

Cheltenham Borough Council Planning Committee

Meeting date: 16 February 2023

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Paul Baker (Chair), Councillor Garth Barnes (Vice-Chair), Councillor Glenn Andrews, Councillor Adrian Bamford, Councillor Bernard Fisher, Councillor Paul McCloskey, Councillor Emma Nelson, Councillor Tony Oliver, Councillor John Payne, Councillor Diggory Seacome and Councillor Simon Wheeler

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Contact: democraticservices@cheltenham.gov.uk
Phone: 01242 264 246

Agenda

1 Apologies

2 Declarations of Interest

3 Declarations of independent site visits

4 Minutes of the last meeting (Pages 5 - 12)

To approve the minutes of the meeting held on 19th January 2023.

5 Planning Applications

5a 22/01441/FUL 10 Selkirk Street, Cheltenham, Glos GL52 2HH (Pages 13 - 88)

[Planning application documents](#)

5b 22/01585/FUL Ski Tyres, 73 New Street, Cheltenham GL50 3ND (Pages 89 - 120)

[Planning application documents](#)

5c 22/02128 Burrows Field, Moorend Grove, Cheltenham GL53 0HA (Pages 121 - 132)

[Planning application documents](#)

6 Appeal Update

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

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Cheltenham Borough Council Planning Committee Minutes

Meeting date: 19 January 2023

Meeting time: 6.00 pm - 7.10 pm

In attendance:

Councillors:

Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Emma Nelson, Tony Oliver, John Payne, Diggory Seacome and Simon Wheeler

Also in attendance:

Claire Donnelly (Planning Officer), Michael Ronan and Liam Jones (Head of Planning)

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 Declarations of independent site visits

Planning view visited all sites.

Councillor Nelson visited all three sites and Councillor Andrews visited The Swan

4 Minutes of the last meeting

The minutes of the 15th of December meeting were approved and signed as a correct record.

5 Planning Applications

6 22/01473/FUL and 22/01473/LBC The Swan, 35-37 High Street, Cheltenham, GL50 1DX

The Planning Officer, Claire Donnelly, presented the report, which related to the retention of a temporary structure within an enclosed rear courtyard for up to two years. The application was at committee at the request of Cllr. Tailford because the structures would help a local business during a time where help is needed, and the officer recommendation was to refuse.

Speaking in support of the application, the public speaker explained that he had run the Swan since 2012, enjoyed being a part of the Cheltenham community and hoped to continue doing so. The business employed 14 local people and had a strong policy of supporting local businesses and local independent suppliers, in order to build a better, more affluent and more characterful town. The ongoing impact of the pandemic had hit his businesses hard, and they were facing an existential threat for the first time. Another consequence of the pandemic was that some customers were still only comfortable sitting outside. They were not able to sell as much as they could before the pandemic, their costs were considerably higher and they had debts to repay, it is an environment that is very tricky and we need support to continue.

The temporary structures have been a lifeline to the business, enabling it to trade and serve our community in exceptionally difficult circumstance over the last few year. The structures continue to play an invaluable roll in keeping us afloat, providing shelter to 78 covers, when without them we have no outside cover. Without them the business would miss out on trade that the business cannot afford to miss out on, jeopardising the business. Cheltenham has lost around a third of its pubs in my 20 years of trading here and leaving The Swan empty and tenantless now at a time when new capable tenants would be a fool to take it on would be a real risk to its continued existence as a pub, which would politely suggest, is the bigger threat to the heritage of the building and of the town.

The structures that have been put up are temporary and understand the need to remove them in good time and, if they need to be replaced them, it was understood that the applicant would need to go through the necessary planning procedures. The applicant has produced a schedule to this effect. The applicant was asking the council for the time and the commercial space to do this.

The structures themselves are very easy to remove and will leave no mark on the building, it will be as if they never existed. Furthermore the structures are not visible from the High Street and barely visible from St James's car park, my customers, who have chosen to be sheltered by them, will ever see them. They have sheltered us for the pandemic but there is still a need for them.

Councillor David Willingham – speaking as night-time economy champion made the following points:

- Heritage assets are important, but this decision isn't just about that the committee needs to ask what message we want to send out – are we open for business, and willing to support small local businesses?
- It is clear that this is temporary structure.

- Most of the heritage statement is about the façade of the building, the rear is not what we're trying to affect. Need to support Cheltenham's award-winning night-time economy, including Purple Flag status for a thriving and vibrant nightlife. Sends a negative message if businesses are not permitted to do something to maintain their viability.
- GDP figures for November have affected night-time economy, hospitality has a huge part to play in economic recovery but operating costs like heating/fuel are so high, making independent businesses especially vulnerable. Challenging festive period, many businesses don't have the cash reserves to get through early 2023. This application will give them a boost during race week in particular. Small 'p' political decision about what message we want to send to business, and it doesn't do any damage to the heritage asset.

Councillor Willingham explained that he was not addressing the committee as the Ward Councillor but as Champion for the night time economy.

Councillor Izzac Tailford then addressed the committee as a ward councillor for All Saints. He made the following points:

- That essentially a question of public benefit (economic, social, environmental) vs heritage cost. Economic – hugely valuable to the local community, reinvests almost everything they make back into local suppliers and businesses, also encourages people to spend in the Town Centre. Environment - great environmental benefit as they are sourcing everything from the South West rather than internationally. Social benefit – the Swan is a welcoming and safe pub for everyone in the community, having hosted inclusive LGBTQ+ events. Valuable for people all across the town.
- 45% of their covers use this sheltered outdoors area – without it, rain/cold makes this impossible. Also helps people to feel more safe sitting outside as the pandemic continues. Beneficial to public sector equality requirements, inclusive for immunocompromised people or those with other health issues. Without that, we're removing their access to a safe environment. Temporary design, mostly wooden, can be removed easily. They're also basically inoffensive, only really visible from the car park. Not a single public objection.
- Supports council objectives – cultural offer, ensuring residents benefit from gives the Swan the best opportunity to recover from the pandemic and survive as a business.

The Chair moved to Member questions and the responses were as follows:

- The Planning Officer responded that she and the Conservation Officer had met the applicant on-site to discuss if permanent structures could be achieved in the future. The CO confirmed that it could, though full support council not averse to anything going there
- The design as it is now is the concern
- There is scope for other structures on a permanent basis
- The Legal Officer explained that the NPPF material considerations did require Members to give weight to the asset's conservation, but this had to be balanced against the public benefit.

The Chair moved into the debate, where the following points were made:

- The structures are temporary, will be there for no more than two years
- The Town Hall, for example, is a Grade 1 listed building, this hasn't stopped us putting structures up around it. Can be done without compromising it as a heritage asset.
- Key point here is that they are barely visible from the front and not in any way obtrusive.
- Covid restrictions may have ended but the corresponding behaviour changes have not, a lot of people still feel safer eating outside. Real social benefits here which we can weigh heavily against the heritage impact
- No public objections whatsoever to this application
- Owner's business model is clearly something the council should support
- The impact on heritage asset would be more significant if the structures weren't permitted, as this could lead to the business failing
- Always an emotive subject when the survival of a business could be at stake. We are concerned with planning issues, cannot get sidetracked by other factors. Having said that, the request for a two-year extension while they consider options for a permanent structure (which would again have to come to Planning) is very reasonable, and the social aspect of the application is important. The concealment of the structures from the front mitigates any heritage impact. On balance, it would be preferable to allow it for two years, in the understanding that the owners will bring forward any plans

There being no further comments, the Chair moved to the vote on the officer recommendation to refuse.

FOR: 0

AGAINST: 10

ABSTAIN: 1

The Legal Officer clarified that the reason for rejecting the officer recommendation to refuse was that the public benefit of the application outweighed the heritage impact.

One Member proposed that the application be permitted.

FOR: 10

AGAINST: 0

ABSTAIN: 1

PERMITTED

7 22/01743/FUL St Peters and The Moors Big Local

The Planning Officer, Claire Donnelly, presented the report, which related to the erection of a new single-storey Community Sports Hub building, the creation of a new private access road off St. Peters Close, the expansion of the existing carpark and the enhancement of the riverside park including realignment of existing foot/cycleway (Chelt Walk) and compensatory tree planting. The application was at the committee because the council owned the majority of the site, and the officer recommendation was to permit.

Speaking in support of the application

Councillor Victoria Atherstone spoke as Ward Councillor and made the following points:

- Fully supportive because it will provide many advantages to the local community in St Peters and beyond.
- Planned enhancements are for a dedicated sports club (Saracens FC) and a community space. Area has seen improvements over the years thanks to the club, sincere thanks to them for what they've done in the community. They've waited many years for this application to come to fruition, will provide proper facilities for matches and training. Connects building to wider community.
- The area currently prone to ASB, e.g. joyriding and fires. Dedicated community space will help to reduce this. Hidden gem that it would be great to draw more people to.
- Popular with families, dog walkers and cyclists, will be a safer piece of green space as a result. St Peters Close feels disconnected from the rest of the community due to poor infrastructure, this will connect communities together. Feels like an important moment in time, proud to be able to speak in support. Hugely valuable development for residents.

Also speaking in support of the application Councillor David Willingham echoed his Ward Colleagues words and went on to make the following point:

- This has been a long time and a lot of hard work in coming, negotiating leases and much more. Big Local investment recognised areas of deprivation in need of money to leave a positive legacy. St Peters Close and Square is an isolated community, faces onto Tewkesbury Road with very little access. This is a community hub with a transformational effect on that. We've worked with Saracens FC for a long time and many council departments to bring this to the committee. Really important, please vote to permit as per the officer recommendation.

There being no Member questions, the Chair moved into the debate, where the following points were made:

- Supportive of the application as this will give a chance for Saracens FC to move onto the next level. They provide a real service to the community, with teams for boys, girls and juniors too. Money well invested, generational impact. Excellent scheme.
- Cheltenham is blessed to have fantastic football clubs, like Leckhampton Rovers, Southside, Charlton Rovers, Old Pats. All provide such a focus for the community, so many children and young people getting involved. Not something we ourselves cause as a council, it grows organically within the community, we can just support it. Staggering to see the quality of the pitch and the design of the clubhouse, fantastic looking building. Will be used and respected by the local community. Fantastic project, will get down there and watch a game.
- Looking at the application, you'd be hard-pressed to find a single reason for refusal. It's simple, elegant and appropriate for the area. Clear benefit to the community and local area.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit.

FOR: 11

AGAINST: 0

ABSTAIN: 0

PERMITTED (UNANIMOUSLY)

8 22/0186/FUL 27 Hulbert Close, Cheltenham, GL51 9RJ

The Planning Officer, Claire Donnelly, presented the report, which related to a proposed new attached garage on a two-storey residential dwelling. The application was at the committee at the request of Councillor Fisher, due to the impact on the amenity of the neighbouring property, impact on the street scene, and turning a detached property to a semi-detached property, and the officer recommendation was to permit. There were no speakers on the item.

The Chair moved to Member questions and the responses were as follows:

- The Planning Officer confirmed that there was no policy requirement for an electric charging point in the garage.
- The Planning Officer clarified that the proposed doors would be 1.6m wide
- measured existing gap as 2.5m
- distance from neighbouring wall would be 100ml
- plans show that the guttering would go in that gap
- gap between guttering and wall would be very small, but they wouldn't physically touch
- The Planning Officer clarified that while the existing car port was attached to the neighbouring house, the proposed garage would have a gap.
- There was not any way the committee can compel the applicant to do more than just leave a piece of wood up there with pitch on it. The Planning Officer responded that that is not a committee matter but a civil matter.
- The Legal Officer added that building regulations would deal with the suitability and legality of the build. Any 'snagging' would be a matter for the relevant parties.

There being no further questions, the Chair moved into the debate, where the following points were made:

- It is hard to call this a garage when you would struggle to get a car in there, though you could put two motorcycles in there.
- Serious reservations given that no car manufactured today would fit through the door, making it a social issue. Approval for wraparound extension mentions that car parking area will be kept available for such use at all times in perpetuity, to enable car parking availability without affecting the highway. This was a reason for planning acceptance, but it doesn't apply as you can't fit a car in there. Changes the appearance of link detached houses. Maintenance aspect also relevant, as they will need to go via the neighbour's land to access the drains and more. Can refuse this on grounds of design, i.e. changing the street scene, and highway safety, as it will encourage people to park in the road more.
- There is a driveway, so plenty of off-road parking available. Not for us to decide what exactly they park in the garage, if anything. No planning reason to refuse it.
- The design leaves a lot to be desired, but it's very similar to a lot of other houses in the area. Can Legal Officer advise on the point relating to previous planning application? The Legal Officer clarified that this referred to a condition attached to the decision notice requiring parking. This condition did not specify what kind of parking,

and had not been breached in any way. The concern raised would not satisfy public interest test for any enforcement action.

- The application would make maintenance of the neighbouring property almost impossible, would move for refusal on grounds of SD4 and the effect on neighbouring amenity.

The Head of Planning clarified that the application was for a modest extension that would not be out of character with the surroundings. Any issue of maintenance would be a civil matter. Planning View visit showed that there is clear space for parking elsewhere on the site, so this is not a critical issue. Straying into areas of maintenance, which isn't for this committee.

There being no further comments, the Chair moved to the vote on the officer recommendation to permit.

FOR: 10

AGAINST: 1

ABSTAIN: 0

PERMITTED

9 Appeal Update

The appeal update was noted. One Member highlighted the inspector's comments in paragraph 2 (Preliminary Matters) about permission in principle, which advised that this was an alternative way for obtaining permission for housing-led development. They asked whether this would enable applicants to dodge coming before the committee.

The Head of Planning clarified that permission in principle was just a different application type, and he didn't see any reason why Members would not be able to bring it before the committee.

The status of the appeals re: the Pump Room café and 131 were confirmed by the planning officer - Pump Room have not appealed (exploring options for a revised proposal) while 131's appeal has been submitted, not sure of a start date yet.

A Member queried whether Brecon House had appealed. The planning officer confirmed that they had and that was a paragraph 80 dwelling, subject to a hearing. The date was not available to the officer at that time but will keep the committee updated.

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

There were none and the meeting closed at 19.20.

Next meeting 16th February 2023.

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APPLICATION NO: 22/01441/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 10th August 2022		DATE OF EXPIRY: 5th October 2022 (extension of time agreed until 20th February 2023)
DATE VALIDATED: 10th August 2022		DATE OF SITE VISIT:
WARD: Pittville		PARISH:
APPLICANT:	Mr and Mrs Leach	
AGENT:	SF Planning Limited	
LOCATION:	10 Selkirk Street Cheltenham Gloucestershire	
PROPOSAL:	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1 Members will recall that this application was deferred from the November planning committee meeting last year to allow for additional information to be provided by the applicant in response to questions raised in advance of the meeting. The original officer report to the committee is appended (Appendix A).
- 1.2 The question specifically related to whether a light test had been carried out on the lounge window serving the basement flat, in the side elevation of the existing building.
- 1.3 In response, the applicant commissioned a Daylight and Sunlight Assessment (Appendix B) carried out by T16 Design, an independent building consultancy specialising in energy and daylight assessment. The report assesses the potential impact in terms of light on five windows within 10 and 10A Selkirk Street, and Larkspur House, Pittville Circus.
- 1.4 In terms of daylight, the results indicate that two of the five windows assessed (the rear window serving the basement flat, 10A Selkirk Street, and the window in the side of Larkspur House) would retain 80% of their current Vertical Sky Component and therefore meet the guidance set out within the BRE Report 'Site Layout Planning for Daylight and Sunlight: a Guide to Good Practice (3rd Edition, 2022).
- 1.5 Additional, more detailed analysis was carried out on the windows which fell short of the 80% target, to calculate the No Sky Line. The report sets out that as the lounge/kitchen window at basement level is served by another window to the rear, the room as a whole would retain in excess of 80% of its area within the No Sky Line. As such, this window (and the two above it serving the kitchen and a bedroom in 10 Selkirk Street) meet the BRE guidance and the scheme is therefore compliant.
- 1.6 The report goes on to assess sunlight provision to four of the windows; the BRE guidance stating that only window that face within 90° of due south need to be assessed. The results show that there is some loss of sunlight beyond the BRE guidance, although only to 10 and 10A Selkirk Street. Larkspur House meets the BRE guidance in full by virtue of retaining 25% of annual hours and 5% of winter hours.
- 1.7 Notwithstanding the above, the owner of Larkspur House has subsequently appointed their own Right to Light Consultant whose letter is attached (Appendix C).

Members will note that the letter questions some of the findings in the applicant's submission, and also suggests that additional assessment be undertaken of the amenity space to Larkspur House.

1.8 In response, the applicant's agent has commented:

We have discussed the letter you sent on today with our daylight consultant and would comment as follows;

Firstly, with regard to the ownership/freehold point, the report does not state that it should be afforded less weight, only that it can in the consultants view. It is then up to you as the planning authority to attribute weight in the decision making process.

The second point, regarding sources of information is, as they point out themselves, it's only their opinion on what should be provided in the report. We'd be happy to provide further clarity on this if you think it's necessary.

With reference to the point that the NSL test has only been undertaken for the windows which fail the VSC test, the consultants have undertaken that test for the windows/rooms for which it was possible to obtain reasonably accurate floor plans. The only window which has not been assessed using the NSL test is Window 5, serving Larkspur House, as they were not able to obtain floor plans of that dwelling. This is a perfectly acceptable approach in the consultants experience. Using estimated floor plans is not recommended by the BRE guidance as it introduces the potential for inaccurate results.

With regards the sunlight results, the consultants have not stated anything that is not true. They have made no attempt to present the results as compliant with the guidance, or as anything other than what the results are.

Lastly, with reference to the garden of Larkspur House, the consultants did run the calculations, but there was such minimal impact, they elected not to include it. Nonetheless, they are provided below:

Amenity Sunlight Hours				
Garden	Existing Area Receiving 2 Hours	Proposed Area Receiving 2 Hours	% Retained	Meets BRE Guidance?
G1	80.45	76.86	95.54%	Yes

I trust these points answers the queries and do let me know if you need anything further from us.

1.9 Taking all of the above into account, officers remain satisfied that, on balance, the application is one which is acceptable on its planning merits and can be supported.

1.10 Whilst the proposed dwelling would undoubtedly have an impact on the basement window serving no.10A, this window is already significantly compromised, and the additional window to the rear which serves the same room would be largely unaffected by the proposed development.

1.11 With reference to the side windows serving no.10, the property already benefits from an additional window in the rear elevation at ground floor. Moreover, with reference

to the first floor bedroom window, BRE guidance acknowledges that bedrooms need less daylight than living rooms and kitchens.

- 1.12 In addition, the private amenity space to Larkspur House is L-shaped and wraps around the rear of the property, to where the patio and outdoor seating area is located. Only a small portion of the garden would be affected by the proposed dwelling.
- 1.13 A right to light is a civil matter and is separate from the daylight and sunlight considerations undertaken as part of a planning application.
- 1.14 As such, with the above in mind, officers remain satisfied that the proposed development would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, and continue to recommend that planning permission be granted, subject to the following schedule of conditions:

2. 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 Prior to the commencement of development (including demolition and site clearance), tree protective fencing to BS 5837:2012 for the Turkish hazel and Lime tree within the adjacent highway verge shall be installed in accordance with a Tree Protection Plan that shall have first been submitted to and approved in writing by the Local Planning Authority. The approved tree protective fencing shall thereafter 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 commencement of development (including 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; and
- vii) provide for wheel washing facilities, where necessary.

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.

- 5 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).

- 6 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:
- a) Windows and doors;
 - b) Fixed external louvres;
 - c) Porch canopy; and
 - d) Solar panels.

Reason: 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 policies SD4 and SD8 of the Joint Core Strategy (2017).

- 7 Prior to the implementation of any landscaping, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of all new walls, fences, or other boundary treatments; 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; 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.

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).

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-

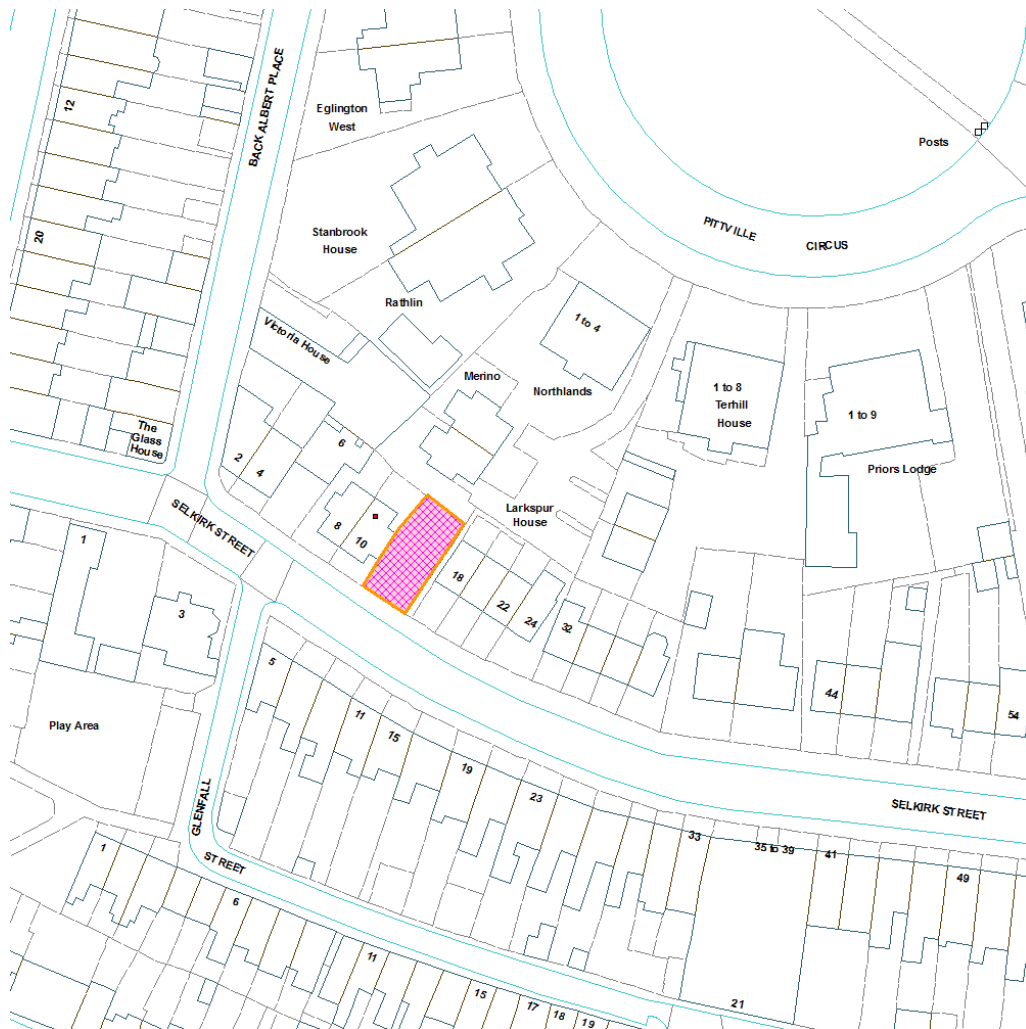
enacting that order), the upper floor windows in the rear elevation of the dwelling shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent), or fitted with a fixed external louvre in accordance with approved Drawing No. 22.20.006 PL004 F.

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).

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APPLICATION NO: 22/01441/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 10th August 2022		DATE OF EXPIRY: 5th October 2022 (extension of time agreed until 22nd November 2022)
DATE VALIDATED: 10th August 2022		DATE OF SITE VISIT:
WARD: Pittville		PARISH:
APPLICANT:	Mr and Mrs Leach	
AGENT:	SF Planning Limited	
LOCATION:	10 Selkirk Street Cheltenham Gloucestershire	
PROPOSAL:	Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located on the northern side of Selkirk Street, close to the junction with Back Albert Place, and comprises part of the curtilage to 10 Selkirk Street; a semi-detached two storey dwelling, with a separate self-contained flat at basement level.
- 1.2 The site is located within the Principal Urban Area (PUA), and the Fairview and All Saints' character area of the Central conservation area. The Townscape Analysis Map within the character area appraisal identifies the existing property, 10 Selkirk Street, as being a positive building, with the adjacent modern terrace identified as a 'significant neutral' building.
- 1.3 The existing property on site is traditional in its design, with rendered elevations, a hipped slate roof, and sliding sash windows; the property has been previously extended by way of a modest two storey side extension. A red brick wall forms the rear site boundary.
- 1.4 To the north (rear) and east, the site is bound by modern housing built within the grounds of Northlands, a grade II listed villa on Pittville Circus. Planning permission having been granted in 2003 for the conversion of the listed villa into 4no. duplex apartments, and the erection of 2no. coach houses at the rear, and a terrace of 4no. town houses fronting Selkirk Street, following demolition of an existing sports hall.
- 1.5 There are other grade II listed buildings within the vicinity of the site but none that would be directly affected by the proposed development.
- 1.6 The applicant is seeking planning permission for the erection of a new, contemporary, three storey self-build dwelling alongside the existing dwelling.
- 1.7 Revised plans have been submitted during the course of the application to address officer concerns and these are discussed in the report below.
- 1.8 The application is before the planning committee at the request of Cllr Tooke due to the level of concern amongst neighbours. Cllr Tooke has furthered commented raising concerns over the height of the building; parking; design; and scale. The call-in to committee is also supported by Cllr Fifield who has concerns over the size and height of the building.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

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

Planning History:

CB17954/00	PERMITTED	18th December 1986
Change of use of basement to self-contained flat		
03/00673/FUL	WITHDRAWN	13th June 2003
Erection of dwelling within grounds of 10 Selkirk Street, Cheltenham		
03/01241/FUL	REFUSED	10th September 2003
Erection of dwelling within grounds of 10 Selkirk Street, Cheltenham		
03/01589/FUL	REFUSED	17th December 2003
First floor extension over existing porch to create additional bedroom		

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (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 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

D3 Private Green Space

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD10 Residential Development

SD11 Housing Mix and Standards

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)

Fairview and All Saints Character Area Appraisal and Management Plan (2008)

Pittville Character Area and Management Plan (2008)

Cheltenham Climate Change SPD (2022)

4. CONSULTATION RESPONSES

Tree Officer

11th August 2022

Although there are no trees on site, the proposal would build on or pave most of the soft landscaped area - the Climate Change SPD recommends resurfacing as little as possible. While the Trees Section would welcome the addition of a mixed native hedge, there is space for a small shade tolerant tree either to the front or rear of the property (e.g. Amelanchier arborea, holly etc).

A tree protection plan referencing BS 5837 (2012) should be submitted to protect the Turkish hazel on the highway verge.

Consideration should also be given to the large lime on the highway verge. It should be demonstrated on the plans that no works will take place within the root protection area of this tree. If works are to take place within this area (excavation, construction, resurfacing etc), a method statement referencing BS 5837 (2012) should be submitted describing how this work will be achieved without damaging the roots of the tree.

As the lime and Turkish hazel are due south of the proposed development, with the lime being a large tree already and the Turkish hazel far from fully grown, there is the potential for future conflict caused by shade, seasonal debris drop etc. It should be noted that as highway trees, it is unlikely that they'll be pruned for any other reason than safety concerns. It should also be noted that the trees adjacent to site are protected by the Conservation Area.

Reason: to protect the amenity and biodiversity value of trees in the Borough as per Policies GI2 and GI3 of the Cheltenham Plan.

Building Control

15th August 2022

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

Ward Councillor - Councillor Julian Tooke

4th September 2022

I would like to refer the planning application above to the planning committee.

The above application is causing much concern amongst a number of neighbours in the vicinity of the proposed construction. I believe that the application should be rejected.

[The resident] who lives on Pittville Circus Road, and would be severely impacted by the proposed development, has put significant effort into getting expert planning and architectural advice relating to the application. The reports raise serious points which deserve very careful consideration and strongly support a rejection of the application.

24th October 2022

I have a number of concerns about this building:

- a) I think it is too tall.
- b) It will reduce the street parking because, although it has parking in its drive, it will remove 2 parking spaces which are available on the street in front of the plot now.
- c) The design of the back of the building is poor and ugly for the buildings behind it.
- d) The scale of the building means that it will restrict the light onto the building behind.
- e) Finally I note that there is significant opposition from neighbours on the street and I think their views should have significant weight.

Cheltenham Civic Society

22nd September 2022

SUPPORT

This makes good use of an infill site. This is a new building, so off street car parking with EV charging should be provided. This may help to alleviate neighbours' concerns about parking.

Architects Panel

27th September 2022

Design Concept

The panel had no objection to the principle of building a separate dwelling on this site but felt the proposed design represented overdevelopment of the site due to its scale and design which would have a negative impact on neighbouring properties.

Design Detail

The rear elevation is particularly poor due to its scale and design. Showing this elevation in context with adjoining properties would identify the problem. Stepping back the attic floor would help but reducing the height to a two storey building might result in a more appropriate design. The panel felt the projecting first floor 'pod' was an unnecessary addition that made the scheme look overdeveloped.

Recommendation
Not supported.

GCC Highways Development Management

7th October 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 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.

1st November 2022

Paragraph 111 of the NPPF is clear that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* The parking requirements set out in Manual for Gloucestershire Streets Addendum October 2021 require for 1 car parking space for 2 bedroom units.

Selkirk Street has restricted parking requirements, as it is permitted, and the addition of 1no. vehicle as per our parking requirements, is not perceived to result in a severe impact on the road network to sustain a recommendation to refuse.

I hope this clarifies our position.

Ward Councillor - Councillor Stephan Fifield

19th October 2022

As one of the Borough Councillors for Pittville, I have major issues with this proposal, many that have already been highlighted by members of the public here.

My main concern is the size of the building, it's too high for that area, which is already very densely packed. A new acceptable building would need to be at maximum 2 storey and much more respectful of neighbouring buildings.

For these reasons, and others stated, I will be supporting calling this into planning committee if approved.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the application, letters of notification were sent to 12 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo.
- 5.2 Additional consultation was carried out on receipt of the revised scheme.
- 5.3 In response to the publicity, representations have been received from 27 contributors; 9 of which write in support, and 18 of which write in objection to the proposal. All of the representations have been circulated in full to Members.
- 5.4 The objections relate to, but are not limited to:
 - Not sustainable development / contrary to policy

- Design is out of keeping with neighbour development
- Lack of parking provision
- Access, noise and disturbance during construction
- Overlooking / loss of privacy
- Loss of daylight / overshadowing
- Loss of private green space
- Previous refusal of planning permission for a dwelling in this location
- Visual impact
- Overdevelopment
- Trees

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of development; design, layout and impact on the conservation area; climate change; impact on neighbouring amenity; and parking and highway safety.

6.2 Principle

6.2.1 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out a *“presumption in favour of sustainable development”* which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.

6.2.2 The development plan comprises saved policies of the Cheltenham Borough Local Plan Second Review 2006 (CBLP); adopted policies of the Cheltenham Plan 2020 (CP); and adopted policies of the Tewkesbury, Gloucester and Cheltenham Joint Core Strategy 2017 (JCS). Other material considerations include the National Planning Policy Framework 2021 (NPPF), and Planning Practice Guidance (nPPG).

6.2.3 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. As it stands, the Council is currently unable to demonstrate such a five year supply of housing and therefore the ‘tilted balance’ in favour of granting permission is triggered.

6.2.4 Notwithstanding the above, the application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development where it is infilling within the Principal Urban Area; JCS paragraph 4.11.5 setting out that *“infill development means the development of an under-developed plot well related to existing built development.”*

6.2.5 Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to *“seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.”*

6.2.6 As such, there is no fundamental reason to suggest that the principle of erecting an additional dwelling on this site is unacceptable, subject to the material considerations discussed below. The principle of development is wholly in accordance with relevant local and national planning policy.

6.2.7 It is noted, in the objections, that reference is made to a previous refusal of planning permission in 2003 for the erection of a dwelling on this site but, given the significant changes to planning policy, both nationally and locally, that have since taken place, the previous refusal of planning permission is immaterial in the determination of this application, which must be considered in the context of the current development plan.

6.2.8 It is also noted that reference has been made in some of the objections to CP policy D3; however, in this instance, it is not considered that the site makes any significant contribution to the townscape and environmental quality of Cheltenham, and certainly not to the extent that the principle of development should be found unacceptable.

6.3 Design, layout and impact on conservation area

6.3.1 Paragraph 130 of the NPPF requires decisions on planning applications to ensure that new developments *“will function well and add to the overall quality of the area...; are visually attractive...; are sympathetic to local character...including the surrounding built environment...whilst not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place...; optimise the potential of the site...; and create places that are safe, inclusive and accessible...with a high standard of amenity for existing and future users”*.

6.3.2 The above requirement is generally consistent with the design requirements set out in adopted CP policy D1 and JCS policy SD4.

6.3.3 Additional guidance can be found in the Council's adopted SPD relating to development on garden land and infill sites, which sets out that various elements combine to create the character of an area and include grain, type of building, location of buildings within the block or street, plot widths and building lines. The document states at paragraph 3.5 that *“Responding to character is not simply about copying or replicating what already exists in an area...Change in itself is not considered a bad thing automatically...”*

6.3.4 Furthermore, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area in which the site is located. JCS policy SD8 also requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

6.3.5 Building heights and styles, and materials, in the vicinity of the site, particularly on this side of Selkirk Street vary greatly and, as such, there is no clear distinct character to which new development must adhere. Indeed, the proposed dwelling would sit between two disparate buildings. Moreover, as previously noted at paragraph 6.3.3, the Garden Land SPD is clear that responding to character is not simply about copying or replicating what already exists. There are numerous examples throughout the borough, including within conservation areas, of contemporary dwellings which sit comfortably within the street scene, alongside more traditional forms of dwelling. As such, officers are satisfied that the general design approach is acceptable in this location. In addition, the subdivision of the site would not be at odds with the surrounding urban grain.

6.3.6 That said, officers had concerns about the original scheme, as did the Architects Panel who, whilst raising no objection to the principle of a separate dwelling on this site, felt the rear elevation was poor and that *“the projecting first floor ‘pod’ was an unnecessary addition that made the scheme look overdeveloped.”* Revisions were therefore sought.

6.3.7 In the revised scheme, the top floor has been reduced in size and is now set in some 1.8 metres from the main rear elevation, set in from the sides, and the roof terrace to the front of the dwelling, and the projecting overhang to the side have been omitted. Additional changes to the fenestration, together with a reduction in the number of bedrooms from three

to two, are also proposed. Officers are therefore satisfied that, whilst the Architects Panel have not commented on the amended scheme, the revisions address their main concerns.

6.3.8 In terms of height, the street scene elevation demonstrates that the eaves height of the dwelling will reflect that of the neighbouring terrace, and the overall height of the dwelling, solar panels aside, would not exceed the height of the buildings on either side. The solar panels would not be overly prominent within the street scene.

6.3.9 With regard to external facing materials, the dwelling would largely be rendered with a brick faced two storey front bay, powder coated aluminium windows, and cladding to the recessed top floor. The general palette of materials proposed is considered to be wholly acceptable; however, to ensure a suitably high quality development, a condition is recommended which requires additional detail of the selected facing materials to be submitted and agreed prior to their implementation.

6.3.10 Both the existing and proposed dwelling will be provided with modest outdoor amenity spaces commensurate with those serving a number of neighbouring properties; together with adequate space for the storage of cycles, and refuse and recycling.

6.3.11 Overall, officers are satisfied that the proposed dwelling would sit comfortably within its context and be a visually attractive building that has the potential to raise the general standard of design within the wider area.

6.3.12 With regard to the impact on the conservation area, whilst the proposed dwelling would undoubtedly be a visually prominent new addition to the street scene, this is not, in itself, considered to be harmful; and officers are satisfied that the dwelling would at least preserve, if not enhance, the character and appearance of the area. The open aspect of the site as existing is not considered to be of any particular importance.

6.4 Climate change

6.4.1 In addition to the aforementioned design policies, adopted JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; development proposals are required to “*demonstrate how they contribute to the aims of sustainability*” and “*be adaptable to climate change in respect of the design, layout, siting, orientation...*”

6.4.2 JCS paragraph 14.4.11 goes on to advise that:

Before considering the use of renewable energy technologies the design of a development should first identify measures to reduce overall energy demand. This can include choice of building fabric and construction techniques, optimising solar gain, natural lighting and ventilation to reduce the need for space heating and/or cooling and lighting. Secondly, the design should include measures to use energy more efficiently such as increasing levels of insulation in walls, floors and roofs and improved air-tightness.

6.4.3 The recently adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.4.4 In response to the SPD, the applicant has submitted a Sustainability Statement in support of the application that sets out the measures proposed as part of this development. The measures include, but are not limited to:

- The fitting of low water use fittings and appliances to reduce water consumption
- The provision of solar pv technology on the flat roof

- Permeable hard surfacing

6.4.5 Such measures are welcomed and are considered to be appropriate for this small scale development. The method of providing heating and hot water for the dwelling remains to be determined.

6.5 Neighbouring amenity

6.5.1 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. In addition, as previously noted, NPPF paragraph 130 highlights the need to secure a high standard of amenity for existing and future users.

6.5.2 In assessing the amenity impacts of a development, CP paragraph 14.4 advises that *“the Council will have regard to matters including loss of daylight; loss of outlook; loss of privacy; and potential disturbance from noise...and traffic / travel patterns”*.

6.5.3 All of the amenity concerns raised in the objections have been duly noted but officers are satisfied that, following revisions to the original scheme, no unacceptable level of harm would occur as a result of the development.

6.5.4 It is acknowledged that the proposed dwelling would sit to the south/southwest of part of the garden serving the dwelling to the rear, Larkspur House; however, given the proximity of adjacent buildings, and the additional garden space that would be unaffected by the proposal, officers are satisfied that any additional overshadowing resulting from the dwelling would be limited. In addition, it is noted that French doors have been installed in the side elevation of this neighbouring dwelling, but the proposed dwelling would not be located directly in front of these doors. Moreover, the revisions to the scheme, to set the top floor in from the rear elevation, have also overcome officer's concerns in relation to outlook; the dwelling would be read in conjunction with neighbouring buildings.

6.5.5 With regard to privacy, the first floor windows in the rear of the proposed dwelling have been carefully considered to ensure that no loss of privacy or overlooking would occur. The small bathroom window is detailed to be obscure glazed and fixed, whilst the bedroom window would largely be screened by a fixed external louvre, with a fixed, obscure glazed side light. The fixed louvre will allow for an opening window behind to provide natural ventilation to the bedroom, whilst preventing views out beyond the boundary. The rear facing windows at second floor would also be fitted with fixed external louvres. The details of which could be secured by condition.

6.5.6 In addition, whilst the comments from the immediate neighbour to the east, no.20 Selkirk Street, have been duly noted; the dwelling would not significantly impact on light levels to the small, north facing gardens at the rear of this adjacent terrace; the proposed dwelling would not extend beyond the rear of the terrace.

6.5.7 It is noted that no.18 Selkirk Street has a window in its side elevation but this window does not serve a habitable room and is therefore not afforded any protection. Similarly, many of the windows in the side of no.10, that would be affected by the proposed dwelling, do not serve habitable rooms.

6.5.8 Consideration has been given to the access to the basement flat and officers are satisfied that sufficient access will be retained.

6.5.9 It is acknowledged that some noise and disturbance would inevitably be caused during the construction of the dwelling but this is to be reasonably expected. The personal circumstances of individuals living nearby cannot be taken into account in the determination

of this application. An informative has been attached advising the applicant of the accepted construction hours for works which are audible beyond the boundary, which are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm.

6.6 Parking and highway safety

6.6.1 Adopted JCS policy INF1 requires all development proposals to ensure a safe and efficient access to the highway is provided for all users; and states that permission will only be refused on highway grounds where the impact of the development upon the local highway network would be severe. The policy is wholly consistent with Section 9 of the NPPF.

6.6.2 From a highway safety perspective, the application has been reviewed by the County Highways Development Management Team (HDM) who raise no objection; concluding 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.”*

6.6.3 Additional comments from HDM set out that the Manual for Gloucestershire Streets Addendum October 2021 requires one car parking space for new two bedroom units. As such, whilst it is noted that parking is of great concern to local residents, given the scale of development proposed, it could not be argued that the lack of one car parking space to serve the proposed dwelling (as per the requirements) would have a severe impact on the local highway network; and planning permission could not be withheld on such grounds.

6.7 Other considerations

Self-build

6.7.1 The application proposes the erection of a self-build dwelling, and The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that local planning authorities *“must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.”* JCS policy SD11 also seeks to encourage self-build housing.

6.7.2 As such, whilst officers are satisfied that the proposed development is acceptable in any event, the proposal would also help to fulfil the requirement to provide self-build plots in Cheltenham.

Trees

6.7.3 There are no trees on site that would be affected by the development; however, there are a couple of trees within the highway verge adjacent to the site, a small Turkish hazel and a large Lime which will need to be protected during construction.

6.7.4 In addition, whilst the Trees Officer would welcome the addition of a mixed native hedge, they also consider that there is space for a small shade tolerant tree either to the front or rear of the property; this could be secured by condition.

Flooding

6.7.5 The site is located within Flood Zone 1 and at a low risk of flooding; as such, new residential development in this location is considered to be wholly appropriate from a flooding perspective.

Public Sector Equalities Duty (PSED)

6.7.6 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.

6.7.7 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 Decisions on planning applications must be made in accordance with the development plan.
- 7.2 The application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to *“seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.”*
- 7.3 Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham as the Council is currently unable to demonstrate a five year supply of deliverable housing sites) development proposals must 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.
- 7.4 As set out in the above report, officers are satisfied that the design of the dwelling as revised is acceptable in this location. The scheme would not detract from the conservation area. Furthermore, there are no significant amenity concerns arising from the development; and no highway objection has been raised by the Local Highway Authority.
- 7.5 Moreover, the proposed additional dwelling would make a small but nevertheless valuable contribution to the borough’s housing stock, and also help to fulfil the requirement to provide self-build plots in Cheltenham.
- 7.6 Overall, officers are satisfied that the proposed development would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. The recommendation therefore is to grant planning permission subject to the following conditions:
- 7.7 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, agreement has been sought from the applicant in respect of the pre-commencement conditions (conditions 3 and 4).

8. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development (including demolition and site clearance), tree protective fencing to BS 5837:2012 for the Turkish hazel and Lime tree within the adjacent highway verge shall be installed in accordance with a Tree Protection Plan that shall have first been submitted to and approved in writing by the Local Planning Authority. The approved tree protective fencing shall thereafter 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 commencement of development (including 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; and
- vii) provide for wheel washing facilities, where necessary.

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.

- 5 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).

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

- b) Fixed external louvres;
- c) Porch canopy; and
- d) Solar panels.

Reason: 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 policies SD4 and SD8 of the Joint Core Strategy (2017).

- 7 Prior to the implementation of any landscaping, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of all new walls, fences, or other boundary treatments; 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; 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.

Reason: In the interests of the character and appearance of the area, having regard to adopted policies D1, G12 and G13 of the Cheltenham Plan (2020), and adopted policies SD4 and INF3 of the Joint Core Strategy (2017).

- 8 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that order), the upper floor windows in the rear elevation of the dwelling shall at all times be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent), or fitted with a fixed external louvre in accordance with approved Drawing No. 22.20.006 PL004 F.

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).

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 secure a more appropriate form of development that responds better to its context.

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

- 2 The applicant is advised that the accepted construction hours for works which are audible at the site boundary are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm, with no noise generating activities to be carried out on Sundays, Bank and/or Public Holidays.



Land at 10 Selkirk St., Cheltenham

Daylight and Sunlight Assessment

Job No: 4533

Issued: December, 2022

Issue No.: 2

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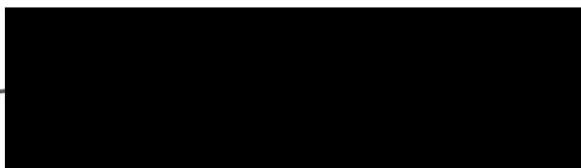
Dated:

13.12.22

13.12.22

Signed:

Signed:




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1.0 Introduction

- 1.1 This daylight and sunlight assessment has been prepared to support a planning application for the proposed redevelopment of the site at 10 Selkirk Street, Cheltenham
- 1.2 The report assesses the proposals in respect of daylight, sunlight and overshadowing matters, having regard to industry standard guidance.
- 1.3 There is no existing specific National Planning Policy relating to the prospective impacts of developments on daylight and sunlight on their surrounding environment, although the National Planning Policy Framework (Paragraph 125(c) requires Local Authorities to take a “flexible approach” in applying policies or guidance in relation to daylight and sunlight.
- 1.4 However, the BRE Report ‘Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice’ (3rd Edition, 2022) is the established National guidance to aid the developer to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site.
- 1.5 This reference document is accepted as the authoritative work in the field on daylight, sunlight and overshadowing and is specifically referred to in many Local Authorities' planning policy guidance for daylighting.
- 1.6 The methodology therein has been used in numerous lighting analyses and the standards of permissible reduction in light are accepted as the industry standards.

2.0 Project Summary

- 2.1 The proposal site is a vacant parcel of land to the south-east of 10 Selkirk Street; a largely residential street in Cheltenham
- 2.2 The proposal is for the construction of a new dwelling rising to a maximum of 3 storeys in height.
- 2.3 The impacts of the scheme have been assessed, in line with BRE guidance. Generally, it is the impacts on residential neighbours which are of primary concern.
- 2.4 The main neighbour to this site, 10 and 10A Selkirk Street, is under the same freehold ownership as the development site. This means the impacts on 10 and 10A can be afforded less weight in the decision-making process.
- 2.5 Further details on the location of the assessed neighbours and their windows are given in Section 5.0



Site Location

3.0 Methodology

- 3.1 For this analysis, we have undertaken the most common calculations for the change in daylight and sunlight to existing buildings, as recommended in BRE Digest 209. These are:
 - Vertical Sky Component (VSC) and No Sky Line (NSL) for daylight impacts
 - Annual Probable Sunlight Hours and Winter Probable Sunlight Hours (WPSH) (APSH) for sunlight impacts
- 3.2 The VSC method measures the general amount of light available on the outside plane of the window as a ratio (%) of the amount of total unobstructed sky viewable following introduction of visible barriers such as buildings. The maximum value is just under 40% for a completely unobstructed vertical wall.
- 3.3 The VSC is calculated using computer simulation under a CIE overcast sky. This works by simulating the amount of visible sky from the centre point of each window. It is not affected by orientation and so all potentially affected windows are assessed.
- 3.4 The NSL test calculates the distribution of daylight within rooms by determining the area of the room at desk / work surface height (the 'working plane') which can and cannot receive a direct view of the sky and hence 'sky light'. The working plane height is set at 850mm above floor level within residential property.
- 3.5 The NSL test can be carried out where neighbouring room layouts are known.
- 3.6 Annual Probable Sunlight Hours (APSH) and Winter Probable Sun light Hours (WPSH) are a measure of the amount of potential direct sunlight that is available to a given surface. APSH covers sunlight over the whole year and WPSH from September 21st to March 21st.
- 3.7 The number of total available hours is calculated from a data file in the software, built up over a number of years of actual weather data records.
- 3.8 Only windows which face within 90° of due south need be assessed for sunlight. This is looked at in Section 9.

4.0 Modelling & Data Sources

- 4.1 The first stage of the analysis is to create the analysis model of the existing site condition and the proposal. This allows us to analyse the impact of the proposal when compared to the existing condition.
- 4.2 2D drawings have been provided by the design team. These drawings are used to construct a 3D analysis model which is exported into the specialist daylight software. Calculations are then run, for both existing and proposed scenarios.
- 4.3 Sufficient detail is added to the model for the analysis. In accordance with BRE recommendations, trees and foliage have been omitted from the calculations.
- 4.4 Information on the properties has been provided to us by the design team in the form of drawings giving the site as existing and proposed and photographs of the site and surroundings.
- 4.5 Web-based mapping sources and planning records for neighbouring buildings have also been used.

5.0 BRE Guidance Targets

- 5.1 The reference document for this analysis, BRE Digest 209, gives the methodology for undertaking the calculations. It also provides benchmark figures for the acceptable reduction in the daylight on existing properties which might be affected by development.
- 5.2 Specifically, the guidance gives figures for the VSC and APSH, as a percentage reduction that is "permissible" for the effect on existing windows.
- 5.3 It is worth noting the following statement in the Guidance introduction:
- 5.4 "The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and this document should not be seen as an instrument of planning policy. Its aim is to help rather than constrain the developer.
- 5.5 Although it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of the many factors in site layout design."
- 5.6 The relevant BRE recommendations for daylight and sunlight are:
- The Vertical Sky Component measured at the centre of a window should be no less than 27%, or if reduced to below this, no less than 0.8 times the former value.
 - The area of the room beyond the No Sky Line should not be reduced to less than 80% of its current size.
 - The window should receive at least 25% of available annual sunlight hours and more than 5% during the winter months (September 21st to March 21st), or, where this is not the case, 80% of its former value.

6.0 Window Schedules



10/10A Selkirk Street



Larkspur House (Side)

NH – Window serves non-habitable room

7.0 Daylight Impact Results – VSC Test

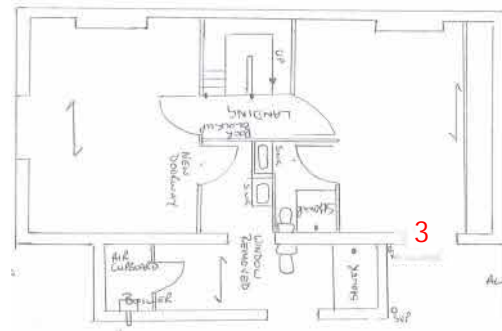
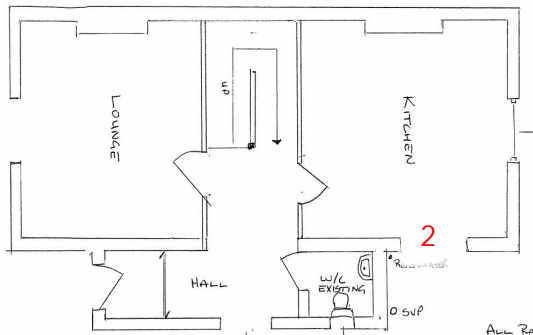
- 7.1 The Vertical Sky Component has been calculated for each of the 5 assessed windows for both the existing and proposed conditions.
- 7.2 As can be seen in the results below, 2 of the 5 windows retain 80% of their current values.
- 7.3 For the windows which fall short of this target further analysis has been undertaken using the No Sky Line test, in the following section.
- 7.4 The remaining window meets the BRE guidance by virtue of retaining 80% of its current values.

Vertical Sky Component				
Window	Existing VSC	Proposed VSC	% Retained	Meets BRE Guidance?
1	13.953	6.664	47.76 %	No
2	21.332	9.306	43.62 %	No
3	26.551	18.227	68.65 %	No
4	11.057	10.897	98.56 %	Yes
5	26.391	22.829	86.50 %	Yes

8.0 Daylight Impact Results – NSL Test

- 8.1 BRE guidance states that the No Sky Line can additionally be calculated "where neighbouring room layouts are known".
- 8.2 In this instance floor plans have been sourced for the neighbouring rooms at 10 and 10A Selkirk Street which is the building with windows which fall short of the BRE guidance using the VSC test.
- 8.3 This has allowed a more detail analysis to be undertaken.
- 8.4 The area of the room beyond the No Sky Line has been calculated for the rooms served by the windows which do not meet the VSC test, as shown in the window schedule, for both the existing and proposed conditions.
- 8.5 This test is more detailed and represents better the actual impact on a room, as it considers both the size of the room and the window. As such, it is generally given more weight in assessing whether or not a level of impact is considered unacceptable.
- 8.6 As the window at basement level, serving the kitchen is served by another window to the rear, the room as a whole retains in excess of 80% of its area within the No Sky Line.
- 8.7 The two rooms above also meet the BRE guidance using this test.
- 8.8 The scheme is therefore compliant with BRE guidance when assessed using the more detailed and representative No Sky Line test.

8.0 Daylight Impact Results – NSL Test



No Sky Line						
Window	Floor	Room Served	Existing NSL (%)	Proposed NSL (%)	% Retained	Meets BRE Guidance?
1 & 4	Basement	Kitchen/ Living	58.3%	47.8%	81.99%	Yes
2	Ground	Kitchen	93.9%	80.7%	85.94%	Yes
3	First	Assumed Bedroom	70.2%	64.6%	92.02%	Yes

9.0 Sunlight Impact Results

- 9.1 BRE guidance states that only windows which face within 90° of due south need be assessed for sunlight provision. In this instance, 4 windows fall into this category.
- 9.2 The Annual Probable Sunlight Hours has been calculated for each of these windows for both the existing and proposed conditions using the methodology described previously, both over the whole year, and through the “winter months” (September 21st until March 21st)
- 9.3 The BRE guidance states that the sun lighting may be adversely affected if the centre of the window:
- Receives less than 25% of annual hours or less than 5% of winter hours and
 - Receives less than 80% of its current sunlight hours during either period and
 - Has a reduction in sunlight over the whole year greater than 4% of annual probable sunlight hours
- 9.4 It is clear from the wording of the above that all three clauses need to be met to qualify as an adverse impact. Thus, if the window does not meet any one of these criteria, the impact is acceptable.
- 9.5 The results below show that there is some loss of sunlight beyond the BRE guidance, although only to 10 and 10A Selkirk Street. Larkspur House meets the BRE guidance in full by virtue of retaining 25% of annual hours and 5% of winter hours.
- 9.6 The first-floor window (3) also meets the BRE guidance for annual sunlight hours.
- 9.7 It should be noted that the existing sunlight hours, in particular during the winter months, to the windows on 10 and 10A Selkirk Street are already well below the BRE guidance for a sufficiently sunlit room.



9.0 Sunlight Impact Results

Window	Annual Sunlight Hours			Winter Sunlight Hours			Meets BRE Guidance?
	Ex. Hrs Received (%)	Prop. Hrs Received	% Retained	Ex. Hrs Received	Prop. Hrs Received	% Retained	
1	13.306	0.000	0.00%	0.000	0.000	100.00%	Yes
2	25.572	3.950	15.45%	2.079	0.000	0.00%	Yes
3	37.283	25.557	N/ A	4.019	0.000	0.00%	Yes
5	56.757	50.104	N/ A	13.652	6.999	N/ A	Yes

10.0 Conclusions

- 10.1 Using industry standard methodology, we have made numerical analyses to ascertain the effects of the proposal adjacent to 10 Selkirk Street, Cheltenham and the levels of change in daylight and sunlight for the windows of the neighbouring properties.
- 10.2 The main criteria used in this analysis to show compliance are the Vertical Sky Component and No Sky Line for daylight impacts and Annual and Winter Probable Sunlight Hours for sunlight impacts
- 10.3 As has been shown, the effect on VSC is within the 80% guidance value for two of the 5 assessed windows.
- 10.4 When the more detailed No Sky Line test is run for the rooms that are served by the windows which do not meet the VSC test, the results show that the rooms retain in excess of 80% of current daylight levels.
- 10.5 We conclude that the NSL impacts are acceptable and within the BRE guidance recommendations.
- 10.6 In terms of sunlight, 1 of the assessed windows retain 25% of available sunlight hours annually and 5% over the winter months. A further window retains in excess of the BRE guidance level for annual sunlight hours. The remaining windows fall short of the guidance.
- 10.7 For daylight, when the more detailed No Sky Line test is used, BRE compliance is demonstrated.



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Ms Michelle Payne
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

24 January 2023

Dear Ms Payne,

Application Reference No. 22/01441/FUL

**Proposed Development at 10 Selkirk Street, Cheltenham, Gloucestershire GL52 2HH
Impact on Larkspur House GL52 2PX**

We are appointed by [REDACTED] the owner of Larkspur House, following concerns that the proposed three storey self-build dwelling at Land Adjacent to 10 Selkirk Street will impact upon the daylight and sunlight receivable by their property and other properties in the vicinity.

The Building Research Establishment (BRE) "Site Layout Planning for Daylight and Sunlight 2022, 3rd Edition provides guidance for the planning department to consider.

The introduction to the BRE guide at 1.1 suggests that "people expect good natural lighting in their homes and in a wide range of non-domestic buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by. Access to skylight and sunlight helps make a building energy efficient; effective daylighting will reduce the need for electric light, while winter solar gain can meet some of the heating requirements."

We understand that the applicant has instructed T16 Design to undertake a daylight and sunlight study. The results of which indicate a number of windows would breach the BRE Daylight and Sunlight tests.

In the first instance, we note that in section 2.4 of the applicant's report, they identify that 10 and 10a Selkirk Street are identified as under the same freehold ownership as the development site, and therefore any loss of light to these properties should be afforded less weight in the decision-making process. We consider this to be misleading. It is well established that the ownership of surrounding properties is not a material planning consideration with reference the daylight and sunlight. The property at 10a is leased and therefore the owner/occupier is completely separate to the freehold owner. The light received by their property should be afforded as much weight as any other neighbouring property, regardless of the freehold ownership. Secondly, the freehold ownership of these properties could change in the future. To suggest any impact to these properties should be given less weight in the decision-making process is incorrect.

Additionally, the report does not contain a detailed list of the sources used in the construction of the 3D model that is the basis of the assessment and results. It is normal practice to list the drawings used which should match the relevant planning application drawings. It is also stated that 'sufficient detail is added to the model for the analysis'. We are of the opinion that a more detailed account of what is considered 'sufficient detail', and the sources used to model these details, are required before the report and results can be considered an accurate representation of the loss of light. You will therefore appreciate we are unable to confirm to our client that the results are an accurate interpretation of the anticipated light loss.

The results of the assessment show that three windows at 10/10a Selkirk Street would fall short of the BRE Vertical Sky Component (VSC) test. We understand that windows 1 and 2 (as labelled in the applicant's report) serve the kitchen/living room of 10a Selkirk Street and window 3 serves the kitchen at 10 Selkirk Street. We have included an image of the results table from the applicant's report below for reference.

Vertical Sky Component				
Window	Existing VSC	Proposed VSC	% Retained	Meets BRE Guidance?
1	13.953	6.664	47.76 %	No
2	21.332	9.306	43.62 %	No
3	26.551	18.227	68.65 %	No
4	11.057	10.897	98.56 %	Yes
5	26.391	22.829	86.50 %	Yes

Windows 1 and 2 serving the kitchen/living room at 10a Selkirk Street already have low existing VSC scores before the proposed development, given they are at the basement level. With the proposed development in place, both windows would lose over half the daylight they currently receive. We would consider this a major loss of daylight which would severely impact the use and enjoyment of this room, which is the main living space at No. 10a.

The loss of light to window 3 would also breach the BRE VSC recommendations, given it would lose over 30% of its existing daylight.

In relation to the daylight distribution test, it appears to have only been applied to rooms with windows that fall short of the VSC test. The BRE guide states that both the total amount of skylight and its distribution within a building are important (2.2.5). The daylight distribution test should therefore be applied to all properties affected where internal layouts are known. We would be pleased to arrange access into our client's property at Larkspur House to inspect the internal arrangement so the assessment can be updated to include the daylight distribution results within the report.

We also note that in sections 8.5 and 8.6 of the applicant's report, it is stated that the daylight distribution test is 'more detailed and represents better the actual impact on a room... As such, it is generally given more weight in assessing whether or not a level of impact is considered unacceptable.' We consider this to also be incorrect and misleading. As above, section 2.2.5 of the BRE Guide explicitly makes clear that both the VSC and daylight distribution tests are important. In the case of *Guerry V LB Hammersmith and Fulham* (2018) the judge ruled that

that to base the impact on daylight from one daylight test over the other is incorrect, and the results for each test are separate and distinct. The breaches of the VSC test therefore need to be considered as separate from the results of the daylight distribution test. The statements in 8.8 and 10.7 in the applicant's report are therefore also misleading, as the proposed development cannot be considered fully compliant in relation to daylight when there are main habitable rooms windows that fall short of the VSC test.

In terms of the sunlight results, we have included the results table from the applicant's report below for reference.

Window	Annual Sunlight Hours			Winter Sunlight Hours			Meets BRE Guidance?
	Ex. Hrs Received (%)	Prop. Hrs Received	% Retained	Ex. Hrs Received	Prop. Hrs Received	% Retained	
1	13.306	0.000	0.00%	0.000	0.000	100.00%	Yes
2	25.572	3.950	15.45%	2.079	0.000	0.00%	Yes
3	37.283	25.557	N/ A	4.019	0.000	0.00%	Yes
5	56.757	50.104	N/ A	13.652	6.999	N/ A	Yes

As can be seen above, window 1 would lose all of the sunlight it currently receives, and window 2 would also lose a significant amount. The table above incorrectly shows that all windows pass the BRE Annual Probable Sunlight Hours test (ASPH).

The BRE guide states that sunlight may be adversely affected if the window:

- Receives less than 25% of annual probable sunlight hours and less than 0.8 times its former annual value; or less than 5% of annual sunlight hours between 21 September and 21 March and less than 0.8 times its former value during that period;
- And also has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Despite being rated as compliant in the table above, it is acknowledged within section 9 of the applicant's report that 'there is some loss of sunlight beyond the BRE guidance, although only to 10 and 10a Selkirk Street'. We would not consider the loss of all sunlight received by window 1 to be 'some loss', nor the nearly 85% loss to window 2. We consider the loss of sunlight to be significant and will detrimentally impact the use and enjoyment of these rooms. As identified above, the fact that 10 and 10a Selkirk Street have the same freehold owner as the development site is irrelevant.

Window 3 would also breach the BRE APSH test as although it retains above 25% annually, it would be left with less than 5% in the winter months, with a reduction ratio of 0, and have a greater than 4% reduction over the whole year. Marking the above results as compliant could be considered misleading as three windows would fall short of the APSH test.

We also notice the absence of the BRE overshadowing to gardens and open space test. Our client's property at Larkspur House, highlighted in the image below, has external amenity space to the north of the development. The proposed development is likely to increase the level of overshadowing in our client's garden, and therefore a decision in favour of the application should not be made until the applicant instructs their surveyor to include the BRE Overshadowing to Gardens and Open Spaces test within their assessment.



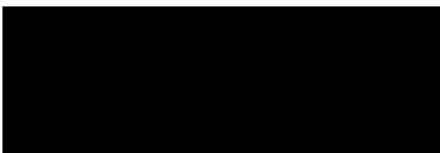
In summary, we request that no decision is made in favour of the existing application until the scheme is redesigned to overcome the non-compliance in relation to the BRE Daylight and Sunlight tests, and an amended study is presented.

In addition to planning considerations, it is useful to assess the risk of any potential civil action from the outset and mitigate any future costs which could be incurred defending a claim. Our client is disappointed that they have been obliged to respond negatively to the application, but feels compelled to oppose a development which they consider will have such an oppressive and overbearing impact on the way they enjoy their property.

Please acknowledge receipt of this letter and respond accordingly with your assurance. Should you wish to discuss any aspect please do not hesitate to contact me.

I look forward to hearing from you shortly.

Yours sincerely



Alice Cook BA (Hons)
Right of Light Surveyor

Direct Dial: 01268 208 623
Email: alice.cook@right-of-light.co.uk

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APPLICATION NO: 22/01441/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 10th August 2022		DATE OF EXPIRY : 5th October 2022
WARD: Pittville		PARISH:
APPLICANT:	Mr and Mrs Leach	
LOCATION:	10 Selkirk Street Cheltenham Gloucestershire	
PROPOSAL:	Erection of 1 no. three storey self-build dwelling on land adjacent to 10 Selkirk Street	

REPRESENTATIONS

Number of contributors	28
Number of objections	18
Number of representations	0
Number of supporting	9

9 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HJ

Comments: 30th August 2022

We object to this proposal on the following grounds:

1 The Development

The proposed building does not fulfil the requirements of a sustainable development within the Council's own definition and application to this street and surrounding area:

- It would occupy the only green space left in Selkirk Street and would involve removing a garden - infill which contravenes existing Council guidelines;
- It does not 'complement or respect neighbouring development and the character of the locality'. It is entirely unsympathetic to the current dwellings on the north side of Selkirk St and appears to ignore the historical nature of the south Selkirk St terrace.
- Its only apparent green credential apart from building materials is the provision of an external three-pin socket to recharge electric bikes etc. (which the No 10 proposer appears not to own).

2 Parking

The owner of No 10 and proposer of this development makes no provision for parking within his submission and yet owns and currently parks three vehicles, one of which is a works van which (occupies one and a half car spaces).

- Increased parking congestion

I understand that using the green space on which he hopes to build as current parking for one of his vehicles is prohibited and he has already received a site visit from Gloucestershire Highways who have made this clear. This will inevitably exacerbate the demand for street parking when he parks it on the street (using a visitor permit). It would be made significantly worse when he either sells or rents No10 Selkirk, his current home, and the new tenants/owners also require street parking;

- Lack of parking provision within the site

This proposal makes no provision for parking. It would make the property unique within the context of north Selkirk Street as every house from No 18 onwards, irrespective of the date of build offers parking (and in the case of one house the potential). Whilst the Council is actively reviewing parking in this street and surrounding Zone5 to ensure residents can access adequate on-street parking, it makes no sense for this proposal to escape their scrutiny.

3 Access

Selkirk Street is a relatively busy thoroughfare made more so with the need for delivery drivers to temporarily stop their vans in unregistered parking. The proposed development for the whole period it is active would significantly increase heavy goods deliveries along with the arrival of earthmoving equipment onto a site which has no storage provision. The likelihood is that he will seek licences to store materials and skips in the current parking bays on the street - thus removing parking for residents.

As a self-builder, the proposer is also gainfully employed and it is very likely this would extend the period of development. The impact both on access along the street for larger vehicles and parking will be beyond vexatious and potentially dangerous as goods are loaded and unloaded.

11 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HJ

Comments: 14th September 2022

I strongly object to this application for the following reasons:

1. The design of this building is completely out of keeping with the other houses on this street. Although there are more modern properties on the north side of the street, none are similar to this design, which is extremely ugly and unattractive. The houses opposite this site are extremely attractive period properties, offering a very pleasant outlook for the applicant, which is in contrast to this house. I live opposite and would not want this to be the view from my home. Selkirk Street is a lovely street with many older houses and this would be totally out of place.
2. The proposed balcony overlooks my home and would impact significantly on my privacy.
3. There have been comments that the current green space is overgrown. In fact, it is just a rather bare patch of grass but it could be a lovely garden.
4. There would be a significant impact on the already constrained parking in this street.
5. I understand that this would be a self build, so would take a significantly long period of time to complete and would mean potentially years of noise, dust, disruption and traffic. It is likely to also mean noise at weekends and in the evenings, impacting on the quality of

life of those of us who live nearby. I live opposite this site and working from home would also be significantly impacted.

15 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HJ

Comments: 13th September 2022

Objection on the grounds of proposed plans not in-keeping with surrounding properties. Parking already an issue on street, despite paying for permits, often have to park streets away from house. 3 bed house likely to bring x2 additional cars to the street. Balcony overlooking window of houses opposite is intrusive to those properties. To my knowledge there are no balconies on any of the properties on Selkirk Street, therefore not particularly in-keeping with the nature of the area and Pittville itself.

Larkspur House
Pittville Circus
Cheltenham
Gloucestershire
GL52 2PX

Comments: 14th September 2022

The following comments, which have been made by a professional architect, demonstrate that the proposed self build dwelling does is poorly designed in many respects and does NOT comply, with the Councils Policies for development on garden land.

BACKGROUND

The application is for a new 3-storey house within the garden to the side of 10 Selkirk Street. No.10 is a two-storey house with a basement. The basement was granted consent to be converted to a separate dwelling under application reference 86/01269/PC and has subsequently been converted to a self-contained flat with access from the rear garden of the main house via steps in an open well. There is no record of a Building Regulation application having been made for the works involved in the change of use. It is evident that the basement flat has been separated from the main house, and is believed that it is no longer owned by the applicant. The application form does not indicate whether the owner of the flat has been given requisite notice of this application under Certificate A as either a freeholder or leaseholder.

DEVELOPMENT ON GARDEN LAND AND INFILL SITES SPD 2009

The Council uses the following minimum distances in determining privacy for residents 21metres between dwellings which face other where both have windows with clear glazing, 12 metres between dwellings which face each other where only one has a window with clear glazing The proposed house will be 3.5metres from the boundary wall and the house to the rear is a further 3.9metres beyond this and with a window facing towards the new house . The proposed house does not meet the requirement for privacy between neighbours. Windows to the first floor bedroom, bedroom 1, directly over-look the glazed doors to the south west face of Larkspur, based on a viewing level 1.4 m

above the floor level, would be able to view these doors from floor to head. To both sides of the new house there are windows of the existing properties facing onto the existing open space. The proposed house will be within 2.0 m of the side facing windows to No.10 and within 1.0 m of the side facing window to No.18. The proposed building is indicated as 9.1 m high to the eaves and with solar panels raised above this height. It is south-west of Larkspur to the rear and would shade the house and garden from around 1pm each day and throughout the year. It would also shade what would be left of the garden to No.10 all day. Sound privacy can also be an issue: you should always consider location of noise generating activity when preparing your design, and the use of construction materials which provide noise attenuation. The small rear garden to the proposed house would be adjacent to the principal entrance to the garden of Larkspur. The hard surfaces of the new building and the existing brick boundary wall would undoubtedly cause loss of privacy between the two houses.

GREEN SPACE: CHELTENHAM BOROUGH LOCAL PLAN SECOND REVIEW: ADOPTED JULY 2006 POLICY GE 2 PRIVATE GREEN SPACE

Objectives O12 and O18: The development of private green areas, open spaces and gardens which make a significant townscape and environmental contribution to the town will not be permitted 2.20. Of particular relevance is Local Plan Policy BE1 (Open Space in Conservation Areas) which states that development will only be permitted where it does not detract, individually or cumulatively, from the green or open character, including private gardens, of the area JCS 2017. The proposed plot of the new house is indicated as approximately 18m x 7.4m, an area of 131m². The ground floor plan of the proposed house, measured from the submitted drawings, is 59.8m², a coverage of 45.6% of the site. The loss of the private green space to the existing house will be more significant in that the plot coverage will be increased to 55.9% (when the brick shed to the rear, and the light-wells to the basement flat are included). This retained open space is shared with the basement flat as the access path passes through the garden to the rear of the house.

POLICY CP4 SAFE AND SUSTAINABLE LIVING a) not cause unacceptable harm to the amenity of adjoining land users and the locality. The proposed dwelling is indicated as 3.5m from the boundary wall. On the other side of this wall 3.6 to 3.9m from the wall, is a two-storey house which is predominantly a brick faced elevation with a pair of fully-glazed doors to the ground floor. The boundary wall is indicated on the applicant's drawing at 2.4m high.

POLICY CP7: Design a) is of a high standard of architectural design b) adequately reflects the principles of urban design c) complements and respects neighbouring development and the character of the locality and/or the landscape. The scale and design of the proposed house is not in keeping with the adjacent properties. The parapet height greater than that of the terrace to the south-east No 18 and the eaves height of No 10, and the roof height is above that of neighbouring houses and above that there will be solar photovoltaic panels. Window sizes and proportions are significantly different from any other part of the street. The drawings do not show the context of the proposed house with buildings to the rear and across the road, and are therefore misleading in their comparative scale and proximity with other homes. They do not clearly show the extent of shading and over bearing of the neighbours. Particularly relating to No. 10 and Larkspur which will be most significantly affected by this proposal. The form of the roof with large areas of flat roof, with balustrade to the front elevation, is not seen in any of the neighbouring buildings. The balcony to the front of the house would over-look building on the opposite side of the road. The drawings do not indicate boundary treatment or any of the proposed landscaping. The Design and Access statement clearly states that the applicant intends there to be two bedrooms to the second floor. The third bedroom to the rear has a high level window, which would create an inappropriate environment for a

bedroom, with no view from the room. Alternatively it would be over-looking the neighbouring garden. This would not be considered to be good design in any sense. The statement also notes that the rear facing windows would have "obscured glazing or external louvres for windows which present the potential for over-looking". Neither of these options would provide certainty that privacy for Larkspur would be maintained at all times. Windows can be opened as can louvres.

PARKING

No parking provision is made with this application. The addition of a house on the street will further exacerbate the current lack of parking spaces on the street. Parking permits are not limited to one space per household and the number of permits generally exceeds the spaces available. Any uplift in numbers of houses will result in more competition for the current parking spaces. The cycle storage is to the rear of the house, which does not appear to be secure as there is no gate or boundary enclosure indicated on the plans. The store is at the furthest point from the road and would be better positioned to the front of the house for convenience and to encourage more frequent use.

Comments: 18th August 2022

Further to my comments, I would like to add that in order to build this proposed new 3 storey house, the builder has abided by the privacy constraints at the rear. However as a result the view that I would look out onto both from inside and outside my house would be a very tall, incredibly ugly, hugely light stealing concrete block with some kind of metal appendage. It should not be permitted in its present form, or be allowed to be built so close to my premises.

Comments: 30th August 2022

In summary, this is a very modern/contemporary proposal which clearly clashes in many ways with what is an obviously historic environment with important designations by the Council for the area generally and individual buildings in the street. The proposed building comprises a 'boxy' design approach, on a free- standing building, which is not found elsewhere in the street, so would immediately appear visually incongruous. The open nature of the site would be lost, conflicting directly with Council Policy. Views of the flank wall of no.10 would be largely obscured by the proposal, at odds with the Council's identification of this as a 'positive building' in the Conservation Area, and also interfering with the setting of the adjacent no.s 18-64 which are identified by the Council as one of many in the street judged to be a 'significant neutral building'. There are also statutory Listed Buildings in close proximity on the south side of the street, whose setting would be impaired by such visually discordant / jarring development of this open land.

The inappropriate design features/impacts include;

- high level panoramic glazing on the front elevation conflicting with the heritage character of the adjacent buildings and the area generally, where windows would usually reduce in size on upper floors;
- high level front balcony area which is alien to the street generally and would result in excessive overlooking and disturbance to dwellings opposite;
- compromised side elevation windows to no.10 and no.18, the former involving windows to ground floor kitchen and hall, and first floor bedroom (the sole window to this room) and bathroom;
- seriously adverse impacts on the amenity and privacy of the patio doors and garden of the dwelling immediately to the north from: overlooking and/or perceived overlooking from seven proposed north facing windows/doors/openings (no north facing first floor windows to no.10 currently); lighting from same; overbearing impact due to close

proximity to the boundary; overshadowing (see Google Earth image of shadow of street tree, the proposed building would be located much closer); noise impacts from close proximity of window and door openings to boundary.

In the light of this assessment it is necessary to consider the proposal against the legislation and guidance which requires that planning applications are determined on their own merits and in accordance with the Development Plan for the area unless material considerations suggest otherwise. There is also a presumption in favour of sustainable development.

The Development Plan comprises firstly the Core Strategy and secondly the Local Plan. The Joint Core Strategy for Gloucester, Cheltenham and Tewkesbury Adopted December 2017 addresses strategic-level planning issues for the area:

Whilst the CS lends support in principle at page 61 Policy SD10 4(ii) for residential 'infill' development within the built up area the proposal clearly conflicts with other strategic policies. For example Policy SD4 (i) Context Character and Sense of Place which requires development to respect its surroundings, be of appropriate scale and having regard to the historic environment; also Policy SD4 (iii) Amenity and Space requiring visual intrusion to be avoided; and Policy SD8 Historic Environment requiring development to make a positive contribution.... having regard to valued and distinctive elements of the historic environment.

For the above reasons the proposal can reasonably be said to conflict with these Core Strategy Policies.

The second component of the Development Plan is The Cheltenham Local Plan, Adopted in July 2020. This is more relevant at the local level.

https://www.cheltenham.gov.uk/downloads/file/8169/cheltenham_plan

There are several relevant policies in the Local Plan. On page 20 Policy D1 'Design' requires that 'development will only be permitted where it complements and respects neighbouring development and the character of the locality...' The proposal clearly fails to meet these requirements for the reasons given above.

On page 23 Policy D3 'Private Green Space' which states 'The development of private green areas, private open spaces and private gardens which make a significant contribution to the townscape and environmental quality of Cheltenham will not be permitted.' This is a strongly worded policy which is unequivocal about private garden development - it will not be permitted. This is a strong ground for refusal on its own.

Paragraph 5.19 of the Plan provides background to the policy and leaves no room for doubt that garden development is regarded by the Council as inherently harmful to the character and amenity of the town.

There are therefore clear Policy grounds in the Core Strategy and Local Plan for the Council to refuse to grant planning permission. In addition there are a number of 'material considerations' which must be taken into account by the Council in its decision making.

There are three such considerations:

Firstly, The Fairview and All Saints' Character Area Appraisal and Management Plan' was published in July 2008 for this part of the Cheltenham Central Conservation Area.

https://www.cheltenham.gov.uk/downloads/file/3173/16-fairview_and_all_saints

The Character Appraisal Map on page 1 confirms that no.10 Selkirk Street is judged by the Council to be a 'positive building' in the Conservation Area, and the adjacent no's 18-62, are judged 'significant neutral buildings'. On the south side of Selkirk Street the majority of the dwellings have 'positive building' designation and there is also a group of Grade II Listed Buildings.

Page 21 of the document states at paragraph 5.23 that such designated buildings 'make a positive contribution to the character and appearance of each character area....' The setting of the Listed Buildings also enjoy statutory protection.

Although dating from 2008 this document remains valid today as a Supplementary Planning Document. It is clear that the entire street is regarded by the Council as having notable character and appearance as well as architectural and historic interest through the Conservation Area and Listed Building designations, and the heritage-based identification of virtually every building in the street. Again for the same reasons given above the proposal can be judged as conflicting with the requirements of the Conservation Area Appraisal.

Secondly, in June 2009 the Council published 'Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document'

https://www.cheltenham.gov.uk/downloads/file/3213/development_on_garden_land_and_infill_sites_in_cheltenham_supplementary_planning_document

Page 12 includes 'Key policies for garden land development' within which Policy GE2 Private Green Space says 'the development of private green areas... will not be permitted'.

Policy GE2 strongly supports Local Plan Policy D3 noted above, and together they clearly express the Council's intent to resist applications for garden development. Combined with the Conservation Area Appraisal information as above this amounts to a strong reason for refusal. This is a parcel of land which clearly fails the published Policy tests on both Conservation Area and garden development.

Thirdly, the planning history of the site demonstrates that the Council has consistently refused proposed development of this site where it would adversely impact on the interests noted above:

Application 03/01241/FUL refused for a dwelling on the site.

Application 03/01589/FUL refused for a first floor extension to the dwelling.

<https://publicaccess.cheltenham.gov.uk/onlineapplications/simpleSearchResults.do?action=firstPage>

In the refusal for the proposed dwelling the Council judged the site to be 'one of the last remaining areas of open space in Selkirk Street. The area of open space represents an essential characteristic of this densely built area. The proposed dwelling.....will result in the loss of this open space to the detriment of the character and appearance of the street which lies within the Central Conservation Area'

In the refusal for the first floor extension the Council judged the proposal to 'serve to disrupt the simple composition of the original building by the addition of a discordant and alien feature...contrary to government guidance and the Structure Plan and Local Plan'.

These two previous decisions at the site are very significant. Nothing has changed since those decisions in terms of planning policy or the physical nature of the site. The acknowledged importance of the open quality of the site, and the building itself, in the Conservation Area are such that the Council could not now reasonably arrive at different decision. In addition there are obvious adverse impacts on the dwelling immediately to the north of the site which can properly be included in a refusal of permission for the current scheme.

The Council's online record indicates that neighbour notification letters give until 1 September for comment and the Site Notice until 15 September. The Council will not be able to determine the application before the latest of these dates has expired. The decision could then be made by Planning Officers under delegated authority or by the Planning Committee (or another equivalent designated Committee).

Comments: 26th October 2022

Larkspur House, Pittville Circus OBJECTS

I have reviewed both the second and third amended plans to erect a three-storey house. The amended plans do little to alleviate any of the serious issues raised in all previous objections. Detailed comments follow.

The Cheltenham Plan and the National Planning Policy Framework (NPPF) state in Policy D1 under design that building will only be permitted if

- a. it adequately reflects principles of urban and architectural design.
- b. Complements and respects neighbouring development and the character and the locality and / or landscape. And under Extensions or alterations (and surely the same rules should be applied to new build it states:)
- c. Causing harm to the architectural integrity of the building or group of buildings
- d. Unacceptable erosion of open space round the existing building.

This proposed building still fails to meet any of these criteria.

In Policy D3 on PRIVATE GREEN SPACE makes the point that development on a private open space/garden which makes a significant contribution to the townscape and environmental quality of Cheltenham will not be permitted. Many Selkirk St. residents have stated that it does indeed do this and several of them remember it being a beautiful garden which they enjoyed as they looked out of their windows or walked past. In 5.17 para 53 of NPPF it states that Local Planning Authorities should "resist inappropriate development of residential gardens e.g where development would cause harm to the local area". This plot has indeed a significant "environmental value" and contributes to the "quality of the local townscape and established character of the locality" Planning applied for in 2003 was rejected immediately and this was one of the grounds.

Policy GB1 on RESIDENTIAL INFILLING is designed to contribute to the Cheltenham Plan Vision concerning its architecture heritage. The Development Plan sets out high level objectives and aspirations that aim to conserve what is "valued and cherished" within Cheltenham and to promote the PUBLIC INTEREST" Planning laws require applications to be determined in accordance with the development plan. This plan has an environmental objective to "protect and enhance our natural, built and historic environment" In the Conservation and Management Plan updated in line with the NPPF in 2018 states "the local distinctness, identity and sense of place that this residential area creates is valued by the local community and any new house should enhance its context". For this reason there have already been more than 17 objections from residents living on Selkirk St or nearby.

This proposed building does the exact opposite of enhancing. It is out of character with the rest of the road and even taller than the modern houses to its right. All the houses facing it and all along this road on one side are attractive early Victorian dwellings, considered valuable in this conservation area and with some of them listed buildings. This new build would be overbearing, overlooking, and dominating on all sides. It is an overdevelopment of site and there is no green space offered, just a small North facing patio at the rear measuring 26.25 sq m. It is current housing policy for all new builds to provide a significant green space of at least 50 sq m for 3 bedroomed properties. Green space is recognised as important for mental wellbeing and sustainable living and a

safeguard to promote biodiversity. Note that this very small patio would be in shade for most of the day.

Furthermore, this proposed development would damage the existing 10 Selkirk St, itself a Victorian semi-detached family dwelling with the basement owned separately since 2014. The character appraisal map confirms that 10 Selkirk St is judged by the Council to be a "positive building" in the conservation area. This proposal would deprive it of all green space except a small patio at the rear of 26.25m square reduced to 21.35 sq m because of the recent addition of a brick-built shed attached to the boundary wall. This old wall dates to 1848, originally belonging to Northlands, now belonging to Larkspur House. Damage to this old wall is of concern to the owner who has already spent money to maintain it. The new build would oblige the owner of the basement 10a to access his property by means of walking down a narrow, dark passageway less than 1m wide. All 3 windows in the side wall of Number 10 and the remaining patio will be deprived of light.

Number 18 would forfeit the current green space to its right which would be replaced with a very tall protruding wall, built exactly on the boundary line only 1.2 meters away. It would also be circa 3.1m (10 ft) further forward of number 18 and its back patio, already quite shaded, would further be compromised by noise and privacy issues. Larkspur House is just 3.6m behind the boundary wall and the proposed building is only 7.6m meters away, making it fail the 21m or even the 12m building regulations for proximity. There is loss of outlook, loss of privacy, and potential disturbance from noise, smells, dust, vibration, and glare from artificial lights

The proposed building is about 6.3m wide and is over 9m tall and would tower over Larkspur causing the summer room, dining room and garden to be in shade much of the day and this constitutes unacceptable harm to the amenity of adjoining land users.

Furthermore, in the latest amended drawings the bedroom windows on the first floor are stipulated as "obscured windows" and "fixed louvres". The fixed louvres would still allow a direct view into Larkspur House and its small private garden. The original plans specified obscured glass which should have overcome this problem. The risk of overlooking is considerable, plus the loss of sunlight, daylight, see BS 8206(1992) code of practice for day lighting. This proposal is therefore very damaging to Larkspur House.

Turning to the proposed new build itself:

The Design and Access Statement is just not feasible. The street scene presented appears to show all houses (including the proposed new one to be built on the garden) as if they are all in a neat row. Number 8 and 10 are only 10 feet from the pavement whereas number 18 is 25 feet from the pavement. The 15 feet appear to be unaccounted for, but this will make the Street look very uneven.

It is noted that no cars are drawn on the street scene alongside the proposed new build when in fact there is resident car parking along both sides of the street. Historic England emphasises quality of design in conservation areas, yet this design proposes to break planning policy, provide rooms with no views or very limited views out and a visually unattractive window projection / surround to the first-floor windows to the rear. On the second-floor high pressure exterior laminate plate is being suggested on every wall- a cladding which is not guaranteed for more than 10years and which is totally out of keeping with the buildings around. Occupants across the street and two grade 2 listed buildings Northlands and Terhill will be faced with looking out at this.

Comments: 18th August 2022

I wish to object to the planned proposal to build a 3 storey house on the grounds of 10 Selkirk Street.

this represents a gross over development of the site.

The planned house is not in keeping with the victorian premises it belongs to. The only way it can be profitably built, presumably to sell, is to make it 3 storeys, but this is at the expense of my light into my sunny garden (which I have spent considerable time and money landscaping)

it is also at the expense of my privacy, as the middle floor windows can look directly into my front and back garden.

The proposed back patio will abut right onto my party wall so I am concerned about increased noise and also lack of privacy when I am in the garden.

Visually it will be an objectionable block, just as the appalling building to the front of the premises now blocks out my views from any upstairs windows.

Considering there is also building going ahead in the house next door I will be besieged by building noise for months and possibly years to come. I note that Northlands was successful in objecting to the obstruction that a second floor would have on their sunny garden and this is a proposed 3 storey!

8 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HH

Comments: 8th September 2022

I wish to object to the planned proposal to build a 3-story house on the grounds of 10 Selkirk Street on the following grounds:

Appearance and green space

The scale of the property appears from the plans to be disproportionate to the site. It is too big, too high and takes up too much of the greenery on the site. This is a conservation area and according to the Supplementary Planning Document (July 2009) entitled 'Development on Garden Land and Infill Sites in Cheltenham', infill buildings should 'give priority to the use of previously developed land and conserve/ enhance natural resources.'

It also appears to be right up against the property behind the plot and would no doubt block their light. People argue that that the current space is not attractive and appears neglected. I am sure it would not be like that if it had been taken good care of. It deserves better. Not sure that building a large house on it is the answer.

Parking

I have lived in Selkirk Street for some 16 years and in the last 3 or 4 years the parking has become increasingly difficult. It is now at breaking point within the street, within absolutely no guarantee that if I go out in the evening, I will return to find a place on the street, let alone, close to my house. As it is, I am very reticent to go out at night, as when I return, I have to park several streets away and walk home alone in the dark. I pay for a resident's permit, however, am forced to hunt around the adjacent streets for anywhere where there may be a space. A new 3-bedroom house with additional residents and no

additional off-street parking, will bring along more cars and will add to an already impossible situation. I wonder where the skips and delivery lorries will park if building were to get underway.

Noise and Disruption

There have been multiple house renovations within Selkirk Street over the last few years, all bringing their own level of noise, disruption, and general difficulties for the local residents. I fully accept that people need to make reparations to their existing homes. However, building a new house from scratch will take this disruption to the next level. We can expect an influx of lorries, cement mixers, scaffolding lorries etc. Noise will be generated by scaffolding going up and coming down, cement mixers, planers, pneumatic hammers, etc. The close proximity of the construction site to the houses on either side will result in severe disruption for all local residents. A recent renovation close to my property resulted in £1000 of damage to my car from a scaffolding van. Experience has shown that self-build properties will take a lot longer to complete than having external builders responsible for the work.

Mental Health

In the Supplementary Planning Document (referenced above) PPS1 it states that 'sustainable development is a core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone.' I feel that doesn't include me. Over the last few years, we have had an inordinate amount of building work going on within the street. I do not complain as I know that renovations are noisy and sometimes required.

However, as I work from home, (training people online) it will become impossible for me to work during the day whilst this new house is being built. In the past this has resulted in me in having to find local cafes etc where I can go to think, work, and find some peace and quiet.

With several months of more building work to look forward to, I worry that my home will no longer be a place where I can rest and recuperate and will certainly not be a place where I have any quality of life.

20 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HH

Comments: 2nd November 2022

I strongly oppose the proposed "Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street".

The objection is formed of the following reasons:

1. The Design of the Building:

The current design of the building is not in keeping with the other properties on Selkirk Street. Whilst I understand 18 - 24 Selkirk Street are all more modern builds than those on the South side of the street, they at least have made attempts in their design to match the rest of the neighbourhood. In contrast, the proposed design for the dwelling adjacent

to 10 Selkirk Street has very little in common with any houses on either the North or South side of the street.

2. Compounding of Parking Issues:

Selkirk Street already suffers from an issue with parking. Most residents along the South side have no access to off-street parking, and it is obvious that residents of Selkirk Street must compete for parking, especially if working non-conventional hours. The erection of a house adjacent to 10 Selkirk Street will remove the on-street parking directly in front of the structure. This will further compound the parking issues along the street.

3. Reduced Sunlight Exposure to 18 - 24 Selkirk Street:

The space where the dwelling is to be built is currently one of the only means by which sunlight reaches the small gardens to the rear of 18 - 24 Selkirk Street. The large design of the structure, combined with the increased height of solar panel use, will cause this already limited exposure to diminish further. This will impact the quality of life of the residents of these addresses by limiting their ability to make use of their outdoor areas.

4. Boundary Between Proposed Dwelling & 18 Selkirk Street:

The proposed drawings do not accurately portray the reality on the ground. The erection of this property adjacent to 10 Selkirk Street will be incredibly close to the properties to both the East and North of its location, imposing upon its neighbours. The street will lose one of the last elements of greenery in exchange for a dwelling too large for its location.

Flat A
Northlands
Pittville Circus Road
Cheltenham
GL52 2PX

Comments: 24th August 2022

Having viewed the plans for the above dwelling I strongly object to this proposal on the following grounds :

- 1) It represents an intrusion into the privacy of Northlands with windows overlooking my home.
- 2) It will place most of the garden at Northlands in shade
- 3) The dwelling and No.10 Selkirk Street will have no on site car parking spaces
- 4) The building itself appears to me to be extremely ugly.

29 Russell Street
Cheltenham
Gloucestershire
GL51 9HJ

Comments: 31st August 2022

I regularly visit Selkirk Street on my walk to work, in recent months I've found the wasteland at number 10 not conducive with a Cheltenham street. We should embrace new buildings as they are the future. I understand there are some issues with parking however I also know that some people have off-road parking and don't use it, making the problem worse. I note from the plans that the building will meet all 22 current regulations and all the glazing to the rear is obscured. Therefore, any comments regarding being overlooked are not relevant. I understand that people have problems with embracing new things but we have to move forward and build the future.

27 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HJ

Comments: 16th September 2022

1 Too much for that location.

V limited parking as is. Close to two junctions on a residential street and would cause massive disruption during build.

2 Unfair on neighbours. Would block light to their properties.

3 Out of keeping with the listed. Buildings in the street

4 No parking available for the extra cars

25 All Saints Road
Cheltenham
Gloucestershire
GL52 2EY

Comments: 1st September 2022

I walk this area and have noticed pockets of contemporary living which seems especially popular in urban areas. Suggesting that the last open space in Selkirk Street is this Plot, suggests that everyone is agreeable to sharing their garden space! Which I am sure they are not. The houses to the North of Selkirk Street are all different and this new house would only make a modern difference to the future.

Flat 5
59 Queens Road
Cheltenham
Gloucestershire
GL50 2LX

Comments: 1st September 2022

Objections:

1. Adverse visual impact on positively contributing buildings: The "positive" semi-detached villas 8 and 10 stand proud on the streetscape of Selkirk Street as a consequence of having ample side garden on both sides. There is some infill development at No 6. However, this development is very much set back on the plot and does not therefore detract. The contemporary new build as proposed clearly will detract and is incongruous.
2. Inappropriate contemporary design in context: There may be a case for contemporary new build in the conservation area in some contexts. A solitary three-storey contemporary infill development in a street of traditional pitch-roofed houses is surely not such a case. Further, the limited recent infill development that does exist in the area is all one or two storey brick construction with pitch roofs and has been designed to be visually subservient to the dominant period buildings
3. Loss of valued open space and outlook in the conservation area
4. Overbearing aspect and insufficient distance to Larkspur House and private garden. The local area is characterised by dwellings with long rear gardens. In cases where dwellings do have short courtyard rear gardens they generally abut open driveway space at the back.
5. Failure to consult neighbours. This is against good planning practice and good relations.

33 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HJ

Comments: 10th September 2022

I object for several reasons

- The proposed house will be too close to the houses on both sides, and the rear, and privacy will be seriously invaded. While the self builder lives in one of these properties, and will not worry, any future owners of any of the three properties will be very affected. It would be wrong to permit such proximity.
- The design is not in keeping with a sedate Cheltenham area.

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- The parking situation in Selkirk Street, as I know, is difficult and will be made worse. The length of time for a self-build of this size (?3 years) is too long to allow delivery trucks, and tradesmens vans to block park spots.
- The trees, especially the lime tree, are not drawn in the correct places on the sketch. To build a house so close to the Lime Tree, and the electrical/telephone junction boxes will give the impression of botched planning approval. Never mind the tree shedding leaves interfering with the house, as mentioned by the Tree Officer

Comments: 23rd October 2022

Revised drawings do not appear to change the proximity of the proposed dwelling to the two neighboring properties. There would be significant intrusion of privacy and removal of light. There would be no change to the ongoing parking difficulties,

The Coach House
Selkirk Close
Cheltenham
Gloucestershire
GL52 2QN

Comments: 12th September 2022

Within 6 months of it being built nobody will notice unless it is hideous and im sure in this case it will be built to high spec.After all all our houses had to start somewhere.Nobody likes change and it will tidy the gap up that is there now.

7 Jacobs Close
Tetbury
GL8 8RE

Comments: 11th August 2022

No issue to residential in principle.

Overall, I like the modern design that I do feel will enhance the character and appearance of the Conservation Area. It will provide a missing element. The only couple of points I wonder about are:

1. Whether the ground floor window should come down lower, like the adjoining bays. I say that as looking at the street scene and the elevation it 'jars' a little with me, being so horizontal.
2. I do not think that there is unreasonable overlooking across the Street, as it is not significantly different to other properties. That is the nature of inner urban area built form. Therefore, in my view having obscured glazing, except on the balcony balustrading would not be needed.

Any rate I leave it to the Conservation Officer/case officer and the applicants to iron out any alterations, once any comments are received from those nearby the proposed house.

Whatever happens, please keep the concept of a modern design.

18 Glenfall Street
Cheltenham
Gloucestershire
GL52 2JA

Comments: 5th September 2022

Firstly I have only become aware of this proposed application via neighbours as I have not seen any publicly displayed notifications at the property? This is a concern that the public and neighbouring property owners have not been adequately consulted on this application.

My concern is that this is a very large development, 3 storey in a what is already a very crowded street. There are already many issues with parking and also with waste collection from residents in Selkirk Street impacting adversely on Glenfall Street. No 10 is already a good sized property and once again this would seem to be a desire to build a house for the wrong end of the market. We need small houses not large developments that are going to stretch the current parking and service providers of amenities. I am also dismayed that this size of property is allowed so close to neighbours who currently have a south facing garden and who will lose all light as a result - is this not an infringement on their rights to light and use of their garden? I object strongly on both counts above and would ask that local people are consulted and a more reasonable plan submitted that does not impact so badly on neighbouring properties.

The Willows The Green
Ashleworth
Gloucester
GL19 4HU

Comments: 1st September 2022

I visit Selkirk Street on a regular basis and after reading the Planning Notice I have looked at the comments on the planning portal. Whilst I acknowledge that anything new causes panic with some I feel that a new build on the overgrown plot would only enhance what is a rather drab street especially on the north side.

Parking has not been an issue on my visits as there is adequate free parking in All Saints Road especially at the end of Selkirk Street and it's what I would expect in an inner urban area. There doesn't appear to be a precedent from CBC regarding parking, no-one can expect to park on any road in the UK.

Some of the comments are foolish and after looking at the block plan I note that the people in Larkspur and Merino already live in the garden of Northlands House. With regards to the comment from Northlands, the properties numbered 18 to 24 Selkirk Street all have a direct view into Northlands, Larkspur and Merino, the new build has obscure glass in every window to the rear, (obscure meaning you cannot see out.)

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I support wholeheartedly any project which improves an area and will most likely add value to the existing properties, I look forward to seeing the completed house.

2 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HH

Comments: 31st August 2022

If the residents of the proposed new house are entitled to have parking permits for 2 cars, parking on Selkirk Street would become even more difficult than it is already. The nearest available parking space now is sometimes in All Saints Road. There is simply not enough space for any more cars.

I am also concerned about the amount of heavy traffic and noise the building work will create which will be very disruptive to the lives of the residents of the street. As this is a self build project, this disruption could be prolonged and therefore very stressful. Presumably some existing parking will also be lost to skips and builders' vehicles during the project.

Stanbrook House
Pittville Circus
Cheltenham
Gloucestershire
GL52 2PX

Comments: 31st October 2022

Letter attached.

54 All Saints Road
Cheltenham
Gloucestershire
GL52 2HA

Comments: 12th September 2022

I fully support this application which will remove an unsightly parcel of land and be replaced by a thermally efficient property designed for the future. Very important for our times, many of its neighbors will not be built to this standard. The applicant is known to me, as a reputable builder known for the quality of the build. The issues & fears of self-build and the long period it would take to complete are unfounded. People hate change, the local parking, I do not personally have a problem with. It does appear that Selkirk St residents are reluctant to change, if this attitude spread improvements would never happen. This is my view, the development can only enhance the area

4 Standish Gate
Stonehouse
GL10 3FB

Comments: 31st August 2022

Having read through some of the comments I am dismayed at the attitudes of people. I drive down this road daily, the houses on the side of the road that Number 9 is on have access to the rear, however they have turned what was parking into accommodation making the street overcrowded. Perhaps we ought to look at the historical planning permissions granted for all of those. As for further congestion there used to be a carpet/flooring company based in the street, vans stopped at all hours of the day. The North side of the road has little or no historical value and most of the houses have been built in the last 50 years so clearly No 9 would be better off living on that side of that side of the street so he can look at the mock Victorian houses he thinks we should be churning out now. In terms of eco credentials we would all be better served if the South side of the street was torn down and more affordable and responsible houses erected in their place. With that said the proposal is nearly identical to the houses next door which have a terrace as well. It will be well insulated and will have less of an impact on society than those leaky old houses across the Road. Hope it goes ahead as it will be better than an old piece of derelict land. Whoever said it's a garden obviously does not know what they are talking about!

1 Selkirk Street
Cheltenham
GL52 2HY

Comments: 5th September 2022

I very strongly object to the development of the proposed building on the garden next to 10 Selkirk Street.

There is already insufficient parking for the residents of Selkirk Street. This particular house has 2 cars and a very large White Van. They park one car on the land they are planning to build on and now we are very likely to have two more additional cars on an already over-subscribed road.

Many of the residents work from home and outside of this property are cable boxes and should they get damaged would cause no end of problems with no WIFI!

Heavy construction traffic will be operating in this area where cars are always parked on either side of the road. They will have to be moved at a huge inconvenience to everyone on the street whilst we try and find even fewer parking spaces. Not to mention the noise and constant skips taking up space, these cause so much noise when being delivered and picked up. The Road I expect will be brought to a standstill on many occasions during development. The tree outside the property will no doubt be damaged.

The light for the houses to the front and rear of the proposed property will be limited, not really fair on people who have purchased their properties. Not really the type of building that will fit into a conservation area not to mention even less space for our wildlife.

Allowing people to build in their gardens is a major problem in areas like this. The Glass house on Selkirk street was a garden grab and this increased the number of cars on the street please stop allowing this to happen.

Merino
Pittville Circus
Cheltenham
Gloucestershire
GL52 2PX

Comments: 31st August 2022

We live in a neighbouring property (Merino) and object to this application for several reasons. Firstly, a successful application here would represent gross disparity to the outcome of our own planning application earlier this year.

On 25 February 2022, in regards to an application to add a two-storey extension to our house (22/00145/FUL), we were advised by planning officer Daniel O'Neill that he could not support the application, or any compromise involving a second storey, due to the following reasons:

A) "Overdevelopment - the extension would occupy a significant proportion of the existing garden land which is already relatively small and tight. This would create a cramped form of development."

B) "Design - the side extension seems overly wide and a somewhat contrived form that fails to sit comfortably within the existing plot and the wider conservation area."

Given the planning officer's comments for a two-storey extension on an existing double-storey house due to 'overdevelopment', it is farcical that development of a brand new three-storey house in a cramped space just metres away would be allowed. The two-storey extension plans for Merino left a larger proportion of the site as green space than the proposed development on Selkirk Street.

The design of the Selkirk Street house is very utilitarian and unfounded in the entire neighbourhood, which is a conservation area. It could certainly be described as contrived. This should not be allowed.

Furthermore a three-storey development will block afternoon sunshine to the front of Merino and the communal areas around Northlands.

4 Winstonian Road
Cheltenham
Gloucestershire
GL52 2JE

Comments: 9th September 2022

I support this new house being built. I frequently walk down this road and a home would be a far better sight than some derelict land that is not in use. All the houses to the north

of Selkirk street are mis- matched so adding a modern and attractive property will only be a plus. Living on a busy road full of houses, you will people always have people making extensions and 'upgrading' their properties so a few months of building work is to be expected living where we do.

I'm sure most people in the owner's situation would do exactly the same and make use of the land.

6 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HH

Comments: 1st November 2022

I question why the drawings submitted by the applicant do not show the brick outbuilding in the rear yard of No10.

The outbuilding is substantial enough to warrant gutters/downpipe and leadwork which is cut into the boundary wall. The architects have included much detail in their drawings .. it is curious they failed to notice a building which takes up a sizable portion of the small usable outside space which is left available to No10 under the new division of land proposed by the applicant.

Why does the application make no reference to No10a Selkirk Street which is a separately owned basement flat beneath No10: it shares access with No10 and also has a living room window facing the side of the proposed newbuild. The flat, being part of the same building as No10, will be materially affected by any building on the site yet the impact on this property isn't considered within the application.

The entrance to No10a is via steps at the rear of the property. To reach these, No 10a must share access with No10 along the side path. It follows that the amount of outside space remaining for the sole use of No10 would be limited to the small yard at the rear if the application is allowed. The THREE bed semi would have therefore have less outdoor space than the TWO bed newbuild which is proposed.

Comments: 7th September 2022

I object to the application.

I note from the Further Information page of the Council Planning site that the 'Expected Decision Level' for considering this application is Delegated decision. Given the number of objections made to date, and the nature of the issues raised by the objections, it is clear that the proposal is contentious and complex and therefore deserves to be considered by the full Planning Committee rather than delegated to a planning officer. A site visit is essential.

Scale, character and green space

The line drawings provided in the application are nicely done, showing light and airy buildings. But, the delicate line drawing 'versions' of a small section of Selkirk Street give a partial impression, moreover they serve to disguise the real scale of the proposed new property. And those very faintly drawn items rising from the rooftop.. solar panels? They project a good deal higher than any other buildings around.

'Protecting amenity' is a key consideration when considering planning applications according to 'Development on Garden land and infill sites in Cheltenham, Supplementary Planning Document June 2009', the document currently referred to by the Planning Dept for guidance. SPD 2009 3.16 and 3.17 describe how new planning applications will be considered in terms of the impact they would have on the amenities of other residents, that is, on other residents' abilities to enjoy the comforts and conveniences of their homes and their local area. This proposal conflicts directly with several specific elements of amenity as identified by Cheltenham Council in Box 6, Chapter 3 SPD 2009:

The mass of the building, when compared with the existing Victorian houses (Nos 8 and 10) dominates, even though these are substantial properties. The proposed design is big, and a number of its features further emphasise scale.

To have larger second storey windows is not the design norm for this area.

The high level glass balcony will pull the eye upwards from the street, as well as overlook/pose a privacy issue for the properties opposite.

Although not apparent on the street view, the plan shows that the new build would be on almost the same building line as the Victorian houses and therefore much closer to the pavement than the terraced properties. The new property would therefore appear higher to pedestrians because closer.

The new building would take up a large proportion of the total site. It would be only cms from the side boundary with the terraced properties (Nos 18 to 24). But more worrying for the neighbour to the north at Larkspur, the proposed building would almost fill the width of the open space as is now, and would tower to three storeys only meters from the rear boundary thus removing any chance of sunlight from the south. It would certainly not add to amenities of the properties to the north .. quite the opposite.

In short, the proposed 3 storey new build would dominate. It would tower over neighbours to the north, overshadow its Victorian neighbours, and because closer to the pavement would loom more than the terraced houses.

SPD 2009 further instructs designers to have regard to "character of neighbourhoods, streets and blocks". Neither the applicant's drawings nor the written descriptions show a true sympathy for the real and complete Selkirk Street. The designer has chosen the adjacent terraced block (Nos 18 to 24) as reference for his 'bespoke' solution, and on the drawings these do look sharp and quite attractive. What is not made apparent in the drawings are the tarmac and paved car parking areas which constitute the real frontages. The reality of the scene is that hard/artificial/built surfaces prevail with little natural/greenery. These more recent building developments on Selkirk St have served to eat away at the amount of "green" such that the north side and the end of the street closer to Albert Place now has very little relief from hard surfaces. The site of the proposed development is the only open green space remaining. It is not beautiful, it has to be said. But then no effort has been expended to make it so for the last several years. I understand that it was once a lovely garden and if tended could be so again.

The proposed 3 bedroom, 3 storey development is not an ugly design but neither, unfortunately, is its design and scale compatible with our street scene. It does not add positively to Selkirk Street. The real situation needs to be viewed and considered carefully by the Planning Committee. Drawings and written descriptions alone do not give sufficient or indeed a balanced portrayal of information for sound judgement to be made in this case. Come and have a look.

Parking

Page 76

Competition for parking anywhere in central Cheltenham is fierce. Lack of adequate parking on Selkirk Street is a frequent topic of frustrated conversations amongst neighbours. Those who park easily in the daytime will find a very different situation between 5pm and 6.30pm. The prospect raised by this application of even more competition for the few available spaces has made for some very worried debates.

In the section of the Covering letter on Access and Parking the designer describes the excellent amenities of the location .. proximity of parks and the town centre, local buses etc. In the attached Design and Access Statement, Coombes Everitt Architects also describe these amenities. Those of us who actually live here are familiar with them. Yes, we can and do walk to, and enjoy the parks etc BUT almost all of us also have cars, and we need to park them somewhere.

The designer states on page 1 of the covering letter that the purpose of the application is to provide a new home for the owners of No 10 "for their own occupation." So, if and when the present owners of No 10 move to the new property, what will happen to the 3 vehicles which they own (one of which is generally parked on the land in question)? Are they really likely to get rid of them all and take to their bikes as the application implies? When No 10 is sold, is it likely that the new owners will not own one or more cars? An additional 3 bed property with no off-road parking would certainly add to the number of cars hunting for the scarce parking spaces on Selkirk Street. More pressure on parking should be resisted as against the interests of those living here now and in the future.

Safety and general disruption

The self-build process itself is of concern as I know from experience that self-builders do not work in the same way as a building company does, and such projects do tend to take longer. I'm aware the Planning Committee would not generally take account of the mental health wear and tear associated with planning developments, however, following the pandemic we live in a different world: people have contended with a lot and are changed. I argue that some account should be taken of people and the quality of their lives. The Council's own policy documentation has quality of life central to it! Indeed, PPS1 states, "Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone." Everyone .. people .. us, young and older who also live on Selkirk Street now. In addition to the appearance of a development, the ability for all the human beings here to function contentedly and in good health where we live, is what planning policy is supposed to be about. In reality, self-builders are not restricted to the usual working hours of the building trade, and jobs do tend to take longer. Experience has been that as well as daytimes, our evenings, weekends, and Bank holidays have been randomly and for long periods, disrupted by noise. The prospect of this for a full-scale building project extending for an indefinite period is more than worrying.

Other health and safety concerns are attached to the build process:

I'm concerned how deliveries of material would be managed safely and without causing major disruption, given that parking constraints currently exist on both sides of the street by the site. Costly accidents in relation to construction deliveries have occurred in the recent past.

I'm also concerned that the parking spaces directly outside the site would be rendered unusable for the duration of the build by deliveries and/or other work vehicles. It is hard to see how these spaces could be used as they are now, so the street would lose spaces and gain more demand. Presumably other builders involved in the construction work

would need to leave their vehicles somewhere locally, given there is no off-road parking available on site?

Given how much of the site is occupied by the proposed development, I worry how and where building materials would be safely and securely stored. The safety of people and adjacent property could be at risk here.

In summary, allowing this proposal to go ahead as it stands would be contrary to the Council's own principles as set out in documentation, as indicated. The design itself is inconsistent on several counts with the site and locale (SPD 2009), additional pressure on parking really should not be permitted, and the construction process would harm the quality of life of neighbours living closest to it. Finally, a previous application made in 2003 to build a detached property on the site was refused by the Council. The first of the reasons given was that its construction would "result in the loss of this open space to the detriment of the character of the street which lies within the Central Conservation Area." All very clear, and nothing about the reason has changed.

Comments: 15th September 2022

Addenda

I wish to emphasise a couple of points:

1. Reason two given in the Planning Authority's refusal of the 2003 application for a detached property on the same site draws attention to road and pedestrian safety (reason 1 is mentioned earlier and reason 3 no longer pertains.)

Reason 2 states: "The proposed development fronts onto a carriageway with street parking on both sides making the usable carriageway narrow, which in the opinion of the Local Planning Authority will result in difficult manoeuvring into and out of the proposed off-street parking area resulting in dangers to pedestrians and vehicular users of the highway."

Similar dangers to pedestrians and traffic (or even greater ones today, given increased levels of traffic and pressures on parking) would apply for the duration of the self-build process, in relation to transporting materials onto the site, for deliveries of materials, positioning of skips, etc.

2. A number of comments which support this application refer to the site, variously describing it as unsightly, derelict (x3), an overgrown plot and wasteland, at risk from fly-tipping and ant-social behaviour. They argue that the proposed building (any development, it seems?) would be an improvement on the present situation.

The land is certainly in a poor state with weeds growing quite tall. The supporting comments overlook or avoid pointing out a couple of significant points, however.

i) the responsibility for the unkempt state of the land rests with the owners of No 10 who have had ample opportunity to make the land presentable for several years.

ii) A far simpler solution to remedy the poor state of the land, and make a change for the better, would be to do some gardening on the plot ... much less costly in time, money and general hassle.

Comments: 21st October 2022

I wish to highlight an error in one of the documents submitted on 18th October.

Page 78

A first look at the revised drawing submitted by Coombes: everitt architects limited, and titled Proposed new dwelling shows a significant error. To the bottom left of the sheet is a plan showing the ground floor of the proposed building together with the site layout and surrounding buildings, aiming to show the new build within the context of immediate neighbouring properties

The distance between the rear site boundary wall and the property to the north and rear (Larkspur) has been significantly exaggerated in this drawing. The effect of the exaggeration is to downplay how close the new build would be to Larkspur.

Specifically, Larkspur's wall and patio doors are close to the boundary wall at 2.9m. The yard to the rear of the proposed property measures some 3.5m from the boundary to the house wall. This would place the proposed 3 storey building approximately 6.5m from Larkspur's patio doors, and not as shown.

The drawing gives the impression that the buildings would be much further apart than in reality. The impression should be corrected.

The proposed 3 storey building being so close, would have enormous negative impacts on the amenities of Larkspur in terms of light, the visual imposition, privacy and noise with neighbours so close and with so little space themselves.

55 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HJ

Comments: 9th September 2022

Given the shortage of housing supply in Cheltenham and the use of a derelict piece of brownfield land, currently at risk from fly tipping or anti social behavior, I support the application. The street is diverse in character of housing on the Northern side and a modern, environmentally sound house would provide much a needed sustainable development within the community for a family close to existing schools and shops.

4 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HH

Comments: 15th September 2022

Parking can be difficult on the street (especially in the evenings). The concern is that an additional dwelling may increase this issue further in the future.

22 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HH

Comments: 9th September 2022

I strongly object to the erection of this proposed building. It's a modern design that is not inkeeping with the rest of the street, given this is a conservation area.

Parking is outrightly the biggest concern here, in an already over subscribed zone. For those of us that do have driveways, its difficult enough to pull out with various work vans blocking visually up and down the street. Visitors to the street also find it difficult to park, let alone the residence's of Selkirk street.

17 Selkirk Street
Cheltenham
Gloucestershire
GL52 2HJ

Comments: 7th September 2022

I strongly object to the planning application for the land adjoining No 10 Selkirk Street.

Parking is a major issue and number 10 has a large van plus two other vehicles. Another dwelling will remove one parking place as stated in the application and could add another 2 or 3 to an already very congested street. I have one vehicle which I'm frequently required to park in an adjoining street, being an emergency shift responder I find this problematic already.

The building design is not in keeping with other properties near by. Although the 4 terraced houses to the East, are relatively new build (2003) compared to the houses across the street (1840s) they have been built sympathetically and with parking spaces. The proposed design is modern, taller than surrounding buildings with contemporary features and Trespameteon cladding panels in addition to a 2nd floor terrace. No other building in Selkirk Street has a terrace visible from the road. The amount of glass and cladding on a south facing frontage will result in a blinding reflection from the sun directed towards the houses opposite, The possibility of unsightly solar panels will add to the reflection directed towards properties opposite in addition to adding to the height of the building.

The disruption to local residents and the street with dirt and noise, caused by the build together with vehicles delivering materials will impact severely on the street causing further disruption to the lives of residents and the availability of on street parking. The street is also next to the driving test centre and as such, extra vehicles are parked whilst candidates take their tests and frequently use Selkirk Street as one of the routes.

Comments: 10th September 2022

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In addition to my objection to the building of the property on the land adjacent to Number 10 I would like to bring to your attention that the objections raised are from residents within Selkirk Street and the residents directly behind where the proposed build will be.

All the supporting comments except one, which is from a Selkirk Street resident, are from people who do not live in Selkirk Street and some are from people who do not even reside in Cheltenham.

We do fortunately live in a country where everyone is entitled to have a voice but to support an application that will have no impact on their quality of life, their home or where they park their vehicle appears wrong.

Planning Application Ref: 22/01441/FUL

Re: Erection of 1no. three storey self-build dwelling on land adjacent to 10 Selkirk Street

I object to the proposed development at 10 Selkirk Street on the following grounds

Overdevelopment – as can be clearly seen from the appended photograph, the proposed development at 10 Selkirk Street would obliterate one of the last remaining plots of non-built up land in an area that once almost entirely comprised open-space town gardens. The photograph is telling. Inappropriate overdevelopment has already wiped out much of this former green-space. Infill of the remaining tract of land adjacent to 10 Selkirk Street would be a clear breach of the Council's environmental objectives and obligations. The proponent's claim that this is currently a brownfield 'wasteland' of no environmental value is a non-sense. The site is only semi-derelict because the current owner has failed to maintain and improve it.



Photo of proposed development site as viewed from Stanbrook House showing already extensive infill building in what was formerly rear gardens. The one mature tree seen here would no longer be visible from this vantage point if permission were granted to erect a 3-story building on the proposed site.

(Cont.)

Sustainability

The proposed development would significantly reduce light capture in the existing property at 10 Selkirk Street and in adjacent properties at the rear of Pittville Circus, while in order to meet planning constraints the interior of the proposed new-build would also have very limited natural light. The proposed development would result in increased energy usage and a related negative environmental impact.

Building on one of the few remaining areas of natural drainage in this former expanse of town gardens would result in increased rainwater run-off. This would put additional pressure on an already compromised public drainage system.

The Proponent notes that the new-build would benefit from 'native hedging to be planted to the front boundary which will provide natural nesting opportunities for birds and general ecological benefit' (Proponent's Sustainability submission). While creditable, a short stretch of boundary hedging is likely to have negligible ecological impact. What would have more significant ecological and environmental impact is if this, one of the last remaining tracts of undeveloped land, was not built on but rather maintained as a garden.

Stanbrook House
Pittville Circus
Cheltenham
GL52 2PX

Submitted to www.cheltenham.gov.uk/publicaccess by email 30 October 2022



**RIGHT OF LIGHT
CONSULTING**
Chartered Surveyors

Right of Light Consulting

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Ms Michelle Payne
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

24 January 2023

Dear Ms Payne,

Application Reference No. 22/01441/FUL

**Proposed Development at 10 Selkirk Street, Cheltenham, Gloucestershire GL52 2HH
Impact on Larkspur House GL52 2PX**

We are appointed by [REDACTED] the owner of Larkspur House, following concerns that the proposed three storey self-build dwelling at Land Adjacent to 10 Selkirk Street will impact upon the daylight and sunlight receivable by their property and other properties in the vicinity.

The Building Research Establishment (BRE) "Site Layout Planning for Daylight and Sunlight 2022, 3rd Edition provides guidance for the planning department to consider.

The introduction to the BRE guide at 1.1 suggests that "people expect good natural lighting in their homes and in a wide range of non-domestic buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by. Access to skylight and sunlight helps make a building energy efficient; effective daylighting will reduce the need for electric light, while winter solar gain can meet some of the heating requirements."

We understand that the applicant has instructed T16 Design to undertake a daylight and sunlight study. The results of which indicate a number of windows would breach the BRE Daylight and Sunlight tests.

In the first instance, we note that in section 2.4 of the applicant's report, they identify that 10 and 10a Selkirk Street are identified as under the same freehold ownership as the development site, and therefore any loss of light to these properties should be afforded less weight in the decision-making process. We consider this to be misleading. It is well established that the ownership of surrounding properties is not a material planning consideration with reference the daylight and sunlight. The property at 10a is leased and therefore the owner/occupier is completely separate to the freehold owner. The light received by their property should be afforded as much weight as any other neighbouring property, regardless of the freehold ownership. Secondly, the freehold ownership of these properties could change in the future. To suggest any impact to these properties should be given less weight in the decision-making process is incorrect.



Company:
Right of Light Consulting Ltd
Registered in England and Wales
No. 5908040

Registered Office:
Burley House,
15-17 High Street, Rayleigh,
Essex SS6 7EW

Additionally, the report does not contain a detailed list of the sources used in the construction of the 3D model that is the basis of the assessment and results. It is normal practice to list the drawings used which should match the relevant planning application drawings. It is also stated that 'sufficient detail is added to the model for the analysis'. We are of the opinion that a more detailed account of what is considered 'sufficient detail', and the sources used to model these details, are required before the report and results can be considered an accurate representation of the loss of light. You will therefore appreciate we are unable to confirm to our client that the results are an accurate interpretation of the anticipated light loss.

The results of the assessment show that three windows at 10/10a Selkirk Street would fall short of the BRE Vertical Sky Component (VSC) test. We understand that windows 1 and 2 (as labelled in the applicant's report) serve the kitchen/living room of 10a Selkirk Street and window 3 serves the kitchen at 10 Selkirk Street. We have included an image of the results table from the applicant's report below for reference.

Vertical Sky Component				
Window	Existing VSC	Proposed VSC	% Retained	Meets BRE Guidance?
1	13.953	6.664	47.76 %	No
2	21.332	9.306	43.62 %	No
3	26.551	18.227	68.65 %	No
4	11.057	10.897	98.56 %	Yes
5	26.391	22.829	86.50 %	Yes

Windows 1 and 2 serving the kitchen/living room at 10a Selkirk Street already have low existing VSC scores before the proposed development, given they are at the basement level. With the proposed development in place, both windows would lose over half the daylight they currently receive. We would consider this a major loss of daylight which would severely impact the use and enjoyment of this room, which is the main living space at No. 10a.

The loss of light to window 3 would also breach the BRE VSC recommendations, given it would lose over 30% of its existing daylight.

In relation to the daylight distribution test, it appears to have only been applied to rooms with windows that fall short of the VSC test. The BRE guide states that both the total amount of skylight and its distribution within a building are important (2.2.5). The daylight distribution test should therefore be applied to all properties affected where internal layouts are known. We would be pleased to arrange access into our client's property at Larkspur House to inspect the internal arrangement so the assessment can be updated to include the daylight distribution results within the report.

We also note that in sections 8.5 and 8.6 of the applicant's report, it is stated that the daylight distribution test is 'more detailed and represents better the actual impact on a room... As such, it is generally given more weight in assessing whether or not a level of impact is considered unacceptable.' We consider this to also be incorrect and misleading. As above, section 2.2.5 of the BRE Guide explicitly makes clear that both the VSC and daylight distribution tests are important. In the case of *Guerry V LB Hammersmith and Fulham* (2018) the judge ruled that

that to base the impact on daylight from one daylight test over the other is incorrect, and the results for each test are separate and distinct. The breaches of the VSC test therefore need to be considered as separate from the results of the daylight distribution test. The statements in 8.8 and 10.7 in the applicant's report are therefore also misleading, as the proposed development cannot be considered fully compliant in relation to daylight when there are main habitable rooms windows that fall short of the VSC test.

In terms of the sunlight results, we have included the results table from the applicant's report below for reference.

Window	Annual Sunlight Hours			Winter Sunlight Hours			Meets BRE Guidance?
	Ex. Hrs Received (%)	Prop. Hrs Received	% Retained	Ex. Hrs Received	Prop. Hrs Received	% Retained	
1	13.306	0.000	0.00%	0.000	0.000	100.00%	Yes
2	25.572	3.950	15.45%	2.079	0.000	0.00%	Yes
3	37.283	25.557	N/ A	4.019	0.000	0.00%	Yes
5	56.757	50.104	N/ A	13.652	6.999	N/ A	Yes

As can be seen above, window 1 would lose all of the sunlight it currently receives, and window 2 would also lose a significant amount. The table above incorrectly shows that all windows pass the BRE Annual Probable Sunlight Hours test (ASPH).

The BRE guide states that sunlight may be adversely affected if the window:

- Receives less than 25% of annual probable sunlight hours and less than 0.8 times its former annual value; or less than 5% of annual sunlight hours between 21 September and 21 March and less than 0.8 times its former value during that period;
- And also has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

Despite being rated as compliant in the table above, it is acknowledged within section 9 of the applicant's report that 'there is some loss of sunlight beyond the BRE guidance, although only to 10 and 10a Selkirk Street'. We would not consider the loss of all sunlight received by window 1 to be 'some loss', nor the nearly 85% loss to window 2. We consider the loss of sunlight to be significant and will detrimentally impact the use and enjoyment of these rooms. As identified above, the fact that 10 and 10a Selkirk Street have the same freehold owner as the development site is irrelevant.

Window 3 would also breach the BRE APSH test as although it retains above 25% annually, it would be left with less than 5% in the winter months, with a reduction ratio of 0, and have a greater than 4% reduction over the whole year. Marking the above results as compliant could be considered misleading as three windows would fall short of the APSH test.

We also notice the absence of the BRE overshadowing to gardens and open space test. Our client's property at Larkspur House, highlighted in the image below, has external amenity space to the north of the development. The proposed development is likely to increase the level of overshadowing in our client's garden, and therefore a decision in favour of the application should not be made until the applicant instructs their surveyor to include the BRE Overshadowing to Gardens and Open Spaces test within their assessment.



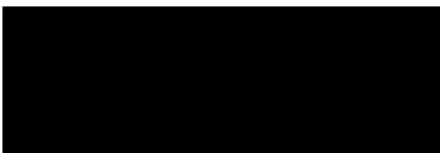
In summary, we request that no decision is made in favour of the existing application until the scheme is redesigned to overcome the non-compliance in relation to the BRE Daylight and Sunlight tests, and an amended study is presented.

In addition to planning considerations, it is useful to assess the risk of any potential civil action from the outset and mitigate any future costs which could be incurred defending a claim. Our client is disappointed that they have been obliged to respond negatively to the application, but feels compelled to oppose a development which they consider will have such an oppressive and overbearing impact on the way they enjoy their property.

Please acknowledge receipt of this letter and respond accordingly with your assurance. Should you wish to discuss any aspect please do not hesitate to contact me.

I look forward to hearing from you shortly.

Yours sincerely



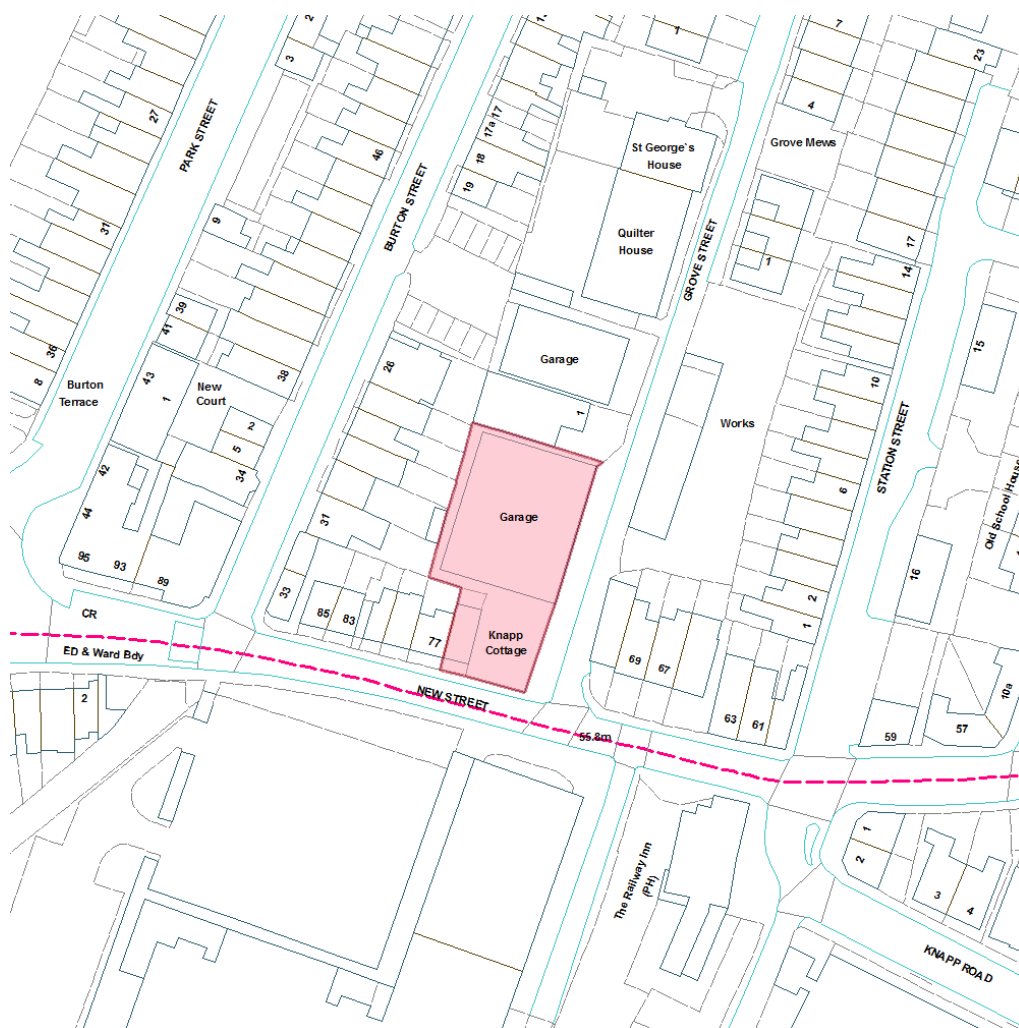
Alice Cook BA (Hons)
Right of Light Surveyor

Direct Dial: 01268 208 623
Email: alice.cook@right-of-light.co.uk

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APPLICATION NO: 22/01585/FUL		OFFICER: Michelle Payne
DATE REGISTERED: 3rd September 2022		DATE OF EXPIRY: 29th October 2022 (extension of time agreed until 17th February 2023)
DATE VALIDATED: 3rd September 2022		DATE OF SITE VISIT:
WARD: St Peters		PARISH:
APPLICANT:	Ski Tyres	
AGENT:	Brodie Planning Associates Ltd	
LOCATION:	Ski Tyres 73 New Street Cheltenham	
PROPOSAL:	Construction of 7no. residential dwellings and associated works following demolition of existing buildings	

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The site is located on the western side of Grove Street at the junction with New Street. The site is wholly located within the Central Conservation Area, and the Principal Urban Area (PUA).
- 1.2 The site is currently in use as a tyre fitting establishment and comprises a large, pitched roof industrial building with a parking area adjacent to New Street. The site also includes the end of terrace property facing New Street (no. 75). The existing industrial building is identified as a significant negative building on the Townscape Analysis Map within the Lower High Street Character Area appraisal, with the end terrace building positively identified.
- 1.3 The context of the site is mixed with the Waitrose store to the south, residential development in New Street and Burton Street to the immediate south and west, and further commercial development to the north and east. Further to the north along Grove Street are some relatively recent residential buildings. Land levels in Burton Street to the rear are approximately 1 metre lower than the site.
- 1.4 The application proposes the demolition of the existing buildings on site and the redevelopment to provide 7 no. dwellings; comprising a terrace of three dwellings fronting New Street and two pairs of semi-detached houses fronting Grove Street.
- 1.5 The application has been submitted following pre-application discussions and the scheme has been further revised during the course of the application. The revisions are discussed in detail in the report below.
- 1.6 The application is before planning committee at the request of Cllr Willingham due to the concerns amongst neighbours.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

Relevant Planning History:

21/02247/PREAPP

CLOSED

12th November 2021

Demolition of the existing building and redevelopment of the site to provide up to 8 no. residential dwellings.

3. POLICIES AND GUIDANCE

National Planning Policy Framework 2021 (NPPF)

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
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Adopted Cheltenham Plan 2020 (CP) Policies

D1 Design

SL1 Safe and Sustainable Living

Adopted Joint Core Strategy 2017 (JCS) Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD8 Historic Environment

SD9 Biodiversity and Geodiversity

SD10 Residential Development

SD11 Housing Mix and Standards

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)

Lower High Street Character Area Appraisal and Management Plan (2008)

Cheltenham Climate Change SPD (2022)

4. CONSULTATION RESPONSES

GCC Local Flood Authority (LLFA)

5th October 2022

No Objection subject to conditions.

Surface Water Drainage

A preliminary drainage document has been submitted which proposes to discharge surface water into the Severn Trent Sewer at 2.0l/s. This will be subject to a section 106 consent to connect document issued by Severn Trent, though it is understood that this, along with a full drainage plan, is requested to be dealt with at condition stage.

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

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

General Comments:

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

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

We highly recommend the use of permeable or granular construction on access routes and hardstandings.

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

CONDITION TO BE ATTACHED:

That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme, following section 106 consent. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

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

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

NOTE TO APPLICANT:

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

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

GCC Highways Development Management

17th October 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 subject to conditions.

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

Reinstatement of Redundant Access

The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety.

Informatives

Alterations to Vehicular Access

The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full Details can be found at www.gloucestershire.gov.uk .

GCC Highways Development Management

1st November 2022 – additional comment

Please would it be possible to include the below CMS condition to this site:

Construction Management Plan

Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Advisory routes for construction traffic;
- o Any temporary access to the site;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud and dust being carried onto the highway;
- o Arrangements for turning vehicles;
- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Highway Condition survey;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

Environmental Health

23rd September 2022

Conditions:

1. As this proposal includes a considerable amount of demolition of existing buildings for replacement with new habitable properties. These activities will inevitably lead to some emissions of noise and dust which have a potential to affect nearby properties, including residential property. We would request that if an application were received and granted, that a condition is attached along the following lines:

The developer shall provide a comprehensive plan for the control of noise, dust, vibration and any other nuisances from works of construction and demolition at the site. The plan should also include controls on these nuisances from vehicles operating at and accessing the site from the highway. Such a plan is to be submitted to and approved by the Local Planning Authority before work commences on site.

2. We would also seek to ask that during the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times:

a. Monday - Friday 07:30 - 18:00, Saturday 08:00 - 13:00 nor at any time on Sundays, Bank or Public Holidays.

Query/additional matter for review:

Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.

Contaminated Land Officer

23rd September 2022

Condition:

Historic maps show the site itself as being contaminated due to its historic use as a warehouse as well as nearby sites being recorded as potentially contaminated due to historic use as railway land, coal yards and warehouses.

As a result, a full and intrusive site survey will need to be undertaken prior to the build commencing. This is due to our records showing the site as contaminated land as well as very nearby land also being recorded as contaminated due to historic use. As the application is for residential units with gardens, the survey is to check on the extent of any possible contamination and the extent of any remedial work which may need to be undertaken to ensure the safety of future receptors. The contaminated land survey will need to be made available to this department for review and we may at that stage put forward further conditions to ensure recommendations from the survey are adhered to which would mitigate the transfer of any known contamination on human receptors.

County Archaeology

10th November 2022

We have noticed this application on the planning list. The Historic Environment Record shows that the proposed development is within part of the town which has medieval origins. As this is a reasonable size development within the historic part of town I consider it be appropriate to condition a programme of archaeological investigation to enable the recording of archaeological remains impacted by the proposals. Due to previous impacts within part of the site it is likely that the site will have suffered a degree of impact. I therefore advise that an archaeological Watching Brief should be carried out during construction.

To facilitate the archaeological work I recommend that a condition based on model condition 55 from Appendix A of Circular 11/95 is attached to any planning permission which may be given for this development, ie;

'No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority'.

Reason: It is important to agree a programme of archaeological work in advance of the commencement of development, so as to make provision for the investigation and recording of any archaeological remains that may be destroyed by ground works required for the scheme. The archaeological programme will advance understanding of any heritage assets which will be lost, in accordance with paragraph 205 of the National Planning Policy Framework

I have no further observations.

Architects Panel

18th October 2022

Design Concept

The panel had no objection to the principle of providing new residential dwellings on this site. However, concerns were raised over certain aspects of the design which the panel felt needed addressing: The design for the buildings 4 to 7 is very bland and arguably too bulky. Additional drawings are needed to show more of the site context as the panel was concerned there could be overlooking privacy issues that could have an adverse impact on Burton Street properties. Changing these units to two storeys or setting back the top floor is likely to be more successful in massing terms.

Design Detail

The narrow gap between the three storey buildings is visually too narrow and arguably unnecessary if the group were designed as a row of terrace houses. This would be more apparent if the elevations of buildings 4 to 7 were shown in context rather than in isolation. The panel questioned the choice of building materials and the strange mix of part render part brick walls to the New Street terrace houses.

The panel also felt the end terrace house at the corner junction with Grove Street could be more interesting and have elevations that address both streets.

Recommendation

Not supported.

Building Control

12th September 2022

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

Cheltenham Civic Society

22nd September 2022

NEUTRAL

The Civic Society Planning Forum supports the development of site for residential use, and the proposed density is about right.

The style of the Grove St buildings is uninspiring and rather aggressive. Even with a modern style, they could have a more attractive finish.

The sustainability statement is excellent.

Clean Green Team

22nd December 2022

- 1 Pathway Pathways need to be of hard standing
- 2 Bins Locations If private dwellings residents would need to be informed that due to ownership they are required to present on the kerbside for 7am on the morning of collection. No receptacles are to be stored on the highway.
- 3 Road Layout Ideally off road parking is advisable with a space for refuse and recycling trucks that is to be kept free on collection days. Ideally on the highway a turning circle is recommended. The road will need to withstand 26 tonnes and until the road is finished Ubico and CBC cannot be held responsible for any damage. If access is not permitted whilst the road is still being finished then all properties would need to present at the nearest adopted highway on collection day.
- 4 Presentation Points (if single dwellings) The properties would need a position near the kerbside to present bins, boxes, caddy's and blue bags that would avoid blocking access to pathway or driveways.
- 5 Storage of bin and boxes for single dwellings Property's need adequate space to store bins and boxes off the public highway when not out for presentation.
- 7 Entrance to the estate Entrance to the estate needs to have parking controls to prevent parking on the corners which prevents entrance and exit of refuse vehicles up to 26 tonnes.
- 8 New residents information We would advise that all residents are given the link below so they can see how and what can be recycled in Cheltenham
https://www.cheltenham.go.uk/info/5/bins_and_recycling/924/kerbside_recycling_box_collection

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the application, letters of notification were sent to 26 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. Further letters were sent on receipt of the revised plans.
- 5.2 In response to the publicity, objections have been received from the owner/occupiers of five neighbouring properties. The representations have been circulated in full to Members but, in brief, the main concerns relate to:
- Loss of light and privacy
 - Noise and disruption during construction
 - Noise from air source heat pumps
 - Lack of parking
 - Impact on wildlife
 - Overdevelopment
 - Impact on security to the rear of properties in Burton Street
 - Overbearing impact
 - Concerns over demolition

6. OFFICER COMMENTS

6.1 Determining issues

6.1.1 The main considerations when determining this application relate to the principle of redevelopment; design, layout and impact on the historic environment; climate change; impact on neighbouring amenity; and parking and highway safety.

6.2 Principle of redevelopment

6.2.1 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out a “*presumption in favour of sustainable development*” which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay.

6.2.2 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. As it stands, the Council is currently unable to demonstrate such a five year supply of housing and therefore the ‘tilted balance’ in favour of granting permission is triggered.

6.2.3 Notwithstanding the above, CP policy EM2 seeks to safeguard non-designated land and buildings currently or last in employment use; however, the policy does set out some exceptions. Criterion b) of the policy advises that permission for a change of use will be granted where the loss of the site would not have a detrimental impact on the continuing operation of existing buildings in the vicinity and development of the site will ensure the relocation of an existing firm to a more suitable location within the Borough. Criterion c) also states that permission will be granted where the applicant can demonstrate that employment use creates unacceptable environmental or traffic problems which cannot be resolved.

6.2.4 In this regard, the Planning Statement that accompanies the application states at paragraphs 6.4 and 6.5:

the demolition of the commercial tyre fitting garage will not result in the loss of an existing business, as Ski Tyres are seeking to relocate to a more suitable premises. The reasoning for this is set out in a letter from the applicant...which discusses their changing business model. In short, Ski Tyres have been in business for 30-years and employ over 50 people across their branches, which include Cheltenham (the application site), Gloucester, Tewkesbury and Hereford. The nature of the business has evolved in recent years and now the majority of their customers are from the commercial, industrial, and agricultural sectors, rather than the domestic market. As such, the Cheltenham branch is no longer appropriate for the bulk of the vehicles requiring assistance (such as trucks, lorries, cranes, forklifts etc.) due to the site's town centre location and associated access issues. As a consequence, such vehicles tend to be serviced at the other nearby Ski Tyres branches. In addition, Ski Tyres have recently introduced a mobile tyre fitting service for domestic cars. Therefore, the business can still service the Cheltenham area without the need for a central depot, given these vehicles can operate from the head office (Tewkesbury). Thus, the proposals evidently comply with exception b) of Policy EM2.

Secondly, the existing employment use creates unacceptable environmental and traffic problems which cannot be resolved, such as; noise disruption, dust, dirt and significantly high levels of traffic movements along narrow streets. Such issues clearly conflict with the primarily residential character of the area, as evidenced by other permitted commercial/industrial to residential schemes in the immediate locality (please refer to application refs: 17/01159/FUL, 15/01243/FUL, 14/01158/FUL and 12/00383/TIME). Mindful of the above, the planning officer confirmed at pre-application stage that the proposals complied with criterion c) of Policy EM2. Accordingly, the principle of redeveloping the site to residential should be supported on this basis alone.

6.2.5 Officers are therefore satisfied that a change of use of the site would be compliant with CP policy EM2, and that the ongoing employment use of the use has the significant potential to conflict with the primarily residential character of the area.

6.2.6 With reference to the proposed use, the site is highly sustainably located within Cheltenham's Principal Urban Area (PUA) wherein JCS policy SD10 supports new housing on previously-developed land.

6.2.7 Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; with policy SD10 also requiring new residential development proposals to *"seek to achieve the maximum density compatible with good design,...local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network."*

6.2.8 As such, the principle of residential development in this location is supported by officers subject to other material considerations discussed below.

6.3 Design, layout and impact on the historic environment

6.3.1 Adopted CP policy D1 requires all new development to adequately reflect principles of urban and architectural design; and to complement and respect neighbouring development and the character of the locality. The policy is generally consistent with adopted JCS policy SD4 and advice set out within Section 12 of the NPPF.

6.3.2 With particular regard to development within the historic environment, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. JCS policy SD8 also requires development to make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment.

6.3.3 The terraced housing fronting New Street is traditional in design and will sit comfortably alongside the adjacent terrace, maintaining the existing building line. The properties are two storeys, and will be faced in render and red brick, with string course detailing, pitched roofs, single chimney stacks, and sash windows. Each property will be provided with private amenity space, secure cycle facilities and dedicated bin/recycling storage areas. The size of the rear gardens has been increased as a result of revisions to the scheme.

6.3.4 The townhouses fronting Grove Street are more contemporary in their design and set back from highway; they are three storeys, and are proposed to be faced in red brick to complement with buildings opposite the site, with dark grey aluminium cladding panels, windows and doors. These properties, in addition to good sized rear gardens, secure cycle facilities and dedicated bin/recycling storage areas, will each be provided with two car parking spaces on the frontage.

6.3.5 The townhouses have been amended during the course of the application to address officer concerns. Namely, a single storey side element to plot 4 has been omitted (which has allowed for the increase in garden sizes to the rear of the terrace); the depth of the building has been reduced by 1m; and the front elevation has been improved through the introduction of a recessed band detail around the windows and the introduction of panelling between windows. Officers are satisfied these revisions also address the Architects Panel and Civic Society concerns that the design as originally submitted was too bland, and uninspiring. In addition, to the rear, the Juliet balconies have been omitted, the amount of glazing reduced, and the second floor windows have been obscured or fitted with external louvres.

6.3.6 Whilst the scale and massing of the townhouses is quite large, there are other examples of three storey residential buildings along Grove Street, and therefore whilst noting the comments of the Architects Panel in terms of omitting or setting back the top floor, officers do not consider this is necessary in this instance. The height of the buildings is commensurate with Quilter House, to the north, which is a full three storeys. The applicant's agent has also responded that they do not consider it necessary to set the top floor back as the building is set back from the pavements edge, thereby reducing its presence on the wider street scene; they feel such a revision "*would compromise the simple, elegant and honest design approach of these townhouses. Further, a setback is not a prevailing characteristic of the locality*". They also note that the recent development at Milsom Street does not have a setback at second floor and is right on the pavement edge.

6.3.7 A high quality palette of external facing materials and finishes will be key to the success of the scheme, particularly the extensive brickwork, and therefore conditions are suggested which require the submission of additional design details, and the construction of a sample panel of brickwork on site for consideration.

6.3.8 Overall, the proposed development will undoubtedly provide for an enhancement within the street scene and the wider conservation area. Although the plans show the introduction of landscaping, which will help soften the development, officers consider that there is additional scope to introduce some small trees, and therefore a full landscaping condition is suggested.

6.4 Climate change

6.4.1 In addition to the aforementioned design policies, adopted JCS policy SD3 requires new development to be designed and constructed to maximise the principles of sustainability; development proposals are required to "*demonstrate how they contribute to the aims of sustainability*" and "*be adaptable to climate change in respect of the design, layout, siting, orientation...*"

6.4.2 The adopted Cheltenham Climate Change SPD also provides guidance on how applicants can successfully integrate a best-practice approach towards climate change and biodiversity in all new development proposals.

6.4.3 A Sustainability Statement is included within the Planning Statement which sets out the measures that have been incorporated within the development proposals; these include:

- Air source heat pumps
- Electric vehicle charging points
- Water efficient fittings
- Smart meters

6.4.4 Solar panels have also been introduced on the town houses during the course of the application. Solar panels are not proposed on the terraced dwellings due to the orientation of the rear roof slope; solar panels to the front (south facing) roof slope not considered visually appealing within the conservation area.

6.4.5 Overall, the measures are considered to be proportionate to the scale of development proposed, and sufficient to address the policy requirements.

6.5 Neighbouring amenity

6.5.1 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 and living conditions in the locality; these requirements are reiterated in adopted JCS policy SD14. In addition, NPPF paragraph 127 highlights the need to secure a high standard of amenity for existing and future users. CP paragraph 14.4. sets out 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; and potential disturbance from noise...”*

6.5.2 It is noted that concerns have been raised by residents to the rear of the site in Burton Street, particularly in relation to overlooking and loss of privacy, and such matters have been carefully considered. Moreover, as previously noted, significant revisions have been made to the fenestration in the rear elevation during the course of the application to mitigate the impacts of the development on the amenity of neighbours; the building is now set in excess of 10 metres from the rear boundary, and the second floor windows are to be obscurely glazed or fitted with fixed external louvres. The external louvres will allow for natural ventilation to the bedroom but prevent views towards the boundary.

6.5.3 Whilst note 2 to CP policy SL1 refers to a minimum distance of 21 metres between dwellings which face each other and both have windows with clear glazing, officers acknowledge that the scheme does not achieve a full 21 metres to all properties to the rear; the minimum distances achieved being 17.6m at ground floor, and some 19 metres at first floor. However, the scheme does achieve a minimum of 10.2 metres to the boundary at its closest point. Moreover, some degree of overlooking is not unusual, and is to be reasonably expected, within such densely populated areas of the town.

6.5.4 Turning to daylight, a section drawing has been submitted to demonstrate the relationship of the existing and proposed buildings with the properties to the rear in Burton Street which sit a lower level. The drawing shows that the height of the proposed dwellings will not exceed the ridge height of the existing commercial building and will be set much further away from the rear boundary. The drawing also demonstrates that the impact in terms of daylight will not be significantly altered; the proposal passes the 25° daylight test when assessed against these properties to the rear. A right to light is a civil matter and is separate from the daylight and sunlight considerations undertaken as part of a planning application.

6.5.5 Given the distances involved, officers are satisfied that the proposed dwellings will not appear overbearing, nor result in any unacceptable level of harm in terms of outlook.

6.5.6 With regard to potential noise and disturbance from the proposed Air Source Heat Pumps, a condition has been added which requires details to be submitted prior to their installation.

6.5.7 Members will be aware noise and disturbance during demolition and construction, whilst inevitable, is not a reason to withhold planning permission. An informative has been attached which sets out the recommended hours of work, which are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm, with no working on Sundays or bank holidays.

6.5.8 The concerns in relation to security have also been duly noted, but officers are satisfied that security to the surrounding houses will not be compromised as a result of the development. The townhouses will have their rear gardens backing on to the rear gardens in Burton Street, with gated accesses. An additional gate has been introduced to secure the alleyway proposed between plot 1 and no.77 New Street to ensure that security to the rear of this neighbouring property is maintained.

6.6 Parking and highway safety

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

6.6.2 From a highway safety perspective, the application has been reviewed by the County Highways Development Management Team (HDM) who raise no objection subject to conditions; concluding 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."*

6.6.3 The site is highly sustainably located in close proximity to the town centre, with good access to a range of services and facilities, and public transport links. In addition, the application proposes secure cycle storage provision for each dwelling; and 2no. off-road car parking spaces for each of the 4no. townhouses. It is acknowledged that concerns over parking in the local area are raised in the representations but the level of parking provision proposed is considered to be acceptable in this location; this is evidenced by the absence of any objection from the Local Highway Authority.

6.6.4 In terms of trip generation, the residential use will result in a reduction when compared to the existing commercial use.

6.7 Other considerations

Archaeology

6.7.1 The County Archaeologist has highlighted that the Historic Environment Record shows that the site is within part of the town which has medieval origins, and that due to the size of the development, a programme of archaeological investigation to enable the recording of archaeological remains impacted by the proposals, as per the requirements of CP policy HE2, should be secured by condition.

Contaminated land

6.7.2 According to historic maps the site is identified as being contaminated due to its historic use as a warehouse as well as nearby sites being recorded as potentially

contaminated due to historic use as railway land, coal yards and warehouses. As such, in accordance with JCS policy SD14, a condition has been imposed which requires the submission of a contaminated land survey prior to the commencement of development.

Ecological impacts

6.7.3 The application is accompanied by an Ecological Impact Assessment that confirms that no protected species were recorded on site, and that the habitats present on site are common and of low ecological value. No further surveys are necessary, but pre-cautionary working methods are recommended which can be secured by condition.

6.7.4 Additionally, recommendations are made for the inclusion of integrated bat and bird boxes, and for ecological enhancements in any new soft landscaping, in order to provide biodiversity net gains; and these can again be secured by condition, having regard to JCS policy SD9.

Flooding and drainage

6.7.5 The site is located within Flood Zone 1 in an area at low risk from fluvial flooding, and the site is not identified as being susceptible to surface water flooding. The application is supported by a preliminary drainage document; however, a full surface water drainage scheme is required by way of condition.

Public Sector Equalities Duty (PSED)

6.7.6 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.

6.7.7 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.

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

7. CONCLUSION AND RECOMMENDATION

- 7.1 Decisions on planning applications must be made in accordance with the development plan.
- 7.2 The application site is sustainably located within the Principal Urban Area, wherein adopted JCS policy SD10 supports new housing development. Moreover, throughout the NPPF emphasis is given to new development optimising the potential of the site; and policy SD10 also requires new residential development proposals to “*seek to achieve the maximum density compatible with good design, the protection of heritage assets, local amenity, the character and quality of the local environment, and the safety and convenience of the local and strategic road network.*”
- 7.3 Notwithstanding the above, where housing policies are out-of-date (as is the case in Cheltenham as the Council is currently unable to demonstrate a five year supply of deliverable housing sites) development proposals must 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.

- 7.4 As set out in the above report, officers are satisfied that the design of the proposed buildings is appropriate in this location; and that, overall, the proposals would result in a significant enhancement to the street scene and wider conservation area. The proposals would also result in some biodiversity net gains.
- 7.5 The site is highly sustainably located, and no highway objection has been raised by the Local Highway Authority.
- 7.6 The amenity concerns raised by local residents have been duly noted and, following revisions to the scheme, officers are satisfied that no significant harm to neighbouring land users would occur as a result of the development.
- 7.7 In addition, the dwellings have been designed to incorporate renewable energy technologies and will go some way in helping Cheltenham meet its commitment to become a net zero carbon council and borough by 2030.
- 7.8 Moreover, the proposals would make an efficient and effective use of a brownfield site and contribute to the borough's much needed housing stock.
- 7.9 As such, officers are wholly satisfied that the proposed development would not result in any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. The recommendation therefore is to grant planning permission subject to the following conditions:
- 7.10 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, agreement has been sought from the applicant in respect of the pre-commencement conditions (conditions 3 and 4).

8. CONDITIONS

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

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

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

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

- 3 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation of the works; and proposals for maintenance and management. The development shall not be carried out unless in accordance with the approved surface water drainage scheme.

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

- 4 Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan

shall be adhered to throughout the demolition/construction period and shall include but not be restricted to:

- a) Parking for vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- b) Advisory routes for construction traffic;
- c) Any temporary access to the site;
- d) Locations for loading/unloading and storage of plant, waste and construction materials;
- e) Measures for the control of noise, dust, vibration and any other nuisances from works of construction and demolition at the site;
- f) Method of preventing mud and dust being carried onto the highway;
- g) Arrangements for turning vehicles;
- h) Arrangements to receive abnormal loads or unusually large vehicles;
- i) Highway condition survey; and
- j) Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

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

- 5 Prior to the commencement of development, a site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11 and shall include:

- a) a survey of the extent, scale and nature of contamination
- b) an assessment of the potential risks to:
 - human health
 - property (including buildings, crops, livestock, pets, woodland and service lines and pipes)
 - adjoining land
 - ecological systems
 - groundwaters and surface water
 - archaeological sites and ancient monuments
- c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

The site investigation, risk assessment report, and proposed remediation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with

adopted policy SD14 of the Joint Core Strategy (2017). Approval is required upfront because without proper mitigation the works could have an unacceptable impact during construction.

- 6 Prior to the commencement of development (other than development or works required by this condition), a programme of archaeological works shall be carried out in accordance with a Written Scheme of Investigation, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains and features are preserved in situ or, if this is not feasible, to enable a record of the remains of archaeological interest to be made prior to their disturbance, having regard to adopted policy HE2 of the Cheltenham Plan (2020) and Historic Environment Good Practice Advice Note 2). Approval is required upfront because archaeological remains and features could otherwise be permanently lost.

- 7 Prior to the commencement of development, an Ecological Mitigation and Enhancement Plan based on the measures set out within the submitted Ecological Impact Assessment (Swift Ecology Report ref: C2898-1, dated July 2022) shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall thereafter be implemented in strict accordance with approved details.

Reason: To conserve and enhance the biodiversity value of the site, having regard to policy SD9 of the Joint Core Strategy (2017), and paragraphs 174 and 180 of the National Planning Policy Framework (2021).

- 8 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 policies SD4 and SD8 of the Joint Core Strategy (2017).

- 9 The external facing brickwork shall not be carried out unless in accordance with a sample panel which shall have first been constructed on site and approved in writing by the Local Planning Authority. The sample panel shall show the type, size, colour, bond, pointing, coursing, jointing, profile and texture of the facing brickwork including coping bricks/stones (if applicable). The approved sample panel shall be retained on site and made available for inspection by the Local Planning Authority for the duration of the construction works.

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 policies SD4 and SD8 of the Joint Core Strategy (2017).

- 10 The following elements of the scheme shall not be installed, implemented or carried out unless in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority:
- a) Windows;
 - b) External doors;
 - c) External louvres;
 - d) Flat roof detail; and
 - e) Rainwater goods.

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 policies SD4 and SD8 of the Joint Core Strategy (2017).

- 11 Prior to their installation, details of the proposed air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The details shall include their positioning and an assessment of predicted noise levels. The air source heat pumps shall thereafter be installed in accordance with the approved details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

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).

- 12 Prior to the implementation of any landscaping, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of all new walls, fences, or other boundary treatments; 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; 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.

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).

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

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

- 14 The vehicular access hereby permitted shall not be brought into use until the existing vehicular access to the site (other than that intended to serve the development) has been permanently closed in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to adopted policy INF1 of the Joint Core Strategy (2017) and paragraph 112 of the National Planning Policy Framework (2021).

- 15 Prior to first occupation of the development, secure covered cycle storage shall be provided in accordance with the approved plans. The cycle storage shall thereafter be retained available for such use in accordance with the approved plans at all times.

Reason: To ensure the adequate provision and availability of cycle parking, so as to ensure that opportunities for sustainable transport modes have been taken up, having regard adopted policy INF1 of the Joint Core Strategy (2017).

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

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

- 17 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), all second floor rear facing windows in plots 4 – 7 shall be non-opening and glazed with obscure glass to at least Pilkington Level 3 (or equivalent), unless fitted within an external fixed louvre, and shall be retained as such thereafter.

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).

- 18 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/or openings shall be formed in the development 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).

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 address concerns in relation to design, and neighbouring amenity. Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The surface water drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 – Clause 27 (1))
 - Code for sustainable homes – A step-change in sustainable home building practice
 - The local flood risk management strategy published by Gloucestershire County Council, as per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1))
 - Gloucestershire SuDS Design and Maintenance Guide (Nov 2015)

- 3 The Local Highway Authority has no objection to the above subject to the applicant obtaining a section 184 licence. The construction of a new access will require the extension of a verge and/or footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 or highways@gloucestershire.gov.uk before commencing any works on the highway. Full details can be found at www.gloucestershire.gov.uk.
- 4 The applicant/developer is advised that the accepted construction hours for works which are audible at the site boundary are Monday to Friday 7.30am to 6pm, and Saturdays 8am to 1pm, with no noise generating activities to be carried out on Sundays, Bank and/or Public Holidays.
- 5 Should a survey of the existing building (prior to any work beginning) indicate the presence of any asbestos containing materials, the demolition of the building will need to be undertaken in accordance with the legislation surrounding asbestos removal and the demolition of buildings containing asbestos and the waste disposed of in a legally compliant manner.
- 6 The proposed development may require agreement under The Party Wall etc. Act 1996; the granting of planning permission does not remove the need to comply with the Party Wall etc. Act 1996 where it is applicable.

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APPLICATION NO: 22/01585/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 3rd September 2022		DATE OF EXPIRY : 29th October 2022
WARD: St Peters		PARISH:
APPLICANT:	Ski Tyres	
LOCATION:	Ski Tyres 73 New Street Cheltenham	
PROPOSAL:	Construction of 7no. residential dwellings and associated works following demolition of existing buildings	

REPRESENTATIONS

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

26A Burton Street
Cheltenham
Gloucestershire
GL50 3NE

Comments: 21st January 2023

I object to the current proposal due to the following points:

Privacy and light

Currently my property is not overlooked and was a key point when purchasing, with the elevation of the site, the third storey and the living area with Juliette balcony I will lose all privacy of my garden, part of my downstairs living space and potentially the master bedroom. The proposal shows no empathy for the privacy of the residents at the rear of the development, with no windows being obscured and direct viewing into several properties. The amendment to the distance from the properties in Burton Street still does not address the real lack of privacy these homes will create.

It is unclear from the plans the impact of light to the properties on Burton Street due to inaccurate data, as demonstrated by another respondent, and the lack of acknowledgment that the building site is on higher ground than Burton Street. However, using judgement and the information available, it is likely that all several properties will receive less light as a result of this development, in breach of the Rights of Light Act 1959.

Noise

Notwithstanding the noise and disruption caused by the initial building work, which will have a detrimental impact on all local residents, there will be ongoing issues with noise pollution due to the air source heat pumps. These are known for generating excessive noise and will be located directly to the rear of properties in Burton Street. This will impact the enjoyment of our homes and gardens.

Parking

Parking is a known issue in zone 12, with this development only generating 8 extra parking spaces and no parking allowances for the properties on New Street this will only exasperate the issue further creating more issues for existing residents. It is unclear if

there are currently 2 parking spaces associated with cottage being demolished. If this is the case, that's 2 parking spaces lost.

Environmental issues

The land to be developed is known to attract and house local wildlife and create a safe environment in a town due to the restricted access between Ski Tyres and Burton Street, this will be completely lost as part of this development. The continued noise pollution from the air source heat pumps will also ensure that future wildlife are not attracted to this area.

Although against current proposals, I am not in objection to the development of this site. I do believe that further consideration needs to be given on the impact of existing residents, especially with regards to privacy and also the scale of the development. The site seems small for 7 properties, and it may be prudent for the developers to consider fewer, 2 storey dwellings with ample parking.

27 Burton Street
Cheltenham
Gloucestershire
GL50 3NE

Comments: 27th September 2022

I object to the planning application for the construction of 7 new dwellings, particularly the 4 properties backing onto Burton Street on the existing Ski Tyres property, for the following reasons:

- 1). The rear of our property is not currently overlooked. The construction of these new dwellings will cause considerable loss of privacy due to the nature of the proposed design and the proximity of these dwellings to the existing properties. Juliet balconies on the first floor, living spaces at the rear, unobscured glass and the additional height of these 3-storey properties will all cause significant loss of privacy to the existing Burton Street residents.
- 2). Based on the submitted plans/drawings, it would appear that the requirements for separation between the existing properties and the proposed new properties will not be met. Furthermore, it would also appear that the distance between windows and the property boundaries will be inadequate and will not meet the boundary distance requirements.
- 3). The installation of air source heat pumps will cause significant noise nuisance, given that these pumps are inherently noisy and that these units will be situated unacceptably close to the boundaries of the Burton Street properties.
- 4). The security of the rear of the Burton Street properties backing onto the development will be severely compromised both during and following construction, due to the proposed rear/side access that will be provided to these dwellings. At present, the area of land between the Burton Street properties and Ski Tyres is almost impossible to gain access to, providing security to the rear of our properties.
- 5). The proposed new dwellings will undoubtedly lead to an increase in demand for parking in this area by the new occupants and their visitors, which is already at capacity.

6). The area between the boundaries of the Burton Street properties and Ski Tyres is home to a variety of wildlife, which will be severely impacted by the demolition of Ski Tyres and the construction of new properties here.

28 Burton Street
Cheltenham
Gloucestershire
GL50 3NE

Comments: 23rd January 2023

Letter attached.

Comments: 27th September 2022

Letter attached.

30 Burton Street
Cheltenham
Gloucestershire
GL50 3NE

Comments: 16th September 2022

1) Unacceptable harm to the amenity of adjoining landowners and the locality (privacy and Light). Existing warehouse has no windows at the rear and has a pitched roof

2) Rear clear windows and living areas of Application overlook gardens and look into rear of houses. < 21 mtrs between facing windows (all except no 30) and 10.5mtrs between rear windows of application and the boundary to gardens of Burton street Gardens

3) Overbearing

4) Over-development due to cramped sight

5) concerns over demolition and control of toxic substances and dust, asbestos roof? . Insist on a robust condition attached to any future permission regards a "construction and method Statement" Reason : to mitigate and restrict harm to neighbouring health and amenity

6) parking Over subscribed parking zone . significant double yellow lines it is not resonable to have no parking on plots 1,2,and 3 and specious to state future occupiers will be car free. Further plots 4,5,6,7have very tight parking provision. Spaces only 4.5m long . many cars will overlap this and block the pavement. There is no pavement opposite. Turning manouvers will not work when one of the spaces is occuppied as the road is to narrow

44 cheapside
Horsell
woking
GU21 4JL

Comments: 26th September 2022

Firstly I believe that the house that is referred to as Number 76 is actually Number 75, so this needs to be checked. Whatever number it is, it is scheduled for demolition.

I am the owner of Number 77 which is currently rented accommodation, and which is joined to number 76 (75) and includes a shared chimney. The internal wall between the two houses is single skin, so I also believe an additional skin will need to be added, and the freehold of the land required will need to be transferred to me. The proposed alleyway presents a number of issues - security, noise and anti-social behaviour, which all impact on any occupier of Number 77.

During the demolition process I would envisage that my tenants would have to be rehoused for a period of time - this raises cost implications for me and I would expect the developers to cover all the costs associated with this.

As this alleyway only appears to service a limited number of properties, I would expect a secure gate with lock at the entrance. In addition I would also expect that the existing walls surrounding the garden of Number 77 would need to be raised for security and privacy reasons. Does this development actually need this alleyway at all?

Regarding the three storey development at the rear - I feel that this gives all the residents of the New Street terrace concerns over privacy as currently their rear gardens are not overlooked.

Although I have ticked the object box, I am not against redevelopment of this area at all, I just wish to make sure that all these things are well considered before any go-ahead is given.

28 Burton Street
Cheltenham

Mrs Emma Pickernell
Planning Officer
Cheltenham Borough Council

26/9/22

Dear Mrs Pickernell,

Ref: 22/01585/FUL

I wish to object to the proposed plans for the construction of 7 houses in Grove Street/New Street. Specifically, my concerns relate to the 4 semi-detached properties backing onto Burton Street (plots 4 to 7).

1. Overlooking and loss of privacy

1.1 Current level of privacy

No. 28 Burton Street currently enjoys complete privacy: neither the house or garden are overlooked by neighbours. This was a significant factor in my decision to purchase the property. The proposed plans would result in a significant reduction in privacy, with the 4 non-obscured windows/glazed doors of plot 6 looking directly into my garden and living areas.

1.2 Required separation

'Facing windows to habitable rooms (living, dining and bedroom) should be a minimum of 21 metres apart, with at least 10.5 metres from window to boundary.' Cheltenham Local Development Framework SPD – Residential alterations & extensions¹

The plans submitted do not comply with the facing windows requirement.

- The distances between facing windows are c. 20.6m between plot 6 and the living/dining room of no. 28 Burton Street
- The requirements are even more compromised by an overlooking distance of only c.16.3m between plot 7 and the ground floor extension of no. 27 Burton Street, which is a kitchen/diner.²

The window to boundary distance requirement is also not met, with distances from the proposed windows to the proposed boundary ranging from 8.4 – 8.6m across plots 4-7.

1.3 Additional considerations

The proposed houses have 3 storeys. Many authorities specify an additional distance of separation of several metres between an existing 2 storey building and a proposed 3 storey building, due to the increased penetration of overlooking from an elevated vantage point.

In addition, according to the submitted topographical survey the ground level for the proposed buildings is c. 1m higher than that of the Burton Street houses. Again, other authorities specify that

¹ Presumably these are applicable – I can't think of any logical reason why the requirements would differ between residential alterations/extensions and new residential developments

² As detailed measurements are not provided on the plans, these distances and all others cited here have been measured with the measurement tool, using the appropriate plan scale

the construction of a new property with facing windows on a higher ground level requires an additional distance of separation.

1.4 Alternative solutions

The applicant's suggestions of window louvres and/or restricted opening on the 2nd floor windows are not good solutions. Firstly, they don't solve overlooking issues from the 1st floor. Secondly, restricting the opening of a non-obscured window will not prevent overlooking. Finally, window louvres would be unattractive and are not an architectural feature of the local area.

The plans which were approved in 2015 for a similar development further along Grove Street at Ryan House (15/01243/FUL) were much more mindful of the privacy of Burton Street neighbours. These houses have the following features:

- Smaller patio doors rather than full bi-fold doors at ground level
- Bathrooms situated at the rear of the 1st floor, with obscured glass windows
- A mansard roof to the rear, with Velux windows for the 2nd floor bedrooms

The Ryan House design feels like a much more successful answer to the privacy challenges of building on the infill sites of Grove Street.

2. Overbearing

2.1 Building height

The submitted 'Planning Design and Access Statement' states that the height of the development will be lower than the height of the existing Ski Tyres building at 8.825m. However:

- Height measurements taken from the submitted 'Topographical survey and existing elevations and plans' suggest that the existing Ski Tyres roof apex is actually lower than this at c. 8.534m.
- The height of the existing Ski Tyres wall at roof eaves is much lower than the roof apex at c. 4.569m.
- The submitted document 'Proposed elevations – plots 6 & 7' gives a height of c. 8.4m for the new buildings. So the new façade facing Burton Street properties would actually be c. 3.8m taller than the existing wall.
- It is notable that the submitted 'Existing and Proposed Aerial views' are not to scale. It is my belief that these drawings underplay the actual height of the proposed buildings in relation to both the One Grove building and the Burton Street houses.

2.2 Lack of section diagram

It seems unusual that the developer has not submitted a section diagram to show the relative heights of the Burton Street houses and the proposed development, including the difference in ground heights.

Such a diagram would allow a clearer view as to whether the development was unacceptably overbearing, and also allow for the calculation of the 25 degree guideline for daylight assessment.

3. Effect on the character of the neighbourhood

3.1 Piecemeal redevelopment

The 'Lower High Street Character Area Appraisal and Management Plan' states as a key risk or pressure that: *'There is a potential for the piecemeal redevelopment of spaces on Grove Street. It is likely some of the current light commercial units will be redeveloped in a piecemeal fashion with residential units. ACTION LH10: The Council will encourage a comprehensive approach to the redevelopment of plots in Grove Street and the treatment of the street and spaces within it.'*

It is my view that the proposed development would deliver the opposite of a comprehensive approach, having very little consistency or continuity with the other residential developments in Grove Street. Specifically:

- Recent developments in Grove Street and historic houses in the surrounding area are more typically fully or partially rendered rather than faced in plain brick.
- Design solutions elsewhere in Grove Street are more effective at maintaining the privacy and amenity of Burton Street neighbours (see 1.4 above).

4. Possible noise & disturbance

'Sound privacy can also be an issue: you should always consider location of noise generating activity when preparing your design.' Cheltenham Local Development Framework SPD – Residential alterations & extensions

4.1 Living areas oriented to rear

The proposed plans have Juliet balconies at the rear at 1st floor level. Occupants are likely to use these spaces as living rooms, which typically generate more noise than bedrooms. Because the balconies are at heights at or above the bedroom windows of the Burton Street houses this layout would seem to be highly likely to cause noise disturbance to Burton Street residents.

4.2 Waste and recycling bins

The convention for most houses in Burton Street, New Street and Grove Street is for waste and recycling bins to be sited at the front of properties rather than in rear gardens as proposed. Other residential developments along Grove Street have provided storage for bins at the front of properties. This is convenient for occupants and also reduces noise at the rear for neighbours.

4.3 Air source heat pumps

Air source heat pumps can generate significant noise, particularly if they need to be of a high specification to heat a larger house, and also when operating at a higher rate in the winter. It is notable that the applicant has chosen to site the units away from the new properties and towards the boundaries with Burton Street gardens. This will present a noise nuisance, particularly to those residents of Burton Street who do not have the benefit of newly installed high specification and airtight window units which will be better at sound proofing.

Furthermore, the siting of the air source heat pumps some distance from the house will compromise efficiency due to heat loss in the external pipe runs back to the house.

5. Sustainability & Ecology

5.1 Sustainability

I hope that this development will be required to comply with the recently agreed 'Cheltenham Climate Change SPD' to ensure that it makes a positive contribution to the town's Net Zero goals.

The application states that the plans are 'seeking' to maximise energy efficiency and reduce environmental impact. However:

- There is no detail provided of planned energy efficiency measures including insulation and high performance (e.g. triple glazed) windows.
- The SPD states that in order to reduce solar gain on East/West facing walls, the '*ratio of windows to external elevation should be 10-20%*'. These plans fail to meet this guideline.

5.2 Biodiversity

The strip of land between the rear walls of Burton Street gardens and the existing wall of Ski Tyres is currently an area rich in biodiversity, particularly to the rear of no. 28. By commissioning an ecological survey in January, the applicant appears to wish to underplay this fact.

The area and adjoining gardens are home to many nesting birds, squirrels and foxes, with the ivy wall and canopy providing shelter for a wide variety of species. Bats are regularly seen in Burton Street gardens at dusk, although I am unsure where they roost.

The applicant's statement that the development will 'successfully deliver biodiversity net-gain' is almost definitely untrue. The proposed 'front gardens' are a miniscule strip of ground containing a few small shrubs. The proposal to install a few bat and bird boxes feels like an inadequate response to replacing, let alone improving, biodiversity on the site.

5.3 Trees

'It shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions for the preservation or planting of trees.' Section 197 of the Town and Country Planning Act 1990

'The Council will also seek possibilities for new planting, both in conjunction with development, and separately. Priority areas will include the Conservation Areas'. Cheltenham Plan

'It is assumed that, unless there are overriding circumstances, new trees of appropriate species should be planted within a development site.' Cheltenham Plan

There is no mention in the submitted plans for the planting of trees.

6.Summary

It's disappointing that the applicants did not consult with local residents before submitting these plans, and I believe that the proposals need a major rethink for the reasons stated above. If appropriate, I would be happy to take part in conversations with the developers and/or the Council to agree a plan that makes a more positive addition to the local area.

Many thanks for your consideration of these points.

Yours sincerely

28 Burton Street
Cheltenham

Miss Michelle Payne
Head of Planning
Cheltenham Borough Council

21/1/23

Dear Miss Payne,

Ref: 22/01585/FUL

I wish to reconfirm my objection to the proposed plans for the construction of 7 houses in Grove Street/New Street. Specifically, my concerns relate to the 4 semi-detached properties backing onto Burton Street (plots 4 to 7).

Whilst the applicant has made some positive changes to the scheme, the revised plans do not, in my opinion, either comply with planning regulations, sufficiently address the issue of loss of privacy to Burton Street properties or fit well with the character of the local area. As no written notes were published regarding the changes to the plans, my comments are based on the changes that I am able to determine myself.

1.Overlooking and loss of privacy

1.1 Current level of privacy

As stated previously, no. 28 Burton Street currently enjoys complete privacy to the rear. The revised plans have replaced the Juliet balconies with windows, and reduced window sizes. However, the 4 non-obscured windows of plot 6, which would directly overlook my garden and living areas, remain.

1.2 Required separation

'Facing windows to habitable rooms (living, dining and bedroom) should be a minimum of 21 metres apart, with at least 10.5 metres from window to boundary.' Cheltenham Local Development Framework SPD – Residential alterations & extensions

'The Council uses the following minimum distances in determining privacy for residents: 21 metres between dwellings which face each other where both have windows with clear glazing'
Development on Garden Land and Infill Sites SPD June 2009

According to my measurements, the plans submitted still do not comply with the facing windows requirement.

- The distances between facing windows are **c. 17.8m** between plot 6 and the fully glazed kitchen door of no. 28 Burton Street
- Similarly, the overlooking distance between plot 7 and the ground floor extension of no. 27 Burton Street, which is a kitchen/diner, is only **c.17.9m**.¹

The window to boundary distances have been increased, but the requirement is still not met, with distances from the proposed windows to the proposed boundary ranging from 10.08 – 10.48m across plots 4-7.

¹ As detailed measurements are not provided on the plans, these distances and all others cited here have been measured with the measurement tool, using the appropriate plan scale

2.Overbearing

'The size and scale of a new dwelling should be appropriate to the site and available space, rather than comparable to the size of nearby dwellings. Development on a site should not feel 'cramped' and have an overbearing appearance due to its layout, scale and massing. Where this is the case, proposals will not be permitted.' Development on Garden Land and Infill Sites SPD June 2009

The new 'Perspective Street Scene' drawing now shows clearly the difference in scale between the proposed plots 4-7 and a) the New Street terraced houses and b) the One Grove building.

It appears to me that the proposed design is substantially too large for the space available, and that a complete redesign of Plots 4-7 should be considered.

3. Effect on the character of the neighbourhood

Despite comments on the designs of Plots 4 to 7 from the Architecture Panel ('very bland') and the Cheltenham Civic Society ('uninspiring and rather aggressive'), no proposed changes have been made to the plain red brick design of the houses apart from the addition of a grey panel underneath the windows.

I feel that these designs would not fit comfortably next to either the modern housing in Grove Street or the historic houses in the surrounding streets.

4. Possible noise & disturbance

'Sound privacy can also be an issue: you should always consider location of noise generating activity when preparing your design.' Cheltenham Local Development Framework SPD – Residential alterations & extensions

4.1 Living areas oriented to rear

Whilst the Juliet balconies at 1st floor level have been replaced with windows, occupants of the new houses are still likely to use these spaces as living rooms, which typically generate more noise than bedrooms. Because the balconies are at heights at or above the bedroom windows of the Burton Street houses this layout seems to be highly likely to cause noise disturbance to Burton Street residents.

4.2 Waste and recycling bins

No changes have been made to the siting of waste and recycling bins, that are likely to cause noise disturbance to Burton Street neighbours as they are sited to the rear.

4.3 Air source heat pumps

There has been no change to the proposed location of the air source heat pumps, which as stated previously can cause significant noise disturbance. I note that the drawings show the 'indicative locations of air source heat pumps.' Given neighbours' concerns, I would request that the proposed locations are accurately described.

5.Sustainability & Ecology

5.1 Sustainability

No changes seem to have been made to the plans in order to comply with the 'Cheltenham Climate Change SPD' to ensure that it makes a positive contribution to the town's Net Zero goals.

My concerns previously stated still apply. In addition, the already tiny 'front gardens' to the property have now been entirely removed

6.Summary

Whilst I welcome the improvements made to these drawings, to the best of my understanding the plans still do not meet either Cheltenham planning guidance or the substantial concerns of neighbours.

I hope we will have the opportunity for further discussion, and that a fresh design can be agreed upon which adds value rather than significant harm to the neighbourhood.

Yours sincerely

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Committee Report

APPLICATION NO: 22/02128/CONDIT	OFFICER: Mrs Lucy White
DATE REGISTERED: 20th December 2022	DATE OF EXPIRY: 14th February 2023
DATE VALIDATED: 20th December 2022	DATE OF SITE VISIT:
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Cheltenham Borough Council
AGENT:	Leckhampton Rovers Football Club
LOCATION:	Burrows Field Moorend Grove Cheltenham
PROPOSAL:	Variation of conditions 2 (approved drawings) and 3 (Tree Protection Plan) of planning permission 21/02675/FUL - enlargement of compound and installation of above ground water storage tank(s) adjacent to storage unit

RECOMMENDATION: Permit

1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site is located in the north east corner of Burrows Playing Fields which are accessed via Merlin Way and Moorend Grove and designated as Public Green Space (GE36) within the Cheltenham Plan (2020). A pavilion building and children's nursery lie to the east and the rear gardens of properties in Peregrine Road and Moorend Grove to the north and east of the site.
- 1.2 The applicant seeks a variation of condition 2 (approved drawings) and 3 (Tree Protection Plan) of planning permission 21/02675/FUL; proposed enlargement of the store compound and installation of above ground water storage tank(s) adjacent to the storage unit. The consideration of the application will therefore focus on the merits of the proposed amendments to the previously approved scheme.
- 1.3 Planning permission was granted in September of last year for the erection of a storage building to house mowers and other equipment associated with the maintenance of the playing fields. These works include a metal framed building with composite cladding panels with a pitched roof, surrounded by 2.3m high security fencing.
- 1.4 A part change of use of the adjacent pavilion building to provide a café was also permitted in July 2022 (22/00994/COU). An approved scheme in 2020 for the levelling of the playing fields to improve drainage has also been carried out.
- 1.5 The application is before Committee because Cheltenham Borough Council is the land owner of the playing fields and the previous scheme for the store and compound was determined by the Planning Committee. Note that, the application is made by Leckhampton Rovers Football Club (LRFC) who have recently taken a long lease on the pavilion and a licence on the playing area of the field.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

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

20/02028/FUL 17th February 2021 PER

Engineering works to improve and level playing surfaces

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

21/02675/FUL 18th February 2022 PER

Proposed storage unit

22/01102/DISCON 28th June 2022 DISCHA

Discharge of condition 3 (tree protection plan) of planning permission 21/02675/FUL

3. POLICIES AND GUIDANCE

National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision-making

Section 12 Achieving well-designed places

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

Adopted Cheltenham Plan Policies

D1 Design

SL1 Safe and Sustainable Living

GI2 Protection and replacement of trees

GI3 Trees and Development

Adopted Joint Core Strategy Policies

SD3 Sustainable Design and Construction

SD4 Design Requirements

SD14 Health and Environmental Quality

INF2 Flood Risk Management

INF5 Renewable Energy/Low Carbon Energy Development

Supplementary Planning Guidance/Documents

Cheltenham Climate Change (2020)

4. CONSULTATIONS

Gloucestershire Centre For Environmental Records

23rd December 2022 - Biodiversity report available to view in documents tab.

Tree Officer

23rd December 2022 - The tree protection plan, although atypical (it doesn't show an aerial view of the site and doesn't describe how the fencing will be supported), is sufficient in detail for this scheme to discharge the relevant condition.

Publica Drainage And Flooding

4th January 2023 - There are no flooding or drainage objections to the proposed variation provided that the condition in 21/02675/FUL is met (roof is drained to proposed tanks with an appropriately designed soakaway to drain flows when tanks are full)

Sport England

22nd December 2022 - Thank you for consulting Sport England in respect of the details relating to the variation of conditions 2 (approved drawings) and 3 (Tree Protection Plan) of planning permission 21/02675/FUL - enlargement of compound and installation of above ground water storage tank(s) adjacent to storage unit.

I have reviewed the submitted documents have no objections to the variation for condition 2 (approved drawings).

I cannot comment on condition 3 (Tree Protection Plan) as it is outside Sport England's area of expertise.

If you would like any further information or advice please contact the undersigned at the address below.

Building Control

22nd December 2022 - This application will require Building Regulations approval. Please contact Cheltenham and Tewkesbury Building Control on 01242 264321 for further information.

Parish Council

12th January 2023 - The Parish Council has no objection to this application.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	12
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

- 5.1 Letters of notification were sent to 12 neighbouring properties. One objection was received and the concerns raised relate to an increase in the footprint of the Leckhampton Rovers facilities and their encroachment onto the playing fields.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 Guidance set out within the National Planning Practice guidance (nPPG) acknowledges that issues may arise after planning permission has been granted, which require modification of the approved proposals and that where less substantial changes are proposed, an application seeking a minor material amendment can be made under section 73 of the Town and Country Planning Act 1990, where there is a relevant condition that can be varied (Paragraph: 013 Reference ID: 17a-013-20140306).

- 6.3 If granted, the subject planning application results in the issuing of a new planning permission which sits alongside the original permission which remains intact and un-amended (Paragraph: 015 Reference ID: 17a-015-20140306).

- 6.4 As such, the only consideration in the determination of this application is the acceptability of the proposed increase in the size of compound and the positioning of storage irrigation tanks within that compound; and any required re-wording of conditions or new conditions. The potential harm to adjacent trees and the amenities of neighbouring land users will also need to be considered.

- 6.5 The principle of the store and compound in this location is established through the previous grant of planning permission and such matters should not be re-examined in the determination of this application.

- 6.6 This report should be read in conjunction with the officer report for 21/02675/FUL.

6.7 Design and layout

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

- 6.9 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.

- 6.10 The compound would be increased in size/width by approximately 3 metres to the south east (pavilion side) to allow the installation of free standing (and moveable) water irrigation tank(s) alongside the storage building. Two tanks may be required to reach the capacity needed to irrigate the fields effectively. The proposed tanks would be contained securely within the fenced compound, sitting on a concrete base and not extending above the 2.3m

height of the compound security fencing. The tanks would feed a small underground pipe which would run under the fields with several connection points at ground level. A small moveable sprayer would be connected to these connection points. Although primarily mains water fed, the tanks would also receive rainwater run-off via the roof of the adjacent storage building, with suitable overflow arrangements.

6.11 The LRFC requires a basic form of irrigation system for the playing pitches in the event of long dry periods during the summer months. As such the tanks would only be used when needed.

6.12 The proposed modest increase in size of compound and the siting of above ground and moveable water storage tanks in this location are considered acceptable; the fencing filtering views of the tanks from the playing fields and neighbouring properties. No other alterations to the previously approved scheme are proposed.

6.13 Impact on neighbouring property

6.14 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.

6.15 One local resident has expressed concerns over the football club's further encroachment into the playing fields and these concerns have been considered very carefully alongside any potential harm to the amenities of neighbouring land users in terms of loss of outlook and noise and disturbance.

6.16 The resultant larger compound would be no nearer to the rear boundaries of properties in Peregrine Road; albeit slightly closer to the boundary with Grove End, Moorend Grove. The store and tanks would not extend above the height of the compound fencing and the existing hedging along the site boundary and adjacent trees would be unaffected by the proposals.

6.17 The proposals would not result in any further encroachment onto the playing fields other than the initial installation of the underground feeder pipe.

6.18 Given the separation distances between neighbouring properties, the impact on amenities of neighbouring land users is considered acceptable.

6.19 Sustainability

6.20 Climate Emergency

6.21 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.

6.22 The Cheltenham Climate Change SPD (adopted June 2022), sets out a strategy for decarbonising buildings over the next decade. For new buildings there is an opportunity to improve their environmental performance through the inclusion of technologies and features such as photovoltaics, replacement windows, heat recovery, permeable (or minimal) hard surfaces, insulation etc.

6.23 The original planning permission was granted prior to the adoption of the SPD. Whilst the current proposal does not include any specific low carbon technologies, it would allow for the efficient irrigation of the playing fields during the summer months, includes rainwater harvesting from the roof of the storage building and generally would allow the site to be maintained to an acceptable standard without the need for contractors vehicles visiting the site.

6.24 Given the nature of the proposals, this is considered an acceptable approach.

6.25 Other considerations

6.26 Trees

6.27 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.

6.28 The revised proposals do not involve the removal or pruning of any trees or hedges. The Council's tree officer has assessed the proposals and the revised Tree Protection Plan and has no objection subject to the implementation of the proposed tree protection measures.

6.29 Drainage

6.30 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.

6.31 The Council's drainage engineer was consulted on the proposal. There are no flooding or drainage objections to the proposed variation provided that the objectives of condition 3 of 21/02675/FUL is met i.e. the roof is drained to the proposed irrigation tanks with an appropriately designed soakaway to drain flows when the tanks are full. An amended condition is included below.

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

6.33 Public Sector Equalities Duty (PSED)

6.34 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.

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

7. CONCLUSION AND RECOMMENDATION

7.1 For the reasons outlined above the proposal is considered to be acceptable and is therefore recommended for approval; all previous conditions carried over from the previous scheme and re-worded where necessary.

8. CONDITIONS / INFORMATIVES

- 1 The planning permission hereby granted shall be begun not later than the expiration of three years from the date of the decision notice (dated 12th September 2022) issued under planning permission 21/02675/FUL.

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

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

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

- 3 The development hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan (TPP), Drawing No 2128.01 received 30th November 2022. 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).

- 4 The drainage scheme for the roof of the storage building shall be designed to allow rainwater to drain into the water storage tanks or into a water butt in the event that the water storage tanks are not installed at the same time as the storage building. The scheme shall include an appropriately designed soakaway to drain flows when tanks are full, in the form of a tap and piped link to a new soakaway at least 5m away from the base of the storage tanks and with dimensions of 1 cubic metre. The roof drainage and soakaway scheme shall be fully installed prior to first use of the relevant part of the proposed development and retained as such thereafter.

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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APPLICATION NO: 22/02128/CONDIT		OFFICER: Mrs Lucy White
DATE REGISTERED: 20th December 2022		DATE OF EXPIRY : 14th February 2023
WARD: Leckhampton		PARISH: LECKH
APPLICANT:	Cheltenham Borough Council	
LOCATION:	Burrows Field Moorend Grove Cheltenham	
PROPOSAL:	Variation of conditions 2 (approved drawings) and 3 (Tree Protection Plan) of planning permission 21/02675/FUL - enlargement of compound and installation of above ground water storage tank(s) adjacent to storage unit	

REPRESENTATIONS

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

5 Arden Road
Cheltenham
Gloucestershire
GL53 0HG

Comments: 5th January 2023

I object to this proposal as follows:

it increases the footprint of the Rover's site facility,

it is a further intrusion of the Rovers on the area,

and a further example of the Rovers drip drip increasing presence in the field (why was the support building and this not in their proposal for the field).

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