of the proposed changes as set out above in terms of design, impact on the conservation area and the impact on neighbouring amenity.

### 6.5 Design

- 6.6 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. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.
- 6.7 The Council's Supplementary Planning Document: Residential Alterations and Extensions set out five basic design principles; maintain character, subservience, ensure adequate daylight, maintain space between buildings and maintain privacy. The document emphasises the importance of later additions achieving subservience in relation to the parent dwelling setting out an extension should not dominate or detract from the original building, but play a supporting role.



- 6.8 The initial scheme proposed to change the front elevation from a pitched roof to a flat roof. The initially submitted scheme has been revised at officer's request as the flat roof was considered to be of a poor design, did not respond to the design of the parent dwelling and did not achieve a high standard of design as per the previous scheme. As such, the proposal has been amended to revert to the design of the previously approved scheme which is considered to be more appropriate for its setting in the conservation area and relationship with the parent dwelling.
- 6.9 The proposed porch is to be omitted from this scheme and now proposes the front door to be set back from the front elevation of the main dwelling and flush with the garage. The roof would be a pitched lean-to roof with detailing to match the garage and the main dwelling. The design is considered to be acceptable and ensures an in-keeping design.
- 6.10 The proposed garage is to be reduced in height, and no longer providing first floor accommodation. The revised design is considered to be acceptable.
- 6.11 The proposed changes as part of this revised scheme, taking into consideration the submission of revised drawings, are considered to be acceptable in terms of design and would not result in harm to the character of the conservation area. The proposed changes as part of this application are considered to comply with policy SD4 of the JCS, policy D1 of the Cheltenham Plan and the guidance set out within the relevant guidance documents.
- 6.12 Impact on neighbouring property**
- 6.13 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; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.14 Two neighbouring residents have objected to the application; a summary of the main planning related matters raised are set out above. The main concerns relate to the scale of the proposed rear extension and subsequent impact on the amenity of those adjoining land users. As already mentioned, the footprint is not proposed to change as part of this revised application as the principle of this has already been permitted, as such the footprint does not form part of the consideration of this application. However the height of the extension can be considered as this application initially proposed to increase the height by 0.8 metres from the previously approved scheme. Officers had concerns and therefore requested that the initially submitted height be reduced as it was proposed to be approximately 3.7 metres which seemed overly high. The applicant dropped the height by 0.2 metres and advised that it could not be reduced any further due to *"the internal ground level being a level threshold throughout to ensure disabled access and in line with the lifetime homes as this will be a forever home for the applicants. Also due to the high ceilings of the original house we have tried to replicate this through into the proposed extension."* The impact of the additional 0.6 metres in height of the single storey rear extension as part of this application has been assessed on neighbouring amenity and is it considered that the additional height would not result in an unacceptable harm to neighbouring amenity given the relationship with and layout of adjoining properties. Whilst the neighbours' concerns have been duly noted, it is considered that the additional height would not result in an overbearing impact, an unacceptable loss of light to habitable rooms or loss of privacy to neighbouring properties. It is therefore considered that the proposal would comply with policy SD14 of the JCS and policy SL1 of the Cheltenham Plan in terms of protecting neighbouring amenity.
- 6.15 Other considerations**
- 6.16 Neighbour comments**

Comments have been made by neighbours that fall outside of the relevant planning considerations such as internal layout and party wall. The applicant has confirmed that, in

response to comments over the internal layout, that *“the secondary internal staircase was to access a room above the Kitchen to allow for a larger bedroom on the first floor without lengthy corridors creating wasted space as there was in the existing property”*. In regards to Party walls; this is a civil matter to be dealt with between land users.

### 6.17 Public Sector Equalities Duty (PSED)

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

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

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

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

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 For the reasons set out within this report, the proposed changes as part of this application as set out in paragraphs 1.4 and 6.2 are acceptable in terms of design, impact on the conservation area and impact on neighbouring amenity; therefore in accordance with the relevant planning policies and guidance.
- 7.2 The recommendation is to therefore permit this application subject to the conditions set out below.

## 8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of this decision.  
  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The planning permission hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 All external facing brickwork shall match that of the existing building unless otherwise first agreed in writing by the Local Planning Authority.  
  
Reason: In the interests of the character and appearance of the area, having regard to policy D1 of the Cheltenham Plan (2020) and adopted policy SD4 of the Joint Core Strategy (2017).
- 4 Notwithstanding the submitted details, the proposed black cladding shall not 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).

### **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 scheme to achieve a more appropriate standard of design.

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

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<b>APPLICATION NO: 21/02330/FUL</b>		<b>OFFICER: Miss Claire Donnelly</b>
<b>DATE REGISTERED:</b> 22nd October 2021		<b>DATE OF EXPIRY :</b> 17th December 2021
<b>WARD:</b> Leckhampton		<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	Mr Phil Marsh	
<b>LOCATION:</b>	1 Halland Road Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Alterations and extensions (revised scheme to previously approved planning application ref. 20/01107/FUL)	

## REPRESENTATIONS

Number of contributors	<b>2</b>
Number of objections	<b>2</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

2 Halland Road  
Cheltenham  
Gloucestershire  
GL53 0DJ

### **Comments:** 10th November 2021

As the adjoining neighbour, I wish to strongly object to this planning application for the following reasons:

1) The proposed side and rear extension is a huge brick box tacked onto the side of a house that otherwise displays a wealth of architectural features. It does not fit with the distinctiveness, visual appeal and historic character of the house - which sits within a Conservation Area. In the existing plans which were approved in 2019, efforts were made to match the extension with the style of the main dwelling by employing pitched slate roofing and matching fascia boards on the front elevation. These new proposals have abandoned any effort to preserve and enhance the character and appearance of the house or the neighbourhood. The Design and Access Statement asserts that the extension will use "decorative fascia (sic) boards which matches the existing and adjoining property to be in keeping with the road frontage and nearby properties". This appears to be untrue since there are no decorative fascia boards on the designs currently under consideration.

2) The intended front elevation is not in keeping with other domestic building extensions in the area. The arrangement of buildings in the neighbourhood preserves spacing between houses even when they are extended. The width of the proposed front elevation, with construction right up to the boundary with the neighbouring Richmond House, is oppressive and not in keeping with current patterns of construction in the Conservation Area.

3) The proposed site plan appears to show the extension projecting slightly beyond the current building line at the rear of the house - although the poor accuracy of the drawings makes this difficult to assess. If this is indeed the case then I believe it represents

overdevelopment that would damage the character of the neighbourhood and could set a precedent for other rear extensions in the area.

4) The height of the proposed rear extension is overbearing, dominates the existing property and is not in keeping with the Conservation Area. In order to build to this height 7 courses of bricks will be added to the top of a pitched roof at the rear of my house creating an ugly and oppressive expanse of wall overshadowing my property and garden.

5) The proposed elevations show 2 brick pillars atop the roof of the side extension. The purpose of these ugly constructions is unclear. If they are intended to add architectural detail then they do not match with the character of the existing house and do not fit with the nature of the Conservation Area. If they are intended to be used as chimneys (if not now then perhaps at some future time?) then I note that the property lies within Cheltenham Borough Council Smoke Control Zone, and I am concerned that given their low height smoke would blow onto my property.

6) The proposed rear elevation appears to show that the flat roof on the rear extension is so high that it will partially obstruct the 1st floor rear-facing window in the existing house. Any rear extension should not damage the existing symmetry of the 1st floor between number 1 Halland Road and my adjoining house.

7) The proposed floor plans show a 1st floor room at the rear of the house which can only be accessed from the kitchen below and does not appear to be a bedroom. Given that this room is adjacent to the Party Wall I am concerned that the intended usage of the space is unclear.

8) The Party Wall section detail shows a 50mm void between the Party Wall and a timber wall in the proposed rear extension. I am concerned that this void could be prone to dampness and subsequent damage to our Party Wall.

9) The Design and Access statement states that surface water will be discharged to soakaways in the rear garden. I am concerned that this does not mimic natural drainage patterns and will increase the risk of flooding to my property and others in the area.

10) The Design and Access statement states that "there (sic) development will be carried out in normal working areas (sic) to reduce any noise impact to neighbours and local area." This sentence does not make sense. Whilst these may be simple grammatical errors I believe they are indicative of a wider lack of thought, care and attention to detail in creating and presenting these plans.

### **Comments:** 1st January 2022

As the adjoining neighbour, I wish to reiterate my objections to this amended planning application for the following reasons:

1) The planned rear extension remains an over-sized brick box tacked onto the side of a house that otherwise displays a wealth of architectural features. Whilst the pitched roof on the side extension is preferable to the previous design, the rear extension has not been reduced in height. On the front elevation this results in an ugly triangle which is visible at the end of the valley between the pitched roof of the side extension and the pitched roof above the porch. Given that the property is within a Conservation Area, the proposed design does not fit with the distinctiveness, visual appeal and historic character of the rest of the house or the neighbourhood.

2) The amended plans show no change to the width of the proposed side and rear extensions. The arrangement of buildings in the neighbourhood preserves spacing between houses even when they are extended. The width of the proposed extensions, with construction right up to the boundary with the neighbouring Richmond House, is oppressive and not in keeping with current patterns of construction in the Conservation Area.

3) No changes have been made to the height of the proposed rear extension. This results in an extension that will dominate the existing building and would not be in keeping with construction in a Conservation Area. In order to build to this height 7 courses of bricks will be added to the top of a pitched roof at the rear of my house creating an ugly and oppressive expanse of wall overshadowing my property and garden. In addition the drawings of the proposed rear elevation appear to show that the flat roof on the rear extension is so high that it will partially obstruct the 1st floor rear-facing window in the existing house. This will destroy the existing symmetry of the 1st floor between number 1 Halland Road and my adjoining house.

4) The proposed floor plans show a 1st floor room at the rear of the house which can only be accessed from the kitchen below and does not appear to be a bedroom. Given that this room is adjacent to the Party Wall I am concerned that the intended usage of the space is unclear.

5) The Party Wall section detail shows a 50mm void between the Party Wall and a timber wall in the proposed rear extension. I am concerned that this void could be prone to dampness and subsequent damage to our Party Wall.

6) The Design and Access statement states that surface water will be discharged to soakaways in the rear garden. A label stating 'New soakaway 5m from building' has been added to the amended site plan, presumably in an effort to allay these concerns. This is completely inadequate as it does not include the essential details about the location and form of this soakaway, which will presumably be expected to handle the large amount of water draining from the roof of the rear extension. I remain deeply concerned that this does not mimic natural drainage patterns and will increase the risk of flooding to my property and others in the area.

7) No effort has been made to amend the Design and Access statement, which still states that "there (sic) development will be carried out in normal working areas (sic) to reduce any noise impact to neighbours and local area." These mistakes remain indicative of the lack of thought, care and attention to detail in creating and presenting these plans.

Richmond House  
Halland Road  
Cheltenham  
Gloucestershire  
GL53 0DJ

**Comments:** 10th November 2021

We would like to formally submit our objections to revised plans for works at 1 Halland Road.

As neighbours to the property (Richmond House, Halland Road) the proposal will negatively impact our own property and quality of life.

The plans are a revision of already large-scale extension submitted Dec 2019. The deviation from the original planning document is significant and will impacts us in the following ways:

We believe the extension is overbearing to our property

- It would be dominant against our boundary, covering c.80% of our property
- The majority is built up against our boundary - this is not in keeping with the road. It also imposes on our property and impacts landscaping to the side of our house. The addition of a side return would reduce this impact
- The significantly increased height is overbearing along the full length of the extension facing our property. The "single story" would level with our 2nd floor windows.
- The projection at the rear goes beyond the natural flow of adjacent properties. It is imposing against our patio area and due to its excessive height, will block both light and air from the West, impacting our evenings

Further to the impact directly to our property, we believe the increased height isn't complimentary to the rest of the property and represents significant over development.

Finally, a point of clarification on the garage / proximity to our boundary. The revised drawings are difficult to interpret but show an unspecified gap between our boundary and garage. The current slab goes right against our boundary, can you confirm exactly what gap from our boundary to the extension is agreed please?

### **Comments:** 3rd January 2022

We would like to formally reiterate our objections to further revised plans for works at 1 Halland Road. As neighbours to the property (Richmond House, Halland Road) the proposal will negatively impact our own property and quality of life.

The plans are a revision of already large-scale extension submitted Dec 2019. While the pitched roof for the front garage is a slight improvement of itself, it impacts the harmony of the building by showing the increased height of the rear extension in the "V" between the garage and entrance, which is visible from the street. This is not in keeping with the road and further highlights the original objections relating to the excessive height of the rear extension.

It does not appear that our other significant concerns have been considered by the revised plans, namely:

- The dominance next to our boundary and resulting appearance of being on top of our property is not in keeping with other extensions in the road
- There has been no attempt to include a side return (visible on all other properties) which would go some way to alleviating this
- There has been no change to the height and length of the proposed rear extension. Both of which are imposing to our property, blocking light and air. An extension inline with the previous rear wall / building (length & height) would be a vast improvement and maintain the visual appeal / conformity with the neighbour on the other side

We have repeated our original objections below for reference:



## Page 77

We believe the extension is overbearing to our property

- It would be dominant against our boundary, covering c.80% of our property
- The majority is built up against our boundary - this is not in keeping with the road. It also imposes on our property and impacts landscaping to the side of our house. The addition of a side return would reduce this impact
- The significantly increased height is overbearing along the full length of the extension facing our property. The "single story" would level with our 2nd floor windows.
- The projection at the rear goes beyond the natural flow of adjacent properties. It is imposing against our patio area and due to its excessive height, will block both light and air from the West, impacting our evenings

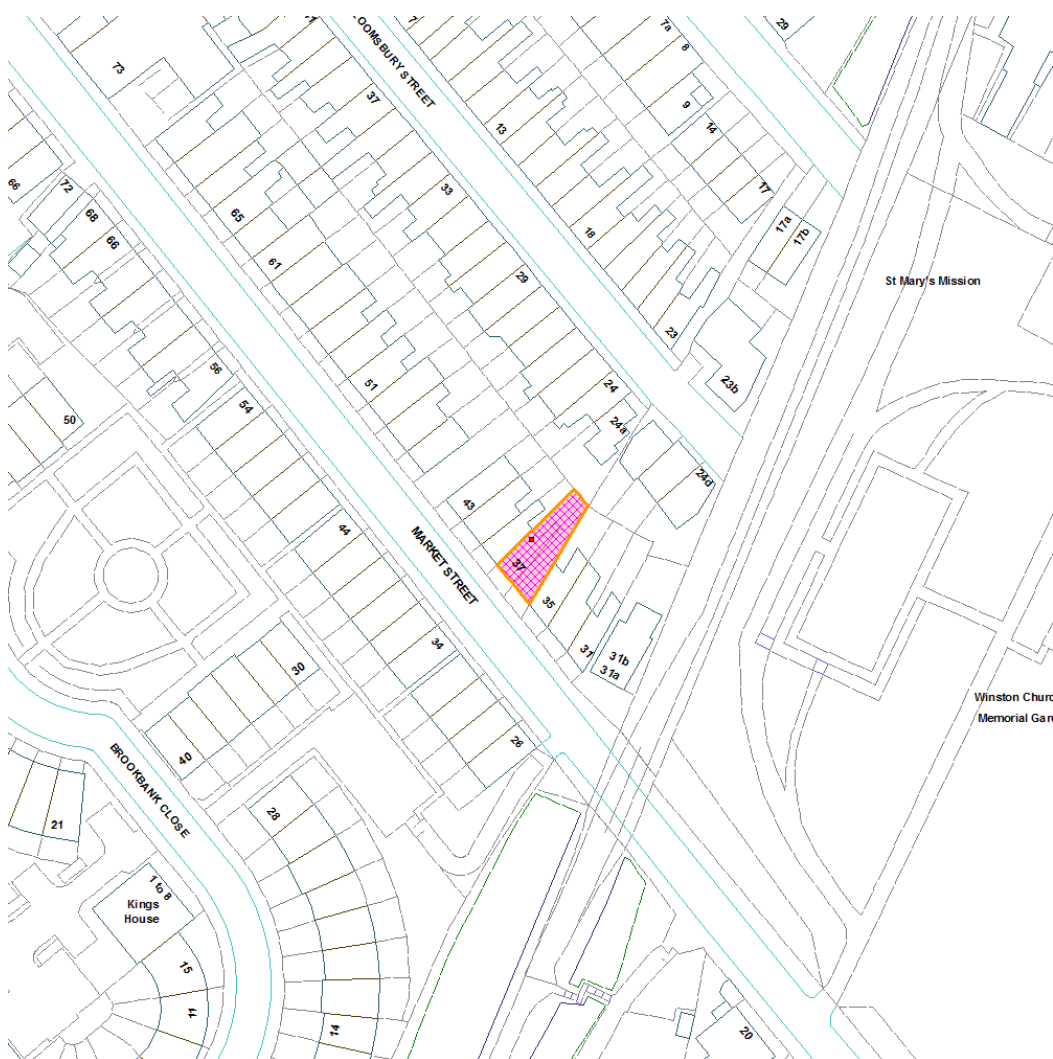
Further to the impact directly to our property, we believe the increased height isn't complimentary to the rest of the property and represents significant over development.

Finally, a point of clarification on the garage / proximity to our boundary. The revised drawings are difficult to interpret but show an unspecified gap between our boundary and garage. The current slab goes right against our boundary, can you confirm exactly what gap from our boundary to the extension is agreed please?

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<b>APPLICATION NO:</b> 21/02361/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 23rd October 2021		<b>DATE OF EXPIRY:</b> 18th December 2021 (extension of time agreed until 18th February 2022)
<b>DATE VALIDATED:</b> 23rd October 2021		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> St Peters		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Z Kwinter	
<b>AGENT:</b>	A. Clarke Design Ltd	
<b>LOCATION:</b>	37 Market Street Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Proposed side and rear extensions	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the north-eastern side of Market Street, within St Peters ward, and comprises a terraced, two storey dwelling. To the rear, the site backs onto the rear of properties in Bloomsbury Street.
- 1.2 The property is red brick beneath a pitched, slate roof, with white uPVC windows and doors. The property has been previously extended to the side at ground floor by way of a flat roofed addition which is finished in render.
- 1.3 The applicant is seeking planning permission for the erection of a first floor side extension and a single storey rear extension.
- 1.4 As originally submitted, the application proposed a two storey extension to the rear but revised plans have been submitted during the course of the application at the request of officers.
- 1.5 The application is before planning committee at the request of Cllr Willingham whose comments can be read in full at section 4 below; however, in brief, the main concerns relate to the impact on the amenity of adjacent neighbours; and the possible use of the property as a house in multiple occupation (HMO).

## 2. CONSTRAINTS AND PLANNING HISTORY

### **Constraints:**

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

### **Planning History:**

**CB18969/00**

**PERMIT**

**23rd February 1989**

Erection of two storey extension and refurbishment of existing building

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework 2021 (NPPF)**

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

### **Adopted Cheltenham Plan 2020 (CP) Policies**

D1 Design  
SL1 Safe and Sustainable Living

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

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

### **Supplementary Planning Guidance/Documents**

Residential Alterations and Extensions (2008)

## 4. CONSULTATION RESPONSES

### **Gloucestershire Centre for Environmental Records - 3rd November 2021**

Biodiversity report available to view

### **Building Control - 12th November 2021**

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

### **Ward Councillor - 7th November 2021**

Following contact from several concerned neighbours, I would like to call this application, 21/02361/FUL in respect of 37 Market Street to committee if the officer decision would be to approve. I am happy for it to be refused under delegated powers.

The material planning reasons for requesting the call-in are as follows:

While the proposed modifications to the façade do appear to be in keeping, the scale and massing of the proposed rear development seems to represent over-development that is not in keeping with the area. The two-storey side extension and roof-line will deprive the adjacent owner of afternoon sun in the rear amenity space, and increase overlooking. The already small amenity space to the rear of the property will be further diminished. I have been advised that the property is in use as a house of multiple occupation (HMO), and that the room abutting the neighbouring property (marked on the plans as a sitting room) is in fact used as a bedroom. The expansion of this dwelling into a five or six bedroom HMO, which would be possible if this application were to be approved, would cause considerable loss of residential amenity to the neighbours. From a technical perspective, I am not convinced that the proposed development would meet the technical requirements of the national space standards for residential dwellings, and given the ability of HMO landlords to convert other rooms into bedrooms, this probably needs to be assessed based upon the highest possible occupancy. I am also concerned that Bedroom 3, does not meet the 11.5m<sup>2</sup> requirement in 10(d) of those technical requirements. Since I don't believe that it is possible to use planning conditions to limit the number of rooms used as bedrooms, I believe that this proposal represents over-development and ought to be refused.

### **Ward Councillor - 3rd January 2022**

Just a brief note to confirm that despite the modifications to this proposal, the neighbours' objections do not seem to have been resolved, so I would still like this one to come to planning committee for a decision. I think that the majority of my previous reasons are probably still valid, but if you need me to provide something more detailed, please let me know.

### **Ward Councillor - 7th February 2022**

As a ward councillor, and having reviewed the proposal I would like to register my formal objection to this proposal. The reasons for this objection are as follows.

- Due to the angle of the extant properties and the alignment of the rear gardens, the residents of the adjacent dwelling are likely to experience a considerable loss of privacy due to overlooking from the room marked as Bedroom 3 in the "Revised proposed plans & elevations" document. While one possible mitigation for this would be a planning condition, requiring frosted glass, this is likely to be detrimental to the amenity of the occupiers of the proposed development, if this is the case and that cannot be conditioned, then proposal should be refused. The proposal would also cause a loss of daylight at certain times of day in the rear garden of the neighbouring dwelling.
- In reviewing the plans, while it is noted that four double bedrooms are shown on the proposed first floor, and there are a Sitting Room and Dining Room shown on the ground floor plan, there is nothing preventing these other rooms being repurposed as

additional bedrooms, and the dwelling being converted into a House of Multiple Occupation. Unless this can be prevented via an enforceable planning condition, then this would set a dangerous precedent and of allowing excessive overdevelopment of the site. The proposed layout also shows no bathrooms and just a single shower room, directly connected to the kitchen, on the assumption that the shower room contains the toilet, having it directly connected to the kitchen is at best unsanitary, and sets a poor precedent in building design. The size of the shower room also seems disproportionately small compared to the potential number of occupants, which is likely to be detrimental on any future occupiers. This also seems to represent an insufficient provision of sanitation to contend with the eight possible residents (as shown by the inclusion of four double beds in the plans), and would certainly be insufficient for twelve people if the two ground floor rooms were also converted into bedrooms. Unless planning conditions allow the maximum occupancy and use of rooms to be limited, then in considering this proposal, consideration needs to be given to where one of the other eleven residents might undertake their toileting if the shower room was in use by one of the other residents...

- While the property may not be intended for use as a House of Multiple Occupation, Schedule 3 of the “The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006” suggests that one toilet is required per five occupiers. Since this property is shown as accommodating eight, this suggests insufficient and inadequate provision of toilet and washing facilities. Not preventing this during the planning process would set a poor precedent by moving any resolution to reactive enforcement rather than dealing with it proactively.
- I note that in Table 1 of the DCLG document “Technical housing standards – nationally described space standard”, the minimum gross internal floor area for a four bedroom, eight person, two storey dwelling, is 124m<sup>2</sup>. Based upon measurements taken via Idox Online Measurement, the proposed development does not seem to provide this quantum of internal space, again suggesting that the proposal represents overdevelopment. I would be grateful if the exact gross internal floor area could be confirmed in the planning report that goes to committee.
- The property is located in a permit parking zone where each dwelling is limited to two parking permits. With potentially up to eight or twelve residents in the property, the majority of whom would be unable to legitimately acquire parking permits, the risk of displacement of vehicles to just outside the permit parking zone, and the nuisance that would cause to those residents represents a further factor indicating that the proposals are overdevelopment of the property.

Based upon these reasons, I believe that it is reasonable and proportionate for the proposal to be refused.

## 5. PUBLICITY AND REPRESENTATIONS

5.1 Letters of notification were sent to nine neighbouring properties. In response to the publicity, objections have been received from four local residents. The representations have been circulated in full to Members but, in brief, the mains concerns relate to:

- Impact on parking/local amenities
- Noise and disruption during construction
- Overdevelopment/ overbearing
- Loss of light/overshadowing
- Overlooking/loss of privacy

## 6. OFFICER COMMENTS

### 6.1 Determining issues

6.1.1 The main considerations when determining this application relate to design, and any impact on neighbouring amenity.

### 6.2 Design

6.2.1 Adopted CP policy D1 requires all new development to complement and respect neighbouring development and the character of the locality; whilst extensions or alterations to existing buildings should avoid causing harm to the architectural integrity of the building or the unacceptable erosion of open space around the existing building. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.2.2 Further design advice in relation to domestic properties is set out within the Council's adopted 'Residential alterations and extensions' SPD.

6.2.3 Officers are satisfied that the proposed extensions are acceptable from a design perspective. Whilst in this case, the side extension is not set back from the principal elevation, the extension will serve as a continuation of the terrace and is considered to be the most appropriate way of extending the property. Indeed, officers are of the opinion that the extension would result in an improvement to the streetscene; the existing flat roofed extension appearing as an obtrusive feature. Moreover, given the local context, which is largely characterised by terraced properties, the loss of the existing gap is not considered harmful in this instance.

6.2.4 To the rear of the property, as revised, the existing single extension would be subject to a fairly modest increase in footprint. The chamfered roof design, whilst perhaps not ideal, is an appropriate design solution to mitigate the impact on the neighbouring property, and will limit the height of the extension adjacent to the boundary. The extension will not be visible from the public realm.

6.2.5 The use of materials to match those used in the existing building and wider street scene will ensure that the general character and appearance of the property will be maintained.

6.2.6 Overall, officers are therefore satisfied that the proposals accord with the provisions of CP policy D1, JCS policy SD4, and the general design advice set out within the 'Residential alterations and extensions' SPD.

### 6.3 Amenity

6.3.1 Adopted CP policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; these requirements are reiterated in adopted JCS policy SD14. CP paragraph 14.4 advises that *"In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy..."*. The impact of the development on all neighbouring properties has been taken into account when considering these proposals.

6.3.2 As previously noted, revised plans have been submitted during the course of the application to mitigate the impact of the rear extension on the adjacent property, no.39 Market Street. The two storey addition originally proposed, particularly the first floor bedroom addition, would have had a significant impact on the kitchen window in the rear of this neighbouring property. Following the omission of the first floor element and the introduction of the chamfered roof, the extension now passes the 45° daylight test used to

assess the impact of an extension on an adjacent window, and is acceptable. The height adjacent to the boundary will be 2.4 metres and the extension projects 3.5 metres.

6.3.3 In considering the first floor side extension, officers are satisfied that whilst the extension will undoubtedly have some impact on the neighbouring property, no.35 Market Street, it is not considered that any such impact will be so great as to warrant a refusal of planning permission on amenity grounds.

6.3.4 With regard to overlooking and loss of privacy, the angled garden to this neighbouring property has been duly noted but the single window proposed in the rear of the extension is unlikely to significantly compromise existing levels of privacy and overlooking, over and above that which already exists. The relationship between the window and the neighbouring garden will not be dissimilar to that elsewhere

6.3.5 Light to windows serving habitable rooms in this neighbouring property will not be affected; the extension does not project beyond the rear elevation of this property.

6.3.6 Moreover, any loss of sunlight and overshadowing of the rear garden will be limited, given the orientation of the existing properties, and the width of the existing gap between the properties which narrows to the rear.

6.3.7 Furthermore, with regard to noise transfer between properties, this is a matter for Building Regulations; however, a new cavity wall is shown on the floor plans. Also, the works will require agreement under the Party Wall etc. Act 1996; the granting of planning permission does not negate the need to also comply with the act where it is applicable.

6.3.8 The comments from local residents in relation to noise and disturbance have been noted but some noise and disturbance during construction work is to be reasonably expected. Individual circumstances cannot be taken into account. However, for the avoidance of doubt, an informative has been attached advising the applicant/developer of the accepted construction hours for works which are audible beyond the boundary, which are Monday to Friday 8am to 6pm, and Saturdays 8am to 1pm.

#### 6.4 Other considerations

##### *Use of the property as a HMO*

6.4.1 The comments in relation to the use of the property as a House in Multiple Occupation (HMO) have been duly noted; however, the application must be determined on the basis of the scheme put forward. The speculative future use of the property as a HMO is not a material consideration in the determination of this householder planning application. The occupation of a domestic property by up to six unrelated individuals does not require planning permission unless permitted development rights have been removed. This site does not fall within the area covered by the Article 4 Direction which removes permitted development rights for developments involving a change of use of a dwelling to a HMO; and, as such, the imposition of a condition restricting the future use would fail to meet the necessary tests.

##### *Parking*

6.4.2 Whilst parking has been raised as a concern by local residents, the proposals will not result in the loss of any existing on-site parking space. Moreover, the scale of development proposed is unlikely to result in any tangible impact on parking. There are no parking standards for the development to adhere to.



## *Protected species*

6.4.2 Whilst records show that important species or habitats have been sighted on or near the application site in the past, given the scale and nature of the proposals, it is not considered that the proposed development will have any harmful impact on these species.

## *Public Sector Equalities Duty (PSED)*

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

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

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

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

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 With all of the above in mind, the proposals are considered to be in accordance with relevant national and local planning policies, and the recommendation is to grant planning permission subject to the following conditions:

## **8. CONDITIONS**

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

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

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

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

## **INFORMATIVES**

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

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and

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

In this instance, the authority sought revisions to mitigate any unacceptable impact on the adjoining neighbour.

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

- 2 The applicant/developer is advised that the works will likely require agreement under the Party Wall etc. Act 1996; the granting of planning permission does not negate the need to also comply with the act where it is applicable.

<b>APPLICATION NO: 21/02361/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED: 23rd October 2021</b>		<b>DATE OF EXPIRY : 18th December 2021</b>
<b>WARD: St Peters</b>		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Z Kwinter	
<b>LOCATION:</b>	37 Market Street Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Proposed side and rear extensions	

## REPRESENTATIONS

Number of contributors	<b>4</b>
Number of objections	<b>4</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

31 Market Street  
Cheltenham  
Gloucestershire  
GL50 3NJ

### **Comments:** 6th January 2022

I was concerned to see that my letter objecting to these plans was categorised as being neutral when I checked out the revised plans.

Please note that I strongly object, in spite of the planning office categorising my comments as being neutral. I feel the plans are deliberately misleading as this house is multiple occupancy and it is my belief that the owners have every intention of continuing to use it in this manner. The impact on the area and existing residents is of concern to me.

### **Comments:** 26th November 2021

I am extremely concerned about the planning proposal, reference above, which will have an immediate impact on the surrounding environment and the residential amenity for me and my neighbours.

This property is already rented out, with the downstairs rooms being used as bedrooms. Additions to the house would mean that there could potentially be a total of 6 bedrooms. The proposal makes it sound as though it is a family house that will be extended, not a multi-let property.

This is a residential neighbourhood, primarily occupied by families and people who have lived here for a considerable period of time, owner occupiers such as myself. If this property is extended further, I am concerned that this will continue to be let, but to more occupants. Bearing in mind this is not necessary for the occupants of the house to enhance their living circumstances and it is purely for financial gain, I am angry about the potential impact on the rest of the neighbourhood.

In addition, building works would be incredibly intrusive for us all and would have a major impact on the already difficult situation with parking.

30 Market Street  
Cheltenham  
Gloucestershire  
GL50 3NH

**Comments:** 13th November 2021

As a resident of the street who works from home throughout the week I have noted the following observations and challenges. I have noted the objections below as this will not have been considered by the property owners with the proposed development.

### Parking

Parking is limited on the streets for the residents. There is no note within the plans whether this will block parking spaces but looking at the plans it would seem to require this - This will cause disruption to residents obtaining parking. Secondly, it would seem the intention of the development is to increase the number of people renting within the building - I do not believe the additional strain in parking has been considered by additional residents on the street.

### Street

The street is a single lane dead end road and connects to 2 other streets at the bottom of the road. It is in heavy use by residents as well as deliveries etc. The plans for development will likely require partial closure of the street which is unacceptable to residents as they will be unable to leave or arrive in the area. The significant disruption on the streets alone would have a significant effect on residents.

### Pavement

I also register concern that the pavement will be unsafe during the works on the side of the road of the property. This will cause significant disruption not only the residents but they many people who go through it each day. I have observed a significant number of children (including my own) using this pavement throughout the day as well as pram users and disabled people. As there are a number of schools and a park 50 metres down the road, I'm concerned that the safety of the public has not been taken into account with the proposed development.

### Length of Time

No length of time has been included within the plans - how long will the residents and the public have to deal with the disruption.

### Noise Pollution

To follow on from length of time - what would the level of noise pollution be? It would seem the levels would reach unreasonable due to the nature of the work. As I work from home (as do others on the street) and I also have a young child who has naps within the day and due to the noise created will severely impact the quality of life we have. This will interfere in peaceful enjoyment living within our properties.

### Overdevelopment

## Page 89

It would seem this property is already occupied as a HMO - I'm concerned at this proposed development as it seems out of ordinary for the street as well causing parking strain due increased people living within the property. It would seem that the intention for the proposed development is to get in as many people into the property as possible to maximise the rent obtained from the property. The development could also cause damage and issues for neighbouring properties due to the overdevelopment.

I implore you to consider the above points in consideration on the permission of this proposed development and how the proposal should be rejected.

35 Market Street  
Cheltenham  
Gloucestershire  
GL50 3NJ

### **Comments:** 26th November 2021

Following online review I strongly object to the planning proposal ref 21/02361/FUL and would like to raise the following objections in respect of the proposed side extension which will fill the gap between 35 Market Street and 37 Market Street and the rear extension to 37 Market Street.

Both extensions will have a negative impact on the residential amenity of my home.

Overbearing physical presence.

The increased scale and mass of 37 Market Street will be oppressive and intrusive and totally out of character with neighbouring properties 31, 33, 35 and 39 Market Street which are 2 bedroom owner occupied family homes.

Overdevelopment.

Already extended twice 37 Market Street is currently run as a 4 bedroomed HMO in which the existing ground floor rooms named in the proposal as sitting room and dining room (front) are let as bedrooms. The addition of rooms named in the proposal as bedrooms 1, 3 and 4 will potentially increase the occupancy in the property to 6 bedrooms.

Loss of light/overshadowing.

The gap between 35 and 37 Market Street provides light to the rear of 35 Market Street particularly the ground floor rooms namely the kitchen and dining room. In addition the gap provides light and sunshine to the small rear courtyard and garden of 35 Market Street. This light is valuable all year round but particularly in the winter months from late morning until mid afternoon (please see attached photos taken Sunday 7th November).

Loss of privacy. The 3 house terrace 31, 33 and 35 Market Street was built some years after the already existing terrace ending at 37 Market Street. The gap between 35 and 37 Market Street tapers towards the rear because the terrace 31, 33 and 35 Market Street had to be angled into the gap between the railway line, what was the Co-Op Dairy and the existing terrace ending at 37 Market Street. Because of the angles created (which can be seen in the attached photos) the rear bedroom numbered 3 on the proposed 1st floor extension to 37 Market Street will overlook the rear courtyard and garden of 35 Market Street.

Noise.

This is already an issue and the proposal raises concerns that additional rooms in 37 Market Street will increase the likelihood of further noise disturbance to 35 Market Street. The close proximity of the proposed side extension to 37 Market Street and the gable end wall of 35 Market Street is a particular concern as the external walls of 35 Market Street are constructed of single skin brick.

Property maintenance.

Loss of the gap between 35 and 37 Market Street will make it virtually impossible to gain access in order to maintain the gable end and fascia of 35 Market Street without incurring considerable cost.

Parking.

Market Street is a residents parking zone with permits allocated to properties limited to 2 per household.

**Comments:** 26th November 2021

Letter attached

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**Comments:** 20th December 2021

Following your letter dated 14th December 2021 I have reviewed the revised planning proposal ref 21/02361/FUL.

My objections to the side extension which will bridge the gap between my property 35 Market Street and 37 Market Street raised and detailed in my email dated 10th November 2021 (overbearing physical presence, overdevelopment, loss of light/overshadowing, loss of privacy, noise, property maintenance and parking) still stand.

In addition I am raising the following new objection to the revised planning proposal. The rear extension and positioning of the double doors exiting from the dining area and kitchen will significantly reduce the size of the rear garden which is used by the residents of this rented 4 bedroom property as a smoking area. The addition of 2 more bedrooms in the proposed side extension will increase the occupancy and possibly the number of smokers. As a non smoking chronic asthmatic the excessive pungent smoke already causes discomfort forcing me to close my kitchen window and on occasion causes me to retreat indoors when outside enjoying my garden.

Should anyone from the planning dept or committee wish to visit my property in order to put any of my comments into context they would be welcome.

**Comments:** 4th January 2022

Tidying up my small rear courtyard and garden on New Years Day I felt compelled to add to my previous objections regarding the proposed side extension to 37 Market Street. Closing the gap between the two houses will mean the loss of late autumn/winter/early spring sunlight to my courtyard and garden and will also reduce the light levels in both my kitchen and dining room.

As planned for the last few years in mid 2021 I made the final payment on my 25 year mortgage which enabled me to retire early on a modest pension. My aim is to spend time outdoors gardening and indoors getting creative in the kitchen and my hope is that by adopting a more relaxed lifestyle the management of my type 1 diabetes will be improved. However I feel the proposed side extension to 37 Market Street will have a considerable impact on my enjoyment of my house and garden.

Therefore I respectfully request you consider the responsibility of the council under the Human rights act in particular protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which include the home and other land and I appeal to you to reject this planning application.

39 Market Street  
Cheltenham  
Gloucestershire  
GL50 3NJ

**Comments:** 12th November 2021

Photos attached

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**Comments:** 2nd January 2022

I am writing in response to the letter I received dated the 14th of December 2021 advising me of revised plans for the proposed rear and side extensions at 37 Market Street.

I still very much object to the proposed plans on the same ground of my original comment/email (please see and look at photos). Namely, affecting light to my rear windows and garden. Overdevelopment of the property, noise and the affect on local amenities such as parking. I would like to point out that there are no measurements on the proposed plans which makes me highly suspicious of how far out the rear extension will come both at ground and first floor level.

The amended plans once again give the impression that the property will be rented out as a 4 bedroom home. I do not believe this will be the case as the two downstairs rooms labelled dining room and Livingroom have frequently been rented out as bedrooms. I believe if the proposed plans go through it will be rented out as 6 bedrooms. This is not acceptable. Especially when you see that there is one small showroom/toilet for that many people, plus a tiny patch of garden. Once again as there are no Measurements on the plans they do not properly illustrate how small these living spaces will be for that many people.

I urge the planning department to consider the impact these extensions will have on me and my neighbours were they to go ahead. I would welcome a member from the planning department to visit so they can see first hand my concerns.

**Comments:** 11th November 2021

I wish to make you aware of the strong objection I have with regards to planned side and rear extensions at 37 Market Street. As an immediate neighbour the proposed extension development will have a serious impact on my standard of living. My specific objections are as follows:

Impact on natural light and privacy: If built the proposed rear extension will sit right against the garden wall which separates the two properties. This combined with another floor being built on top will mean that my ground floor kitchen window and bathroom window will have very little if any natural light. It will mean that part of my outside space will be reduced to little more than a narrow corridor to the rear garden. I currently use this

area to grow plants in a greenhouse. I will no longer be able to use the space for this purpose. The proposed rear extension will also affect the amount of natural light received by my rear upstairs window. There will also be a significant increase in the amount of overshadowing from number 37 into my garden. There will also be even less privacy in my garden if a first floor extension is to be built. Please see attached photographs to illustrate my point.

Noise and overdevelopment: 37 Market street is already a 4 bedroom HMO. On the existing plans it lists two ground floor rooms as dining and sitting rooms. They are not used for this purpose. They are often rented out as bedrooms. I am very concerned that if the proposed side and rear extensions go ahead then the house will be rented out to up to six people (possibly more as they are all double rooms). This is undoubtedly going to have an impact on the noise levels coming from next door. It is a clear overdevelopment of the original property which will be completely out of character for the area (both from the front and the back).

Amenities: Having 6 or more people living at number 37 Market street will mean more pressure on local amenities. In particular parking on Market Street and the surrounding area can be very tight. This will only be exacerbated further.

I would urge you to consider the responsibility of the council under the Human rights act in particular protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which include the home and other land. I would welcome the opportunity to meet with a representative of the planning department at my home to illustrate my objection first hand.



**From:**  
**Sent:** 25 November 2021 16:42  
**To:** Internet - Built Environment  
**Subject:** 21/02361/FUL  
**Attachments:** 20211107\_132036.jpg; 20211107\_141229.jpg; 20211107\_141922.jpg

Dear sirs

Michelle Payne called me back regarding my phone message and I'm sending my comments for a final time with photos attached.

Ref 21/02361/FUL resending as originally sent to an incorrect email address.

Dear sirs

Following online review I strongly object to the planning proposal ref 21/02361/FUL and would like to raise the following objections in respect of the proposed side extension which will fill the gap between 35 Market Street and 37 Market Street and the rear extension to 37 Market Street. Both extensions will have a negative impact on the residential amenity of my home.

- Overbearing physical presence. The increased scale and mass of 37 Market Street will be oppressive and intrusive and totally out of character with neighbouring properties 31, 33, 35 and 39 Market Street which are 2 bedroom owner occupied family homes.
- Overdevelopment. Already extended twice 37 Market Street is currently run as a 4 bedroomed HMO in which the existing ground floor rooms named in the proposal as sitting room and dining room (front) are let as bedrooms. The addition of rooms named in the proposal as bedrooms 1, 3 and 4 will potentially increase the occupancy in the property to 6 bedrooms.
- Loss of light/overshadowing. The gap between 35 and 37 Market Street provides light to the rear of 35 Market Street particularly the ground floor rooms namely the kitchen and dining room. In addition the gap provides light and sunshine to the small rear courtyard and garden of 35 Market Street. This light is valuable all year round but particularly in the winter months from late morning until mid afternoon (please see attached photos taken Sunday 7th November).
- Loss of privacy. The 3 house terrace 31, 33 and 35 Market Street was built some years after the already existing terrace ending at 37 Market Street. The gap between 35 and 37 Market Street tapers towards the rear because the terrace 31, 33 and 35 Market Street had to be angled into the gap between the railway line, what was the Co-Op Dairy and the existing terrace ending at 37 Market Street. Because of the angles created (which can be seen in the attached photos) the rear bedroom numbered 3 on the proposed 1st floor extension to 37 Market Street will overlook the rear courtyard and garden of 35 Market Street.
- Noise. This is already an issue and the proposal raises concerns that additional rooms in 37 Market Street will increase the likelihood of further noise disturbance to 35 Market Street. The close proximity of the proposed side extension to 37 Market Street and the gable end wall of 35 Market Street is a particular concern as the external walls of 35 Market Street are constructed of single skin brick.
- Property maintenance. Loss of the gap between 35 and 37 Market Street will make it virtually impossible to gain access in order to maintain the gable end and fascia of 35 Market Street without incurring considerable cost.

## Page 94

- Parking. Market Street is a residents parking zone with permits allocated to properties limited to 2 per household.

Best regards  
35 Market Street  
Cheltenham  
GL50 3NJ



















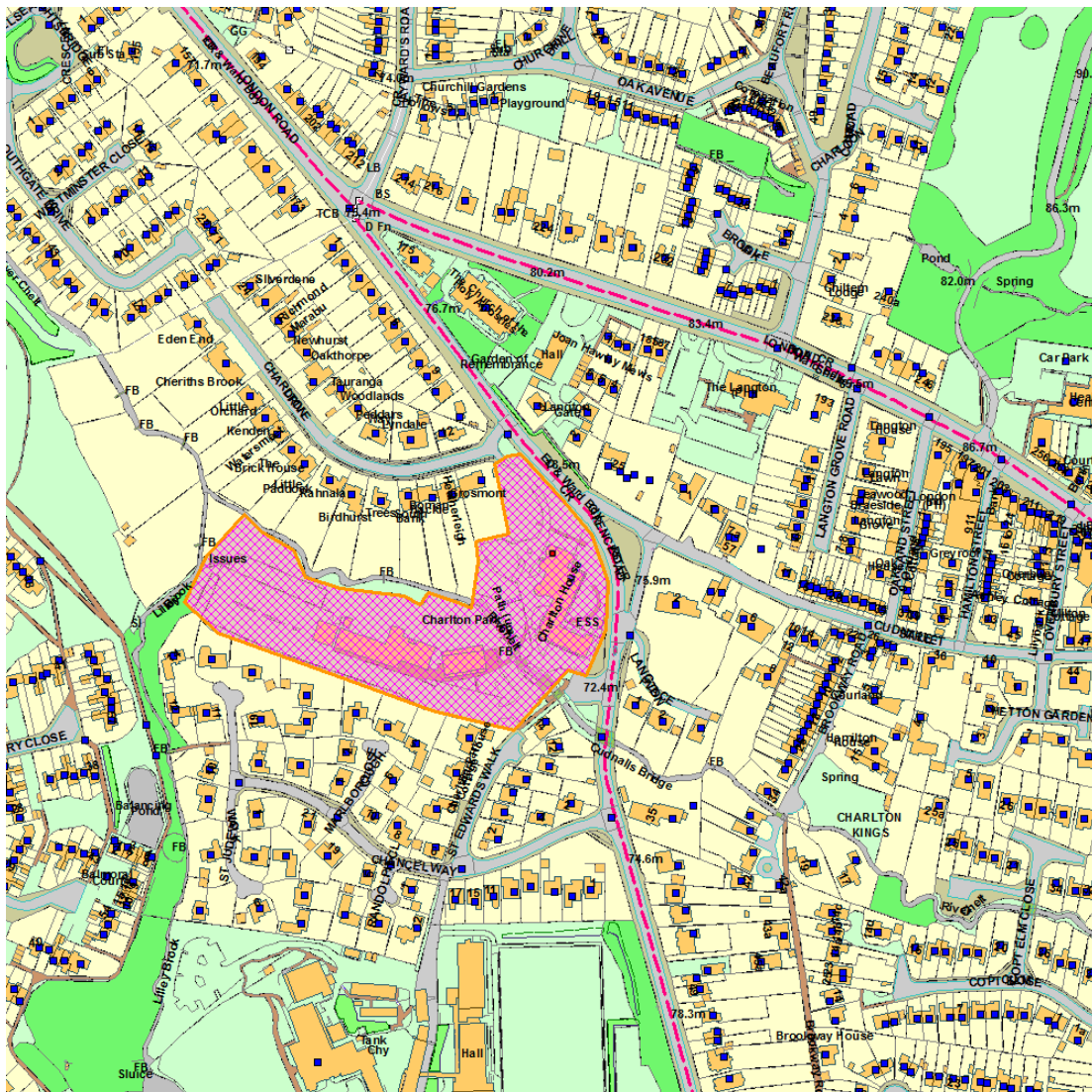




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<b>APPLICATION NO:</b> 21/02364/FUL & 21/02364/LBC	<b>OFFICER:</b> Miss Claire Donnelly
<b>DATE REGISTERED:</b> 26th October 2021	<b>DATE OF EXPIRY:</b> 25th January 2022
<b>DATE VALIDATED:</b> 26th October 2021	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Charlton Park	<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Spirax Sarco Engineering plc
<b>AGENT:</b>	McLoughlin Planning
<b>LOCATION:</b>	Charlton House Cirencester Road Charlton Kings
<b>PROPOSAL:</b>	<b>FUL &amp; LBC:</b> Demolition of mid-20th Century Wing and Erection of a Replacement Extension to the Office Building

**RECOMMENDATION:** Permit & Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application relates to Charlton House on Cirencester Road; the buildings on site are currently in an office use. The site comprises the Grade II Listed Charlton House and 20<sup>th</sup> Century wing, associated office use buildings, parking and landscaping. The existing wing was first constructed in the late 1950s, with a further extension in early 1960s and another in the 1970s. The surrounding area of the application site is predominantly residential. The site is within the parish of Charlton Kings, the Principal Urban Area and is not in a conservation area but is adjacent to the Cudnall Street Conservation Area where there are a number of listed buildings.
- 1.2 The applicant proposes to demolish the existing office wing and replace with a new extension.
- 1.3 This application follows a pre-application submission; the advice broadly supported the principle but highlighted potential impacts on the designated heritage assets.
- 1.4 The application has been called to committee by Councillor McCloskey due to the level of local interest and objection to the scheme.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Flood Zone 2  
Flood Zone 3  
Parish Boundary  
Principal Urban Area  
Residents Associations  
Smoke Control Order  
Grade II Listed Building

### **Relevant Planning History:**

**00/00348/FUL 26th April 2000 PER**

Erection of draught lobby to existing office building entrance

**00/00349/LBC 26th April 2000 GRANT**

Erection of draught lobby to existing office building entrance

**00/01251/FUL 7th December 2000 PER**

Extension to form new W.C.S to existing office area

**01/00975/LBC 22nd August 2001 GRANT**

Removal of existing windows and replacement with new on north, east and part west elevations

**01/00976/FUL 22nd August 2001 PER**

Removal of existing windows and replacement with new on north, east and part west elevations

**07/00237/FUL 13th July 2007 PER**

Extensions and alterations to the existing training centre, relocate existing garage and stores and a new pedestrian bridge

**08/01666/FUL 4th March 2010 PER**

Retrospective application for the extension of existing car parking provision with an additional 22 car parking spaces

**09/00169/FUL 27th March 2009 PER**

Installation of air conditioning condensing units to roof and north east elevation of new wing to Charlton House

**09/00813/LBC 9th October 2009 GRANT**

External works involving the re-roofing of the existing roof structure and internal works to upgrade/ refurbish the original house. These internal works include blocking up of doorway, removal of existing partition walls, erection of new partition walls, new flooring, insertion of air conditioning ducting to boardroom from basement, repair and redecoration of existing windows, replacement of modern internal doors with period styled doors, modern light fittings to be replaced with contemporary style fitting and insertion of new wall and floor power and data socket points throughout

**10/00171/LBC 11th May 2010 GRANT**

Reinstatement of crumbling brickwork to parapet and rear elevation. Repairs to unstable roof construction. Strengthening of over stressed flooring. Remedial works to allow rear elevation render to breath preventing structural damp

**10/00311/FUL 7th June 2010 PER**

Erection of replacement building for staff catering facilities

**10/01420/FUL 9th December 2010 PER**

Revised landscaping and car parking provision to grounds and frontage of Charlton House

**10/01421/LBC 9th December 2010 GRANT**

Modification of retaining front boundary wall and replacement front steps with Forest of Dean stone

**10/01558/FUL 19th November 2010 PER**

Revised scheme for the erection of replacement building for staff catering facilities (previous approval 10/00311/FUL). Revisions relate to re-siting the building further away from the river - closer to the existing training centre.

**10/01787/FUL 16th December 2010 PER**

Refurbishment of existing training centre building.

**11/00542/FUL 11th August 2011 PER**

Erection of new garages/ stores/ amenity building, revised car parking layout, erection of new pedestrian bridge crossing the River Chelt and associated landscaping. Installation of glass entrance canopy

**11/00543/LBC 11th August 2011 GRANT**

Installation of glass entrance canopy

**11/00594/AMEND 24th June 2011 PER**

Non material amendment to planning permission 10/01787/FUL to allow for amendments to the position and specification of the air conditioning units and the installation of 10no associated cowls

**11/01185/ADV 7th October 2011 GRANT**

To erect two internally-illuminated monolith signs

**11/01767/FUL 15th February 2012 PER**

Demolition of existing storage sheds and garages, erection of new amenity building revised subsequent to approval 11/00542/FUL dated 11.08.2011 and amended parking and footpaths

**13/01083/LBC 1st August 2013 GRANT**

Removal of existing steel staircase and installation of new passenger lift in the same vertical shaft in Charlton House

**13/01112/FUL 2nd October 2013 PER**

Demolition of existing bungalow and garages, removal of 5 trees, alterations to existing road access, new road bridge crossing the River Chelt, new conference building, new cyclists facilities comprising changing block and cycle store, new roads, footpaths, landscaping and boundary fences.

**13/01112/LBC 2nd October 2013 GRANT**

Demolition of existing bungalow and garages, alterations to curtilage listed structures associated with works to provide new bridge, conference facility, cyclist facilities, hard and soft landscaping and boundary treatment.

**14/01231/DISCON 17th November 2014 DISCHA**

Discharge of conditions on planning permission ref: 13/01112/FUL and associated listed building consent ref: 13/01112/LBC

**14/01881/FUL 20th November 2014 PER**

Installation of new road bridge over River Chelt within the existing grounds - revised design following 13/01112/FUL (part retrospective).

**16/01100/FUL 29th July 2016 PER**

Removal of existing redundant steel staircase and installation of new passenger lift in the same vertical shaft.

**20/02260/FUL 10th February 2021 PER**

External storage compound demolition of site managers bungalow

### **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 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

**Adopted Joint Core Strategy Policies**

SD1 Employment - Except Retail Development

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD14 Health and Environmental Quality

INF1 Transport Network

**Cheltenham Plan Policies**

EM2 Safeguarding Non-Designated Existing Employment Land and Buildings

D1 Design

SL1 Safe and Sustainable Living

GI3 Trees and Development

### **4. CONSULTATIONS**

### **Building Control**

*16th November 2021 –*

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

### **Parish Council**

*26th November 2021 –*

Comment:

The Committee strongly welcomes the removal of the existing 20th century extensions and views the proposed replacement as an improvement to the street scene, as the visual impact of the current structure is very poor.

The Committee does, however, question the level of subservience of the extension to the original building, given its height. If the roof line stepped down, following the slope to the south, it would increase the subservience of the extension to the original building and would help assuage the concerns of surrounding residents about the mass of the proposed development.

### **Heritage And Conservation**

*17th December 2021 –*

Heritage comments 21/02364/LBC - Charlton House, Cirencester Road, Charlton Kings

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 heritage assets be conserved in a manner appropriate to their significance. Chapter 16, paragraphs 199-208 set out how potential impacts on heritage assets shall be considered. This assessment takes account of the relevant considerations in these paragraphs, including paragraph 197 of the NPPF, which requires the significance of heritage assets to be sustained and enhanced, with paragraph 199 requiring great weight be given to the asset's conservation.

The existing floor plans are shown in the Design and Access Statement but the second floor plans are omitted. It is considered the existing second floor of Charlton House will need to be submitted to allow a understanding of the existing building and how the development proposal affect it. Without this information the application cannot be positively determined.

It is considered the principle of the demolition of the existing modern extensions are acceptable given they do not detract from the significance of the listed building and its setting due to their scale, massing and design. Demolition will only be acceptable provided there is a satisfactory development proposal to replace these existing extensions.

The principle of the design approach for the replacement extension is generally considered acceptable, its modern, sinuous character contrasts pleasingly with the traditional linear character of the listed building. It is also accepted the precedent for a large extension has been set by the existing extension, although to reiterate the point already made, extensions of such size would normally be unacceptable as they would detract from the significance of the listed building and its setting.

Despite the general principle of the design approach being welcome, concern is raised over the cumulative impact of the increase in the proposed scale and massing of the development proposal on the listed building and its setting. Accepting the extent of the footprint established

by the existing extension and a reduction while desirable is unlikely, the concern is specifically raised over the proposed increase in height.

The proposed extension is considered overly bulky and insufficiently subservient as it abuts Charlton House. The proposed increase height results in the development proposal competing for dominance over Charlton house in a way the existing extensions do not, to the detriment of the listed building and its setting. It is noted the extension is set back from the front elevation of Charlton House, which somewhat mitigates its scale and massing. However, it is considered it would still be unacceptably prominent from this side elevation.

The development proposal also results in a bulky addition as a result of extending continuously in height out from the Charlton House without a reduction to account for the downward slope of the site, with the result the southern end of the extension is significantly taller than Charlton House from the level of the ground, to the detriment of the listed building and its setting.

The proposed increase in height is considered a backward step that compounds rather than addresses the inappropriateness of the scale and massing of extensions to Charlton House. While the contemporary approach is an enhancement over the existing extensions, this is not considered to outweigh the harm that would be caused by the proposed increase in height.

It is considered an extension taller than existing will likely be acceptable but more careful consideration needs to be given to the proposed height. It is advised a reduction in height will necessary. The floor to floor to ceiling heights of the development proposal appear generous, it is advised, as a starting point, a reduction in the floor to ceiling heights be explored.

The external screened roof area and plant works are also considered in this context as they also contribute to the increase in height. It should be noted the proposed extent of plant works on the roof are unclear from the submitted details. Given the concern over height and its importance to the acceptability of the development proposal it is considered crucial an understanding of the location and size of all significant plant works to the roof be submitted with the application and not be left to resolve as part of a condition of a grant of consent.

Regarding materials, the application refers to external cladding, including Cotswold stone to the basement and a dark grey stone to the ground floor. Cotswold stone for the basement is welcome as a reference to a locally distinctive material but the use of a dark grey stone may be inappropriate. It is advised careful consideration be given to its use. It is suggested Cotswold stone with a rusticated type finish be used for the basement and Cotswold stone with an ashlar finish be used on the ground floor as a loose reference to the hierarchical status of finishes found on many neoclassical buildings.

The proposed works as submitted are not considered to sustain the listed building and its setting and do not therefore comply with Section 16 of the Planning (Listed Building and Conservation Area) Act 1990, Chapter 16 of the National Planning Policy Framework and Policy SD8 of the Joint Core Strategy 2017.

### **Minerals And Waste Policy Gloucestershire**

*10th November 2021 –*

Please accept this correspondence as an initial view from officers acting on behalf of the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. It is concerned with ensuring that due consideration is being given to resource efficiency measures. Attention is particularly focused upon two local development plan policies - Gloucestershire Waste Core Strategy Core Policy 2 | Waste Reduction and Minerals Local Plan for Gloucestershire Policy



SR01 | Maximising the use of secondary and recycled aggregates. It is applicable to all major development proposals throughout Gloucestershire that require planning permission<sup>1</sup>.

Supporting evidence on resource efficiency may be included within a wider Environment Statement where this has also been required, or as part of a Planning Statement that sets out how a proposal will accord with the local development plan. The preparation of a standalone Waste Minimisation Statement (WMS) or a dedicated waste reduction section or chapter within supporting evidence of an application are the best means of effectively complying with the requisite local policy requirements.

A Waste Minimisation Statement (WMS) should contain enough information for decision-makers to make a valued judgement on whether achievable resource efficiency measures can be accommodated into a proposal. Details of how different types of waste will be reduced and managed efficiently and effectively will be crucial. The full lifecycle of a proposed development needs to be considered. This usually involves the three phases of: - site preparation (including any demolition); construction; and occupation. Whilst appreciating that for many proposals it is unknown who the future occupants will be, the ability to support their re-use and recycling practice should not be hindered. Provision for safe and efficient resource management infrastructure aiming at reducing waste and making recycling easier to engage with should be set out. This includes for commercial as well as residential schemes.

<sup>1</sup> Major development as defined within The Town and Country Planning (Development Management Procedure) (England) Order 2015

The increasing use in both volume and proportion of recycled materials in development is actively encouraged within local policy. It is therefore reasonable to seek evidence of this. This could include details of procurement practice / protocols able to demonstrate that the sourcing of materials will achieve a substantial level of recycled content. Collation of this type of Information may also prove beneficial where sustainable construction technical standards / ratings are to be sought. Requirements for high levels of recycled material use are present within the Building Research Establishment Environment Assessment Method (BREEAM) and Leadership in Energy and Environmental Design (LEED) certification.

To assist decision makers and applicants in their consideration of resource efficiency, local guidance has been prepared - Gloucestershire Supplementary Planning Document: Waste Minimisation in Development Projects (WM-SPD).

The minerals and waste policy team is also able to offer some further advice and commentary on how compliance can be achieved and maintained. This could include the use of conditions for applications recommended for approval. Please do not hesitate to contact the team via: - [mwplans@gloucestershire.gov.uk](mailto:mwplans@gloucestershire.gov.uk) quoting the application reference and / or GCC reference of interest.

*28th January 2022 –*

Comment available to view in documents tab.

### **GCC Highways Planning Liaison Officer**

*16th December 2021* - 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.

The justification for this decision is provided below.

There are no alterations proposed to the existing access arrangements, and the application will result in an overall decrease in the number of trips to and from the site. As such, the proposal is not perceived to arise a detrimental impact on the operation and safety of the adjacent network.

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.

The Highway Authority therefore submits a response of no objection

### **Tree Officer**

*18th November 2021 –*

The proposal shows thorough consideration to trees on site. There is the intention to plant many more trees than are to be removed. At present the landscape plan lacks detail (i.e. tree species, size, tree pit details) which could be clarified with consultation from e.g. Simon Cox to ensure the longevity of these newly planted trees. The site has a really good tree stock so adding to this will be fantastic opportunity for the future if properly planned.

## **5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>38</b>
Total comments received	<b>33</b>
Number of objections	<b>31</b>
Number of supporting	<b>2</b>
General comment	<b>0</b>

5.1 Letters have been sent to 38 neighbours, a site notice has been displayed and an advert placed in the Gloucestershire echo; thirty-three responses have been received, thirty-one of which object to the proposal, and two of which support the proposal.

5.2 Below is a summary of the main points raised by objecting neighbouring residents, the comments include, but are not limited to, the following:

- Unattractive,
- Building would dominate its surroundings,
- Overly high,
- Design out of keeping,
- Overbearing in height and not subservient,
- Visual intrusion & loss of a view,
- Increase in noise,
- Light pollution,
- Increase in traffic, including construction traffic,
- Impact on the listed building and nearby conservation area,
- Unsympathetic to its surroundings,
- Not of a design that is in-keeping or appropriate for a residential area,
- Overstretched parking provision,

- Questions over the number of employees using the building/site, proposals for growth and number of car parking spaces,
- Loss of privacy and overlooking due to amount of glazing proposed,
- External finish at odd with the listed building and surrounding area,
- Increase in traffic in Cudnall Street,
- Increase in traffic accidents/highway safety concerns.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.1.1 The application proposes the demolition of the existing 1960s wing and rebuild of a new extension; the key considerations for this application include the following:

- The principle of the proposed development,
- Design,
- Impact on designated heritage assets,
- Highways,
- Flood risk,
- Sustainability.

### 6.2 Principle of development

6.2.1 Policy EM2 of the Cheltenham Plan and policy SD1 of the JCS support the redevelopment of non-designated employment land where the development allows for job generation and for the growth or expansion of the existing business. The use would remain as an office use (Class E), therefore continuing the existing use of the site with no material operational changes. Following on from this section 6 of the NPPF seeks to build a strong, competitive economy with paragraph 81 setting out that policies and decisions should help businesses “*invest, expand and adapt*”, and “*significant weight should be placed on the need to support economic growth and productivity*”.

6.2.2 The applicant has set out that the existing 1960s wing is no longer fit for purpose for which its structural condition is requiring major works to overcome. The applicant is therefore seeking to take the opportunity to rebuild the extension to allow for a modern, fit for purpose extension that will meet the 21<sup>st</sup> century working environment. The applicant has set out that the development would allow for future growth of the company for which the building would future proof the anticipated growth.

6.2.3 It is considered that the principle of the redevelopment of the existing building is acceptable and would comply with the relevant JCS and Cheltenham Plan policies as well as the guidance set out within the NPPF.

### 6.3 Design and impact on designated heritage assets

6.3.1 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. This draws from paragraph 130 of the NPPF which seeks development to be visually attractive and sympathetic to local character.

6.3.2 Policy SD8 of the Joint Core Strategy requires development to make a positive contribution to local character and distinctiveness, having regard to the valued elements of the historic environment. Section 16 of the NPPF seeks development to consider the

impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation.

- 6.3.3 The proposed extension would replace the existing 1960s office wing extension; it is worth highlighting at this stage that the wing is not part of the 1983 listing of Charlton House, and therefore the wing is not of historic significance. However, as the proposed development is and would be attached to the listed building, listed building consent is required and officers must consider the potential impact on the character and setting of the listed Charlton House. As such, the Conservation Officer has commented on the application; full comments can be read above. It is considered by the Conservation Officer that *"the principle of the demolition of the existing modern extensions are acceptable given they do not detract from the significance of the listed building and its setting due to their scale, massing and design"*. As such, the main consideration for officers is the impact on the listed building as a result of the scale, form and design of the proposed extension.
- 6.3.4 The existing wing was designed to be in-keeping with the external finish of the listed building; the design of the proposed extension would see a high quality, modern design in replacement of the existing wing. It is noted that the proposed design would not be in-keeping, and instead would contrast with the listed building, however the Conservation Officer states in their comments that *"the design approach for the replacement extension is generally considered acceptable, its modern, sinuous character contrasts pleasingly with the traditional linear character of the listed building"*. Officers agree with the comments made by the Conservation Officer in regards to the contrast in design and form between the listed building and the extension; therefore the proposed replacement wing would clearly read as an extension to the listed building without trying to mimic the historic architectural design. As such, the modern design extension is welcomed by officers and is therefore considered to be an acceptable design approach in this location.
- 6.3.5 Whilst the overall design concept has been supported by the Conservation Officer concerns have been raised in regards to the impact on the setting of the listed building as a result of the increase in scale and massing of the extension compared to the existing. The overall height of the proposed extension would be approximately 15 metres higher than the existing extension; but does not include the lift which would be a further 1.5 metres in height. Officers also had initial reservations regarding the scale of the building, specifically the height. The proposed elevations show the extension to be a nominal amount (approximately 0.17 metres) higher than the listed building therefore the extension could be considered to lack necessary subservience in regards to height. The top floor plant room however would be set back from the front façade and not viewable from ground level. Notwithstanding this, officers raised the issue of height with the applicants who responded by stating that the ceiling heights were necessary to ensure an energy efficient building. They also pointed out that the plant would be contained within the structure and less visible than the existing arrangement whereby some plant sits incongruously on the current flat roofed building. In plan form, the extension would sit on a different footprint to the existing with a curved rather than an L-shaped form. This would reveal more of the historic building to all public views and, along with the contemporary design approach, more clearly differentiate the old from the new. This improved legibility is considered a significant benefit of the scheme. On balance therefore the more sympathetic plan form and high standard of design of the extension are considered to outweigh any concerns regarding the scale of the extension.
- 6.3.6 The application proposes the external facing materials to be predominantly render and glazing, with the ground floor to be dark grey stone cladding, the lower ground level to be Cotswolds stone cladding and the plant room to be grey vertical aluminium louvres. The principle of the proposed materials are accepted, however details of the external facing materials have been requested via a condition to ensure a high quality finish is achieved.

- 6.3.7 Overall, the contemporary extension is considered to be of high architectural quality and will act as a positive foil to the listed building. It will be an energy efficient building of high specification which reflects the status of the site as a regional headquarters. Any harm to the significance of the listed building is considered to be less than substantial and outweighed by the benefits of the scheme. It is therefore considered that the proposal would comply with policy SD4 and SD8 of the JCS and policy D1 of the Cheltenham plan, as well as the guidance set out within the NPPF.

### 6.4 Impact on neighbouring property

- 6.4.1 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; this echoes section 12 of the NPPF which requires development to be of a high standard of amenity for existing and future users.
- 6.4.2 Following the public consultation, thirty three neighbouring residents have submitted comments in response to the proposed extension. The main concerns and comments made by neighbouring residents have been summarised and set out above in section 5.2. There have been thirty one objections to the proposal with a range of concerns raised but the main being the design, the height of the extension and lack of subservience, and the subsequent impact on the listed building; officers comments on this have been made above in section 6.3.5.
- 6.4.3 Another concern raised in regards to amenity is the loss of privacy due to the design of the building; specifically the amount of glazing proposed. The proposal would see an increase in glazing due to the modern design of the extension. Concern from neighbours has been raised due to the predominantly residential surroundings of the application site. Comments made by residents have been noted and it is appreciated that the increase in the amount of glazing would result in the feeling of a loss of privacy and overlooking, however the nearest residential property boundary would be approximately 30m from the extension and therefore it is considered that this is an appropriate distance as to not result in harm to the amenity of adjoining land users.
- 6.4.4 Given the scale and of the proposed works, the environmental health officer has requested that a construction management plan to address noise and vibration be submitted prior to commencement; this has been added as a condition of the application. This will ensure the amenity of adjoining land users is maintained during the construction works.
- 6.4.5 The neighbour comments have been duly noted and taken into consideration when determining the impact on neighbouring amenity, however it is considered that the proposal is acceptable and would not result in an unacceptable impact on neighbouring amenity as a result of the proposed replacement extension. The proposal is therefore considered to comply with the relevant planning policies and guidance.

### 6.5 Access and highway issues

- 6.5.1 Policy INF1 of the JCS requires developments should provide safe and accessible access to the transport network; paragraph 111 of the NPPF sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or a cumulative impact on the road network would be severe.
- 6.5.2 The County Highways Liaison Officer has commented on the scheme; full comments can be read above. The Highways Officer has assessed the scheme and has summarised that as there would be no alterations to the access there are no concerns relating to highways safety. The applicant has stated in the application form that the number of employees using the site would reduce; the highways officer has picked up on this and it has been further explained in paragraph 6.8.1 below. The Highway Officer notes that

there would be less trips to the site due to the reduction in employees. The applicant has advised that the company is to grow in the future however given the proposed 133 employees to use the site following the development, the site can accommodate 277 employees and therefore no highways safety concern has been raised. It must also be noted that the site is in a sustainable location with good access to Cheltenham town centre and local amenities and transport links.

### 6.6 Flood Risk

- 6.6.1 The southern end of the application site lies within Flood Zones 2 and 3 given that the River Chelt runs through the site. The Environment Agency have been consulted on the application, however comments have not been received. The applicant has provided a flood risk assessment with the submission to address the site constraints. Given this submission and that there would be no additional lower ground floor as this already exists, officers consider there would be no unacceptable flood risk as a result of the proposed development.

### 6.7 Sustainability

- 6.7.1 The applicant has provided information regarding the sustainability of the proposed development. It has been noted that the development would be more sustainable re-using the existing structure, however the replacement extension is to operate “*extremely efficiently*” and therefore in the long term would be more sustainable than the re-use of the existing building. Furthermore, the applicant is seeking to commit to achieve BREEAM Excellent rating; more information on this can be found in the submitted planning statement. Officers welcome the proposal of a sustainable, energy efficient building.

### 6.8 Other considerations

#### 6.8.1 Employees

It has been raised by a number of residents that the application form states that there would be less employees at the Charlton House Spirax Sarco site than existing however the scale of the building is to increase. Whilst this is not a direct material planning consideration, the applicant has provided a response to these comments for which they advise the following; *“On completion and first occupation of the building employee numbers at Charlton House will drop from 277 to 133. But [the] extension will have built-in capacity to accommodate more staff in future if needed as and when the company grows, i.e. the development is an attempt to future-proof anticipated growth. It is difficult to say precisely how many people will work at Charlton House on any particular day in the future because Spirax has three sites in Cheltenham where employees will move between, not to mention working from home becoming more prevalent even as we (hopefully) come out of the Pandemic”.*

#### 6.8.2 Architects Panel

The Architects Panel have not commented on this full application, however did provide comment on the pre-application submission which was similar in principle and design as this full submission. The comments submitted by the Architects Panel were as follows:

##### *Design Concept*

*The panel appreciated the quality of this pre-app submission which explained very clearly the thinking behind the design concept for the proposed new Charlton House development.*

*The panel considered the design proposals to be a considerable improvement on the modern office wing which is to be demolished. The shape of the new plan and its relationship to the existing Listed Building is carefully considered: the curved serpentine shape contrasts well with the more formal main building and creates some very attractive external spaces on all sides.*

### *Design Detail*

*The scale and character of the extension and clever use of contrasting materials creates an attractive composition when viewed from all major vantage points, as demonstrated by the very information model views.*

*The use of solid curved "bays" at the ends of the predominantly curtain walling facade cleverly complements the curved bays of the listed building without becoming too heavy.*

*Some further thought needs to be given to the roofscape and parapet walls which seemed currently unresolved but there are clearly opportunities to include accessible terraces or roof gardens as well as incorporate concealed solar panels if required.*

As per the above, the architects panel were generally supportive of the scheme and consider the demolition and replacement extension as an "improvement". The use of a contrasting design and materials was considered "clever" and "attractive", with the curved design complimenting the listed building. Comments were made however in regards to the roofscape requiring further thought. It is considered by officers that the application has addressed the comments made by the Architects Panel and the application achieves an acceptable design.

### 6.9 Public Sector Equalities Duty (PSED)

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

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

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

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

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1 Overall, the application proposes a well-designed extension to a listed building which seeks to contrast with the design of the heritage asset. Whilst concerns were raised with the scale and impact on the listed building, the replacement extension will also expose more of the listed building. On balance, the extension can be supported in terms of design. There would also be a sustainability benefit with the extension seeking to be of a high quality and more energy efficient than the existing.

- 7.2 There have however been objections to the proposed by a number of local residents; these comments have been taken into consideration and noted by officers. There are no concerns that there would be a loss of amenity as a result of the proposed extension in terms of a loss of amenity, loss of light or an overbearing impact on the living conditions of neighbouring residential dwellings. It is appreciated that the proposed extension would be very different and therefore noticeable by neighbouring residents, however ultimately the design has been accepted when weighed against the planning balance.
- 7.3 The recommendation is to therefore permit planning permission and grant listed building consent subject to the conditions set out below.

## 8. CONDITIONS / INFORMATIVES

### 21/02364/FUL

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

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

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

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

- 3 No external facing 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 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) external windows;
- b) parapet;
- c) rainwater goods and any other external pipework; and
- d) balustrades.

The design details shall be accompanied by elevations and section drawings where appropriate. The works shall not be carried out unless in accordance with the details so approved.

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

- 5 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, GI2 and GI3 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017). Approval is required upfront because the landscaping is an integral part of the development and its acceptability.

- 6 Prior to the commencement of development, a demolition and/or construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The demolition and/or construction plan shall include measures to control noise, dust, vibration and other nuisance during the demolition and/or construction phase. No demolition or construction shall be carried out unless in accordance with the approved details.

Reason: To safeguard the amenity of adjacent properties and the general locality, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the use could have an unacceptable environmental impact on the area.

- 7 No demolition or construction works shall be carried out outside the following hours:

Monday to Friday - 07:30 to 18:00 hours

Saturday - 08:00 to 13:00 hours

No such works shall be carried out on Sundays, Public or Bank Holidays.

Reason: To safeguard the amenities of the area, having regard to Policy CP4 of the Cheltenham Borough Local Plan (2006).

### 21/02364/LBC

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

Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

- 3 No external facing 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 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.

- 4 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) external windows;
- b) parapet;
- c) rainwater goods and any other external pipework; and
- d) balustrades.

The design details shall be accompanied by elevations and section drawings where appropriate. The works shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to 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.

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

Reason: In the interests of the special architectural and historic qualities of the listed building, having regard to 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

### 21/02364/FUL

- 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.

<b>APPLICATION NO: 21/02364/FUL &amp; LBC</b>		<b>OFFICER: Miss Claire Donnelly</b>
<b>DATE REGISTERED:</b> 26th October 2021		<b>DATE OF EXPIRY :</b> 25th January 2022
<b>WARD:</b> Charlton Park		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Spirax Sarco Engineering plc	
<b>LOCATION:</b>	Charlton House Cirencester Road Charlton Kings	
<b>PROPOSAL:</b>	Demolition of mid-20th Century Wing and Erection of a Replacement Extension to the Office Building	

## REPRESENTATIONS

Number of contributors	<b>33</b>
Number of objections	<b>31</b>
Number of representations	<b>0</b>
Number of supporting	<b>2</b>

20 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HT

### **Comments:** 24th November 2021

This proposal will be a blot on the landscape in the middle of a very attractive residential area. Any new building should blend in rather than dominate it's surroundings.

I was at school when Eagle Tower was built and fearful that this extension will become another eyesore in our beautiful town.

5 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HS

### **Comments:** 2nd December 2021

Firstly, I agree with all of the comments suggested by the myriad objectors to this scheme as proposed by Spirax Sarco.

I believe it is overly high and of a design that couldn't be more out of keeping with the largely residential area. It would be better suited to Milton Keynes or even Bracknell

My property Charlton Lodge, is one of the first houses in the conservation area, built in 1806 and is directly impacted by the overbearing height of the proposed building some 150 meters away. I believe I will suffer visual intrusion increased noise and potential light pollution from the proposed scheme as well as an increase in traffic especially during construction.

The scheme appears to be a rehash of many other developments around the UK and if Spirax were serious about being part of the community it would be better to involve more sensitive architects to provide a design more in keeping with Cooke-Higgs' masterpiece in Charlton House and the church he built at Holy Apostles. It would also be good to include ourselves as good and invested neighbours to help shape a more empathetic design for the building.

Traffic volumes which have become a real issue in Cudnall St in my 25 years here will be worsened by this scheme. I thoroughly concur with the objection raised from No. 25 and would note that I have raised this issue with Matt Babbage and received no response thus confirming my suspicion that the Cudnall Street conservation area would be better re-named as a conversation area as councillors only talk about our rat-run concerns.

As a serious counter proposal, and as Prince Charles might say, this monstrous carbuncle would be a glorious addition to the Cyber park proposed between GCHQ and the M5 and in relocating there, Spirax staff would be closer to some of production facilities in Kingsditch as well. Charlton House could then remain as say a training and conference facility which is obviously important to the management.

In closing, many thanks for allowing me to raise my concerns over this proposal.

Heatherleigh  
Charlton Drive  
Cheltenham  
Gloucestershire  
GL53 8ES

**Comments:** 24th November 2021

Historic England reference IOE01/02082/08 captures a great picture of Charlton House frontage as a listed building of great historical interest. The new proposal would degrade the frontage appearance significantly with the out of proportion design - especially the new higher roofline and the large glass bowl proposed to be attached to Charlton House. In conclusion the new proposal is unsympathetic to the surrounding neighbours and not in keeping with the historic and conservation area around it and consequently the proposal should be refused outright.

98 Cirencester Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8DG

**Comments:** 31st January 2022

Design is not in keeping with surrounding buildings  
Height is excessive and will impact privacy of the properties nearby  
Old building should be retained as in keeping with area- this is not in an industrial area and any design needs to be in keeping with the local community.  
Parking will be overstretched- the increase in footprint will increase employees and the staff will park in the surrounding streets - application should allow for additional parking.  
In these grounds I object

Charlton Park Cottage  
St Edwards Walk  
Cheltenham  
Gloucestershire  
GL53 7RS

**Comments:** 25th November 2021

We are writing to object to the proposal in 21/02364/FUL to demolish the mid-20th Century wing and to erect a replacement extension to the office building Charlton House which is on Cirencester Rd. Charlton Kings, GL53 8ER.

The reasons for our objection are as follows:

Whilst we like several aspects of the proposed development, its scale is out of keeping with both the original Charlton House building and the local area which is primarily residential and includes a conservation area.

The proposed extension is significantly taller than the current extension, while its shuttered roof also exceeds the height of Charlton House. It is therefore in no way subordinate to Charlton House which it will dwarf in terms of both overall scale and height.

We also note that the projected number of staff for the site is going to be less than half its current level and we wonder why the extension needs to be so substantial. In addition, if the number of staff is decreasing, the number of parking spaces will also decrease, thereby freeing up land for lower profile developments potentially.

We ask that the Council rejects the present proposal in its current form. However, we agree that the current extension is not fit for purpose for Spirax, and neither is its design in any way sympathetic to the surrounding area and buildings. We would therefore be supportive of a proposal which did not involve a building of such height and scale, and which was more sympathetically designed to be in keeping with this historic part of Charlton Kings.

1 Sandy Lane  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 9BS

**Comments:** 21st November 2021

I walk through this pleasant residential area regularly and am concerned that the proposed development will be totally out of character and will dominate the surrounding private houses and attractive street scene.

There are already masses of new build empty offices in Cheltenham without building more. The last thing we want is Charlton Kings very own " Eagle Tower" blot on the landscape.

Mead Lodge  
35 Cirencester Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8EX

**Comments:** 21st December 2021  
Letter attached

**Comments:** 30th November 2021  
Letter attached

**Comments:** 20th December 2021

We write further to our email of Saturday 27 November 2021 to provide details of our objection to the above-named planning application.

We are not experts in the building field and therefore take at face value the contention that the current building is no longer fit for purpose and cannot be made fit for purpose in any other way than demolition and rebuild; we trust Cheltenham Borough Council (CBC) Planning Dept/Town planners with the appropriate expertise will make this important assessment.

Our objection here falls into two principal areas:

- the scale for the proposed extension, and
- the fabric of the proposed extension.

These principal objections relate to the re-development, and not the other consideration of the environment and impact of the demolition and build process. We have yet to read and reflect on all the documentation, especially as new documents were only added on Friday 26th November and the Park House letter is blank when opened/downloaded. This lead on to our significant concern about communication and the planning application process; therefore, we have some opening remarks regarding this.

#### Communication and Planning Process

Our property is less than 50 meters from Spirax on Cirencester Road. We can see the current building from most rooms from the predominate aspect of the house, at both ground floor and first floor level, and also from our main recreational garden area. This view includes the rooms which are used on a daily and continual basis. And yet we were not notified formally of this application by the Planning Department, Parish Council, or Spirax? Indeed, as mentioned in our earlier email, we only became aware of this application as a result of a neighbour. This is why our comments are late, and we trust

this will not prejudice the acceptance of our comments in the Planning Departments consideration. It is also why we have focused on just two key areas for our Objection.

Additionally, our personal lack of notification raises the question of which other households have not been notified since the current notification area does seem small. The proposed extension impacts many households on Cirencester Road, and in addition Cudnall Street, Chancel Way, and those on Holy Apostle's land off London Road, because of the massively changed façade on a substantial building within their residential domain and the of disruption during the demolition and build process. The CBC Planning Portal suggests that, as part of the planning process, a Charlton Drive Resident Consultant Meeting was held on 4th November; why was a similar meeting not extended to other affected residents at this time?

### Objections - Initial Response

#### 1. Scale for the proposed extension - Height, Scale and Mass

The current extension blends into the neighbourhood in two ways - scale and fabric. The current building is, in scale, sympathetic to its surroundings. It follows the topography of the land and is in every respect subservient to the Listed Building it abuts (Charlton House - the "House"). This is particularly seen in the 'Existing Drawings' which clearly show the current extension roofline at the level of the bottom of the highest windows in the House. This is particularly important because, along with its façade, it allows the building to blend in with, and be part of, its neighbouring environment.

The proposed extension is of a magnitude significantly larger than the current extension with the roofline overpowering and dominating its surrounding environment. We must remember that, despite this office currently being here, it does in fact sit within a leafy suburban residential area not a business park. The proposed extension is entirely out of keeping and character with this wider environment and we are very disappointed that Spirax has not recognised this nor taken it into account in its proposed plans; they appear not to have taken the holistic view we would have expected of a good corporate neighbour. The application really only considers and addresses the extension from the aspect of the House and not from the opposite direction, where the building is at its most visible to the road, evidenced by the noticeable lack of Proposed View Images (PVI) provided within the application from the Cirencester Road and Cudnall Street elevation. Again, it is very disappointing behaviour, from a respected local and global organisation, to apparently choose to hide the true impact of their proposed development.

One has to wonder why a building of the proposed scale is needed, given the reduction in number of employees. This raises a further concern; if in the future the corporate need requires the number of employees on the site to increase, it could well be to a level that cannot be accommodated by the local infrastructure. Once the extensive re-development as proposed is built, this employee increase and infrastructure pressure would be very hard to prevent. The proposed extension size cannot be "driven by the Applicant's operational requirements" when the staff numbers in the current building are halving, if driven by operational requirements then a building half the size would be appropriate.

We have noted Spirax's comments (and thinly veiled threats) about this being the international HQ of a large company, but the 'beauty' and aura of a building appropriate to its status as HQ does not mean it has to be a monstrosity that needs scale. The 'threat' of 'give us planning permission or risk us moving away from Cheltenham' is repeated

several times in the documents and displays a very distasteful attitude from the company each time read. Which of their customer, people, and investors, would they lose if they chose to re-develop the extension with consideration to the neighbourhood in which it sits, the conservation of materials, and minimalizing the impact on the environment and climate?

The proposed extension, particularly at the Cirencester aspect to the House, where the new roofline is at its most invasive, is domineering and entirely out of keeping with its surrounding residential environment. We note that the local Parish Council shares this opinion, and it is a view shared, we believe, by all objections received. One only has to look at the Before and After elevations in the 'Design and Access Statement' document to appreciate the hugely negative impact.

### 2. Fabric of the proposed extension - Façade

The current extension is in keeping with its residential neighbourhood in that it could easily, for example, be the façade for a block of residential apartment rather than an office - the render, the windows, the scale all make this true - and this is what helps the building blend into its neighbourhood and historic environment and listed principal property, Charlton House.

The proposed extension throws this aesthetic away, and instead puts a significantly glazed and concrete block facade in its place. As said above, this building is not located on a business park or similar commercial environ; and therefore the façade of the proposed extension needs to be in keeping with its leafy, suburban, residential location, and very close proximity to the Cudnall Conservation area, particularly the listed Langton Lodge. The status of an international HQ can be realised with a significantly more sympathetic building. There are many properties and structures of listed/historical consideration within meters of this development which have not been considered by the Spirax application e.g. Charlton Park Cottage, Holy Apostles, Church, Old School. Bell Tower, and various listed and historic curtilages in the vicinity. Surprisingly these structure, together with Charlton House and Cudnall Bridge which were mentioned by the Spirax report, were omitted from the adjacent conservation areas when it was set, despite their significance.

### Conclusion

We take the statements in respect of the need to replace rather than renovate the existing extension at face value; renovating the existing building would be our preferred outcome. Notwithstanding that...

We Object to the proposed application because of the:

1. Massive increase in scale and mass of the proposal and the impact its new roofline will have on its neighbours and the area generally; and the
2. Proposed façade not being in keeping with its suburban and residential location, and the listed Charlton House which it abuts.

We respectfully request the Planning Committee takes our comments, along with the comments made in the other Objections, and reject the plans as proposed and suggest a



more appropriate appearance and scale of extension, where the roofline is no higher than the height of the existing extension, be designed and submitted.

**Comments:** 28th November 2021

We live at Mead Lodge, 35 Cirencester Road, Charlton Kings; our property is within feet of this development, we can clearly see the existing building from many windows in our property as well as our garden, and we were not notified by the Planning Department of this application being submitted and therefore we were not aware of any initial deadlines for submissions in relation to it. We only became aware of this application due to a neighbour.

This is a brief email to say that we will be sending a more detailed response to the Planning Application 21/02364/FUL, ahead of the Planning Committee Meeting and would be grateful if you could advise by return exactly when this meeting will be held.

As we were not informed of this application, and I am now aware of at least one other effected resident who was also not advised, how many other residents in Cirencester Road, Cudnall Street, Chancel Way, and the properties on the Holy Apostles land off London Road, have not been contacted and given the opportunity to view and comment on the proposal?

3 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HS

**Comments:** 23rd November 2021

I object. Mainly:

- the plans are not in keeping/sympathetic with the current building. The fact that extension is higher than the original means that what was once hidden by the old lovely building will now be on show
- The proposed design is not subordinate to the main house, as required.
- as a direct neighbour the extension will ruin a lovely view that we have enjoyed for years.

3 Langton Place  
Cheltenham  
Gloucestershire  
GL53 8HW

**Comments:** 16th January 2022

OBJECT For consideration at planning decision meeting 20 January 2022

Having studied the Project Oak proposal and updated drawings provided by Spirax Sarco and Robert Limerick Architectures following the Neighbours Event held 8 December 2021, we have the following objections to the application as stands;

1. The new proposed wing is significantly higher than initially alluded to in the consultation letter sent by McLoughlin Planning on 26 October 2021. At over five metres higher than the current wing, the new wing will be significantly higher than Charlton House and not be subservient to this original structure. The whole building, both Charlton House and the current 1970's wing, is Grade II listed. Spirax Sarco intend to demolish part of the listed building to build a significantly higher wing which is overbearing and does not fit with the fabric of the local residential and neighbouring conservation areas.

2. Why would a company build a larger building to house less people? The plans show a significant increase in square footage but a reduction in workforce; the applicant's planning application sets out that the building is intended for 133 full-time employees, plus visitors. This is disingenuous and only hides that the site has limited parking. At the neighbours consultation evening it was advised that there would be 300 plus employees in the future. In time, other areas of the new wing could be reconfigured to office space such as the Wellbeing/Reflection Room and Atrium. As the workforce grows, the building could have an occupancy of upwards of 300 with car parking for only 150 employees; the remaining staff will have no option but to seek overspill parking in the surrounding residential areas.

3. At the Neighbours Event on 8 December 2021, Spirax Sarco advised that the site enabled the company/employees to 'connect with nature' with the promotion of well-being for its employees cited as an important theme for the new build. We applaud the consideration of employees wellbeing being central to any consideration, and hope this consideration is extended to its neighbours. We heard about the development of biodiverse areas within the grounds of the site and the 10m squared Well-being/Reflection Room within the wing. The design was promoted as 'maximising views across Cox's Meadow' with the building of the new wing; Cox's Meadow itself being an area of biodiversity with access for all, only a few minutes walk from the site. With the proposed 5.2m increase in building height local residents will not experience a 'maximised view' unless you consider excessive glazing and concrete facades as such. Neighbours, who number far in excess of the stated 133 employees, will not only have diminished views and skylines, but perhaps most importantly diminished privacy. This is before any consideration of noise pollution during and after the build( due to plant operation) is taken into account.

4. We have touched on the crucial aspect of the level of parking available for any potential increase in staffing levels in the future, and while this must remain a priority for this planning application we would like ceiling height and recreational facilities to be considered. Cumulative ceiling height contributes significantly to the height of the proposed new wing. The current wing's floor to ceiling height was disclosed at the neighbours event as 3.2m with the new wing's floor to ceiling height proposed at 4.5m for optimum natural light. With residential property having floor to ceiling heights averaging 2.4m, and offering optimal/adequate natural light in which to work from home, we question the need for 4.5m heights. Furthermore, with an employee gym based at Northcott House just a short distance further along the Cirencester Road, we question the need for a full floor gym/changing facilities. With the reduced workforce having developed home working patterns and being encouraged by Spirax Sarco to progressively work from home, both the consultation planning letter and consultation

evening stated it anticipated a 60~70% office occupancy at any one time. Perhaps a more altruistic approach would be to provide a gym at St Edwards School for the local community to utilise outside priority access for Spirax Sarco employees. This would reduce floor levels of the proposed rebuild, and provide an enviable outreach project. Similarly, gym and Well-being/Reflection Room facilities may well be better considered for the bio- diversity areas around the site grounds; as previously built for Spirax Sarco's dining facilities.

For the current application we hope the Planning Committee will not accept as currently stands.

Original objection raised 24 November 2021:

### OBJECT

We object to this proposal for the redevelopment of the Spirax Sarco HQ as it fails to preserve the historic fabric of this residential area and, significantly, abuts a Conservation Area. We believe the proposed redevelopment principally breaches the requirement for any development to be subservient to the Listed Historic Principal Building (Charlton House) and is unsuitable for a residential area.

### 1 HEIGHT

The proposed new wing's height, including the services plant at the highest levels, will be considerably higher than the current build and potentially higher than Charlton House. We asked McLoughlin Planning to provide an illustration of the redevelopment superimposed over the current build. This has not been forthcoming, but this would be a useful illustration for all future considerations. This would, we anticipate, demonstrate the impact from Drawing 1200922 where the large structure labelled 6 rises to approx 15 feet above the roof line of Charlton House, rendering Charlton House subservient to the new wing.

### 2 DESIGN AND APPEARANCE

The proposed redevelopment is a highly glazed building whose scale is perhaps more suited to an open 'out of town' area, not the historic conservation residential area in which it would sit. The artists impressions remove any local housing from the illustration which gives the impression of little or no impact to local residents; this is not the case. They also fail to show the new building in direct comparison to the current building to show the scale of the new development. The plans do not show the view from the North where its overbearing size will be most apparent.

### 3 OVERLOOKING AND LOSS OF PRIVACY

The proposed development is significantly higher than the current building and the design includes significant glazing which overlooks, with associated loss of privacy, residential properties on Cudnall Street, Birch Mews, Langton Place and St Edwards Walk.

### 4 SIZE OF THE BUILDING VERSUS STAFF LEVELS.

The proposal states the new build will have fewer employees than are currently housed at this location. While this is a strange concept for a significantly larger rebuild, the maximum workforce capacity of the new building must be articulated in order to

understand whether the current car park is large enough for to accommodate all workforce vehicles should the new building reach full capacity. This must be considered as part of this planning application because by stating that workforce numbers will be lower, this might avert scrutiny from the potential capacity of this site. Currently the car park has a capacity of circa 185 vehicles but any further burden on the parking capacity of the site will be felt in the surrounding areas, adding pressure to an already busy residential area. We believe the surrounding residential roads are currently used by the Spirax Sarco workforce.

With the proposal for a decreased workforce-on site due to anticipated future working from home patterns, it is difficult to see the new build need for such an increase in footprint, ceiling height and extensive gym facilities that would be provided.

For the reasons above, we urge the Council to REJECT the Application.

**Comments:** 24th November 2021  
**OBJECT**

We object to this proposal for the redevelopment of the Spirax Sarco HQ as it fails to preserve the historic fabric of this residential area and, significantly, abuts a Conservation Area. We believe the proposed redevelopment principally breaches the requirement for any development to be subservient to the Listed Historic Principal Building (Charlton House) and is unsuitable for a residential area.

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The proposed development is significantly higher than the current building and the design includes significant glazing which overlooks, with associated loss of privacy, residential properties on Cudnall Street, Birch Mews, Langton Place, Charlton Drive and St Edwards Walk.

### 4 SIZE OF THE BUILDING VERSUS STAFF LEVELS.

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maximum workforce capacity of the new building must be articulated in order to understand whether the current car park is large enough for to accommodate all workforce vehicles should the new building reach full capacity. This must be considered as part of this planning application because by stating that workforce numbers will be lower, this might avert scrutiny from the potential future capacity of the site. The car park currently has a capacity of circa 185 vehicles. Any further burden on parking capacity of the site will be felt in the surrounding areas, adding pressure to an already busy residential area. We believe the surrounding residential roads are already used by the Spirax Sarco workforce.

With the proposal for a decreased workforce-on site, with anticipated future working from home patterns, it is difficult to see the need for such an increase in footprint, ceiling height and extensive gym facilities that would be provided.

For the reasons above, we urge the Council to reject the Application.

Park House  
St Edwards Walk  
Cheltenham  
Gloucestershire  
GL53 7RS

**Comments:** 26th November 2021  
Letter attached

**Comments:** 23rd December 2021

My house - Park House, St Edwards Walk - abuts the Spirax Sarco car park. In fact we share the same boundary wall. As a result I will be amongst the worst affected by the massive increase (approx 18 ft) in height of the new building.

I strongly object to the new building for the following reasons:

1. The proposed height increase. The extra height (18 ft) will enable the office staff to not only gaze into my garden but also the kitchen, conservatory and principal bedroom
  2. The extra personnel and the impact on the car park. We have been clearly advised that there will be no increase in traffic as the proposed staff numbers will be retained at approx 150-160 personnel. However, we have since discovered that Spirax Sarco intends to have 300 staff on site. There will be a dramatic increase in car noise early in the morning and, especially, late at night. Where will all the extra vehicles be parked??
  3. Charlton House is Grade 11 listed, a lovely Regency building and in character with Cheltenham. The architects drawings distinctly show that the new construction will dwarf Charlton House and completely overwhelm it. In the same way as the Eagle Star building is totally incompatible so also will this new structure be completely inappropriate
- Kindly request Spirax Sarco to go back to the proverbial drawing board and reduce the height of the new edifice

1 Langton Place  
Cheltenham  
Gloucestershire  
GL53 8HW

**Comments:** 20th November 2021

I object to the proposed development, in the main, due to the substantial scale not being appropriate for the residential area.

The proposal is substantially higher than the existing building and will create windows overlooking my property, and others, causing a significant loss of privacy.

The building view 8 1200703 is completely mis-leading as it has deliberately removed my property and others on Langton Place from the scene.

The current building needs modernising and I would support a similarly aesthetic improvement to that proposed but it would need to be 2 stories lower to prevent loss of privacy and to blend more sympathetically within the residential area.

I strongly urge the Council to reject the application as it stands.

Langton Lodge  
2 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HT

**Comments:** 24th November 2021

Letter attached.

4 Birch Mews  
Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8DT

**Comments:** 20th December 2021

One of my initial concerns to the proposed application, which was stated in my original objection letter, submitted 20th November 2021, was the size and height of the proposed building, for what appeared to be a reduced number of employees (from 277 to 133).

However having attended the Neighbours Event, organised by Spirax Sarco, the Spirax-Sarco Group HR Director (and executive sponsor for Project Oak) stated at the Neighbours Event that "the current facility won't allow us to grow", "we need to future proof", "our current forecast is 165 employees", and "we have grown, we are growing and we will continue to grow."

Additionally it was stated by the Spirax-Sarco Project Oak Project Manager "we expect that the building could accommodate 250-300 employees."

The Q&A PDF from the Neighbours Event states: "The new building gives us sufficient space for 150 workstations, which allows capacity for growth of our Group functions over the lifetime of the building, while also providing an environment where we can flex the workspace considering the changes to the ways we might work in the future."

It therefore appears with closer scrutiny this is not a decrease in the number of employees but a potential increase and I am concerned of the impact on the immediate residential surrounding area. If these projected figures are taken into account, we then have to consider proposed car parking spaces to accommodate these figures. Currently this site provides 216 car parking space with no new parking spaces planned.

Furthermore the proposed gym facilities at the site, which will presumably be open to ALL employees of Spirax Sarco across their several sites in Cheltenham, will cause not only a further increase in traffic congestion, but potentially lead to cars being unable to park on site and being parked in nearby residential streets. In the last year, 4 road accidents have occurred between the front and rear access of this site. It is a dangerous part of the Cirencester Road and the impact of the proposed plans need to be given further consideration. I would also like to reiterate the points of concern raised by our neighbour at 25 Cudnall Street regarding the misuse of Cudnall Street, which will only be exacerbated by the current proposed plans.

### **Comments:** 20th November 2021

I wish to object to the above planning application for the following reasons:

Charlton Kings is a village, which adjoins Cheltenham. It is a predominantly residential area. The current 1970's extension is landscaped with established trees and hedgerow, which allows in its current form, to blend with the immediate environment.

The Cirencester Road is an important approach road into Cheltenham. However, Cudnall Street is a conservation area. Both of these roads are of a very close proximity to proposed development. Therefore it is vitally important for the need of a more sympathetic approach to any further development, in what is a predominantly residential and conservation area.

Whilst I have no objection in principle to an extension, it is the height of the proposed building. Its close proximity to the conservation area, does not facilitate the enhancement and the preservation of Cudnall Street and its surrounding area. Indeed the proposed second floor will dominate this part of Charlton Kings. It is totally out of character with the immediate environment.

The illustrations indicate the proposed building will run in line with the height of the existing original grade listed building. The extension projects out towards and above the Cirencester Road, leading to a loss of privacy and intrusion to the immediate surrounding homes that the proposed extension will overlook. Furthermore, none of the illustrations indicate how the ventilation air handling units, air conditioning units and the PV panels on the top of the proposed building will further impact on the skyline? To accommodate such installations would suggest they would be higher than the existing roof line of Charlton House.

The planning Application indicates there will be a substantial increase in the amount and size of windows. This will cause a considerable lack of privacy to nearby residents in the day. Furthermore the working hours are from 7am until 8pm at night, thereby causing further intrusion with a substantial amount of light pollution both in the morning and at night.

Finally, I note from Section 21 of the planning application form, the existing number of full time employees is currently 277. After the completion, the proposed number of employees is 133. I am perplexed as to why Spirax Sarco need to build such a large and obtrusive extension for a reduced number of employees?

I am therefore asking the Council to refuse this planning Application in its current form.

If the application was made less obtrusive and allowed to blend more sympathetically with the immediate environment, I would support the application.

3 Birch Mews  
Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8DT

**Comments:** 21st November 2021

We are writing to object to the proposal to demolish the mid-20th Century wing and to erect a replacement extension to the office building Charlton House which is on Cirencester Rd. Charlton Kings, GL53 8ER.

The reason for our objection are as follows:

The proposed development is a stylish, modern building but its design and its scale are out of keeping with the local area. This part of Charlton Kings is almost entirely residential, adjoining the Cudnall St. conservation zone. While the proposed development would be appropriate for an edge-of-town business park, its size will dominate the local area and have a negative impact upon the people living here.

The height of the proposed development means that it will overlook neighbouring properties resulting in a substantial loss of privacy to local residents.

There is also the question of light pollution. Charlton House often has lights on late into the evening and sometimes seems to leave them on all night. Given the size of the proposed development this will further increase the impact upon local residents.

Please consider the impact of the proposed development upon an area which has several historic old buildings. Charlton House itself was rebuilt in 1825. While the 20th Century wing is nothing special, it is at least of a suitable size and scale. Nearby properties include Langton Lodge, built in 1807, Abbotsdene, built in 1795, Ivy Cottage built in 1808 and Charlton Lodge built in 1806. The whole area would be dominated by the proposed development.



We would ask the Council to reject the present proposal.

However, we would be supportive of a proposal which did not involve a building of such height and which was designed to be more in keeping with this historic part of Charlton Kings.

1 Birch Mews  
Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8DT

**Comments:** 22nd November 2021

I object to the above planning application on the following grounds:

1. The application proposes to introduce a large piece of contemporary architecture into a residential setting that will have a detrimental impact on the neighbouring homes and surrounding area by being totally out of character, particularly with the nearby Cudnall Street conservation area. Whilst the design, if considered in isolation, is somewhat attractive, it is more appropriate to a campus style business park.
2. It's height & breadth will totally dominate nearby homes and reduce privacy by overlooking them. If the height were reduced to that of the existing 1970's extension, then it might become acceptable.
3. As noted in Para 3 Section 5 page 18 of Heritage Report 1200663, a built heritage assessment is required to enable the planning authority to meet their obligations under Para 190-198 of the National Planning Policy Framework. This has not been supplied, consequently the application should be rejected.
4. The large size of the building would allow, at some future time, a considerable increase in personnel working in the building (despite statements to the contrary in the application), and requiring access, on a corner which has a track record of accidents. I am aware of 4 accidents (the latest today 22nd Nov) occurring in the last year alone, all serious enough to require police attendance. These are in addition to the accidents noted in the Transport Statement 1600662. If this application or a later one were to be approved, it should be conditional upon the number of staff working at this site not exceeding that stated in the application.
5. The present building's occupants regularly have lighting on all night, presumably for security reasons. The large number of additional windows, together with their size & height, will considerably increase light pollution in the area, since this practise is likely to continue in the proposed extension.

**Comments:** 20th December 2021

Further to my objections in my 22 Nov 21 statement, I would like to register the following additional points of objection:

1. Contrary to statements in the original application, as stated in Spirax-Sarco CEO's email to Alex Chalk MP, the new extension has been designed with future growth in mind.
2. The increase of staff numbers consequent upon such growth would exacerbate the traffic problems on a corner with an existing bad accident history.
3. As stated in answers to neighbours questions at the Spirax-Sarco event on 8 Dec. 21, the new extension will be 5.2 meters higher than the existing extension to Charlton House. Furthermore, this does not include Solar Panels & housing for the lift motors. This will be out of character & totally dominate the old house. It will also overlook and severely reduce the privacy of many nearby homes & gardens.

2 Birch Mews  
Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8DT

**Comments:** 24th November 2021

I am writing to OBJECT to the Proposed Development on the following grounds:

1. The area in which the Application site is located is almost exclusively residential in nature comprising a large number of characterful (many historic) houses, schools, a church and a small number of retail premises.
2. Indeed, the 'Cudnall Street Conservation Area' is located just a short distance (around 50 metres) from the northern boundary of the Application site. The grassy 'green triangle' framed by Cudnall Street and Cirencester Road is surrounded by many beautiful mature trees from nearby properties and the vicinity has a very leafy, residential feel (harking back to Charlton Kings' past as a rural village).
3. It is submitted that the existing offices broadly 'fit' within the local context because of their relatively 'low rise' design (especially when viewed from the northern boundary), as well as sympathetic hard and soft screening, which largely enables them to blend into an area which is overwhelmingly residential in character.
4. Seemingly acknowledging the character of the area, other newer buildings on the Application site have been sympathetically designed i.e. the 'Canteen' and 'Steam Technology Centre' which are very low in height and almost completely invisible from surrounding properties and the highway.
5. Visual Impact: The design of the Proposed Development does not follow that sympathetic approach and is highly inappropriate to the character of the area:
  - a. the new building is too large and too tall: it would be considerably larger than the existing building and, in particular, substantially taller, with the height of the new building to be significantly greater than the existing building - given the Applicant's claimed reduction in staff numbers, the design seems particularly unnecessarily massive;

- b. at points, the drawings indicate that elements of the new building will even be materially higher than the roofline of historic Charlton House;
  - c. in part because of this increase in height, the new building would visually dominate the local area in a way that the existing structures do not, negatively affecting the amenity of the surrounding area, particularly the pleasant 'green triangle';
  - d. further, the proposed finish features a preponderance of glasswork and metal louvres, which is inconsistent with all buildings in the surrounding area;
  - e. in particular, this modern 'glass and steel' tone is completely at odds with the appearance of historic Charlton House, which is Grade II listed and deserves to be protected and treated sympathetically;
  - f. overall, the visual impact of the new building would dominate, to the detriment of, the local area and appears to be something that would sit better in an out-of-town business park (e.g. Waterwells).
6. Loss of Privacy: Because of the significant increase in building size, and in particular height, the Proposed Development would also have a serious impact on the privacy of the surrounding existing residential properties.
7. In particular, the new building would considerably overlook and intrude upon the privacy of houses along St. Edwards Walk, Langton Place and the western end of Cudnall Street.
8. As a minor comment, I would point out that the Application seems to contain some inaccurate and misleading information. For example, in section 20 of the form, it appears to be stated that the Proposed Development would result in a net reduction of office floor space of over 10,000 square feet! Given the size of the new building, that sounds extremely unlikely.

For the reasons above, I would urge the Council to reject the Application.

In closing, I would add that if the Applicant was to submit a revised Application which was designed to be less obtrusive, and more sympathetic to the local area, and in particular with a roof line consistent with the existing office, I would most likely be supportive.

**Comments:** 22nd December 2021

I note that the Gloucestershire Highways Planning Liaison Officer (the "Highways PLO") has now provided his input on the Application.

The Application and its supporting documents state that the Proposed Development will result in 100 fewer staff on site (e.g. box 21 of the Application form indicates that employee numbers will reduce by 144).

The Highways PLO appears to have relied on such statements, concluding that the Proposed Development will result in fewer journeys to and from the Application site and so, therefore, causes no concerns.

Unfortunately, the Applicant and/or its agents appear to have provided misleading information in the Application:

o in correspondence with Cheltenham's MP, Alex Chalk, the Applicant's CEO confirmed that the Proposed Development, being over 10% larger than the building intended for replacement, was designed "with future growth" in mind. Given that this was stated in the context of a paragraph regarding floor space and facilities, the only sensible inference is that he means growth in employee numbers.

o further, at the local resident's consultation meeting on 8 December 2021, the Applicant's HR Director and project manager similarly stated that the Proposed Development was intended for future growth in employee numbers.

This is not surprising and is the logical explanation for the size and mass of the Proposed Development: why would any business, prudently utilising its capital, spend money on a significantly bigger building if it's going to halve employee numbers? The light density of workstations and large volume of un/under-filled spaces in the design drawings suggest that much greater staff numbers would easily be accommodated.

It ought to be reasonably concluded, therefore, that the true intention of the Applicant is to materially increase (not decrease) staff numbers at the Application site and the Application should be viewed accordingly.

The upshot of this is that, relying on the misleading statements in the Application, the Highways PLO has proceeded on a flawed basis and should be requested to re-consider his submission, taking into account:

o full utilisation of all existing car parking spaces (currently under-utilised based on visual inspection);

o additional journeys to the Application site from employees based at other Cheltenham sites (such as Northcroft House and Runnings Road) and customers and suppliers, to attend conferences, training sessions and other meetings at the Proposed Development's c. 50 seater dedicated auditorium (see Proposed Ground Floor drawing) and numerous meeting rooms.

I presume that the Planning Office will consider whether the Applicant should be required to re-submit their Application to correct the misleading information that has been supplied. Thank you for giving this your consideration.

Heatherleigh  
Charlton Drive  
Cheltenham  
Gloucestershire  
GL53 8ES

**Comments:** 23rd November 2021

The additional height and large expanse of glass make this a very prominent new building, greatly overshadowing the existing grade II original part of the house. The proposed extension is not in keeping with the original part of the house and not suitable within a residential area.

Given that the proposed extension is both significantly higher than the current extension and has significantly more window area this means the privacy of surrounding properties will be greatly reduced and the new building will look directly over our garden and patio and into the windows on the back of our house.

Something smaller and lower would be more appropriate.

Roman Hackle  
Charlton Drive  
Cheltenham  
Gloucestershire  
GL53 8ES

**Comments:** 25th November 2021

We object to the proposals for the following reasons:

Although the footprint of the proposed extension is roughly the same as the existing extension, the additional height will make it look like a significant modern office block in the middle of a residential area, particularly with the amount of glass proposed in the design. This also does not seem to blend sympathetically with the regency style of Charlton House.

The increased height of the proposed extension will also result in:

1. Loss of privacy at the rear of our house and that of our adjacent neighbours. There will be a direct sight line into our dining area, rear bedrooms, patio and garden,
2. A greater dominance by the building on our view of the hills and countryside to the east,
3. Potentially an increase in noise from plant machinery on the roof, (particularly air conditioning units needed for the south facing, glazed frontage) which would be at a higher level and above the current tree line between us and the building,
4. An increase in light pollution with more and larger windows illuminated at night from internal security or other lighting.

Southbank  
Charlton Drive  
Cheltenham  
Gloucestershire  
GL53 8ES

**Comments:** 23rd November 2021

I object to the proposals for the following reasons:

1. The size of the proposed extension overwhelms that of the original Regency villa. The visual 'heart' of the Spirax Sarco site is the Regency villa and it is not unreasonable to expect that any extension should be subordinate to the original villa. Clearly, this is not the case with the proposed extension.

2. Whilst the footprint of the proposed extension is not dissimilar to the existing structure, the height of the proposed structure is significantly more than the existing structure. The parapet of the existing extension is approximately level with the first-floor window heads

of the original Regency villa, but the proposals seek to increase this in excess of 50% in relation to the height of the Regency villa. Such an increase in height will have the following detrimental effects:

- a. Loss of visual 'skyline'. Currently, I, and other residents, are able to view the hills in the distance but the proposed extension would obliterate this.
- b. Loss of privacy. The increased height of the extension will overlook adjacent properties, thus compromising the privacy of residents.
3. The proposals do not appear to have any consideration for the residential environs immediately around Spirax Sarco. The site is surrounded on all sides by domestic dwellings and, as such, the sheer size and visual impact of the proposed extension is not sympathetic to the residential 'feel' of the area. Such a proposal would be more suited within a dedicated office/industrial development of similar proportioned structures.

In summary, If the height of the proposed extension was the same as the existing structure, then I feel this would be far more acceptable.

Rahnala  
Charlton Drive  
Cheltenham  
Gloucestershire  
GL53 8ES

**Comments:** 25th November 2021

We understand that there has been some problems maintaining the existing structure and that a rebuild is necessary.

The proposed extension is too large to fit in with existing manor house and is not subordinate to it. It is too tall and spoils the privacy of the houses next to it in Charlton Drive which were built in the 1930s.

It is a most unwelcome suggestion.

Birdhurst  
Charlton Drive  
Cheltenham  
Gloucestershire  
GL53 8ES

**Comments:** 23rd November 2021

The visual impact unsuitable, privacy - glass dominance will impact surrounding neighbours, conservation & heritage - design not in line with historic nature of building and area.

The roofline has been interfered with in terms of being higher which is unacceptable in nearly all normal planning applications and due to position of building and surrounding properties should by no means be allowed to happen.

The Brick House  
Charlton Drive  
Cheltenham  
Gloucestershire  
GL53 8ES

**Comments:** 24th November 2021

The massive size of the proposed block is completely out of scale to this residential area on an important access route to Cheltenham.

If allowed to go ahead we will have another, later regretted, Eagle Tower.

There are Interesting differences in the treatment, or non-treatment, of external views of the proposed new block as viewed from the Cirencester Road / Cudnall Street direction. The view in Site Character section 02.4 has no equivalent in Proposed 3D Images in section 03.2, and conversely, the images in 03.2 have no equivalents in 02.4. It is therefore IMPOSSIBLE to accurately judge the visual impact of the proposal from the east !

As a matter of principle, neither the total volume of the proposed development nor its footprint should exceed or be outside those of the existing building.

If other comments are correct, then I would oppose the inclusion of Keep Fit facilities in this development.

The property ownership boundaries shown on all the plans that I have consulted are not accurate in terms of Spirax's ownership alongside the River Chelt and at the western edge of the site. In many cases the real ownership falls outside the present boundary fence.

The Biodiversity analysis and proposals are basically fluff. Why not give up the heavily managed existing lawn or plant shrubs vegetate patches of the car park ?

2 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HT

**Comments:** 21st December 2021

Following the Spirax-Sarco Neighbours' Event held on 8 December 2021, I wanted to provide additional commentary (beyond that set out in my Objection letter dated 22 November) for consideration by the Planning Committee with respect to HEIGHT & MASSING - and the misinformation and misrepresentation of fact by the applicant (Spirax-Sarco) that increases my opposition to their plans for the 'Demolition of mid-20th Century Wing and Erection of a Replacement Extension to the Office Building' of Charlton House.

The applicant's planning application includes several statements that clearly give the impression, or indeed are stated as evidence, that the new extension will be sympathetic to the Grade II Listed Mansion House, the location of the site in a residential area and the heritage of the surrounding area. For example:

"Concerns were raised [by the Conservation Officer] regarding the scale and massing of the extension and the Conservation Officer warned that if they were too great it could detract from the significance of the heritage asset." (Planning Statement, page 13)

"Any such proposal will need to be very carefully considered as any extension to Charlton House should appear subordinate to the main house. Given that the mass of the new building is likely to be greater than that of the main house ... this may be hard to achieve without the building being lesser in height ... with the focus again being on ensuring that it appears subordinate to the main body of Charlton House and does not detract from the refined elegance of its Regency design, particularly that of the principal elevation." (Heritage Report, p17)

The Q&A PDF from the 8 December Neighbours' Event (shared with local residents) states: "Spirax-Sarco Engineering plc's brief to the Architects included "...the new extension is to be sympathetic to the Old House and will need to consider... neighbours ... prestigious and modern feel appropriate for a global precision engineering business ... without diminishing the relevance or standing of the Old House.""

However, it would be my opinion that the applicant's planning application and active engagement with the planning committee (including the hosting of several Councillors on site at Spirax-Sarco) is not based on fully accurate facts and is not submitted in good faith.

The materiality of this misinformation is best shown by highlighting that the Spirax-Sarco chief executive wrote in an email to Alex Chalk QC MP that "[the] neighbours are correct to point out that the new building is taller than the current extension(s), but it is not taller than the roof line of the Old House" and "we've had to increase the height of the new build extension from 3.2m to 4m". However, the Spirax-Sarco project architect confirmed at the Neighbours Event that "we expect that the roofline of the new extension will be higher than the existing roofline by 5-10cm" and the Neighbours' Event Q&A PDF shared after the event states that "The height of the current extensions' roof line is 13.25m at its tallest point from ground level. The proposed new building roof line is 18.45m at its tallest point from ground level, so there is a 5.2m maximum difference in height."

Additionally, the photo montages provided (in a PDF document) to a small number of neighbours by the Spirax-Sarco project manager after the Neighbours' Event clearly show that the new building is of significant mass that overwhelms (and is neither subordinate or subservient to) the Mansion House; will directly impact the privacy of the residents north, east and south of the site; will impose upon the view from Cox Meadow; and takes no account of either the heritage of the Grade II Listed Mansion House, the mix of residential buildings in the surrounding area, and the Cudnall Street (Charlton Kings) Conservation Area (designated in October 1989, with boundary revisions in November 2001). I would encourage the Planning Committee to review the photo montages and to consider the proposed buildings from all angles and ground level at the nearest points to the site.



(It is also worth noting that NO measurements / scale were provided in the Applicant's planning application, and the aforementioned Q&A PDF has only been shared with a small number of residents and not provided to the Borough Council Planning team. Equally, the drawing of the eastern elevation was only uploaded after the deadline for comments, and no photomontage of the eastern side has been provided to the Council or residents, despite this being the side of the site most visible to everyone.)

Furthermore, the impression is given in the applicant's planning application material and subsequent documents that the current extension is not Grade II Listed. For example, pages 5 and 7 of the 'Project Oak Neighbours Event RL Slides' includes diagrams that only mark the Mansion House as the Listed Building, and not the rest of the building. This is materially incorrect as the whole building (the old Mansion House and the current extension) is Grade II Listed.

Finally, the consultation around the proposed development has been very limited (~20 residents / homes) and gives every impression of a plan that is being rushed through. When the scale and mass of the proposed new building is considered through the lens of the photo-montages and the additional documentation provided at and after the 8 December Neighbours' Event, it becomes obvious how many further residents are impacted - for example, Langton Grove Road, the length of Charlton Drive, Marlborough Close, the full length of Chancel Way, the properties on / adjacent to the Holy Apostles Church land, and London Road (between Haywards Road and Charlton Court Road - and these residents have a reasonable right to be consulted around the plans.

### **Comments:** 20th December 2021

Following the Spriax-Sarco Neighbours' Event held on 8 December 2021, I wanted to provide additional commentary for consideration by the Planning Committee with respect to TRAFFIC & PARKING - and the misinformation and misrepresentation of fact by the applicant (Spirax-Sarco) that increases my opposition to their plans for the 'Demolition of mid-20th Century Wing and Erection of a Replacement Extension to the Office Building' of Charlton House.

The applicant's planning application sets out that the building is intended to be for 133 full-time employees, plus visitors. For example, the applicant's Transport Statement says (paragraph 4.3): "The existing building to be demolished currently provides office space to accommodate 250 staff. The proposed building will provide office space for 150 staff. As a result of the redevelopment proposals approximately 100 staff currently based at the Charlton House site will relocate to Northcroft House, an existing office building which has recently been acquired by Spirax-Sarco Ltd and is located on the A435 Cirencester Road, approximately 1.5 kilometres south of the Charlton House site."

The current parking is 216 on-site parking spaces, and no new parking is planned. This is stated in paragraph 4.8 of the Transport Statement: "The redevelopment proposals will result in reduction in car parking provision to 170 spaces to reflect the lower level of parking demand, while still ensuring sufficient provision to prevent overspill parking."

Furthermore, the applicant's Transport Statement (prepared by Transport Planning Associates (TPA) on behalf of Spirax-Sarco) states (paragraph 4.17): "Given that the redevelopment proposals will result in a reduction of approximately 100 staff based at the Charlton House site, it is considered the development proposals will result in a reduction in trip attraction to the site and will therefore not be of detriment to the operation of the local transport network. Further capacity assessments are therefore not required."

It was not unsurprising therefore that the 'GCC Highways Planning Liaison Officer' comment (17 December) concluded: "There are no alterations proposed to the existing access arrangements, and the application will result in an overall decrease in the number of trips to and from the site. As such, the proposal is not perceived to arise a detrimental impact on the operation and safety of the adjacent network."

However, the stated intentions by the applicant are misrepresented and not accurate. For example:

The Spirax-Sarco chief executive wrote in an email to Alex Chalk QC MP that "the new building has a slightly larger floor area + (10.1%) because it has been built with future growth in mind".

The Spirax-Sarco Group HR Director (and executive sponsor for the redevelopment) stated at the Neighbours' Event (8 December) that "the current facility won't allow us to grow", "we need to future proof", "our current forecast is [already] 165 employees", and "we have grown, we are growing and we will continue to grow".

The Spirax-Sarco project manager stated at the Neighbours' Event that "we expect that the building could accommodate 250-300 employees" and in the Q&A PDF that he shared after the event it states that "the new building gives us sufficient space for 150 workstations, which allows capacity for growth of our Group functions over the lifetime of the building, while also providing an environment where we can flex the workspace considering the changes to the ways we might work in the future".

The obvious impact of the above is therefore an INCREASE not decrease to traffic in and out of the site (additional full time employees plus the visitors to the auditorium), increase in parking demand (but no increase to the onsite parking, so will cause parking issues in the residential areas surrounding the site), and increased traffic at peaks times (including school run in the morning) which will back up along Cirencester Road (both directions, up past St Edwards School and towards the city centre) causing tail-backs in what is already an accident blackspot (see the 22 accidents listed in Appendix B of the applicant's Transport Statement).

As such any traffic assessment based on the current application of 133 employees should be considered null and void (as based on inaccurate data), and new assessments / risk analysis should be undertaken on an increased headcount of 300 full-time employees PLUS up to 50 visitors (to the auditorium).

Little Orchard  
Charlton Drive  
Cheltenham  
Gloucestershire  
GL53 8ES

**Comments:** 24th November 2021

The existing extension is nonedescrypt but innocuous. The new one is modern and dominant. The question is "Is that change appropriate to character of the residential area surrounding it?"

From the drawing and information it is difficult to judge if the new extension is significantly higher - and therefore more intrusive than the existing building.

We do applaud the upgrading of the premises and regard Spirax as a good neighbour but we are concerned regarding the visual impact of the extension and do feel that it should not be significantly taller than the one it is replacing.

25 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HS

**Comments:** 24th November 2021

I have no objection to the building, but I do object to the lack of consideration for the traffic issues associated with Cudnall Street. In the report I find Cudnall Street described as "with minimal throughtraffic, [it] has a peaceful, residential character.", which is not the case. Cudnall Street acts as a cut through for traffic between the Cirencester Road and London Road (& vice versa), avoiding the lights by Holy Apostles church. The traffic lights at Holy Apostles Church do not currently accommodate traffic turning right from the Cirencester road to the London road, so Cudnall Street bears the brunt of this. Any increase in capacity of the new building will compound an existing issue on our road which cannot currently deal with the traffic volume. Again from the report : "Much of the Conservation Area is characterised by a strong sense of enclosure on account of its narrow streets". We see frequent accidents, most commonly wing mirrors being broken off, along with road rage as motorists struggle to pass one another.

We have been contacting Matt Babbage at the council for approaching three years on the issue without any action being taken. We have young children like several other families on the street, and I believe we share a collective concern for their safety due to the speed and volume of traffic we endure. I would be very grateful if as part of this planning application further research could be done on the impact to the street and some proposed action taken to reduce and safeguard the residents of this conservation area.

1 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HS

**Comments:** 23rd November 2021

The scale and in particular the height of the design of the proposed building is not compatible with its location in a residential area and will overlook and overshadow the neighbouring properties.

1 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HS

**Comments:** 20th November 2021

I am writing to OBJECT to the Proposed Development on the following grounds:

#### 1 GOVERNMENT POLICY

The Built Heritage Assessment - Heritage Report 1200663.pdf included in the application does not provide sufficient information or assessment to support a planning application.

The document supplied is only appropriate for the initial assessment of the site typically useful in pre-application consultation. Paragraph 189 of the National Planning Policy Framework (NPPF) requires a built heritage assessment. Additionally, see page 18 paragraph 3 of the Heritage report.

The built heritage assessment is required to enable the planning authority to meet their obligations under Para 190 - 198 of the NPPF amongst others.

It is noted that the applicant has significant resources and has employed a professional planning organisation to make the planning application.

In these circumstances, the Local Planning Authority cannot adequately assess the proposal on the information provided and either the application must fail or the applicant must withdraw the application and resubmit with the appropriate supporting documentation.

#### 2 DESIGN AND APPEARANCE

The proposed development is an attractive building but its scale is suited to open parkland or business park, not the leafy residential area in which it would sit.

Its design is not sympathetic to its context in a residential area and adjacent conservation zone. Indeed, the applicant's own proposal shows the proposed building in a parkland setting, not an established residential area.

See the applicant's Proposed Building View 8 1200703 which shows the site sitting comfortably in a parkland setting with the houses and buildings in Langton Place conveniently absent. Building views 5 and 6 show the building placed in similarly attractive but unrepresentative locations.

#### 3 OVERLOOKING AND LOSS OF PRIVACY

The proposed development is significantly higher than the current building and the design includes windows that overlook and cause an associated loss of privacy for the residential properties at the western end of Cudnall Street, Birch Mews, Langton Place and St Edwards Walk.

#### 4 EFFECT ON LISTED BUILDINGS AND CONSERVATION AREA

The height and size of the proposed development negatively affects Charlton House. The proposed building is attached to the grade 2 listed building and materially higher than the existing roofline.

Grade 2 listed Langton Lodge is a significant building and its context in the surrounding area along with the amenity it provides will be adversely affected by the proposed scale and design of the proposed new building.

For the reasons above, I would urge the Council to reject the Application.

I would support a design that was of lower overall height and that sat more sympathetically in its surroundings,

The implied threat in paragraph 1.2 of the planning statement is unnecessary and purile given the proposed much reduced employment on that site.

**Comments:** 23rd November 2021

I object to this proposal as it fails to preserve the heritage in the area.

Specifically the proposed erection will make Charlton House subservient to the new addition for the following reason.

1 Despite the applicants assertion to the contrary, that the proposed extensions roof line including all the plant on top of it will be lower than the roof line of Charlton House. It is in-fact considerably higher. See proposed elevation Drawing 1200922 where the large structure labeled 6 rises to approx 15 feet above the roof line of Charlton House.

2 The volume of the extension is an order of magnitude greater than the original house.

**Comments:** 24th November 2021

I note that the Heritage statement required by the full planning application was added only on the 19th of November and replaces the previous one that was not suitable.

No indication that this document was added has been made and consequently there is insufficient time for suitable consideration or comment on any additional or changed evidence

This goes to the heart of public consultation and fairness. How can we comment if the documents arent there when we look?

Consequently I encourage the council to reject this flawed application on the grounds of fairness and equity.

**Comments:** 20th December 2021

I am bringing to your attention information that demonstrates that the applicant has provided misleading information that is material to the decision.

Specifically, the application and the supporting heritage and traffic surveys are based on a use case that is inconsistent with the planned, expected and actual use of the building.

Misleading information summary: Use of building

1.1. Section 21 of the application form describes the employment use of the building as being 133 people, down from 277 previously. Many of these people were transferred to Northcroft House, a new office building.

1.2. The transport statement used in support of the application at 4.3 states "The existing building to be demolished currently provides office space to accommodate 250 staff. The proposed building will provide office space for 150 staff. As a result of the redevelopment proposals approximately 100 staff currently based at the Charlton House site will relocate to Northcroft House, an existing office building which has recently been acquired by Spirax-Sarco Ltd and is located on the A435 Cirencester Road, approximately 1.5 kilometres south of the Charlton House site."

1.3. S4.6 goes on to say "It proposed that the redevelopment proposals will be served in accordance with the site's existing access arrangements. Given the reduction in staff numbers associated the access arrangements are considered to be appropriate."

2.1 Jim Devine, the Group HR Director and Project Sponsor, held a meeting for residents on Wednesday 8th December 2021 where he revealed that the overriding reason for the massive expansion is to accommodate future growth. At this meeting he used a phrase on three occasions "we have grown, we are growing and we will continue to grow" and confirmed that to be the case by confirming that there are already 165 staff now allocated to the site.

2.2 A maximum building capacity was discussed at that meeting and whilst no firm number was given, an indication that it would be possible to house c300 people was mentioned.

2.3 The Group HR Director confirmed that the new building would be easily reconfigured to accommodate growth. Presumably, contemplation and thinking zones and studios are easily reconfigured to accommodate more people.

2.4 The supplied transport statement used by the highways team to assess the application neither reflects the current situation (already at 165 people) nor the stated goal of accommodating future growth.

3.1 Accordingly, s4.6 of the transport statement regarding the suitability of access arrangements which was contingent on lowering the employees based at the site and which was used by the Councils Highways team no longer supports the assumption that the arrangements are adequate or appropriate. Highways' recommendation should be withdrawn and reassessed after submission of an accurate transport statement.

3.2 The transport statement was supplied during an ongoing recruitment drive and as the Group HR Director is the project sponsor it is reasonable to believe he should have been aware of the disparity.

In summary, I believe the applicant or its agents have presented evidence to support its application that does not reflect reality, the applicant's true intentions or the potential of the building.

Any suggestion that the "future of work" will be mostly remote is ridiculous given:

1) No one can see into the future and current working practices would have seemed alien just two years ago.

2) The HR Director's recognition of the difficulties that home working brings in terms of talent retention and development and against a backdrop of increased staff turnover across the sector.

3) If the applicant is building for a future of homework and a smaller workforce there would be no need for a building of this size and it would be nonsensical to build, heat and maintain a large barely used office block. NOTE. The applicant has already exceeded the number of staff it forecasts in its application.

The planning system requires planning authorities to make decisions on information provided and the Applicants must provide accurate information. In this instance, the applicant has demonstrably not done so.

In the circumstances, it would be appropriate for the planning authority to refuse planning permission because information provided by the applicant fails to accurately describe the nature and anticipated impacts of the proposed development.

**Comments:** 1st December 2021

1 The Application as made did not include the required heritage statement and should not have been accepted. The heritage statement being a material document. The required document appeared 3 days before public consultation expired

2 The building was first listed on 14/12/83 at which point the extension and adjoining buildings were already present and as such are listed,  
The principles being If an object is fixed to the principal building in such a way that it would be considered a fixture in the usual land-law sense (i.e. would be conveyed with the property on sale unless expressly excluded), it would be protected by the listing. Any structure fixed to the building (however large, including whole other buildings) will be protected if it was ancillary to the principal building at the date of listing (or possibly at 1 January 1969 for list entries that pre-date).

The listed 20th century part of the building is not adequately referenced, if at all in the application.

There is NO mention of the impact of redevelopment on the immediate neighbour, a Grade 11 listed Villa under the shadow of the proposed building.

For these reasons I believe the application is flawed and should be rejected.

12 St Edwards Walk  
Cheltenham  
Gloucestershire  
GL53 7RS

**Comments:** 24th November 2021

I object to the proposed plans primarily due to the significant increase in height of the main building.

The proposed structure would dominate the neighbouring buildings, which are predominantly 2 storey residential dwellings and include a listed building and the nearby conservation area.

Additional to this, with the large increase in glazing, this will result in a loss of privacy for many properties in the immediate area.

10 St Edwards Walk  
Cheltenham  
Gloucestershire  
GL53 7RS

**Comments:** 24th November 2021

I am writing to OBJECT to the planning application based on the following planning considerations:

1. Privacy - the proposed extension roof height appears to be much higher than the existing 20th century extension, indeed it appears to be as high as the original mansion house. This would have a detrimental impact on our right of privacy as a family in a residential building within 40 yards of the Charlton House site.
2. Visual Impact - the proposed extension would be much more imposing than the current 20th century extension, because of its proposed height, this is unacceptable to us as our garden and property would be much more overlooked than is currently the case.
3. Conservation and Heritage - the proposed extension certainly does not appear to address Heritage concerns for it to be subordinate to the the original mansion house because of the proposed extension roofline being very similar to that of the mansion house.

I am not averse to a rebuild of the 20th century extension or aesthetic improvements but believe it's roofline height should be no higher than the existing extension as it stands today and work within it's existing footprint.

2 Chancel Way  
Cheltenham  
Gloucestershire  
GL53 7RR

**Comments:** 17th December 2021

The proposed development improves the privacy of the surrounding houses. Aesthetically, it also enhances the area and blends better with the Regency house than the existing building.

This comment was originally submitted and acknowledged on 14 November.



4 Birch Mews  
Cudnall Street  
Charlton Kings Cheltenham  
Gloucestershire  
GL53 8DT

**Comments:** 20th December 2021

One of my initial concerns to the proposed application, which was stated in my original objection letter, submitted 20th November 2021, was the size and height of the proposed building, for what appeared to be a reduced number of employees (from 277 to 133).

However having attended the Neighbours Event, organised by Spirax Sarco, the Spirax-Sarco Group HR Director (and executive sponsor for Project Oak) stated at the Neighbours Event that "the current facility won't allow us to grow", "we need to future proof", "our current forecast is 165 employees", and "we have grown, we are growing and we will continue to grow."

Additionally it was stated by the Spirax-Sarco Project Oak Project Manager "we expect that the building could accommodate 250-300 employees."

The Q&A PDF from the Neighbours Event states: "The new building gives us sufficient space for 150 workstations, which allows capacity for growth of our Group functions over the lifetime of the building, while also providing an environment where we can flex the workspace considering the changes to the ways we might work in the future."

It therefore appears with closer scrutiny this is not a decrease in the number of employees but a potential increase and I am concerned of the impact on the immediate residential surrounding area. If these projected figures are taken into account, we then have to consider proposed car parking spaces to accommodate these figures. Currently this site provides 216 car parking space with no new parking spaces planned.

Furthermore the proposed gym facilities at the site, which will presumably be open to ALL employees of Spirax Sarco across their several sites in Cheltenham, will cause not only a further increase in traffic congestion, but potentially lead to cars being unable to park on site and being parked in nearby residential streets. In the last year, 4 road accidents have occurred between the front and rear access of this site. It is a dangerous part of the Cirencester Road and the impact of the proposed plans need to be given further consideration. I would also like to reiterate the points of concern raised by our neighbour at 25 Cudnall Street regarding the misuse of Cudnall Street, which will only be exacerbated by the current proposed plans.

**Comments:** 20th November 2021

I wish to object to the above planning application for the following reasons:

Charlton Kings is a village, which adjoins Cheltenham. It is a predominantly residential area. The current 1970's extension is landscaped with established trees and hedgerow, which allows in its current form, to blend with the immediate environment.

The Cirencester Road is an important approach road into Cheltenham. However, Cudnall Street is a conservation area. Both of these roads are of a very close proximity to proposed development. Therefore it is vitally important for the need of a more

sympathetic approach to any further development, in what is a predominantly residential and conservation area.

Whilst I have no objection in principle to an extension, it is the height of the proposed building. Its close proximity to the conservation area, does not facilitate the enhancement and the preservation of Cudnall Street and its surrounding area. Indeed the proposed second floor will dominate this part of Charlton Kings. It is totally out of character with the immediate area.

The illustrations indicate the proposed building will run in line with the height of the existing original grade listed building. The extension projects out towards and above the Cirencester Road, leading to a loss of privacy and intrusion to the immediate surrounding homes that the proposed extension will overlook. Furthermore, none of the illustrations indicate how the ventilation air handling units, air conditioning units and the PV panels on the top of the proposed building will further impact on the skyline? To accommodate such installations would suggest they would be higher than the existing roof line of Charlton House.

The planning Application indicates there will be a substantial increase in the amount and size of windows. This will cause a considerable lack of privacy to nearby residents in the day. Furthermore the working hours are from 7am until 8pm at night, thereby causing further intrusion with a substantial amount of light pollution both in the morning and at night.

Finally, I note from Section 21 of the planning application form, the existing number of full time employees is currently 277. After the completion, the proposed number of employees is 133. I am perplexed as to why Spirax Sarco need to build such a large and obtrusive extension for a reduced number of employees?

I am therefore asking the Council to refuse this planning Application.

If the application was made less obtrusive and allowed to blend more sympathetically with the immediate environment, I would support the application.

26 Highland Road  
Cheltenham  
Gloucestershire  
GL53 9LT

**Comments:** 17th January 2022

Well done Spirax Sarco. Cheltenham needs some new designs and this is exciting and the colour matches the old Charlton House.

1 Birch Mews  
Cudnall Street  
Charlton Kings Cheltenham  
Gloucestershire  
GL53 8DT

**Comments:** 22nd November 2021

I object to the above planning application on the following grounds:

1. The application proposes to introduce a large piece of contemporary architecture into a residential setting that will have a detrimental impact on the neighboring homes and surrounding area by being totally out of character, particularly with the nearby Cudnall Street conservation area. Whilst the design, if considered in isolation, is somewhat attractive, it is more appropriate to a campus style business park.
2. It's height & breadth will totally dominate nearby homes and reduce privacy by overlooking them. If the height were reduced to that of the existing 1970's extension, then it might become more acceptable.
3. As noted in Para 3 Section 5 page 18 of Heritage Report 1200663, Para 189 of the National Planning Policy Framework requires the submission of a built heritage assessment. This has not been supplied, consequently the application should fail or be withdrawn for resubmission with the necessary additional documentation.
4. The large size of the building would allow, at some future time, a considerable increase in personnel requiring access (despite statements to the contrary in the application), on a corner which has a track record of accidents. I am aware of 4 accidents occurring in the last year alone on this corner, all serious enough to require police attendance. These are in addition to the accidents noted in the Transport Statement 1600662
5. The present building's occupants regularly have lighting on all night, presumably for security reasons. The large number of additional windows, together with their size & height, will considerably increase light pollution in the area, since this practice is likely to continue in the proposed extension.

**Comments:** 20th December 2021

Further to my objections in my 22 Nov 21 statement, I would like to register the following additional points of objection:

1. Contrary to statements in the original application, as stated in Spirax-Sarco CEO's email to Alex Chalk MP, the new extension has been designed with future growth in mind.
2. The increase of staff numbers consequent upon such growth would exacerbate the traffic problems on a corner with an existing bad accident history.
3. As stated in answers to neighbours questions at the Spirax-Sarco event on 8 Dec. 21, the new extension will be 5.2 meters higher than the existing extension to Charlton House. This is not slightly higher as we were repeatedly told during the evening. The true figure was withheld until Spirax-Sarco were pressed to give an actual figure. Furthermore, this does not include Solar Panels & housing for the lift motors. This will be out of character & totally dominate the old house. It will also overlook and severely reduce the privacy of many nearby homes & gardens.

Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HS

**Comments:** 22nd November 2021

I object. Mainly:

- the plans are not in keeping/sympathetic with the current building. The fact that extension is higher than the original means that what was once hidden by the old lovely building will now be on show
- The proposed design is not subordinate to the main house, as required.
- as a direct neighbour the extension will ruin a lovely view that we have enjoyed for years.

25 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HS

**Comments:** 24th November 2021

I have no objection to the building, but I do object to the lack of consideration for the traffic issues associated with Cudnall Street. In the report I find Cudnall Street described as "with minimal through traffic, [it] has a peaceful, residential character.", which is not the case. Cudnall Street acts as a cut through for traffic between the Cirencester Road and London Road (& vice versa), avoiding the lights by Holy Apostles church. The traffic lights at Holy Apostles Church do not currently accommodate traffic turning right from the Cirencester road to the London road, so Cudnall Street bears the brunt of this. Any increase in capacity of the new building will compound an existing issue on our road which cannot currently deal with the traffic volume. Again from the report : "Much of the Conservation Area is characterised by a strong sense of enclosure on account of its narrow streets". We see frequent accidents, most commonly wing mirrors being broken off, along with road rage as motorists struggle to pass one another.

We have been contacting Matt Babbage at the council for approaching three years on the issue without any action being taken. We have young children like several other families on the street, and I believe we share a collective concern for their safety due to the speed and volume of traffic we endure. I would be very grateful if as part of this planning, application further research could be done on the impact to the street and some proposed action taken to reduce and safeguard the residents of this conservation area.

2 Cudnall Street  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8HT

**Comments:** 20th December 2021

Following the Spriax-Sarco Neighbours' Event held on 8 December 2021, I wanted to provide additional commentary (beyond that set out in my Objection letter dated 22

November) for consideration by the Planning Committee with respect to HEIGHT & MASSING - and the misinformation and misrepresentation of fact by the applicant (Spirax-Sarco) that increases my opposition to their plans for the 'Demolition of mid-20th Century Wing and Erection of a Replacement Extension to the Office Building' of Charlton House.

The applicant's planning application includes several statements that clearly give the impression, or indeed are stated as evidence, that the new extension will be sympathetic to the Grade II Listed Mansion House, the location of the site in a residential area and the heritage of the surrounding area. For example:

"Concerns were raised [by the Conservation Officer] regarding the scale and massing of the extension and the Conservation Officer warned that if they were too great it could detract from the significance of the heritage asset." (Planning Statement, page 13)

"Any such proposal will need to be very carefully considered as any extension to Charlton House should appear subordinate to the main house. Given that the mass of the new building is likely to be greater than that of the main house ... this may be hard to achieve without the building being lesser in height ... with the focus again being on ensuring that it appears subordinate to the main body of Charlton House and does not detract from the refined elegance of its Regency design, particularly that of the principal elevation." (Heritage Report, p17)

The Q&A PDF from the 8 December Neighbours' Event (shared with local residents) states: "Spirax-Sarco Engineering plc's brief to the Architects included "...the new extension is to be sympathetic to the Old House and will need to consider... neighbours ... prestigious and modern feel appropriate for a global precision engineering business ... without diminishing the relevance or standing of the Old House.""

However, it would be my opinion that the applicant's planning application and active engagement with the planning committee (including the hosting of several Councillors on site at Spirax-Sarco) is not based on fully accurate facts and is not submitted in good faith.

The materiality of this misinformation is best shown by highlighting that the Spirax-Sarco chief executive wrote in an email to Alex Chalk QC MP that "[the] neighbours are correct to point out that the new building is taller than the current extension(s), but it is not taller than the roof line of the Old House" and "we've had to increase the height of the new build extension from 3.2m to 4m". However, the Spirax-Sarco project architect confirmed at the Neighbours Event' that "we expect that the roofline of the new extension will be higher than the existing roofline by 5-10cm" and the Neighbours' Event Q&A PDF shared after the event states that "The height of the current extensions' roof line is 13.25m at its tallest point from ground level. The proposed new building roof line is 18.45m at its tallest point from ground level, so there is a 5.2m maximum difference in height."

Additionally, the photo montages provided (in a PDF document) to a small number of neighbours by the Spirax-Sarco project manager after the Neighbours' Event clearly show that the new building is of significant mass that overwhelms (and is neither subordinate or subservient to) the Mansion House; will directly impact the privacy of the residents north, east and south of the site; will impose upon the view from Cox Meadow; and takes no account of either the heritage of the Grade II Listed Mansion House, the mix of residential buildings in the surrounding area, and the Cudnall Street (Charlton

Kings) Conservation Area (designated in October 1989, with boundary revisions in November 2001). I would encourage the Planning Committee to review the photo montages and to consider the proposed buildings from all angles and ground level at the nearest points to the site.

Furthermore, the impression is given in the applicant's planning application material and subsequent documents that the current extension is not Grade II Listed. For example, pages 5 and 7 of the 'Project Oak Neighbours Event RL Slides' includes diagrams that only mark the Mansion House as the Listed Building, and not the rest of the building. This is materially incorrect as the whole building (the old Mansion House and the current extension) is Grade II Listed.

Finally, the consultation around the proposed development has been very limited (~20 residents / homes) and gives every impression of a plan that is being rushed through. When the scale and mass of the proposed new building is considered through the lens of the photo-montages and the additional documentation provided at and after the 8 December Neighbours' Event, it becomes obvious how many further residents are impacted - for example, Langton Grove Road, the length of Charlton Drive, Marlborough Close, the full length of Chancel Way, the properties on / adjacent to the Holy Apostles Church land, and London Road (between Haywards Road and Charlton Court Road - and these residents have a reasonable right to be consulted around the plans.

23rd November 2021

Park House  
St Edwards Walk  
GL53 7RS

Miss Claire Donnelly  
Head of Planning  
Cheltenham Borough Council Municipal Offices  
Promenade  
Cheltenham  
GL50 9SS

Dear Miss Donnelly,

Reference: 21/02364/FUL

(Proposed demolition of mid-20th Century Wing and erection of a replacement extension to the office building at Charlton House, Cirencester Road, Charlton Kings, Cheltenham, GL53 8ER).

I am writing to OBJECT to the planning application (reference 21/02364/FUL), made by McLoughlin Planning (agent) on behalf of Spirax Sarco Engineering Plc (applicant).

My objection is based on the following reasons

1. Proximity and privacy

Park House directly abuts the Spirax Sarco car park (Park House and Spirax share the same retaining wall) and the proposed new building will be approx 50m from our house. The proposed plans, which include substantially raising the Spirax office windows by well over 30 ft, will not only enable Spirax staff to look directly into our kitchen and conservatory

but also view straight into our garden. This is a severe infringement on our right to privacy

## 2. Impact on the heritage building

Presently Charlton House, which is a listed heritage building, stands out in relationship to the Spirax office. This is as it should be since not only does it enhance the importance of the listed building but also relegates the Spirax offices as subsidiary buildings. Given the massive increase in height and size of the new office, the listed building will be dwarfed, will dwindle in importance and be overshadowed by the proposed structure. This is not in the interests of the heritage building and is certainly not in the interests of Cheltenham as a Regency town admired for its lovely architecture and history

Furthermore, the Cheltenham planning committee is tasked with ensuring that any new buildings must improve, not detract from, the surrounding environment and landscape setting. Otherwise Cheltenham would rapidly become a town full of concrete carbuncles. The proposed building, whilst not a carbuncle, should be scaled back in size so that Charlton House can continue to stand out as a listed heritage site

## 3. Cudnall Street

Cudnall Street and the nearby lanes have many listed homes and a rich and ancient history. The planning committee must ensure that any proposed new building does not affect the significance of any other listed houses. This is clearly not the case as Langton Lodge, a Grade II listed house, will clearly be impacted. Similar to Park House the new Spirax office will overlook the house and garden of Langton Lodge

## 4. Recommendations

I have no objection to the present structure being demolished. However, given the loss of privacy to Park House and other homes by the dramatic



increase in the height of the proposed new building I recommend the following

- a) Maintain the height of the new building at the same level of the old building. Spirax has an office facility up the Cirencester road from which employees could easily work (if not already working from home) so a floor could safely be removed from the plans
- b) Better utilise the car park facilities by constructing a small office and/or sports facility/gym
- c) Build deeper rather than higher thus ensuring that no one's homes are overlooked

The Committee should request Spirax Sarco and the architects submit revised drawings taking the objections of myself and my neighbours into account

Yours Sincerely,

I

Langton Lodge  
2 Cudnall Street  
Charlton Kings  
Cheltenham  
GL53 8HT

Miss Claire Donnelly  
Head of Planning  
Cheltenham Borough Council  
Municipal Offices  
Promenade  
Cheltenham  
GL50 9SS

22 November 2021

Dear Miss Donnelly,

**Reference: 21/02364/FUL**

*(Proposed demolition of mid-20<sup>th</sup> Century Wing and erection of a replacement extension to the office building at **Charlton House**, Cirencester Road, Charlton Kings, Cheltenham, GL53 8ER).*

I am writing to **OBJECT** to the planning application (reference 21/02364/FUL), made by McLoughlin Planning (agent) on behalf of Spirax Sarco Engineering Plc (applicant).

Our objection is based on the planning considerations that we have set out below and that we ask for Cheltenham Borough Council to assess fully and respectfully in order to preserve the character and historical significance of the Conservation Area in direct proximity to Charlton House, our right to privacy as owners of our family house directly opposite Charlton House, and the visual impact of the proposed designs to an office building set in the middle of a residential area.

At the outset we note that the following statement in the 'DESIGN\_AND\_ACCESS\_STATEMENT-1200728' report is false: "The building is surrounded by predominantly 2 storey residential properties with a mix of materials. **All** of which are reasonably modern (C20) buildings." One of the nearest properties to Charlton House is Langton Lodge which is a Grade II Listed building built in 1807, and further houses in close proximity of Charlton House were also built before the 20<sup>th</sup> century.

## 1. Privacy

The proposed plans have significant and detrimental impact on our right of privacy as a family in a residential building within 40 yards of the Charlton House site. Our house (Langton Lodge) is the nearest property to the eastern boundary of Charlton House and is circled in red in the picture below:



### Privacy impact at first floor level

The impact to our privacy to us as a family on the first floor of our house is shown below. Note that the first floor of the house includes bedrooms and bathrooms for our family, including children.



The **top left** diagram shows the **existing** Charlton House building, from the south side elevation (as no East Side elevation diagram or original plan can be found in any of the planning documentation submitted by the applicant's agent). The red line is the roof line of the old Mansion House, the yellow line the roof line of the existing office extension.

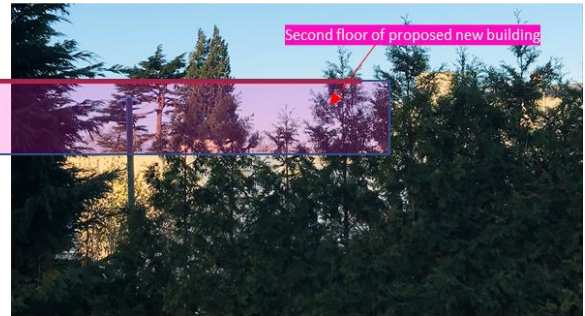
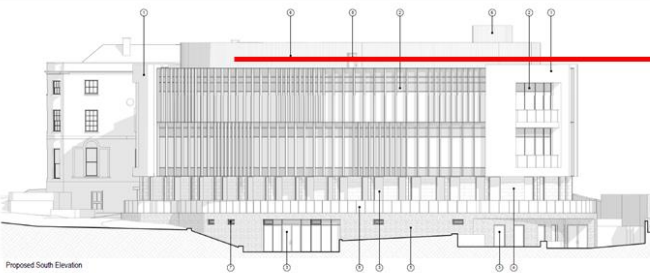
The **top right** picture shows the view of Charlton House **today** from a bedroom window in our house (and which cannot and will not be frosted or altered as that is not in keeping with our property as a Grade II Listed building built in 1807 and would be detrimental to our quality of life). The red and yellow lines are lined up to be equivalent in terms of roof lines between the diagram and photo.

The **bottom left** diagram shows the **proposed** Charlton House building, from the south side elevation (as no East Side elevation diagram or proposed plans can be found in any of the planning documentation submitted by the applicant's agent). The red line is the roof line of the planned office extension, with the proposed plant equipment on the roof being higher than the red line.

The **bottom right** picture shows how we would see the **new extension** from our first floor bedroom window, with the **pink box** indicating the second floor of the new extension. The red line is the roof line of the planned office extension, with the proposed plant equipment on the roof being higher than the red line. The proposed extension to Charlton House would be predominantly glass, and so the 133 full-time Spirax Sarco Engineering employees and their guests would have a direct view into our bedroom from these new windows – and this is a direct invasion of our right to privacy. No tree screening could be provided to the height needed.

### Privacy impact at ground floor level

The impact to our privacy to us as a family on the ground floor of our house is shown below. Note that the side of the house that faces towards Charlton House includes our kitchen and outdoor terrace, where as a family (including children) we spend a significant amount of our time.



The **top left** diagram shows the **existing** Charlton House building, from the south side elevation (as no East Side elevation diagram or original plan can be found in any of the planning documentation submitted by the applicant's agent). The red line is the roof line of the old Mansion House, the yellow line the roof line of the existing office extension.

The **top right** picture shows the view of Charlton House **today** from a kitchen window in our house (and which cannot and will not be frosted or altered as that is not in keeping with our property as a Grade II Listed building built in 1807 and would be detrimental to our quality of life). The red and yellow lines are lined up to be equivalent in terms of roof lines between the diagram and photo.

The **bottom left** diagram shows the **proposed** Charlton House building, from the south side elevation (as no East Side elevation diagram or proposed plans can be found in any of the planning documentation submitted by the applicant's agent). The red line is the roof line of the planned office extension, with the proposed plant equipment on the roof being higher than the red line.

The **bottom right** picture shows how we would see the **new extension** from our kitchen window, with the **pink box** indicating the second floor of the new extension. The red line is the roof line of the planned office extension, with the proposed plant equipment on the roof being higher than the red line. The proposed extension to Charlton House would be predominantly glass, and so the 133 full-time Spirax Sarco Engineering employees and their guests would have a direct view into our kitchen (and the outdoor terrace that runs alongside it) from these new windows – and this is a direct invasion of our right to privacy. No tree screening could be provided to the height needed.

## 2. Visual Impact

The applicant's agent's heritage report ('HERITAGE\_REPORT-1200725') sets out that: "It is understood to be desirable for the new building to address the poor relation between the floor levels in main body of Charlton House and the existing extensions, and to potentially connect to the top floor of Charlton House to improve accessibility (as to be expected, there are no lifts within Charlton house itself). However, to achieve these aims it would be necessary for the new building, or part of the new building, to be of a greater height than the existing twentieth-century extensions, and potentially of the same or similar height to the main part of the listed building. Any such proposal will need to be very carefully considered as any extension to Charlton House should appear subordinate to the main house. Given that the mass of the new building is likely to be greater than that of the main house- as is the case with the current extensions – this may be hard to achieve without the building being lesser in height."



The applicant's agent also addresses this matter – “**height and massing**” – in the submitted planning statement ('PLANNING\_STATEMENT-1200726'):

4.15. Paragraph 201 of the NPPF was highlighted in the previous section because the test in heritage terms is whether the proposal would result in less than substantial harm to the heritage asset. Clearly, the proposal will have a degree of impact on the heritage asset because the entire building is listed, not just the 19th century part. However, the pre-application response confirmed that the Council is generally supportive of the proposal, although the Conservation Officer felt it was not possible to fully assess the heritage impact as the information submitted with the pre-application enquiry was not sufficiently detailed.

**Concerns were raised regarding the scale and massing of the extension and the Conservation Officer warned that if they were too great it could detract from the significance of the heritage asset.** Notwithstanding this, the Conservation Officer did accept the principle of replacing the 20th century extensions with a new purpose-built extension.

4.16. The detailed design drawings show that the second (uppermost) storey is set lower than that of Charlton House and the plant material on the roof is no higher than the highest part of the parent building. The topography of the site is helpful in terms of the proposed extension remaining subservient as the land slopes away and when viewed from the principal elevation the extension will be read as a subservient structure. Moreover, the fact the extension curves away reduces the massing in terms of its overall width, which is something the current angular wings fail to achieve.

We are firmly of the view that the applicant and their agent have **not reasonably addressed the concerns** raised by the Conservation Officer above, nor have they satisfied the concerns in the updated heritage statement or other planning materials.

For example, paragraph 4.16 above states that the “topography of the site is helpful in terms of the proposed extension remaining subservient as the land slopes away and when viewed from the principal elevation the extension will be read as a subservient structure”. However, that statement does not hold true when the elevation of Cirencester Road that runs to the east to the Charlton House site. The photos below show this elevation, with the photo on the left showing the increase in gradient up the hill (in the direction of Cheltenham town-centre) and the right-hand photo showing the same area of road but from the top of the hill downwards (in the direction of Cirencester):



For the proposed extension to satisfy the height and massing concerns, the building should be sympathetic to the change in elevation with the rooflines reflecting that. However, the proposed plans do **the exact opposite** as the actual extension will be greater in height than the original Charlton House manor house as the south eastern end of the site is ~5-10m below the level of the land at the northern end of the site.

Secondly, whilst paragraph 4.16 states that “the extension curves away reduces the massing in terms of its overall width, which is something the current angular wings fail to achieve”, it fails to mention the dominant façade at the western end of the proposed building which has the appearance of **significantly greater ‘mass’** (right hand picture below) than the current building (left-hand picture).



The submitted planning statement (‘PLANNING\_STATEMENT-1200726’) also notes (at paragraph 3.22) that the ‘National Planning Policy Framework (Ministry of Housing, Communities and Local Government), published February 2019, updated June 2019)’ (NPPF) paragraph 130 seeks to ensure that any new developments are “sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change”.

We are firmly of the view that the proposed extension does not pass the test of this framework principle, with an overbearing and dominant design (see picture above right) that is neither sympathetic to the local character and history of the area nor to the fact that the Charlton House site is in the middle of a residential area.

And perhaps the greatest tragedy of all is that the proposed design (right-hand photo below) with its vast scale and domineering height and mass is not in any way sympathetic to the architecturally magnificent and feature rich original Mansion House (left-hand photo below) that the extension is built on to. Indeed, as stated in the applicant’s agent’s own report (‘HERITAGE\_REPORT-1200725’), “any such proposal will need to be very carefully considered as any extension to Charlton House should appear subordinate to the main house.” The proposed design is absolutely **not “subordinate” to the main house**, it dwarfs it.



### 3. Historical & Conservation Significance

The proposed plans have a particularly negative historical and conservation impact, considering the location of the Charlton House site in the middle of a residential area and its proximity to the Cudnall Street (Charlton Kings) Conservation Area (designated in October 1989, with boundary revisions in November 2001).

Our house and garden – Langton Lodge, 2 Cudnall Street – sits at the western end of the Cudnall Street Conservation Area and is within 40 yards of the Charlton House site. The Langton Lodge plot has been occupied since before 1154 when it was a Cheltenham manor freehold. Langton Lodge (previously called both Charlotteville and Langton Villa) was built in 1807 for Colonel McLeod with an original entrance by a drive from the ‘new’ Cirencester Road. The buildings (4 Cudnall Street) alongside Langton Lodge date further back to c1800 when three cottages were built by Thomas Billings, as was 6 Cudnall Street which he built in 1795 (and was originally called Raisey House, now Abbotsdene).

There is a wonderful history of Langton Lodge, including as a weekend house in the early 1800’s for Princess Charlotte (the Prince Regent’s daughter and heir to the throne), a Ladies’ Seminary between 1837 to 1847, its subsequent ownership by Mr Charles Norman (a local china merchant), the birth at the house of Victoria Cross recipient James Forbes -Robertson in the early 1900’s, and the significant renovations during the 1980’s to restore the building to its former Regency Villa qualities.

Langton Lodge was Grade II Listed in 1986. Seventeen of the trees within the boundary of Langton Lodge are under Tree Preservation Orders (TPOs). Equally, further properties along Cudnall Street are also Grade II Listed and the Cudnall Street (Charlton Kings) Conservation Area is of historical importance.

The ‘**Planning (Listed Buildings and Conservation Areas Act) 1990**’ sets out that where any development may affect certain designated heritage assets, there is a legislative framework to ensure proposed works are developed and considered with due regard to their impact on the historic environment. This extends from primary legislation under the Planning (Listed Buildings and Conservation Areas) Act 1990. The relevant legislation in this case extends from section 66 of the 1990 Act which states that special regard must be given by the decision maker, in the exercise of planning functions, to the desirability of preserving or enhancing listed buildings and their setting.

The ‘**National Planning Policy Framework (Ministry of Housing, Communities and Local Government)**, published February 2019, updated June 2019)’ (NPPF) is the principal document that sets out the Government’s planning policies for England and how these are expected to be applied. It defines a heritage asset as “a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”. This includes both designated and non-designated heritage assets. More specifically:

- Section 16 of the NPPF specifically relates to ‘Conserving and Enhancing the Historic Environment’ relates to the conservation of heritage assets in the production of local plans and decision taking. It emphasises that heritage assets are ‘an irreplaceable resource and should be conserved in a manner appropriate to their significance’. For proposals that have the potential to affect the significance of a heritage asset, paragraph 189 (of the NPPF) requires applicants to identify and describe the significance of any heritage assets that may be affected, including any contribution made by their setting. The level of detail provided should be proportionate to the significance of the heritage assets affected. This is supported by paragraph 190, which requires LPAs to take this assessment into account when considering applications.
- Under ‘Considering potential impacts’ the NPPF emphasises that ‘great weight’ should be given to the conservation of designated heritage assets, irrespective of whether any potential impact equates to total loss, substantial harm or less than substantial harm to the significance of the heritage assets.
- Paragraph 195 states that where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, permission should be refused, unless this harm is necessary to achieve substantial public benefits, or a number of criteria are met. Where less than



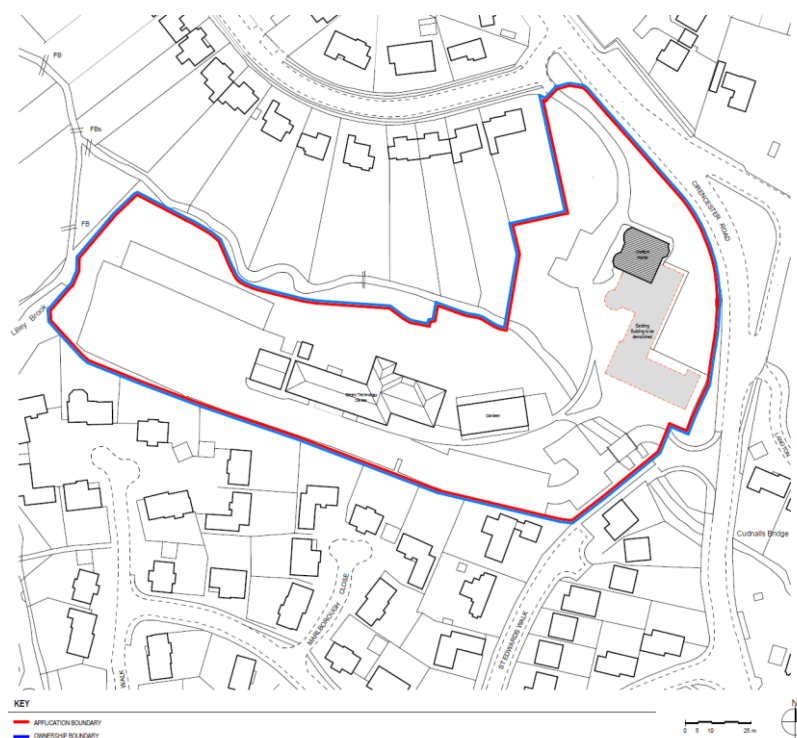
substantial harm is identified paragraph 196 requires this harm to be weighed against the public benefits of the proposed development.

- Paragraph 197 states that where an application will affect the significance of a non-designated heritage asset, a balanced judgement is required, having regard to the scale of harm or loss and the significance of the heritage asset.
- Paragraph 200 notes that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. It also states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset should be treated favourably.
- Paragraph 201 states that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. When determining the impacts arising from the loss of a building or element that does positively contribute, consideration should be given to the relative significance of that building and the impact to the significance of the Conservation Area or World Heritage Site as a whole.

We are firmly of the view that the heritage of the area beyond the Charlton House site has **not been taken into account** by the applicant or their agent in the course of their preparation of their plans.

Indeed, **we can only find two passing references to Langton Lodge** (in 'HERITAGE\_REPORT-1200725' p16, and 'UPDATED\_HERITAGE\_STATEMENT-1208790' p17) **in any of the planning documents** submitted by the planning applicant's agent. Page 14 of the HERITAGE\_REPORT-1200725 document states "Charlton House is a typical Regency villa, of which a good number of examples survive nationally" – yet here it fails to mention the nearest one to Charlton House, namely Langton Lodge.

Further, there are no drawings of existing or planned from the eastern side of Charlton House, and there are only two recent picture/map that even shows Langton Lodge and the western end of the Cudnall Street (Charlton Kings) Conservation Area (pages 3 and 11 of the 'HERITAGE\_REPORT-1200725'. For example, the 'EXISTING\_BLOCK\_PLAN-1200745' report shows the residential dwellings north and south of Charlton House, but deliberately omits any properties to the east – this is shown in a copy of the report below:





Additionally, the 'UPDATED\_HERITAGE\_STATEMENT-1208790' report states that “the only heritage assets within the area that are potentially affected by the proposed development of the Site are the Grade II listed Cudnall Bridge, c.50m to the south of the extension; Cudnall Street (Charlton Kings) Conservation Area, c.30m to the east at its nearest point from the Charlton House Extension; and the Grade II listed Charlton House itself, attached to the current proposed extensions. No other assets are likely to have their significance affected by the development proposal.” (paragraph 3.28).

It goes on to describe in more detail (paragraphs 3.50-3.59) the Cudnall Street (Charlton Kings) Conservation Area. Whilst it records that the “Conservation Area contains a high number of statutory and locally listed buildings, allowing the area to be rich in historic and architectural interest”, it also records that “the north-eastern edge of the Site appears in views eastwards along Cudnall Street, but lacks prominence in these views, contributing only a sense of distant enclosure.” (paragraph 3.58). This is a **false statement**, as evidenced by the photos included in section 1 of this letter above.

When we therefore we consider the principles in the ‘National Planning Policy Framework (Ministry of Housing, Communities and Local Government), published February 2019, updated June 2019’ (NPPF) as the principal document that sets out the Government’s planning policies for England and how these are expected to be applied, **we would determine that the threshold for several of these key principles (documented further above) is not met:**

NPPF Principle	Does the proposed design meet the principle threshold?
Section 16	<b>No</b> – Heritage assets are ‘an irreplaceable resource and should be conserved in a manner appropriate to their significance’, and yet the design of the proposed extension is overwhelming, dominant and out of character to the existing Mansion House; and no regard has been given by the applicant or their agents to the heritage assets (including Grade II Listed Langton Lodge) in the proximity of Charlton House. Equally, significant detail has not been provided proportionate to the area (including but not limited to elevation plans for the East side, English Heritage report, accurate maps that include equal area around the site prior to consultation, and a design that shows how it is not impacting privacy of the houses around the site).
Paragraph 195	<b>No</b> – As above, supported by the commentary on previous pages.
Paragraph 197	<b>No</b> – As above, supported by the commentary on previous pages.
Paragraph 200	<b>No</b> – As above, supported by the commentary on previous pages. The proposed design does not “preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset”.
Paragraph 201	<b>No</b> – As above, supported by the commentary on previous pages. The proposed design does not consider “the impacts arising from the loss of a building or element that does positively contribute, consideration should be given to the relative significance of that building and the impact to the significance of the Conservation Area or World Heritage Site as a whole”; indeed, the two heritage reports are inaccurate, incomplete and do not fairly capture the history and environment of the Cudnall Street (Charlton Kings) Conservation Area as a whole.

#### 4. Recommendations

We recognise that the current extension of Charlton House needs renovation, and welcome of course the inclusion of a new biodiversity area along with the additional sustainability initiatives in the proposed plans (for example, the inclusion of electric car charging points).

However, we **object to the current plans** for the reasons we have set out in detail above.

We would ask that Cheltenham Council other at this stage of the planning process in its consideration of the proposed plans submitted by McLoughlin Planning (agent) on behalf of Spirax Sarco Engineering Plc (applicant) – and prior to any decision being made.

We would suggest that the **following two options must be considered** as a part of this process:

- 1) **Reject the proposed plans and limit the applicant's 'upgrades' to the building to cosmetic changes to the building only**, but without any external structural changes or demolition, recognising that the whole property is protected by its Grade II Listing. *OR*
- 2) **Reject the proposed plans and allow the demolition and rebuild or the extension, but with the extension at a height (the roofline) no higher than the height of the existing extension.** There is scope for doing this by changing the design of the planned extension. For example:
  - The design could be re-worked to set the building lower down into the ground so that the gym, studio and mail-room are underground. This design would better utilise the gradient change across the 1.8 hectare campus.
  - Remove the gym and studio from the design all together, as Spirax Sarco Engineering employees could instead use the gym less than a mile away at the DoubleTree Hilton hotel (Cirencester Rd, Charlton Kings, Cheltenham GL53 8EA). As such, the second floor of the proposed design would not be needed.
  - Spirax Sarco Engineering could transition further employees from the Charlton House site to the more modern offices at Runnings Road and Northcroft House (both located in Cheltenham), as is already the plan for 144 employees moving to these offices / taking the opportunity to work from home following ways of working changes brought in by Spirax Sarco Engineering through the COVID-19 pandemic. As such, the second floor of the proposed design would not be needed.

Thank you for taking the time to read this letter and for your consideration of the above facts and proposed recommendations. We would of course welcome the chance to discuss further and can attend any of the Committee meetings prior to any decision being reached as you so require.

We trust that you will be fair and balanced in your review, and therein will recognise that the plans as currently proposed cannot and **should not be approved** by Cheltenham Borough Council.

Yours sincerely,

20<sup>th</sup> December 2021

Dear Miss Donnelly

**Planning Reference 21/02364/FUL | Demolition of mid-20th Century Wing and Erection of a Replacement Extension to the Office Building- OBJECT**

We write further to our original objection as **new information** has been received; our previous objection letter remains relevant, and this letter is in addition to it. The new information covers, Parking and Traffic, Scale for the proposed extension, and Communication and Planning Process.

**New Information - Overview**

**Parking and Traffic**

1. Spirax-Sarco Project Manager states that 'we expect that the building could **accommodate 250-300 employees**'
2. The redevelopment **proposals outline a reduction in car parking spaces** to 170 to reflect the lower level of parking demand."
3. The **Spirax-Sarco CEO**, in an email to Alex Chalk MP states "...the new building has a slightly larger floor area + (10.1%) because **it has been built with future growth in mind.**"
4. Spirax-Sarco Group HR Director states that 'the current facility won't allow us to grow', 'we need to future proof', 'our current forecast is 165 employees', and 'we have grown, **we are growing and we will continue to grow**'.

**Scale for the Proposed Extension - Height, Scale and Mass**

1. The **Spirax-Sarco CEO**, in his email to Alex Chalk MP states "[the] neighbours are correct to point out that **the new building is taller than the current extension...**", "**we've had to increase the height of the new build extension from 3.2m to 4m**".
2. The Project architect states "the new extension will be 18.4m high' **so 5.15m higher than the current extension. This excludes the lift shaft 'which is a further 6 feet**".
3. The Neighbours Event Q&A PDF states: "The proposed new building roof line is 18.45m at its tallest point from ground level, so there is a **5.2m maximum difference in height.**" **This should correctly read 'maximum increase in height'**

**Communication and Planning Process**

1. From Spirax information - the proposed **extension height is an increase of over 5m**; this absolutely affects more residents in the neighbourhood than already formally contacted by CBC Planning Department.

2. From Spirax information - the expected **staff increase to 250-300** staff will substantially increase parking need and traffic flow. This fundamental change to the application requires a wider neighbourhood catchment plus **reassessment by the GCC Highways Planning Liaison Officer**. There is only **1 bus per hour along Cirencester Road** with no stop adjacent to Spirax.
3. **Failures in the application process**, including (but not exclusively) the late submission of documentation by Spirax, material inaccuracies in said documentation, affected properties not being formally notified, lack for email responses from CBC Planning Committee Members, two applications on planning sites adding confusion for those considering commenting, no guidance that comments can be submitted for consideration after the date on the planning site, and lack of honest/realistic information provided of true impact of development by Spirax.

**As a result, we believe that the Planning Committee should reject the plans as proposed and that stipulations for a revised application include:**

- a. **An extension roofline no higher than the existing extension**
- b. **A legally enforceable condition restricting number of employees permanently located at the site to 150 staff to contain future impact of traffic and neighbourhood parking**
- c. **A wider neighbourhood catchment area with full presentation including realistic images and key facts**

### **Existing and New Information - Detailed Presentation**

**Parking and Traffic** - The existing planning application states that the building is **intended to be for 133 full-time** employees, plus visitors, **a reduction from the 277 current employees**.

- The applicant's Transport Statement states (para 4.3) states: "The existing building to be demolished currently provides office space to accommodate 250 staff. The proposed building will provide office space for 150 staff. As a result of the redevelopment proposals approximately 100 staff currently based at the Charlton House site will relocate to Northcroft House, an existing office building which has recently been acquired by Spirax-Sarco Ltd and is located on the A435 Cirencester Road, approximately 1.5 kilometres south of the Charlton House site."
- The current on-site parking is 216 spaces, and no new parking space provision is detailed in the application. In fact, the opposite intention is stated in the applicants Transport Statement (para 4.8): "The **redevelopment proposals will result in reduction in car parking provision to 170 spaces** to reflect the lower level of parking demand, while still ensuring sufficient provision to prevent overspill parking."
- The traffic analysis and the 'GCC Highways Planning Liaison Officer' report / assessment will have been based on the data provided in the planning application. The GCC Highways Planning Liaison Officer's comment (17 December) concluded: "There are no alterations proposed to the existing access arrangements, and the application will result in an overall decrease in the number of trips to and from the site. As such, the proposal is not perceived to arise a detrimental impact on the operation and safety of the adjacent network."

The new information suggests that the applicants' intentions, as stated in the application, are at best misleading and at worst designed to obfuscate. This is evidenced by the following:

- The Spirax-Sarco CEO, Mr Anderson, in an email to Alex Chalk MP on or around 08/12 states “...the new building has a slightly larger floor area + (10.1%) because it has been built with future growth in mind.”
- Spirax-Sarco Group HR Director (and executive sponsor for Project Oak) stated at the Neighbours Event on 08/12 that ‘the current facility won’t allow us to grow’, ‘we need to future proof’, ‘our current forecast is 165 employees’, and ‘we have grown, we are growing and we will continue to grow’.
- Spirax-Sarco Project Oak Project Manager stated at the Neighbours Event that ‘we expect that the building could accommodate 250-300 employees’.
- The Q&A PDF from the Neighbours Event states: “The new building gives us sufficient space for 150 workstations, which allows capacity for growth of our Group functions over the lifetime of the building, while also providing an environment where we can flex the workspace considering the changes to the ways we might work in the future.”
- The applicant’s Transport Statement (prepared by Transport Planning Associates (TPA) on behalf of Spirax-Sarco) states (para 4.17): “Given that the redevelopment proposals will result in a reduction of approximately 100 staff based at the Charlton House site, it is considered the development proposals will result in a reduction in trip attraction to the site and will therefore not be of detriment to the operation of the local transport network. Further capacity assessments are therefore not required.” This is clearly at odds with the intended future expansion plans.
- When was asked at the Neighbours Event where the new parking would go, the architect responded to the effect of Spirax-Sarco will come back to us in a couple of years and ask us for a design for an **additional storey in the car park**; this is not explained in the current application.

Clearly the above does not correlate to the previous written submissions by Spirax Sarco, meaning that the Planning Committee do not, as yet, have all the facts for consideration.

There will be an increase, not decrease, to traffic in and out of the site requiring an increase to parking demand. There is a proposed decrease in the onsite parking in the application, which will cause major parking issues in the residential areas surrounding the site.

In addition to parking issues, the increased traffic particularly at peaks times (including school run in the morning) which will back up along Cirencester Road (both directions, up past St Edwards School and towards the city centre) causing tailbacks in what is already an accident blackspot (see the 22 accidents listed in Appendix B of the applicant’s Transport Statement). This will be compounded by cars being parked along Cudnall Street, Charlton Drive, the various Chancel Way/St Edwards roads, the Cudnall Street/Cirencester Road slip road, and the Cirencester Road.

**We believe that the Planning Committee should reject the application as proposed as the development will have a materially adverse impact on the roads and residential areas surrounding the site. To proceed, there should be a legally enforceable condition as to the number of employees permanently located at this site which should be capped at the 150 staff Spirax-Sarco states in its application.**

**Scale for the Proposed Extension - Height, Scale and Mass** - The planning application includes several statements that clearly give the impression, or indeed are stated as evidence, that the new extension will be sympathetic to the:

- Grade II Listed Mansion House
- location of the site in a residential area, and
- heritage of the surrounding area.

For example:

- “The pre-application response confirmed that the Council is generally supportive of the proposal, although the Conservation Officer felt it was not possible to fully assess the heritage impact as the information submitted with the pre-application enquiry was not sufficiently detailed. Concerns were raised regarding the scale and massing of the extension and the Conservation Officer warned that if they were too great it could detract from the significance of the heritage asset.” (Planning Statement, page 13)
- “Any such proposal will need to be very carefully considered as any extension to Charlton House should appear subordinate to the main house. Given that the mass of the new building is likely to be greater than that of the main house - as is the case with the current extensions – this may be hard to achieve without the building being lesser in height. Materials – Careful consideration will also need to be given to the materiality of the new built form, with the focus again being on ensuring that it appears subordinate to the main body of Charlton House and does not detract from the refined elegance of its Regency design, particularly that of the principal elevation.” (Heritage Report, p17)
- The Q&A PDF from the Neighbours Event states: “Spirax-Sarco Engineering plc's brief to the Architects included "...the new extension is to be sympathetic to the Old House and will need to consider...neighbours ... prestigious and modern feel appropriate for a global precision engineering business ... without diminishing the relevance or standing of the Old House.”

The position taken by the applicant are again at best misleading and at worst misrepresented as evidenced by the following:

- The Spirax-Sarco CEO, Mr Anderson, in his email to Alex Chalk MP states “[the] neighbours are correct to point out that the new building is taller than the current extension(s), but it is not taller than the roof line of the Old House” and “we’ve had to increase the height of the new build extension from 3.2m to 4m”.
- Spirax-Sarco Project Oak Project architect stated at the Neighbours Event that ‘we expect that the roofline of the new extension will be higher than the existing roofline by 5-10cm’ and ‘the new extension will be 18.4m high’ so 5.15m higher than the current extension. This excludes the lift shaft ‘which is a further 6 feet’.
- The Q&A PDF from the Neighbours Event states: “The height of the current extensions’ roof line is 13.25m at its tallest point from ground level. The proposed new building roof line is 18.45m at its tallest point from ground level, so there is a 5.2m maximum difference in height.”

The photo montages (PDF) provided to a small number of neighbours by the Spirax-Sarco Project Oak Project Manager after the Neighbours Event clearly shows that the new building is of significant mass, which

- overwhelms the Mansion House (so is neither subordinate nor subservient to it)
- will directly impact the privacy of the residents north, east and south of the site

- will impose upon the view from Cox's Meadow, and
- takes no account of either the heritage of the Grade II Listed Mansion House, the mix of residential buildings in the surrounding area, and the Cudnall Street (Charlton Kings) Conservation Area (designated in October 1989, with boundary revisions in November 2001).

Note that the above-mentioned photo montages were based on selected views determined by the Architect, and the PDF has not been submitted as part of the applicant's planning application.

**We believe that the Planning Committee should reject the plans as proposed and suggest a more appropriate scale of extension, where the roofline is no higher than the height of the existing extension.**

**Communication and Planning Process** - We raised last time our concerns about the process that was being followed and the very small number of households formally advised of the application. The comments above in respect of both the scale of the new building and the impact on surrounding areas from a parking and traffic perspective means that the lack of consultation with a wider catchment is a material omission. As admitted by Spirax itself, the new extension increases height by over 5m, and this absolutely affects more than the 28 houses that Spirax-Sarco contacted.

Alongside this is the process itself where there have been failures in the application process, including the late submission of documentation, material inaccuracies in the documentation, process not followed, and lack of information provided i.e. the application process portrays the proposed development in the most favourable light to Spirax-Sarco and does not provide a realistic picture to residents.

**We believe that the Planning Committee should reject the plans as proposed so that the timescales for the process and consultation can be extended due to the wider neighbourhood catchment area necessitated by the full presentation of the facts commensurate with the increase impact of this proposed development due to the increased height, traffic and parking, and new information.**

**In Conclusion** - We continue to **Object** to the proposed application and this objection is stronger because of the new information now available, as we have outlined above.

**We again, respectfully request the Planning Committee takes our comments of objection here, together with our earlier objection and the comments of other interested parties, and reject the application as proposed. With the recommendation that a proposed extension of a subordinate dimension appropriate to the listed mansion house, where the roofline is no higher than the height of the existing extension, be designed and submitted with due provision being made for the increase in employees, traffic, and parking, as now expected at the site and neighbourhood.**

Yours sincerely

**Mead Lodge, 35 Cirencester Road, Charlton Kings, GL53 8EX**

Miss C Donnelly  
Head of Planning  
Cheltenham Borough Council  
Municipal Offices  
The Promenade  
Cheltenham  
GL50 9SS

29 November 2021

Dear Miss Donnelly

**Planning Reference 21/02364/FUL | Demolition of mid-20th Century Wing and Erection of a Replacement Extension to the Office Building- OBJECT**

We write further to our email of Saturday 27 November 2021 to provide details of our **objection** to the above-named planning application.

We are not experts in the building field and therefore take at face value the contention that the current building is no longer fit for purpose and cannot be made fit for purpose in any other way than demolition and rebuild; we trust Cheltenham Borough Council (CBC) Planning Dept/Town planners with the appropriate expertise will make this important assessment.

Our objection here falls into two principal areas:

- the scale for the proposed extension, and
- the fabric of the proposed extension.

These principal objections relate to the re-development, and not the other consideration of the environment and impact of the demolition and build process. We have yet to read and reflect on all the documentation, especially as new documents were only added on Friday 26<sup>th</sup> November and the Park House letter is blank when opened/downloaded. This lead on to our significant concern about communication and the planning application process; therefore, we have some opening remarks regarding this.

**Communication and Planning Process**

Our property is less than 50 meters from Spirax on Cirencester Road. We can see the current building from most rooms from the predominate aspect of the house, at both ground floor and first floor level, and also from our main recreational garden area. This view includes the rooms which are used on a daily and continual basis. And yet **we were not notified formally of this application** by the **Planning Department, Parish Council, or Spirax?** Indeed, as mentioned in our earlier email, we only became aware of this application as a result of a neighbour. This is why our comments are late, and we trust this will not prejudice the acceptance of our comments in the Planning Departments consideration. It is also why we have focused on just two key areas for our Objection.



Additionally, our personal lack of notification raises the question of which other households have not been notified since the current notification area does seem small. The proposed extension impacts many households on Cirencester Road, and in addition Cudnall Street, Chancel Way, and those on Holy Apostle's land off London Road, because of the massively changed façade on a substantial building within their residential domain and the of disruption during the demolition and build process. The CBC Planning Portal suggests that, as part of the planning process, a Charlton Drive Resident Consultant Meeting was held on 4<sup>th</sup> November; why was a similar meeting not extended to other affected residents at this time?

## **Objections – Initial Response**

### **1. Scale for the proposed extension - Height, Scale and Mass**

The current extension blends into the neighbourhood in two ways – scale and fabric. The current building is, in scale, sympathetic to its surroundings. It follows the topography of the land and is in every respect subservient to the Listed Building it abuts (Charlton House – the “House”). This is particularly seen in the ‘Existing Drawings’ which clearly show the current. extension roofline at the level of the bottom of the highest windows in the House. This is particularly important because, along with its façade, it allows the building to blend in with, and be part of, its neighbouring environment.

The proposed extension is of a magnitude significantly larger than the current extension with the roofline overpowering and dominating its surrounding environment. We must remember that, despite this office currently being here, it does in fact sit within a leafy suburban residential area not a business park. The proposed extension is entirely out of keeping and character with this wider environment and we are very disappointed that Spirax has not recognised this nor taken it into account in its proposed plans; they appear not to have taken the holistic view we would have expected of a good corporate neighbour. The application really only considers and addresses the extension from the aspect of the House and not from the opposite direction, where the building is at its most visible to the road, evidenced by the noticeable lack of Proposed View Images (PVI) provided within the application from the Cirencester Road and Cudnall Street elevation. Again, it is very disappointing behaviour, from a respected local and global organisation, to apparently choose to hide the true impact of their proposed development.

One has to wonder why a building of the proposed scale is needed, given the reduction in number of employees. This raises a further concern; if in the future the corporate need requires the number of employees on the site to increase, it could well be to a level that cannot be accommodated by the local infrastructure. Once the extensive re-development as proposed is built, this employee increase and infrastructure pressure would be very hard to prevent. The proposed extension size cannot be “driven by the Applicant’s operational requirements” when the staff numbers in the current building are halving, if driven by operational requirements then a building half the size would be appropriate.

We have noted Spirax’s comments (and thinly veiled threats) about this being the international HQ of a large company, but the ‘beauty’ and aura of a building appropriate to its status as HQ does not mean it has to be a monstrosity that needs scale. The ‘threat’ of ‘give us planning permission or risk us moving away from Cheltenham’ is repeated several times in the documents and displays a very

distasteful attitude from the company each time read. Which of their customer, people, and investors, would they lose if they chose to re-develop the extension with consideration to the neighbourhood in which it sits, the conservation of materials, and minimizing the impact on the environment and climate?

**The proposed extension, particularly at the Cirencester aspect to the House, where the new roofline is at its most invasive, is domineering and entirely out of keeping with its surrounding residential environment.** We note that the local Parish Council shares this opinion, and it is a view shared, we believe, by all objections received. One only has to look at the Before and After elevations in the 'Design and Access Statement' document to appreciate the hugely negative impact.

## **2. Fabric of the proposed extension - Façade**

The current extension is in keeping with its residential neighbourhood in that it could easily, for example, be the façade for a block of residential apartment rather than an office - the render, the windows, the scale all make this true – and this is what helps the building blend into its neighbourhood and historic environment and listed principal property, Charlton House.

The proposed extension throws this aesthetic away, and instead puts a significantly glazed and concrete block facade in its place. As said above, this building is not located on a business park or similar commercial environ; and therefore the façade of the proposed extension needs to be in keeping with its leafy, suburban, residential location, and very close proximity to the Cudnall Conservation area, particularly the listed Langton Lodge. The status of an international HQ can be realised with a significantly more sympathetic building. There are many properties and structures of listed/historical consideration within meters of this development which have not been considered by the Spirax application e.g. Charlton Park Cottage, Holy Apostles, Church, Old School. Bell Tower, and various listed and historic curtilages in the vicinity. Surprisingly these structure, together with Charlton House and Cudnall Bridge which were mentioned by the Spirax report, were omitted from the adjacent conservation areas when it was set, despite their significance.

## **Conclusion**

We take the statements in respect of the need to replace rather than renovate the existing extension at face value; renovating the existing building would be our preferred outcome. Notwithstanding that...

We **Object** to the proposed application because of the:

1. Massive increase in scale and mass of the proposal and the impact its new roofline will have on its neighbours and the area generally; and the
2. Proposed façade not being in keeping with its suburban and residential location, and the listed Charlton House which it abuts.

**We respectfully request the Planning Committee takes our comments, along with the comments made in the other Objections, and reject the plans as proposed and suggest a more appropriate**

Page 175  
Mead Lodge, 35 Cirencester Road,  
Charlton Kings, Cheltenham  
GL53 8EX

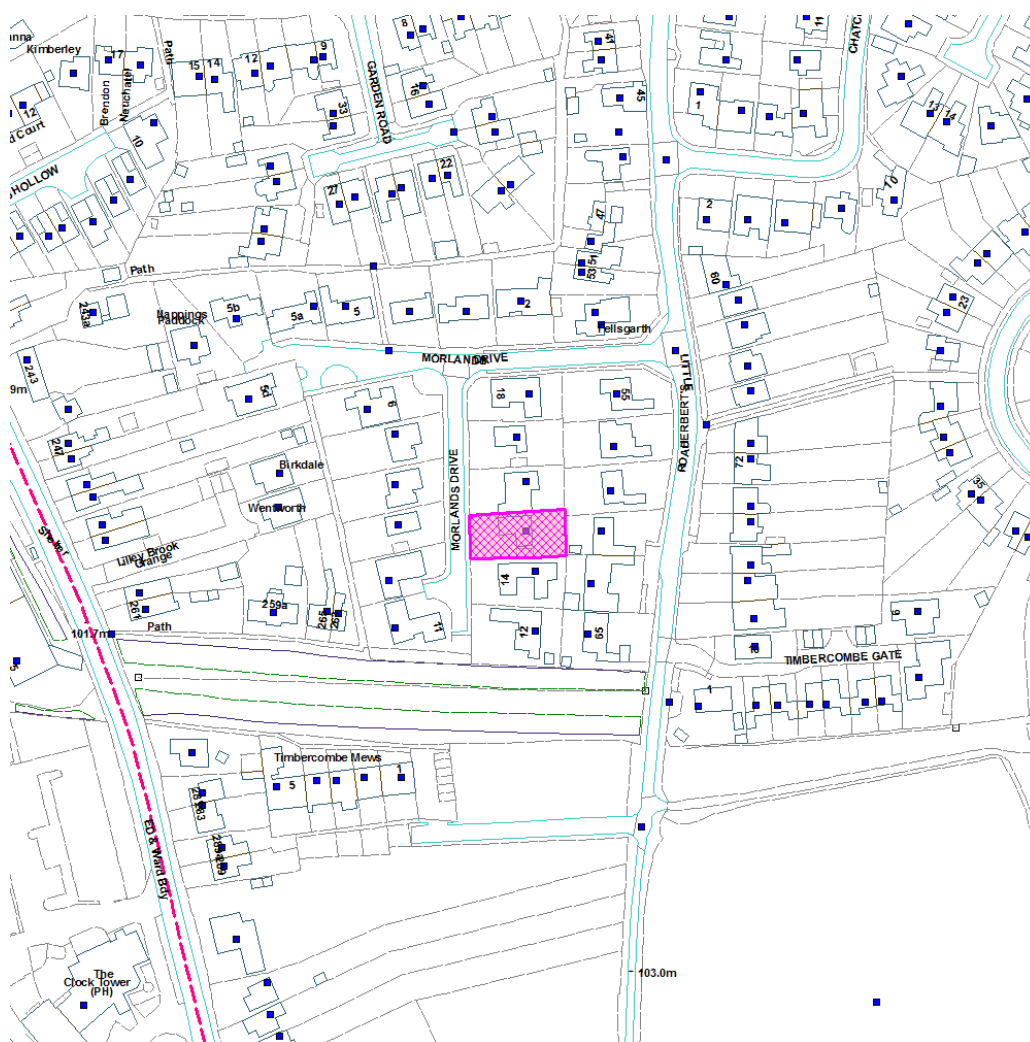
appearance and scale of extension, where the roofline is no higher than the height of the existing extension, be designed and submitted.

Yours sincerely

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<b>APPLICATION NO:</b> 21/02779/FUL		<b>OFFICER:</b> Michelle Payne
<b>DATE REGISTERED:</b> 18th December 2021		<b>DATE OF EXPIRY:</b> 12th February 2022 (extension of time agreed until 18th February 2022)
<b>DATE VALIDATED:</b> 18th December 2021		<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> Charlton Kings
<b>APPLICANT:</b>	Mr And Mrs Moore	
<b>AGENT:</b>	Horace Brown Ltd.	
<b>LOCATION:</b>	15 Morlands Drive Charlton Kings Cheltenham	
<b>PROPOSAL:</b>	Application to demolish existing garage and construct two storey side extension to include internal works and replacement windows	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the eastern side of Morlands Drive, a cul-de-sac accessed from Little Herbert Road, and comprises a detached, two storey dwelling. The site is also located within Charlton Kings parish; and, to the rear, the site backs onto the rear of properties in Little Herberts Road.
- 1.2 The property is gable fronted and constructed of yellow brick beneath a pitched, tiled roof, with white uPVC windows and doors. The property has been previously extended to the side at ground floor by way of a flat roofed addition; and a detached, flat roofed garage sits alongside.
- 1.3 The applicants are seeking planning permission to demolish the existing garage and construct a two storey side extension. The application also proposes replacement windows throughout.
- 1.4 The application is before planning committee following an objection from the parish council whose comments can be read in full at section 4 below; however, in brief, their concerns relate to a loss of privacy to properties at the rear; the mass, height and design of the extension; and the loss of the gap between the property and its neighbour.

## 2. CONSTRAINTS AND PLANNING HISTORY

### **Constraints:**

250 Metre Land Fill Boundary  
Airport safeguarding over 15m  
Principal Urban Area  
Smoke Control Order

### **Planning History:**

None

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework 2021 (NPPF)**

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

### **Adopted Cheltenham Plan 2020 (CP) Policies**

D1 Design  
SL1 Safe and Sustainable Living

### **Adopted Joint Core Strategy 2017 (JCS) Policies**

SD4 Design Requirements  
SD9 Biodiversity and Geodiversity  
SD14 Health and Environmental Quality  
INF1 Transport Network

### **Supplementary Planning Guidance/Documents**

Residential Alterations and Extensions (2008)

## 4. CONSULTATION RESPONSES

### **Building Control - 21st December 2021**

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

## **Gloucestershire Centre for Environmental Records - 6th January 2022**

Biodiversity report available to view in documents tab.

## **Parish Council - 11th January 2022**

Objection:

The Committee objects to the application on the following grounds:

The distance from the first-floor windows in the extension to those of the properties to the rear is less than 20m. While the property does have one existing first floor window, the extension will add three, thus significantly increasing the loss of privacy to the rearward properties.

The extension is of a mass and height that means it is not subservient to the original property.

The two storey properties in Morlands Drive have generally been designed and built 'end-on' to the street, ie with a relatively narrow frontage and greater depth. This creates an open aspect to the street scene with large gaps between the two storey elements. By extending at two storeys across almost the whole width of the plot, this common theme to the area is broken and is therefore out of keeping and detrimental to the street scene.

## **Contaminated Land Officer – 26th January 2022**

I've had a look at our maps and contaminated land records and I have no objections to this application. I would however add the general advice of installing a protective membrane within the foundations of the extension as a precautionary measure due to being within the landfill buffer.

## **5. PUBLICITY AND REPRESENTATIONS**

5.1 Letters of notification were sent to eight neighbouring properties. In response to the publicity, three objections have been received from three residents in Little Herberts Road to the rear. The representations have been circulated in full to Members but, in brief, the main concerns relate to:

- Overlooking/loss of privacy resulting from new first floor windows in rear elevation
- Scale of development
- Visual impact/overbearing
- Loss of light/overshadowing
- Loss of view

## **6. OFFICER COMMENTS**

### **6.1 Determining issues**

6.1.1 The main considerations when determining this application relate to design, and any impact on neighbouring amenity.

### **6.2 Design**

6.2.1 Adopted CP policy D1 requires all new development to complement and respect neighbouring development and the character of the locality; whilst extensions or alterations to existing buildings should avoid causing harm to the architectural integrity of the building or the unacceptable erosion of open space around the existing building. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.2.2 Further design advice in relation to domestic properties is set out within the Council's adopted 'Residential alterations and extensions' SPD.

6.2.3 Officers consider that the proposed extension is wholly acceptable from a design perspective. In terms of subservience the extension accords with the advice in the aforementioned SPD that states that *"An extension should not dominate or detract from the original building, but play a 'supporting role'. Generally, the extension should not be higher than the original. A well-designed extension is normally set back from the main elevation"*.

6.2.4 Although it is a fairly large addition, and will extend almost to the side boundary at two storeys, it is well set back from the principal elevation, some 2.8 metres, and will not exceed the height of the existing dwelling; as such, the original gable form of the dwelling will still be evident. The single storey garage projection will not breach the established building line.

6.2.5 In addition, whilst it is acknowledged that the space between the property and its neighbour to the south will be reduced as a result of the extension, this is not considered to be particularly harmful in this location. Indeed, the residential SPD advises that the Council will look to maintain spaces between buildings in order to prevent a terracing effect between existing houses and that permission may be refused only where *"an existing adjacent extension would make it impossible to achieve a visual gap between houses"*. In this instance, given that the neighbouring property is a bungalow, officers are satisfied that no such terracing effect will occur.

6.2.6 Furthermore, the use of facing brick and roofing tiles to match those used in the existing building will ensure that the general character and appearance of the property will be maintained. It is acknowledged that the introduction of anthracite grey windows, doors, cladding panels and rainwater goods throughout will give the property a more contemporary visual appearance but this not considered to be harmful to the wider streetscene. No objection has been raised by residents within Morlands Drive.

6.2.7 Overall, officers are therefore satisfied that the proposed extension accords with the provisions of CP policy D1, JCS policy SD4, and the 'Residential alterations and extensions' SPD.

### 6.3 Amenity

6.3.1 Adopted CP policy SL1 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality; these requirements are reiterated in adopted JCS policy SD14. CP paragraph 14.4 advises that *"In assessing the impacts of a development including any potential harm, the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy..."*. The impact of the development on all neighbouring properties has been taken into account when considering these proposals.

6.3.2 As previously noted at paragraph 5.1, neighbouring residents to the rear of the site have raised a number of amenity concerns; concerns which are shared by the parish council. The concerns have been duly noted by officers; however, whilst the proposals will undoubtedly have some impact on neighbouring properties, it is not considered that any such impact will be so great as to warrant a refusal of planning permission on amenity grounds.

6.3.3 With regard to overlooking and loss of privacy, the property that has the most potential to be adversely affected by the proposed extension is that directly to the rear of the site, no.61 Little Herberts Road. Officers acknowledge the proposed development will result in additional first floor windows to the rear of the application property, some of which will be clear glazed; however, clear glazed windows could be installed in the rear of the existing building at any time without the need for planning permission. In addition, one of the first floor windows in the rear of the new extension will serve an en-suite and can therefore be



reasonably assumed to be obscurely glazed; although, for the avoidance of doubt, this can be secured by condition. As such, there is really only one clear glazed window to consider. It is acknowledged that this window will not achieve a full 21 metres to the windows in the property to the rear, achieving approximately 19.4m, but it will achieve a distance in excess of 10.5 metres to the rear boundary which is widely accepted. In any event, the level of overlooking from a window set a further 1.6m away from the rear of the neighbouring property would not be too dissimilar.

6.3.4 In terms of visual impact, whilst it is acknowledged that the building as extended will have a greater visual impact than the existing dwelling, and the neighbours' view of the property will change, officers are satisfied that it will not appear overbearing given the distances involved.

6.3.5 Additionally, whilst some additional overshadowing of neighbouring gardens is likely to occur, it will not be to such an extent that planning permission could reasonably be withheld.

6.3.6 The proposed extension will not result in any harm to the properties on either side of the site in Morlands Drive. The neighbouring bungalow, no.14, does have a window in its side elevation but this appears to serve a bathroom. Moreover, the new first floor window in the side elevation facing no.16 will serve an en-suite and can again be reasonably assumed to be obscurely glazed.

6.3.7 Finally, members will be aware that the loss of a view is not a material planning consideration and cannot be taken into account in the determination of this application.

#### 6.4 Other considerations

##### *Protected species*

6.4.1 Whilst records show that important species or habitats have been sighted on or near the application site in the past, given the scale and nature of the proposals, it is not considered that the proposed development will have any harmful impact on these species.

##### *Public Sector Equalities Duty (PSED)*

6.4.2 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.

6.4.3 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.

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

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 With all of the above in mind, the proposals are considered to be in accordance with relevant national and local planning policies, and the recommendation is to grant planning permission subject to the following conditions:

## 8. SUGGESTED CONDITIONS

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

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

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

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

- 3 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the new en-suite window in the rear of the extension 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).

## **INFORMATIVE**

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

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

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

- 2 The applicant is advised to install a protective membrane within the foundations of the extension as a precautionary measure due to the site being within a former landfill buffer.

<b>APPLICATION NO: 21/02779/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>
<b>DATE REGISTERED:</b> 18th December 2021		<b>DATE OF EXPIRY :</b> 12th February 2022
<b>WARD:</b> Charlton Kings		<b>PARISH:</b> CHARLK
<b>APPLICANT:</b>	Mr And Mrs Moore	
<b>LOCATION:</b>	15 Morlands Drive Charlton Kings Cheltenham	
<b>PROPOSAL:</b>	Application to demolish existing garage and construct two storey side extension to include internal works and replacement windows	

## REPRESENTATIONS

Number of contributors	<b>3</b>
Number of objections	<b>3</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

63 Little Herberts Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8LL

### Comments: 6th January 2022

To whom it may concern

I am writing to formally raise objections in response to the planning application submitted for 15 Morlands drive (reference 21/02779/FUL). I had hoped to discuss these in person as stipulated within the letter notifying me of this development by the borough council, however there was not the opportunity to do so, in both the limited time given (the ability to comment by 7th January upon receiving notice via letter on 23rd December) and the availability of the planning officer in question (on leave until the closing date for comment).

The objections that I would like to raise are as follows;

- Impact of privacy
- Impact of light
- Overshadowing
- Layout and density of building
- Visual impact/ Loss of residential amenity

Impact of privacy - 15 Morlands drive partially overlooks my property (63 Little Herberts road, a bungalow) through one directly facing (although obscured glass) and three side windows (not directly overlooking) at present. In the proposed planning application however there would be 4 windows directly overlooking my property resulting in no privacy to our garden or communal family space (living room)

Impact of light - The natural light that we receive in our garden in the afternoon/evening comes as a result of the space between 15 Morlands drive and its neighbouring property 14 Morlands drive, knowing this we deliberately designed our garden space to take full advantage of this with a patio and seating area in the optimal space. On the basis of the

approval of application, we would no longer receive this natural light and afternoon sun to our garden and living room as it would be blocked by the proposal in question.

Overshadowing - The proposed developments to 15 Morlands drive would resulting in a shadow being cast over both my property and garden due to it completely blocking the sun in the afternoon/evening.

Layout and density of building - The planning application for 15 Morlands drive is not in character with the properties within its neighbouring area and furthermore is not representative of an extension but of a rebuild due to the extensive nature of the proposed plans which would see the property more than double in size.

Visual impact/loss of residential amenity - With the proposed development 15 Morlands drive will be overbearing, unacceptably high in density and an overdevelopment of the site. It is out of scale compared to neighbouring houses and existing developments in the vicinity. There will be a loss of open aspect of the area and space between the houses. Loss of existing views from neighbouring properties and the imposing nature of 15 Morlands drive would adversely affect the residential amenity of neighbouring owners.

I would appreciate a formal acknowledgement from the Cheltenham borough council in response to my objections

61 Little Herberts Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8LL

**Comments:** 6th January 2022

I write with reference to the Planning Office letter of the 17th December informing me of the above proposal.

Discounting the fact that this was the first I had heard of such a proposal, the abbreviated time scales, left me somewhat bemused. The letter was dated the 17th December but did not arrive until the 23rd December. It then quoted any objections must be received by 7th January 2022. When I telephoned the (direct dialling in) phone number for the relevant Planning Officer,( to discuss the implications of the Bank Holidays on the timescales and enquire as to the format of replying), I was met with a recorded message stating the PO was in fact away from the office until the aforementioned deadline of 7th January. No alternative contact point was supplied.

I have several objections to the proposals as they stand.( Never mind the fact that the plans themselves on the website are both poorly labelled and confusing.)The whole thing does not so much have the appearance of an extension but more the magnitude of a new house build.

From my family's perspective this is an overbearing form of development and out of context with that already in place. The proposed new wall itself must be very close to the published seven metre guideline ( for two-storey extensions) to the property border?

My main concern however is the "overlooking" aspect of the second storey and the loss of privacy due to size and proximity. Currently there is one window on the existing facing wall and, as it is a bathroom, this is glazed with obscuring glass. I am assuming this was a major consideration when the original planning permission was given for the whole development of Morlands Drive? The current proposal has 3 new windows facing my, and my near neighbour's, property. One of these new windows will be a bathroom but nevertheless the two others are surely not permissible?

In addition, the reverse side of our house is West facing. An increase in the footprint of Number 15 Morlands Drive, as currently proposed, will increase the shading in our back garden/living room and thus greatly reduce the sunlight/daylight (if not almost eliminate the former entirely from the afternoon onwards) currently experienced.

In conclusion, the house next door, (at Number 16 Morlands Drive), completed a two storey extension a few years ago which not only managed to avert a sense of enclosure (by "setting back" from existing building line) but also did not (by omission of windows on the second floor) impact existing privacy. My submission is that the same considerations, at the very least, should be applied in this specific case.

I look forward to receiving confirmation, of your receiving this objection, in due course.

59 Little Herberts Road  
Charlton Kings  
Cheltenham  
Gloucestershire  
GL53 8LL

**Comments:** 6th January 2022

We are writing to give our formal objection. We strongly oppose a large two storey side extension of 15 Morlands Drive.

Firstly, we would like to raise the overwhelming issue of privacy. Currently, our property is very private, however, the proposed application would allow for 15 Morlands Drive to have direct viewing access into our garden and the rear of our property. We believe this to be very intrusive, and ultimately an invasion of our privacy, and that is just unacceptable.

Secondly, we must raise the point of the very significant visual impact that the proposed plans would cause. The first one being that it would take away any natural day light that would normally enter our kitchen space- this is simply due to the size of the proposed extension. Also, to further elaborate on its size, it will undoubtedly make the property look over developed and unsightly when compared to the neighbouring houses and bungalows. After looking around at other extended properties in Morlands Drive, we can not see any extensions of this size or that have had two storey extensions in place of a garage.

Finally, we would like to raise awareness to the loss of a highly significant amenity. We are obviously referring to the very desirable views of Little Herbert Nature Reserve. From our bedroom windows, we are greeted with the picturesque views of the Nature Reserve, however, should the proposed plans presented be approved, then we will be greeted by their house which will have doubled in size.

We look forward to haring a response from you showing that you have received our objections.

<b>APPLICATION NO:</b> 21/02785/FUL	<b>OFFICER:</b> Mrs Emma Pickernell
<b>DATE REGISTERED:</b> 22nd December 2021	<b>DATE OF EXPIRY:</b> 16th February 2022
<b>DATE VALIDATED:</b> 22nd December 2021	<b>DATE OF SITE VISIT:</b>
<b>WARD:</b> Prestbury	<b>PARISH:</b> Prestbury
<b>APPLICANT:</b>	Duncan Rawlings
<b>AGENT:</b>	
<b>LOCATION:</b>	23C Finchcroft Lane Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Demolition of existing single storey dwelling and erection of new two storey dwelling

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is a detached single storey bungalow with detached double garage located in a backland position to the rear of 23, 23a and 23b Finchcroft Lane, accessed via a gated driveway to the south of this group.
- 1.2 Finchcroft Lane is characterised by a mixture of detached and semi-detached dwellings of varying styles in good sized plots. The site is bound to the rear by semi-detached properties which front Gallops Lane and an area of public open space. To the north is an area of open space associated with Finchcroft Court, a flatted development beyond.
- 1.3 Planning permission was granted in September 2021 for extensions to the existing bungalow. This application now seeks consent for the demolition of the existing bungalow and its replacement with a new building which would be a direct replacement for the bungalow, as extended. Therefore the proposed plans are the same and the eventual building would be the same in all respects.
- 1.4 In comparison with the existing bungalow the proposed dwelling would be a maximum of 2m higher. The first floor would accommodate 3 en-suite bedrooms. These would be lit by roof lights within the roof slopes, a window within the gable on the south elevation and on the north elevation by two double doors set within 2no. two storey rectangular projections. The doors would be recessed within this to create a 1m wide balcony with glazed balustrade.
- 1.5 The footprint would be the same as approved under the extension proposal and is similar to the original building. However the existing conservatory on the southern elevation would be replaced with a pitched roof extension, and the single storey element on the eastern side of the building would be replaced by a single storey element with the ridge height increased by 0.7m and the footprint in this area would be increased to create a boot room and utility room.
- 1.6 The application is before committee at the request of Cllr Payne because of the concerns of neighbours.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Airport Safeguarding over 45m  
Principal Urban Area

### **Relevant Planning History:**

**09/01223/PREAPP CLO**

Proposed first floor extension above the existing bungalow.

**00/01304/FUL 24th November 2000 PER**

Replacement of porch and conservatory, re-roofing of utility, with conversion of part of utility to shower room.

**99/50392/FUL 27th April 2000 REF**

Dining room, en-suite bathroom with utility and garage extension to existing house

**21/01745/FUL 24th September 2021 PER**

First floor extension and external alterations

## 3. POLICIES AND GUIDANCE

### **National Planning Policy Framework**

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 5 Delivering a sufficient supply of homes



Section 8 Promoting healthy and safe communities  
Section 9 Promoting sustainable transport  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places

### **Adopted Cheltenham Plan Policies**

D1 Design  
SL1 Safe and Sustainable Living

### **Adopted Joint Core Strategy Policies**

SD4 Design Requirements  
SD10 Residential Development  
SD14 Health and Environmental Quality  
INF1 Transport Network

### **Supplementary Planning Guidance/Documents**

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

## **4. CONSULTATIONS**

### **Tree Officer**

*5th January 2022*

There are several cypresses on site that have been managed as a hedge. These may need some pruning to facilitate the proposed development. The Trees Section has no objection to this.

### **GCC Highways Planning Liaison Officer**

*19th January 2022*

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.

The justification for this decision is provided below.

The proposal is perceived as a like for like replacement, thus not conducive to additional trips likely to result in detriment of the operation and safety of the adjacent network.

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.

The Highway Authority therefore submits a response of no objection.

### **Building Control**

*23rd December 2021*

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

### **Parish Council**

*11th January 2022*

No objection but we are concerned over neighbours' amenity.

**Gloucestershire Centre for Environmental Records**

6th January 2022

Biodiversity report available to view in documents tab.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	<b>47</b>
Total comments received	<b>11</b>
Number of objections	<b>11</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

5.1 The application was publicised by way of letters to 47 neighbouring properties. 11 objections have been received which can be briefly summarised as follows:

- Impact on privacy both inside neighbouring dwellings and gardens
- Impact on light inside neighbouring dwellings and gardens
- Visual impact/impact on outlook
- Previous application for a garage was refused
- Noise and disturbance from building work
- Concerns about accuracy of plans

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 The key issues in determining this application are considered to be (i) principle, (ii) design and (iii) neighbour amenity.

### 6.3 The site and its context

6.4 As mentioned above, the site is located within a backland location and comprises a bungalow, surrounded by two storey properties. A number of the objectors have suggested that when the dwelling was originally conceived there was a requirement for it to be single storey. This pre-dates the available records, however even if this were the case at the time, the LPA is duty bound to assess the current proposal in accordance with the current development plan which comprises the JCS, the Cheltenham Plan and supplementary guidance.

6.5 It is noted that in 1999 the planning committee overturned an officer recommendation to add another storey to the detached garage adjacent to the building. The garage is not proposed to be altered in the current proposals.

### 6.6 Principle

6.7 Policy SD10 of the JCS relates to residential development. It states that housing development will be permitted where it is infilling within the existing Principal Urban Area (PUA) of Cheltenham. The application site is within the PUA of Cheltenham and the proposal is for a 1 for 1 replacement dwelling and as such the principle of the proposal is acceptable.

6.8 As mentioned above the application proposes to construct a new dwelling which would be identical to the existing house as it would have been if the approved extensions had been implemented. As such the approved extensions scheme represents a 'fall back position' regardless of the outcome of this application.

### 6.9 Design and layout

6.10 The NPPF at Section 12 refers to achieving well designed places. This is also covered at policy D1 of the Cheltenham Plan and SD4 of the JCS. These include a requirement that development reflects the principles of urban design and complement and respect neighbouring development and the character of the locality. The Development on garden land and infill sites in Cheltenham SPD is also relevant. This sets out a methodology for assessing of considering infill schemes including assessing the layout and character of the surrounding area and responding appropriately.

6.11 In this instance the footprint is largely unchanged apart from the additions mentioned above. The new dwelling would be taller than the existing dwelling however it would not be higher than the neighbouring properties. As such it would not appear incongruous in this backland location. The design includes lower elements to the side and rear which appear as subservient elements to the larger central section. The roofline is broken with the front wing being set down from the main roof. These features ensure that the building does not appear overly bulky.

6.12 The materials proposed comprise render, and cladding with slate roof tiles and dark grey aluminium windows and doors. The material palette within surrounding properties is mixed and it is considered that the materials proposed are appropriate for the location. The exact nature of the cladding is not specified and as such a materials condition is recommended to ensure an appropriate finish.

6.13 The rear (north) elevation includes windows set within a slightly projecting frame. Whilst this feature is not one which is typically seen, the projections are set well in from the edges of the building and the eaves line is clear between and beyond these sections. As such they are considered to be acceptable.

6.14 For these reasons the design is considered to be acceptable. In terms of layout, as discussed, the footprint is not significantly different and no changes are proposed to the outbuildings or parking and turning arrangements. As such the layout is considered to be acceptable.

6.15 The design and layout is unchanged from the previous proposal which has already been found to be acceptable. For the reasons outlined above and bearing in mind the fall-back-position the current proposal is also considered to be acceptable in this regard.

### 6.16 Impact on neighbouring property

6.17 Section 8 of the NPPF, Policy SL1 of the Cheltenham Plan and Policy SD14 of the JCS all seek to ensure that development does not have an unacceptable impact upon the amenity of neighbouring properties.

6.18 The Residential Alterations and Extensions SPD & Development on garden land and infill sites in Cheltenham SPD give detailed advice on assessing the impact of proposals on privacy and light. These include the following guidelines:

- facing windows to habitable rooms should be a minimum of 21m apart.
- There should be 10.5m from a first floor clear glazed window to boundary (overlooking can be minimised by changes in orientation or use of high level windows).

- There should be 12 between dwellings which face each other where only one has windows with clear glazing.
- Extensions should not breach the 45° and 25° lines.
- Windows on upper floors and balconies need to be carefully considered. Skilful design can overcome issues

6.19 All properties which share a boundary with the site were visited as part of the consideration of the previous application. Whilst the impact is unchanged from the previous application the report will assess the impact on each of the adjoining properties.

### 6.20 Finchcroft Court

The rear elevation of the proposed dwelling faces an area of communal open space to the rear of the garage court associated with this block of flats. There is 13m from the north elevation of the application property to the boundary with this property and 40m to the building itself. The distances involved are sufficient to ensure no unacceptable overlooking occurs.

### 12 – 14 Gallops Lane

The east elevation of the proposed dwelling faces these properties. The single storey extension would be adjacent to this boundary with the main element beyond. The distance from the rear of these properties to the building varies from 11.1 – 18.9m (taking into account the existing extension at number 12). At present the bungalow is barely visible from the gardens of these properties due to the low height and the presence of vegetation on the boundary. It is acknowledged that the proposed dwelling may mean it is more visible from these properties. However the element directly adjacent to the boundary remains single storey and is 2.3m away from the boundary. The eaves of the main element remains relatively low with the front section pitching away from the boundary. It is therefore not considered that the proposal would result in an overbearing impact upon the garden and it is not considered that the impact of the proposal is sufficiently harmful to warrant the refusal of the application. The roof light windows appear to be high enough on the roof to ensure that no overlooking could occur, however they serve en-suites and as such is suggested that a condition is attached to ensure they are obscurely glazed.

### 16 – 18 Gallops Lane

The single storey element in the location of the existing conservatory would be over 12m from any part of either neighbouring property. The proposal includes a new window within the gable of the southern elevation which would be at an oblique angle to these properties. Its position is slightly below 10m to the boundary with number 16, however at this nearest point it is perpendicular to the rear elevation of this property. Given the distances involved and the oblique angle of any overlooking it is not considered that the proposal results in a loss of privacy at a level which would warrant the refusal of the application.

### 25 Finchcroft Lane

The above mentioned gable window would face the boundary of this property, however it is 13m from the boundary and 25m from the house itself. Some overlooking of the end part of the garden may occur but at a distance of 13m this is not a level which could warrant the refusal of the application.

### 23 Finchcroft Lane

23 Finchcroft Lane has been extended to the rear but retains a garden of a minimum of 11m in length with 18m to 23c. The first floor window mentioned above would be at an oblique angle to the dwelling and would not result in an unacceptable loss of privacy.

### 23b Finchcroft Lane

This property is 13m from the rear boundary (not including the conservatory) with a further 2m gap to 23c. The height of the gable adjacent to the boundary would be 1.5m than the existing house and as such there would be an impact on the outlook from this property, however it is no considered that it would have a sufficiently overbearing impact as to warrant the refusal of the application. The roof lights would be obscurely glazed in order to preserve privacy.

### 23a and 21 Finchcroft Lane

The garden of 23a is over 13m in length with 15m between properties corner-to-corner. 21 has a garden of approx. 23m in length with over 25m corner-to-corner. Given these distances it is not considered that the extended building would have an overbearing impact. The proposal includes large windows within the framed elements, however at first floor the windows are set 1m within this structure which limits sideways views towards these properties. The balconies are not of sufficient depth to be likely to be used for frequent sitting out. As such it is considered that the impact on these properties is acceptable.

- 6.21 The application drawings include a demonstration of the 25° line which seeks to demonstrate that the proposal will not have an unacceptable impact upon light for any neighbour. A number of representations question the accuracy of this. Having viewed the site and neighbouring properties the land clearly rises to the east, although the exact topography differs from plot to plot. Given that the drawings demonstrate a cross section through the highest part of the building and demonstrates a 'worst case scenario' particularly in the case of the conservatory for 23b, officers are confident that the proposal would not result in an unacceptable loss of light to any neighbour.
- 6.22 It is acknowledged that the proposed building will have an impact upon neighbouring properties. However the proposal complies with the relevant 'rules of thumb' as outlined at 6.18. Having carefully assessed the impact upon each neighbouring property officers are satisfied that the impact is not at a level which would warrant the refusal of the application.
- 6.23 Access and highway issues**
- 6.24 The application proposes a replacement dwelling with no alterations to the access arrangements; as such no objection has been raised by the Highway Authority.
- 6.25 Sustainability**
- 6.26 Cheltenham Borough Council has declared a climate emergency with an ambition to be a net zero carbon authority by 2030.
- 6.27 The application does not detail any specific features or technologies which would reduce carbon emissions over and above that required by building regulations. However policy SD3 of the JCS includes only a requirement to meet national standards and as such the proposal is acceptable in this regard.

**6.28 Other considerations**

**6.29 Ecology**

6.30 The GCER report identifies that several protected species have been sighted within a 250m radius from the site. However none of these have been in close proximity or within the site itself. As such and given the small scale nature of the proposal it is not considered that there would be any significant impact upon ecology.

**6.31 Public Sector Equalities Duty (PSED)**

6.32 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 As discussed above the site benefits from the fall-back-position of approval for extensions to the existing building. This is a material planning consideration.

7.2 This application proposes the demolition and replacement of the existing building, however the resultant building is identical.

7.3 In any event the scheme is considered to be acceptable in terms of design and neighbour amenity. It is acknowledged that there are strong concerns from neighbouring properties regarding this proposal however the plans have been carefully assessed and it is not considered that the impact is at a level which would warrant the refusal of the application.

7.4 As such the application is recommended for approval.

**8. CONDITIONS / INFORMATIVES**

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

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

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

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

- 3 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 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).

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no additional windows, doors and openings shall be formed in the first floor of the dwelling without express planning permission.

Reason: Any further openings require detailed consideration to safeguard the privacy of adjacent properties, having regard to adopted policy SL1 of the Cheltenham Plan (2020) and adopted policy SD14 of the Joint Core Strategy (2017).

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<b>APPLICATION NO: 21/02785/FUL</b>		<b>OFFICER: Mrs Emma Pickernell</b>
<b>DATE REGISTERED:</b> 22nd December 2021		<b>DATE OF EXPIRY :</b> 16th February 2022
<b>WARD:</b> Prestbury		<b>PARISH:</b> PREST
<b>APPLICANT:</b>	Duncan Rawlings	
<b>LOCATION:</b>	23C Finchcroft Lane Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Demolition of existing single storey dwelling and erection of new two storey dwelling	

## REPRESENTATIONS

Number of contributors	<b>11</b>
Number of objections	<b>11</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

27 Finchcroft Court  
Cheltenham  
Gloucestershire  
GL52 5BE

**Comments:** 12th January 2022

A two storey development would affect the privacy of residents in Finchcroft Court flats as well as nearby houses, and have an adverse effect on our enjoyment of outdoor space and natural light. It would overlook the communal garden area of Finchcroft Court, and would also 'look' directly into many of the flats. The garden area is currently enjoyed by the residents of all 36 flats, and outside space is vitally important for everyone's mental wellbeing.

As the plot is of a reasonable size, could not the expansion be built on one level only?

33 Finchcroft Court  
Cheltenham  
Gloucestershire  
GL52 5BE

**Comments:** 11th January 2022

I am contacting you with regard to the planning application for 23C Finchcroft Lane. I believe that this overdevelopment of the existing property would have a detrimental impact on many other properties surrounding it.

It would affect the privacy of residents in Finchcroft Court flats as well as nearby houses, and have an adverse effect on our enjoyment of outdoor spaces and natural light. A large number of residents would be affected by this development which does not appear to suit the location and would have an unpleasant visual impact.

35 Finchcroft Court  
Cheltenham  
Gloucestershire  
GL52 5BE

**Comments:** 8th January 2022

We strongly object to the planning application for a two storey development for the following reasons:

A two storey development would look into our flat and directly into our bedroom. It would also look into the bedrooms of flats 34 and 36.

A two storey development would overlook the communal garden area of Finchcroft Court. This area is currently enjoyed by the residents of all 36 flats. There is seating to enjoy the outdoors which is important when you live in a flat. The gardeners have recently planted a magnolia tree to replace the diseased walnut tree that was removed and enhanced the whole area with shrubs and bushes. We hold our summer social events there.

We understand owners need to improve properties for enjoyment and value. We would not object to a single storey improvement of this bungalow.

21 Finchcroft Lane  
Cheltenham  
Gloucestershire  
GL52 5BD

**Comments:** 28th December 2021

We originally objected against the bungalow at the address mentioned being developed to a two storey house.

I am surprised to now see that there is a new application to demolish the existing single storey dwelling at 23C Finchcroft Lane and erection of new two storey dwelling.....Why? Because I have been sent no notification of this in writing to make me aware of this application so that I could voice my concerns and object to this application. Our house shares the same boundaries, so I would of thought that legal we should have been notified?

Our objection to this application remains the same as previously submitted, as none of our objections have been listened too.

Currently inside our home we can just see the top of the roof of the bungalow, if this extensive extension is allowed we will lose privacy inside our home. We will also lose approx privacy in 2/3rds of our garden, and it is especially intrusive being so close to our boundaries.

Overall I do not think this development has fully considered its impact to its immediate and surrounding neighbours...which was highlighted in the previous applications with so many objections.

I strongly urge for you to listen visit the area (again) and talk to the residence that it will affect.

14 Gallops Lane  
Cheltenham  
Gloucestershire  
GL52 5SD

**Comments:** 11th January 2022

We are one of the nearest neighbours to 23c Finchcroft Lane and oppose the proposed demolition of the existing bungalow and the construction of a new two storey dwelling. The existing bungalow was built on gardens in between a row of established properties on Finchcroft Lane and Gallops Lane. Planning was initially granted on the basis that it was a single storey and would have minimal impact on the neighbouring properties. The proposed development would have a negative impact on neighbours at all angles and would cause significant disturbance, annoyance and upset due to the removal of light, amenity and privacy that is currently enjoyed due to the way that the current bungalow sits unobtrusively amongst its neighbours. It is worth noting that there is a restrictive covenant attached to the official Title of 23c pertaining to this. The properties on Finchcroft Lane and Gallops Lane are relatively close to each other, but due to the way they have been constructed, all parties currently enjoy privacy and light.

The proposed plans to replace the single storey dwelling to a two storey dwelling would change the visual amenity for all neighbouring properties.

The rear aspect of our property and garden view directly at the east boundary of 23c which is lined with conifers. The current visual impact of 23c for us is such that we can only see the tops of the conifers and the TV aerial of the bungalow. As a result, this allows us to enjoy sunlight into our relatively small garden from the westerly aspect beyond the bungalow for the majority of the day until the sun sets. The current height of the boundary means that usually from early afternoon the shade moves its way east towards our house. The impact of the proposed extension would mean that we lose sunlight completely in a large part of our garden and our current visual amenity would be negatively impacted due to the height of the additional storey. The windows situated within the plans on the East elevation would also look directly into our kitchen / dining room, bedroom and bathroom at the rear of our property as well as our garden which is currently not overlooked at all.

This will not only have a negative impact our property, but all neighbouring properties. The proposed scheme is simply too high and too large based on the close proximity of the surrounding properties. The plot on which 23c is built is of a generous size and there is ample space to add a sympathetic, single storey extension to achieve the same standard of living without impacting on the surrounding properties.

12 Gallops Lane  
Cheltenham  
Gloucestershire  
GL52 5SD

**Comments:** 10th January 2022

Photo attached

**Comments:** 31st December 2021

We are strongly opposed to the proposed extension and external alterations to 23c Finchcroft Lane on the following grounds.

Firstly there is a covenant on the land/building regarding changing the building. This is another reason why a small development regarding the garage at 23C was rejected. Please don't say the garage is not included in this development - that's a silly argument when the rest of the house is being extended upwards.

Amenity - the meaning of the word is something that is intended to make life more pleasant or comfortable for people. This is obviously not the case for probably 8 to 10 neighbours that are in view of this proposed development.

We obviously can't speak for them, but we will personally be hugely impacted by this build.

When we originally bought our property, we had concerns about any development of the bungalow as it was so close to us, but we were categorically told that this could not happen as planning only allowed a bungalow to be built in the first place as it was being built between two existing and established rows of houses. Anything more would have impacted the surrounding properties.

If we knew this would change in the future, we wouldn't have bought the property.

Visual impact/privacy - as it stands our family enjoy a little bit of privacy and sunshine into parts of our small garden. Every year we do need to cut their (23c Finchcroft Lane) trees lower to allow the sunshine into our garden. However, even if the trees do grow higher, they give a natural, green and environmental feel and still allow the sunlight to filter through.

But this current view will be replaced by a solid, unnatural structure that will look totally out of place, with two Velux windows and two upper balcony style patio windows in bedroom 2 and 3 that will overlook our property and private space and a final structure will be something that is much higher than the tops of the existing trees.

Our natural sunlight will turn into complete shade and our privacy will be totally gone and this is totally unacceptable to our young family.

I have photos of our garden and its shade from the trees at 4pm at the start of August. I can send a photo in via email .

Our visual impact will be massively altered and the view from every window on the back of our existing building will be totally overpowered by an obtrusive structure, and we

again stress this was why a bungalow was only granted originally at 23c Finchcroft Lane and why a planning application has been refused.

For this bungalow to be granted development rights and increase in height of nearly 2m would impact so many of its surrounding neighbours and will affect each and every one in different ways.

I am also concerned with the demolition of the existing property. We have a young family and dog who spend most of their spare time in the garden. This demolition will be practically happening in our space. The dust and noise from this demolition and clearance, plus the build itself, will impact us hugely and will stop us from using our own space.

Coming from a building and construction background of 22 years, we would welcome a senior representative from the planning office to visit our property (something that RRA Architects Ltd have not done) to actually see for themselves the impact this will have on our property and the surrounding area.

It would be practical to have a different case officer.

16 Gallops Lane  
Cheltenham  
Gloucestershire  
GL52 5SD

**Comments:** 8th January 2022

We object to the proposal.

The existing bungalow currently sits comfortably surrounded by numerous neighbours and is largely hidden by a row of well established conifers.

The proposed building of a two storey house would have a negative impact on all of its neighbours from every angle.

We have enjoyed 16 years of privacy in our garden at the rear of our property. The increase in height and additional windows, in particular the bedroom window that will be in the south facing elevation above their existing conservatory, would mean a loss of privacy in our small garden and conservatory/dining room as anyone standing looking out of the window will be able to see clearly into our property, this is unacceptable to us!

The additional height will also reduce the amount of afternoon and evening light that we receive in our small garden. It would also mean we lose the views we currently enjoy from the back of our property, this affects our amenity!

The bungalow is very close to our boundary (we are probably it's closest neighbour). When the bungalow was occupied we could frequently hear very clearly conversations and general household noises coming from the occupants whilst we were in our garden or sat in our conservatory. An increase in bedrooms from 3 to 4 would imply more occupants and therefore more noise.

The measurements are also inaccurate and less than the 10 meters specified they are in fact nearer 6 meters. The diagrams showing sight lines are also inaccurate.

We also understand from recent research that the original land was only granted permission to build a bungalow so as not to be intrusive or an annoyance to its surrounding neighbours, this proposal clearly contravenes this.

This proposal would result in a very intrusive and overbearing building that would dominate and block light into the back of our property and our other neighbours. I attach a photo (sent via email to Ms Pickernell) taken from sitting in our conservatory that shows the proximity of the bungalow to our property, it also show the south facing elevation where the proposed bedroom window will be. You can also see a TV aerial that is approximately the height of the new building and the conifer trees.

I hope that more than one planning officer will come and view the site from the point of view from its surrounding neighbours and bring a tape measure and check measurements rather than blindly accepting the inaccurately drawn plans.

Walnut House  
25 Finchcroft Lane  
Cheltenham  
Gloucestershire  
GL52 5BG

**Comments:** 11th January 2022

We strongly object to the proposed erection of a new two storey dwelling to 23C Finchcroft Lane on the grounds of:

1. Privacy - overlooking neighbour's property
2. Visual impact & aspect
3. Planning Application Irregularity

1. Privacy overlooking neighbour's property

The bungalow is currently located behind No 23 Finchcroft Lane and although surrounded by at least ten other neighbours, the property is well hidden and unobtrusive. It currently does not overlook 25 Finchcroft Lane.

From the North-South elevation drawing of 23c Finchcroft Lane, the proposed first floor south facing windows will definitely and absolutely overlook the rear garden and conservatory of the neighbouring property at 25 Finchcroft Lane, therefore impacting on our privacy. Also, there will be direct line of sight from the proposed first floor south facing larger window into the rear facing bedroom window of 25 Finchcroft lane, again impacting privacy.

The proposal is considered to result in a loss of privacy to ourselves.

2. Visual impact & aspect

Based on the submitted drawings of the proposed construction of a two story building, it will result in a significant negative visual impact on the northerly aspect & view from the neighbouring property of 25 Finchcroft Lane.

A close inspection of the 'Proposed block plan' indicates the footprint of 23C @ 1,465 sq mtrs (excluding garage), appears to be larger than any of the surrounding ten or more

neighbouring properties. As a present bungalow, the footprint impact is much less significant, however for a large two story dwelling of this footprint size, it becomes a much more significant negative visual impact. I would be more inclined to support a planning proposal that redesigned or extended the bungalow rather than the construction of a much taller property.

### 3. Planning Application Irregularity

There is a discrepancy in 23C Finchcroft Lane 'Application for Planning Permission' dated 17 December 2021. Under paragraph 6 (Existing Use) quote 'Is the site currently vacant - NO' unquote

In actual fact, as a direct neighbour, I can confirm that no one has been living at the property since late November 2021, after the tenant had moved out of the dwelling earlier that month.

I note that in para 26 'Declaration', the applicant signed to confirm 'any facts are true and accurate', which is clearly not the case.

### Summary

I hope the planning committee will take into consideration that at least ten neighbours will have to endure the impacts of a long construction period followed by the high visual negative impact for a very long time, while the applicant (who hasn't lived there for more than 4 years) in all likelihood won't be living in the property again, but selling it for profit. If that is the case, then there is only one winner.

23 Finchcroft Lane  
Cheltenham  
Gloucestershire  
GL52 5BD

### **Comments:** 8th January 2022

We are strongly opposed to the proposed demolition and new two storey house build at 23C Finchcroft Lane on the following grounds:

1. Significant overlooking / loss of privacy - due to both the increased height from existing bungalow and the proposed elevation and extension of footprint by replacing the conservatory, there would be considerable loss of privacy for us in our garden and in all rooms at the back of the house, particularly bedrooms. The proposed master bedroom roof lights would look directly into our bedroom windows.

2. Visual impact / aspect - the proposed house would be overbearing and intrusive due to its height and close proximity to our house. In recent years, our property was extended to the side and rear, meaning the block plan extract and site location plan submitted with the application are out of date and inaccurate. This will certainly result in loss of outlook. It does not protect the amenity of adjoining landowners. This is a condition of the property deeds for 23c as a restrictive covenant exists

Please also review the 25% light test claim which appears inaccurate

3. Overshadowing / loss of light - we would experience both a loss of light and overshadowing, particularly during winter months as the sun will be behind the building during the morning and early afternoon.

Please also refer to supporting photos and e-mail submitted

**Comments:** 10th January 2022

Photos attached

23B Finchcroft Lane  
Cheltenham  
Gloucestershire  
GL52 5BD

**Comments:** 11th January 2022

I write regarding Reference number 21/02785/FUL and our objection to the demolition of a single storey building to be replaced by a newly constructed two storey building.

We live at 23B Finchcroft Lane and the Bungalow 23C is directly at the rear of our house and very close to our property and the current privacy we have will be greatly lost if it proceeds. Direct visual access from the windows on upper floor of 23C will be directly in-line with our rear bedroom windows upstairs and our Conservatory and Garden Patio areas. We will also have loss of some of the lovely views of the hills which was an attraction for us when we purchased the house some 40 years ago.

Planning History :- The Farm House 23 Finchcroft Lane was acquired at the end of 1969 for the building of our House 23B, 23A and 23C. The Builders, Marshalls of Cheltenham applied to have three Detached Houses on the Farm Site number 23 on 28/11/69. This was initially not approved and subsequently rejected. I was in the past told by Mr Marshall himself, this was said on the basis due to the close confinement of 23, 23A, 23B and 23C. Mr Marshall originally wanted to live in 23C which Planning would only permit him to build a single storey Bungalow. He therefore initially lived in our House 23B and sold 23C as a Single Storey Bungalow.

We will find it exceedingly difficult coping with the noises associated with major demolition, construction and associated work which clearly will be extensive, and no doubt prolonged for some time before completed. At our age and stage of life we really do not want it and hence our objection to this major development and loss of our privacy. Finally, my wife doesn't want to have the curtains fully drawn when she is in her bedroom and going about her activities due to poor eye-sight.

23A Finchcroft Lane  
Cheltenham  
Gloucestershire  
GL52 5BD

**Comments:** 9th January 2022

~~Adding end of comment which had been omitted~~



<> (contour land profile submitted via email)

**Comments:** 10th January 2022

~~Adding end of comment which had been omitted~~

NOTE The plans ('proposed context sections') showing the 25 degree sight lines are inaccurate and do not show the full extent to which our property and garden will be overlooked where actual representation of the topography would reflect that our garden slopes downwards from the 23c boundary hedge. The current 23c property is c10m from our main living room at the back of our house and, although located at the end of our garden, maintains some privacy due to it being at a single level and around the height of mature shrubs. This planning proposal is a massive overdevelopment of a relatively small plot surrounded on all sides by properties in very close proximity, who will be adversely impacted in multiple ways. This has been previously acknowledged when the Planning Committee refused a much smaller scale planning extension to the garage as affecting the occupants of the neighbouring property "unduly overbearing and oppressive". The Parish Council have also noted "concern over neighbours' amenity" in a planning proposal for this property. (contour land profile submitted)

**Comments:** 5th January 2022

We are strongly opposed to this large scale, obtrusive development proposal to what is currently a low-level bungalow carefully located on a highly sensitive plot (c 1m from the end of our garden). Our objection is based on this application not meeting the requirements of Section 8 of the NPPF, Policy SL1 of the Cheltenham Plan and policy SD14 of the JCS as this development has an unacceptable impact upon the amenity of our property as listed below. The inaccurate portrayal of the topography and measurements means that the required sight lines, and assessment on privacy and light, are not sufficiently met as per the detailed advice given in the Residential Alterations and Extensions SPD.

This application results in:

\* Complete loss of privacy: 23c is located at the end of our garden, less than 10m from our house and rear window. The current bungalow's tiled roof-line aspect in direct line of sight from the rear of our house will be replaced with double recessed balconies and skylights. This design feature increases the risk of massive overlooking and significant loss of privacy for all of the rooms at the back of our house and garden. Any usage of the balconies would mean a complete and unacceptable sight line into all of the windows at the rear of our house (incl. kitchen and youngest daughter's bedroom). (Photo submitted)

\*Result in significant overshadowing/loss of light: We will experience a material loss of light during the winter months when the sun is lower in the sky and directly behind the extended building. This will cause significant shading to our garden and have a detrimental impact on the health and well-being of our growing family from reduced enjoyment of our garden and natural daylight. (photo submitted).

\*Adverse visual impact/aspect: The proposed extension is completely out of character within the existing area, where 23c was sensitively developed as a single storey dwelling at the end of the gardens of 23, 23a and 23b on Finchcroft Lane and between similar multiple adjoining properties on all sides. A double storey extension with further windows in the roof would be very intrusive and overbearing. This construction would breach the

requirement to make development acceptable to communities as it does not fit in with the overall layout of the surroundings as documented in NPPF at section 12 for achieving well designed places, and conflicts with policy D1 of the Cheltenham Plan.

\* Creating unacceptable overlooking: Due to the increase in height of the development, within close proximity to our house, we would lose the enjoyment we get from being in our largely private garden and the privacy that we currently have in the rooms at the back of the house. Our outdoor eating area is c9m away and faces the existing 23c tiled roof-line. If this roof is to be replaced by the proposed first floor double balconies, it will result in direct and complete overlooking of this area and an obtrusive invasion of the privacy we currently enjoy when dining out and enjoying our garden. (photo submitted).

<> (contour land profile submitted)

I trust that a visit from planning will validate these findings and competently assess the significant adverse impact that this proposal would have on us (23a and the high number of neighbouring houses), recognise the close proximity of the properties and acknowledge the inaccuracies shown in the plans.

**Comments:** 28th December 2021

# PLEASE NOTE at 28 December 2021, we have not received any formal notification from Cheltenham Borough Council for this planning application.

We reserve the right to provide a full and comprehensive objection in due course.



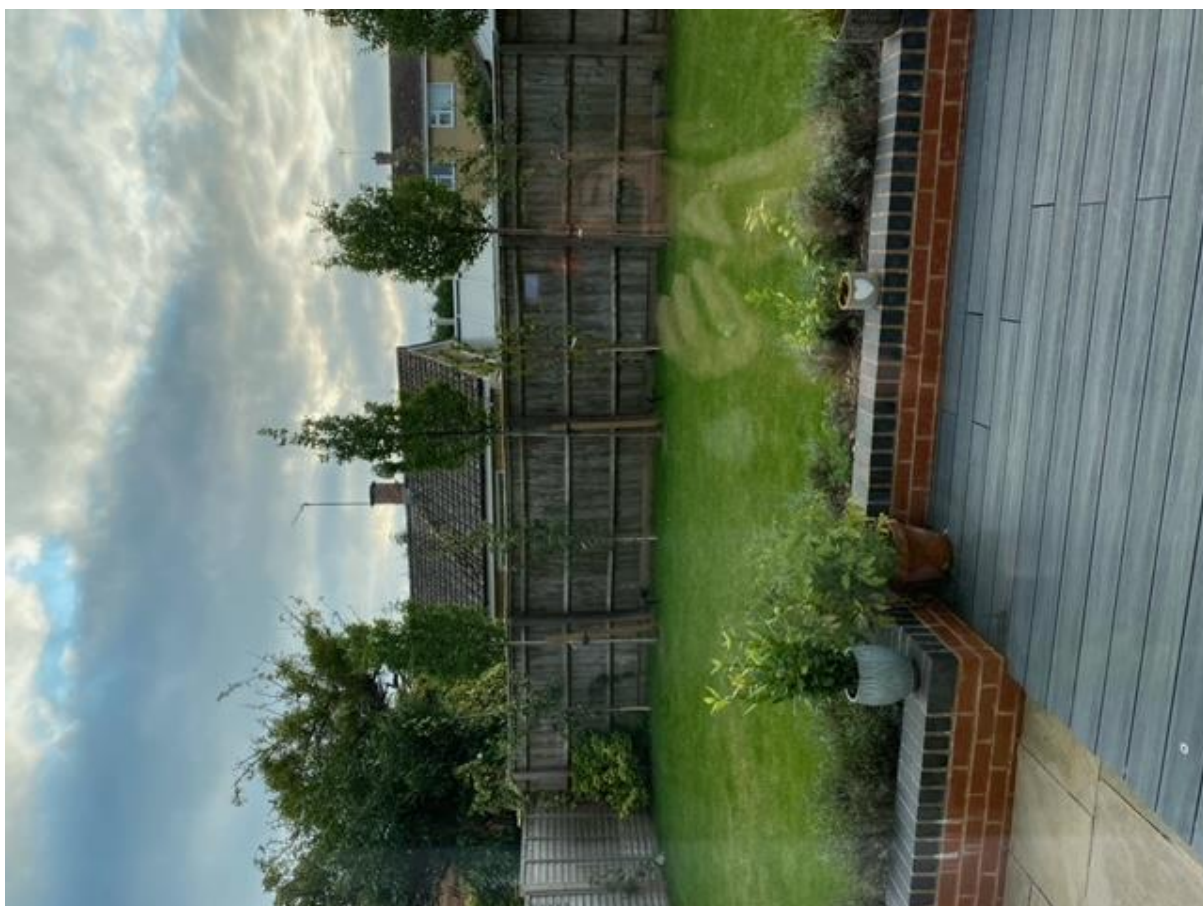
In addition to our objection lodged on the portal today, I attach two photographs showing the proximity of the existing bungalow which provides an understanding of the impact. The proposed site is directly behind our house and would have a massive detrimental effect on us due to its close proximity.

We live at 23 Finchcroft lane, moving here seven months ago, and the bungalow is situated in what was formerly our property's garden. Our property's previous owner included a restrictive covenant regarding future building on this site so that the amenity of neighbours would not be adversely affected. Clearly this proposed build would do just that.

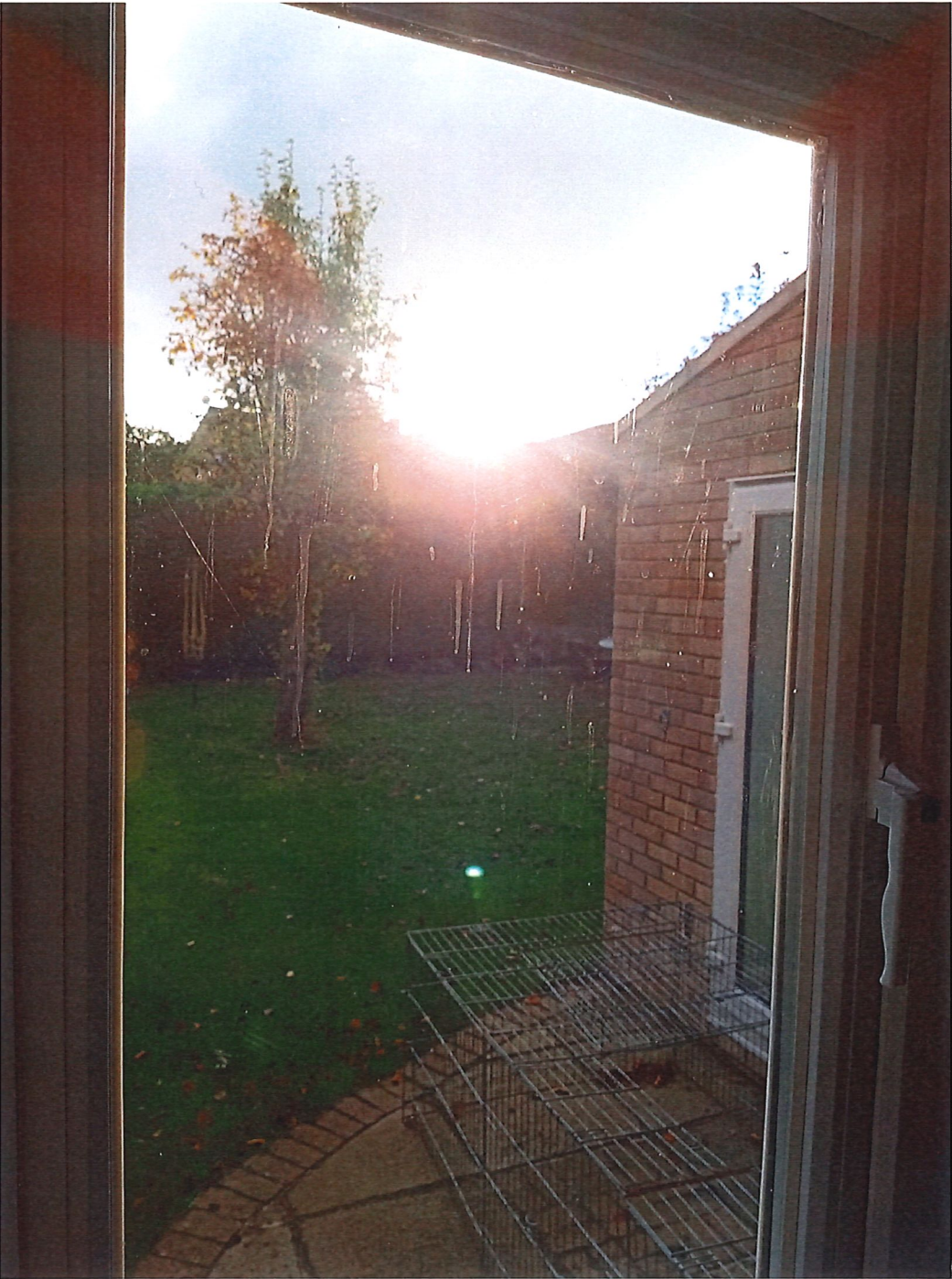
I attach two photographs of the current view of the bungalow taken from our living room and bedroom.

Thank you

Regards





















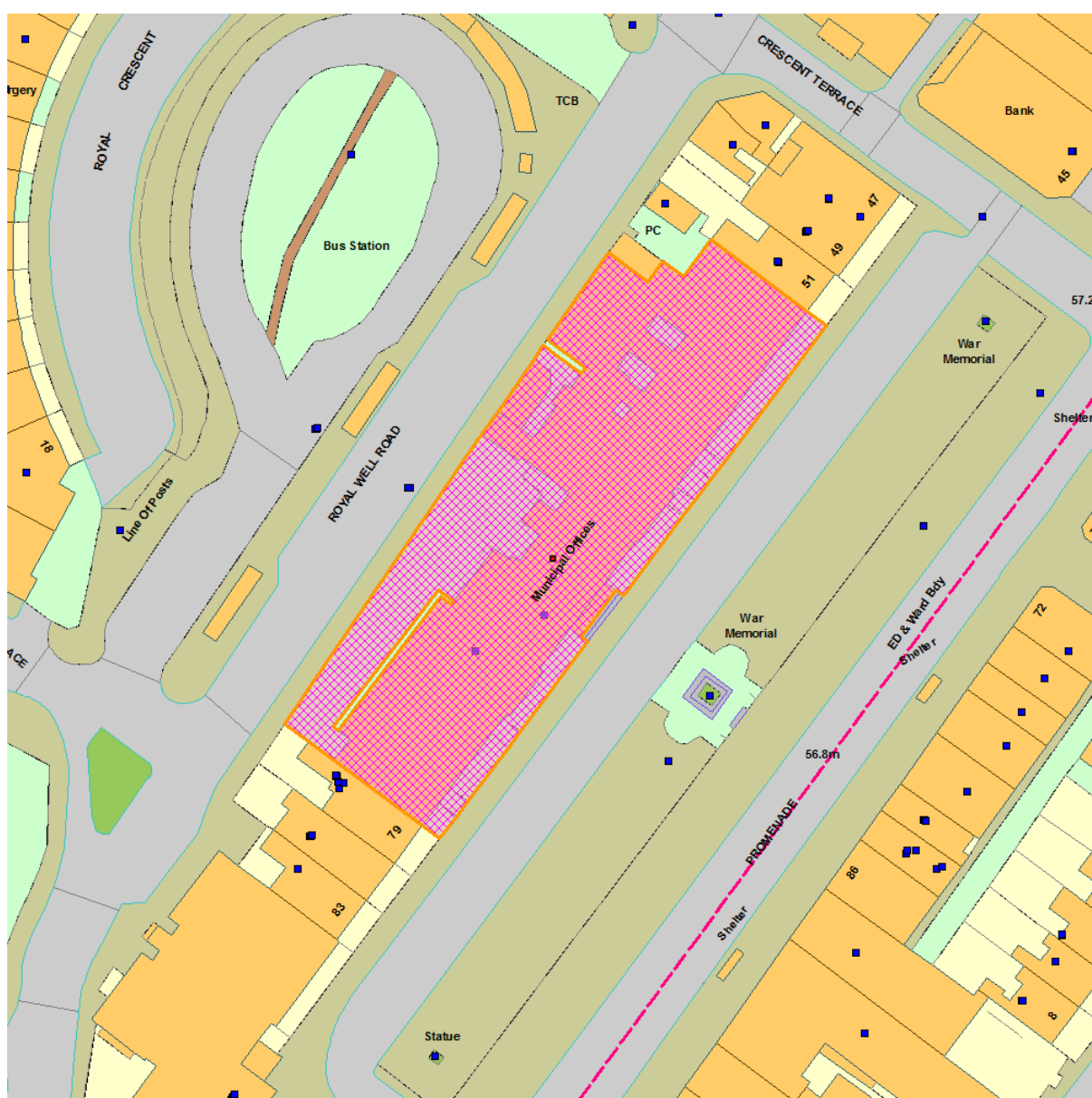


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<b>APPLICATION NO:</b> 21/02650/LBC	<b>OFFICER:</b> Mr Nikita Hooper
<b>DATE REGISTERED:</b> 11th December 2021	<b>DATE OF EXPIRY:</b> 24th February 2022
<b>DATE VALIDATED:</b> 11th December 2021	<b>DATE OF SITE VISIT:</b> N/A
<b>WARD:</b> Lansdown	<b>PARISH:</b>
<b>APPLICANT:</b>	Mrs Corry Ravenscroft
<b>AGENT:</b>	
<b>LOCATION:</b>	Municipal Offices Cheltenham Borough Council Promenade
<b>PROPOSAL:</b>	Internal alterations (upper ground floor reception area and corridor)

**RECOMMENDATION:** Grant



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The Municipal Offices are located on the north-west side of the Promenade in central Cheltenham.
- 1.2 The application is before Planning Committee as the Borough Council own the building subject to the proposed scheme.

## 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  
Flood Zone 3  
Listed Buildings Grade 2star  
Principal Urban Area  
Smoke Control Order

### Relevant Planning History:

**15/00608/PREAPP 28th April 2015 CLO**

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

**00/01282/LBC 4th December 2000 WDN**

Awning over front entrance door to tourist information centre

**00/01698/LBC 6th March 2001 GRANT**

Alterations to Tourist Information offices

**01/00657/LBC 13th August 2001 GRANT**

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

**03/01032/LBC 14th October 2003 GRANT**

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

**86/00715/PF 28th August 1986 PER**

Installation Of Civil Defence Radio Aerial

**86/00719/LS 28th August 1986 PER**

Municipal Offices Cheltenham Gloucestershire - Erection Of Civil Defence Radio Aerial

**86/01084/LA 27th November 1986 PER**

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

**88/01536/PF 15th December 1988 PER**

Alterations And Extension

**88/01550/LA 15th December 1988 PER**

Alterations And Extension

**88/01762/LA 19th January 1989 PER**

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

**88/01782/LA 19th January 1989 PER**

Erection Of A Temporary Sign

**89/00567/LA 25th May 1989 PER**

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

**89/01378/LA 22nd February 1990 PER**

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

**90/00260/PF 24th May 1990 PER**

Proposed New Wall And Motor Cycle Shelter

**90/00267/LA 24th May 1990 PER**

Proposed New Wall To Enclose A Proposed New Motor Cycle Shelter

**91/00831/LA 26th September 1991 PER**

Alterations To Existing Reception Area At Ground Floor Level

**92/00131/PC 26th March 1992 PER**

Proposed Change Of Use Of A Flat Into Offices

**92/00137/LA 26th March 1992 WDN**

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

**92/00174/PF 17th December 1992 PER**

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

**92/00175/LA 17th December 1992 PER**

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

**92/00808/AN 22nd October 1992 REF**

Erection Of 6 Additional Flag Poles To First Floor Balcony

**92/00809/LA 22nd October 1992 REF**

Erection Of 6 Additional Flag Poles To First Floor Balcony

**92/01028/PF 21st January 1993 PER**

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

**92/01031/LA 21st January 1993 PER**

Formation Of Access Ramp To Front To Assist The Disabled

**94/00807/LA 20th October 1994 PER**

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

**95/00093/LA 27th April 1995 PER**

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Structural Opening Between Landing And Office On The Second Floor

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

**96/00224/LA 8th May 1996 PER**

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

**98/00773/LA 15th October 1998 WDN**

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

**98/00775/PF 15th October 1998 WDN**

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

**98/00979/PF 12th January 1999 GRANT**

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

**98/00985/LA 12th November 1998 PER**

Disabled Access And Improvements To Rear Of Municipal Offices.

**98/01023/NZ 14th December 1998 GRANT**

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

**98/01052/LA 14th May 2002 UNDET**

Refurbishment Of Interior To Tourist Information Centre

**99/50199/LBC 22nd October 1999 NOOBJ**

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

**99/50200/FUL 22nd October 1999 NOOBJ**

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

**99/50386/LBC 22nd December 1999 GRANT**

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

**04/01124/LBC 29th July 2004 REFCSS**

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

**13/00102/AI REC**

**MOBU74ELD5000 REC**

test

**MPT7V1ELD5000 REC**

2 houses

**82/01000/PF 29th July 1982 PER**

Safety barrier to flag pole

**82/01001/LA 29th July 1982 GRANT**

Safety barrier to flag pole

**14/00385/FUL PCO**

Test for uniform database move - please delete

**15/00860/FUL PCO**

Test Application

**15/01870/FUL REC**

TEST APPLICATION

**16/00337/CLBW 14th March 2016 CERTPU**

To overcover existing felt roof and re bed existing coping stones

**16/01497/CLBW 5th September 2016 CERTPU**

Service of sash windows

**16/02132/FUL 17th February 2017 PER**

Erection of war memorial interpretation board

**16/02273/CLBW 10th January 2017 CERTPU**

Repairs to corona mould

**17/00268/LBC 21st April 2017 GRANT**

Replacement of some of the fire doors in the Municipal Offices

**17/01151/CLEUD PCO**

TEST TEST

**17/01873/LBC PCO**

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

**17/01983/LBC 3rd May 2018 WDN**

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

**18/00795/CLBW 11th June 2018 WDN**

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

**18/00936/LBC 21st September 2018 GRANT**

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

**19/01110/LBC 22nd July 2019 GRANT**

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

**19/01315/AMEND INV**

TEST for Enterprise

**19/02021/FUL INV**

TEST TEST TEST TEST

**19/02062/LBC 20th December 2019 GRANT**

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

**19/02446/LBC 21st January 2020 GRANT**

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

**20/00365/LBC 28th May 2020 GRANT**

Repairs and some replacement of unsafe ornamental cornice to front elevation. Stitching/minor repairs to structural crack

**20/00503/FUL 5th May 2020 PER**

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

**20/00503/LBC 5th May 2020 GRANT**

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

**21/00085/LBC REC**

To renew/upgrade internal fire doors, (final phase 3) to comply with recommendations made in fire risk assessment

**21/00092/LBC REC**

To renew/upgrade internal fire doors (final phase 3) to comply with recommendations made in fire risk assessment

**C20/00019/DEMO REC**

TEST FOR TEMPLATES

### 3. POLICIES AND GUIDANCE

#### **National Planning Policy Framework**

Section 16 Conserving and enhancing the historic environment

#### **Saved Local Plan Policies**

#### **Adopted Cheltenham Plan Policies**

#### **Adopted Joint Core Strategy Policies**

SD8 Historic Environment

#### **Supplementary Planning Guidance/Documents**

Other**4. CONSULTATIONS****Building Control**

21st December 2021 - No comment.

**Historic England**

13th December 2021 - Thank you for your letter of 13 December 2021 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments.

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

**5. PUBLICITY AND REPRESENTATIONS**

Number of letters sent	<b>0 (site notice only)</b>
Total comments received	<b>0</b>
Number of objections	<b>0</b>
Number of supporting	<b>0</b>
General comment	<b>0</b>

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

**6. OFFICER COMMENTS**

- 6.1 Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority when considering whether to grant listed building consent to “have special regard to the desirability of preserving the building...or any features of special architectural or historic interest which it possesses.”
- 6.2 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”.
- 6.3 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”.
- 6.4 Policy SD8 (Historic Environment) of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2013 (adopted December 2017) (JCS) states that “Designated...heritage assets and their settings will be conserved and enhanced as appropriate to their significance.”
- 6.5 The consideration of the scheme is undertaken as a desk based assessment.
- 6.6 The building forms part of a terrace that previously comprised 19 houses, construction of which started in 1823 and continued until c.1840. The central seven houses were converted into Municipal Offices in 1916. Included on the National Heritage List for England at Grade II\*. First listed on 12 March 1955 (list entry number: 1387631).



- 6.7 The significance of the building lies principally, though not entirely, in its architectural value as an example of polite domestic architecture of the first half of the nineteenth century.
- 6.8 With reference to the subject areas of the building, the legibility of the historic plan form is not readily apparent; however, some historic fabric does remain.
- 6.9 The scheme which includes amongst other work the provision of an additional meeting room, the removal of the cash-desk, the insertion of partitions and the installation of a new door (corridor), the construction of a reception desk and associated 'back office', will not detract from the architectural value of the building.

## **7. Public Sector Equalities Duty (PSED)**

- 7.1 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.
- 7.2 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.
- 7.3 In the context of the above PSED duties, this proposal is considered to be acceptable.

## **8. CONCLUSION AND RECOMMENDATION**

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

## **9. CONDITIONS / INFORMATIVES**

- 1 The listed building consent hereby granted shall be begun not later than the expiration of three years from the date of this decision.
- Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The listed building consent hereby granted shall be carried out in accordance with the approved plans listed in Schedule 1 of this decision notice.
- Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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:

Architrave(s): to include but not limited to - elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:5 or a similar standard scale, indication of material(s) and details of location(s).

Door(s): to include but not limited to - elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:2 or a similar standard scale, an indication of material(s), location(s), and specific details of any external finishes/colour(s) (product name/reference, physical samples/swatches may be required).

Door (new lock installation): to include but not limited to - elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:2 or a similar standard scale and specific product information.

New electrical sockets/outlets: to include but not limited to - scale drawings indicating the type(s) and location(s).

New lighting: to include but not limited to - scale drawings indicating the type(s) location(s) of installations.

Painting/decorating (historic fabric): to include but not limited to - methodology of work.

Partitions: to include but not limited to - elevation drawing(s) at a scale of 1:10 or a similar standard scale, section drawing(s) at a scale of 1:2 or a similar standard scale and an indication of materials.

Window repairs (including painting): to include but not limited to - methodology of work (to include specific product details of any paint(s)).

The works shall not be carried out unless in accordance with the details so approved.

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

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

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

## INFORMATIVES

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

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications

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

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

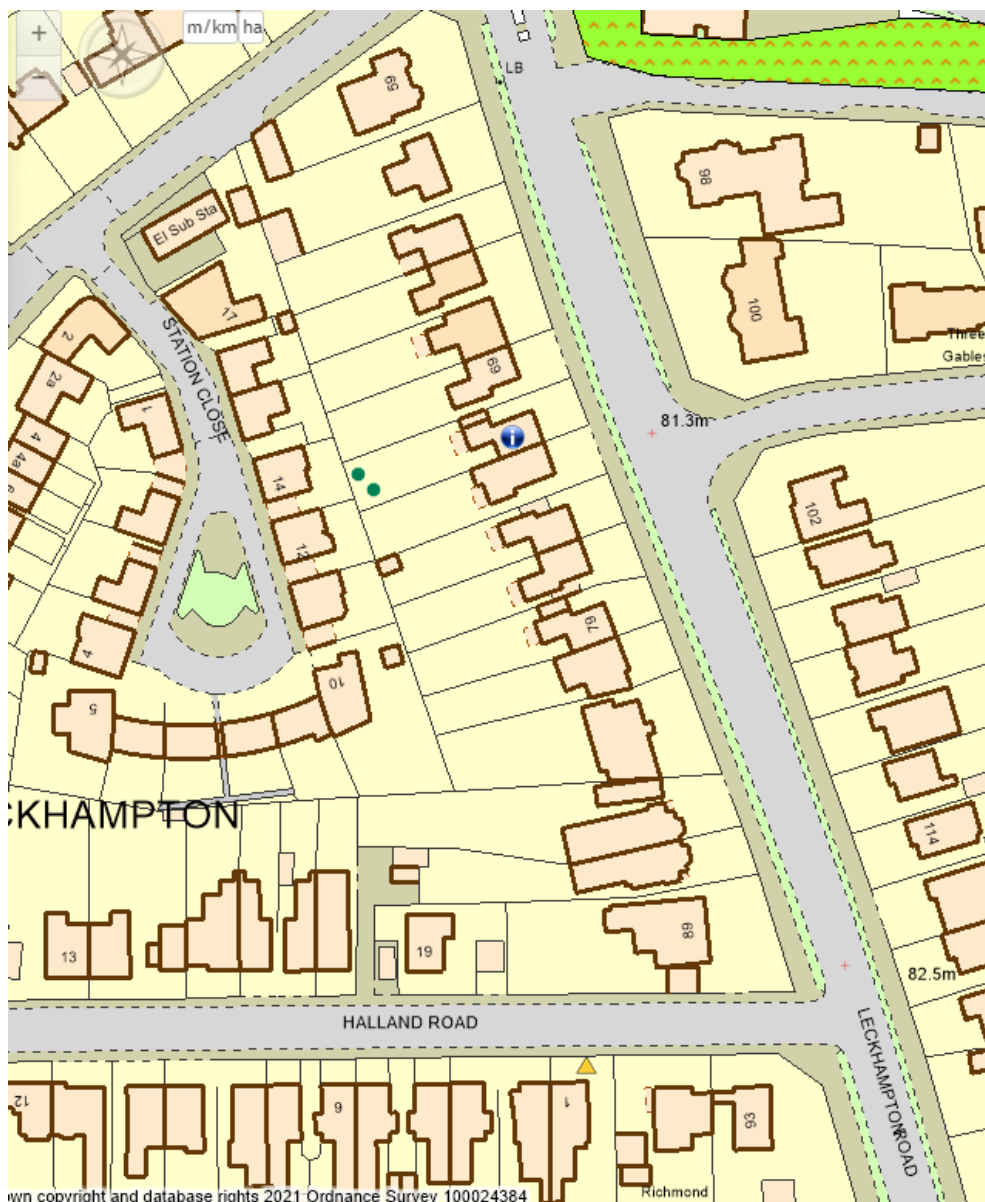
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## Officer Report

<b>APPLICATION NO:</b> 22/00044/CACN	<b>OFFICER:</b> Mr Sam Reader
<b>DATE REGISTERED:</b> 11th January 2022	<b>DATE OF EXPIRY:</b> 22nd February 2022
<b>DATE VALIDATED:</b> 11th January 2022	<b>DATE OF SITE VISIT:</b> Several
<b>WARD:</b> Leckhampton	<b>PARISH:</b> Leckhampton With Warden Hill
<b>APPLICANT:</b>	Mrs Lucy Knibbs
<b>AGENT:</b>	
<b>LOCATION:</b>	71 Leckhampton Road Cheltenham Gloucestershire
<b>PROPOSAL:</b>	Two stone pine trees to rear of property - fell to ground level

**RECOMMENDATION:** No objections

Green dots denote approximate location of tree stems, not crown spread:



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Proposal to remove two pine trees from the rear garden of 71 Leckhampton Road. Rear garden is approx. 22m long and 9m wide. One tree is closer to the rear garden wall and overhangs the rear neighbours' back garden (12 and 14 Station Close).

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Conservation Area

### Relevant Planning History:

**07/00569/FUL 13th June 2007 PER**

Erection of railings at front of property and retrospective planning for erection of 2 pillars.

**20/00987/CACN 14th July 2020 NOOBJ**

Pine Trees T1 and T2 - crown lift to 3m over decking and shorten some longer branches by 1 meter and crown thin/clean by 20%

**21/00782/FUL 28th May 2021 PER**

Lower ground floor rear extension

## 3. POLICIES AND GUIDANCE

**Local Plan Policy GI2: Protection and Replacement of Trees:** The Borough Council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders in appropriate cases.

**Local Plan Policy GI3: Trees and Development:** Development which would cause permanent damage to trees of high value will not be permitted.

**Note 1: 'High value'** means a sound and healthy tree with at least ten years of safe and useful life remaining, which makes a significant contribution to the character or appearance of a site or locality.

## 4. CONSULTATIONS

### Ward Councillors

*17th January 2022* - I am opposed to the removal of these healthy and attractive trees which contribute colour, vibrancy and bio-diversity to the locality. I am sure they are enjoyed and valued by many in the immediate area as well as being a haven for insects, birds and other wildlife.

At a time when the world is experiencing a Climate Emergency and Cheltenham has committed to become a net zero carbon council and borough by 2030 the retention of mature trees is critical. It is all very well planting thousands of saplings but these will take many years to create any effective tree canopy and to make any real bio-diversity contribution. The removal of healthy and mature trees must therefore be resisted in all but the most serious of cases where for example they are dangerous or diseased.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	13
Total comments received	2

Number of objections	0
Number of supporting	2
General comment	0

- 5.1** Two site notices were erected – one on Leckhampton Road, one on Station Drive. One comment in support was received from a neighbour on Leckhampton Road, one from a local resident on Station Close.

The comment from 15 Station Close is in support of the application as they stand to gain more light and an unobstructed view to the south east if the trees are removed.

The letter of representation from 69 Leckhampton Road is in support for the following reasons (summarised):

- Concerns over eventual height and spread of trees
- Resident does not enjoy or value their presence
- Resident suggests species is inappropriate for the site and alternative species may be more suitable
- Concerns of the risk to the Victorian rear wall (between 71 Leckhampton Road and 12 / 14 Station Close) and the main sewer / drain for Leckhampton Road which runs parallel to the wall through the gardens behind Station Close

## **5.2 Comments Received**

69 Leckhampton Road Cheltenham Gloucestershire GL53 0BS

**Comments:** 1st February 2022

Letter available to view in documents tab.

15 Station Close Cheltenham Gloucestershire GL53 0AB

**Comments:** 24th January 2022

Dear Mr Reader

I would like to offer support to the planning application to fell two stone pine trees to the ground at 71 Leckhampton Road.

We live in one of the properties behind 71 and the removal of the tree would result in more light in our garden and an unobstructed view.

Please do not hesitate to contact me should you require any further information.

With kind regards

## **6. OFFICER COMMENTS**

### **6.1 Determining Issues**

This Conservation Area Notification of Intent to Fell two pine trees in the rear garden of 71 Leckhampton Road has been received. Cllr Paul Baker wished to bring the application before committee on the grounds of loss of amenity and wildlife value. The applicant is an employee of Cheltenham Borough Homes, so for the sake of transparency it was also deemed appropriate to bring the decision to Committee Members for determination.

## 6.2 The site and its context

Both trees are situated at the end of the rear garden of 71 Leckhampton Road. Currently the trees are roughly 6-7m tall with an approximate overall crown spread of 10m combined. Both trees are stone pine (also called umbrella pine due to their upswept form). They are an evergreen species, native to the Mediterranean and much used for shade and amenity value in towns and coastal regions (they are also the source of pine nuts). They occasionally shed heavy, fist-sized cones. Both of these trees are approximately 20 years old and therefore far from their mature height and spread which could be twice their current size in UK conditions. Reducing the size of the crown of these trees is a limited management method given that only green growth can be removed – it would be difficult to retain their original, pleasing visual amenity should height and spread reduction be undertaken. We estimate that these trees are growing 15cm annually. Should these trees be removed, the retained silver birch, of approximate equal height, will become more apparent. However, this tree has grown in the shade of the pines and its growth and form has been suppressed resulting in a somewhat drawn-up appearance.

## 6.3 Design and layout

The trees currently have a natural and pleasing aspect but will grow out of proportion to the garden over time, probably within ten to twenty years. The shade cast, as well as tree debris, will increase as the trees continue to grow. Whilst only part of the crown of one tree is visible (with difficulty) from Leckhampton Road itself, they add to the arboricultural fabric of this part of the conservation area. The current deteriorating state of the decking in the garden of 71 Leckhampton Road is contributed to by the shade and debris drop (including bird droppings) from the trees.

## 6.4 Impact on neighbouring property

Properties to the north and west will be most affected by the shade cast by these trees, and 12 and 14 Station Close no doubt receive the most debris from them (needles, cones etc). It's not easy to predict future structural damage to boundary walls and infrastructure.

## 6.5 Access and highway issues

N/A

## 6.6 Sustainability

The trees have good form, and if left could likely grow to be fine handsome trees. They of course have the benefits of providing wildlife habitat and carbon storage, as well as contributing to the green infrastructure of the area (temperature reduction etc). This species of tree has less wildlife value than many native species (doesn't attract pollinating insects etc).

The trees probably have around 5-10 years useful life expectancy before one or both grow too large for the garden.

## 6.7 Other considerations

The owner has alluded to replacing the trees with a more appropriate species if the Council does not object to their current proposal to remove them. However, this is not legally enforceable.

## 7. CONCLUSION AND RECOMMENDATION

- 7.1 These are currently fine trees with limited public visual amenity. There have been two comments in support of their removal and none objecting. Although their loss would be



regrettable, the limited retention span before they outgrow the garden, coupled with their limited public visibility makes a Tree Preservation Order inappropriate. On balance, the Trees Section has no objections to their removal.

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<b>APPLICATION NO: 22/00044/CACN</b>		<b>OFFICER: Mr Sam Reader</b>
<b>DATE REGISTERED:</b> 11th January 2022		<b>DATE OF EXPIRY :</b> 22nd February 2022
<b>WARD:</b> Leckhampton		<b>PARISH:</b> LECKH
<b>APPLICANT:</b>	Mrs Lucy Knibbs	
<b>LOCATION:</b>	71 Leckhampton Road Cheltenham Gloucestershire	
<b>PROPOSAL:</b>	Two stone pine trees to rear of property - fell to ground level	

## REPRESENTATIONS

Number of contributors	<b>2</b>
Number of objections	<b>0</b>
Number of representations	<b>0</b>
Number of supporting	<b>2</b>

69 Leckhampton Road  
Cheltenham  
Gloucestershire  
GL53 0BS

**Comments:** 1st February 2022  
Letter attached.

15 Station Close  
Cheltenham  
Gloucestershire  
GL53 0AB

**Comments:** 24th January 2022

I would like to offer support to the planning application to fell two stone pine trees to the ground at 71 Leckhampton Road.

We live in one of the properties behind 71 and the removal of the tree would result in more light in our garden and an unobstructed view.

Please do not hesitate to contact me should you require any further information.

With kind regards

69, Leckhampton Road  
Cheltenham,  
Glos, GL53 0BS

Date: 31/01/2022

Mr S Reader  
Planning officer  
Cheltenham Borough Council  
Po Box 12, Municipal Offices  
Promenade  
Cheltenham  
GL50 1PP

Dear Mr Reader

## **71 Leckhampton Rd: trees removal application ref: 22/00044/CACN**

I write ref the above to support the application by the homeowners to fell the Stone Pine trees at the bottom of their garden.

The reasons I support the application are:

- **The trees are inappropriate for a 90 ft long, 30 ft wide town garden.** From Wikipedia: "The stone pine is a coniferous evergreen tree that **can exceed 25 metres (80 feet)** in height, but 12–20 m (40–65 ft) is more typical. In youth, it is a bushy globe, in mid-age an umbrella canopy on a thick trunk, **and, in maturity, a broad and flat crown over 8 m (26 ft) in width**". So, the crown of each tree could be nearly as wide as the garden in due course. Furthermore, pruning the canopy can kill the tree [www.nature-and-garden.com](http://www.nature-and-garden.com) states: "...If a stone pine loses its head, it will die...Watch out then for the growth of this conifer if you've got neighbours nearby, because it might lead to problems..". At [www.thespruce.com](http://www.thespruce.com) it states: "if you expect to grow it to maturity, be aware that stone pine is a large tree best suited for an expansive property, where it can serve as a specimen tree or can planted in groups to produce a shaded glade or screen".
- The ward councillors state in their online comments: "I am sure they are enjoyed and valued by many in the immediate area"... This assumption could not be further from the truth. The poor lady at 15 Station Close has already made her position clear. These trees completely overshadow her garden, and the situation will get worse as they can take 50 years to mature. They deprive sunlight from our garden and other gardens to the south and west of 71 Leckhampton Rd. The only people who can see the trees (currently) are immediate neighbours and none of us enjoy and value them.
- The ward councillors also state:..." the trees contribute colour, vibrancy and bio-diversity to the locality"...." being a haven for insects, birds and other wildlife". That may be so, but it doesn't mean they shouldn't be felled if inappropriate. The previous owners of no. 71 planted a lovely Magnolia tree which is thriving and is far more appropriate. So replacing inappropriate trees with suitable ones is a far better strategy.
- Impact on infrastructure with resulting expense/compensation: There is a Victorian wall bordering 71 and 15 Station drive and the main sewer/drain for Leckhampton Rd runs parallel to the rear wall through Station drive gardens, so there is the risk of wall and drain damage from the growing tree and it's water-seeking roots. We are familiar with the damage large

trees did to our rear garden. They were felled (with planning granted).

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I have attached a photo from our property showing how large the trees' canopies are relative to the garden size and the impact on 15 Station Drive.

In summary, I can see no genuine reason why these trees should not be felled.

Yours sincerely







## Appeals Lodged JAN/FEB 2022

Nothing to report.

## Appeals Determined

Address	Proposal	Delegated/Committee Decision	Appeal Type	Outcome	Reference
35 Naunton Crescent Cheltenham Gloucestershire GL53 7BD	Proposed two storey rear extension, loft conversion and new dormer at rear	Delegated Decision	Written representation	Appeal Dismissed	Appeal ref: 21/00017/PP1 Planning ref: 21/00998/FUL
11 Welland Drive Cheltenham Gloucestershire GL52 3HA	Fence erected against pavement	N/A	Written representation	Appeal Enforcement Notice Upheld	Appeal ref: 21/00016/ENFAPP  Enforcement ref: 19/00157/DCUA
156 Hesters Way Road Cheltenham Gloucestershire GL51 0RY	Pizza delivery business being run from property	N/A	Written representation	Appeal Dismissed	Appeal ref: 21/00019/ENFAPP Enforcement ref: 20/00216/DCALLB

Authorised By: Andy Robbins 07.02.2022

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