APPLICATION	NO: 13/01902/FUL	OFFICER: Miss Michelle Payne
DATE REGIST	ERED : 7th November 2013	DATE OF EXPIRY: 6th February 2014
WARD: Charlt	on Kings	PARISH: CHARLK
APPLICANT:	Davmay20 Ltd	
LOCATION:	237 Cirencester Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of 9no. dwellings, reconfiquently following demolition of existing build	guration of site access and associated landscaping ding (The Little Owl Public House)

REPRESENTATIONS

Number of contributors	14
Number of objections	11
Number of representations	3
Number of supporting	0

3 Bafford Approach Cheltenham Gloucestershire GL53 9HH

Comments: 20th November 2013

The Little Owl has literally been my local pub for more than 23 years and has provided some very key services to the local community. Should it be lost as a pub with a long and varied history, it will in my view be detrimental to the area. It has a very large garden and lots of car parking (unlike many other pubs in Charlton Kings), and the Annecy Suite function room has been used for many local functions over the years. Indeed in my capacity as a member of the fundraising committee for Cheltenham Samaritans, I have organised many fundraising functions in the Annecy Suite over those 23 years. The restrictions placed on the many recent landlords of the pub by the Enterprise Inns pub company do seem to have had a detrimental effect on the supposed viability of the pub, but under new management I am convinced that this iconic pub could once again become the thriving centre of the community that it once was.

The planning application states that there were no offers for the pub from anyone other than bidders intending to re-develop the site, this is a blatant untruth as I am aware of at least two bidders who were prepared to take on the pub as a going concern - one of which, a large Oxfordshire based brewery who apparently offered over the asking price, was keen to establish a presence in Cheltenham that would be welcomed by many Real Ale enthusiasts. It would seem however that Enterprise Inns do not care about keeping the pub as an asset for the community, but would rather make as much money as they can by accepting a bid which will demolish the pub and add yet more houses to the area. I have been reliably informed that should the property come on the market again as a pub, then the Oxfordshire-based brewery would still be interested.

Far too many legacy pubs are being lost in the Cheltenham area, just because they are ripe for re-development as they have a large footprint. Should planning be approved for the re-development of the Little Owl, it would potentially open the flood gates for any pub in Cheltenham with a large car park and/or garden to be sold off and yet more community assets would be lost.

I urge you to reject this planning application so that the property can be put back on the market as a going concern, ensuring that it will be retained as a community pub with a valuable function room.

46 South View Way Prestbury Cheltenham Gloucestershire GL52 5BP

Comments: 27th November 2013

I wish to object to this planning application for the following reasons:

- 1. This is a wonderful pub for the community. It is exceptional because it is large and has a big function room. I have heard a Big Band play in this room and, as far as I know, there are not any pubs in the vicinity with this capability. There is also plenty of parking and a large garden.
- 2. In an article in the Echo it stated that no offers were received from persons willing to continue running it as a pub. This is untrue. I know for certain that a brewery wanted to run it as a flagship pub in the town and put in an offer(s). This is a well-known brewery with excellent beer and experience in running pubs. It would be an asset to the town.
- 3. From my visits to the Little Owl, I could see that it was in excellent condition, having been renovated quite recently.
- 4. I gather Enterprise Inns has some financial problems and it could be that they ignored the brewery in favour of a development company.
- 5. I urge the Council to refuse this application so that the pub can again go on the open market to be sold at a reasonable price to enable the building to remain as a pub.

Chair - CAMRA Cheltenham

Kimberley Bradley Road Charlton Kings Cheltenham Gloucestershire GL53 8DX

Comments: 28th November 2013

After discussions with neighbours and having attended the Parish Council Planning meeting on 25 November, we would like to object to the proposed development of the Little Owl.

- 10 is too many houses
- Proposal is too high
- Not in keeping with neighbouring houses in materials and design
- Why is pub not being retained and converted as part of the development?
- Right of way not protected the right of way goes through the middle of the site not along the fence
- Some bushes/hedge have already been removed that marked the right of way, can they be prosecuted for this?
- The height of the site is at least two metres higher than Bradley Road and Lyefield Court with the proposed height this will block all light to existing houses in Bradley Road and Garden Road
- Car Parking Lyefield Court as we pointed out in our objection to that development has too few parking spaces consequently for the last few years resident and visitors have been parking in the Little Owl car park permanently. People from Cirencester Road and van owning tradesmen also park there. Under this

development all those spaces will go. Where will Lyefield Court people and there visitors park? Where will the van people park? Where will Cirencester Road people park? Bradley Road of course! No buses will be able to get through!

Six houses of moderate height with more spaces would be more than enough.

12 Lyefield Court Cirencester Road Charlton Kings Cheltenham Gloucestershire GL53 8EN

Comments: 9th November 2013

The site plan states that the line of Poplar trees on the Northern boundary are to remain. This is contradicted by the tree survey. These trees will provide essential privacy for properties in Lyefield Court as well as the new dwellings.

I trust that they are to remain?

2 Lyefield Court Cirencester Road Charlton Kings Cheltenham Gloucestershire GL53 8EN

Comments: 22nd November 2013

Letter attached.

Comments: 2nd January 2014

Letter attached.

Comments: 3rd December 2013

Letter attached.

29 Garden Road Charlton Kings Cheltenham Gloucestershire GL53 8LJ

Comments: 10th February 2014

We are writing to object to the current proposal for 9 dwellings. We fully agree with the objections from 28 Garden Road and shall re-iterate our objections.

Loss of parking facility and the increase in parking requirement due to the 9 dwellings (18 cars+ and visitors) will result in parking along the Cirencester Road and along Bradley Road which will cause dangerous obstructions.

We currently have tall leylandii trees at the back of our property and are concerned that the building works may damage those trees as such and, if they died, then as those properties are 3 storeys high our privacy will be compromised. If the developers wished to reduce the height of

those trees to allow more light into the back of their properties then any plans must be drawn up and agreed with all households which may be affected by the change.

The 3-storey buildings are not in keeping with the surrounding properties; fewer 2-storey buildings would be much more in keeping.

As mentioned in other letters we are disappointed to hear that other breweries have expressed an interest in taking on the Little Owl; however those proposals are not being considered.

14 Garden Road Charlton Kings Cheltenham Gloucestershire GL53 8LJ

Comments: 27th November 2013

I wish to object to object to the proposed planning application for the Little Owl site for the following reasons:

The height of the designs are really too high. With the exception of Lansdown Court no other residence in the area are as high and their height will only be increased as the land of the Little Owl is higher than the surrounding areas. My house is very close to the site and due to their height plots 9 and 10 look directly into my garden and second story rooms.

The contemporary designs of the houses are very unsympathetic to the area and the surrounding residences and ill-in keeping with the area. The design is also quite unattractive. A design of 2 storeys, similar to the houses of Bradley or Garden Road, would be more considerate.

There does seem to be too many plots for the site to realistically work as a residential site. Everything is very crammed together with little space for the vehicles of any future residents. According to the council meeting, there are 25 parking spaces allocated to the site. This number already underestimates the number of potential permanent vehicles as the modern day family typically has 3 cars. So at least 30 spaces are needed for the families and as some of these houses are 4-bed houses that number increases. On top of this will be parking for visitors etc.

Precedent for problems arising from not providing enough parking spaces is with Lansdown Court where residents apparently need to use the car park of the Little Owl as overspill. This was mentioned at the council meeting. Overspill of the cars cannot realistically go onto the roads as Cirencester is a main road and people do go too fast down this road. Parking on this road will be very unsafe and will result in an accident. Parking cannot realistically go on Bradley Road because as a main bus route the bus is unable to get down it with parking on both sides of the road. I catch the bus very often and there have been many times where the bus has been stuck for this reason. An option may be to remove plots 9 and 10 and place additional parking here. This would also solve the concerns of other residences whose issues relate to these two plots.

While the following is not directly to do with my objections to the build, as it does not affect me directly, I know there to be concerns with the footpath that exits on the far right of the car park. There has already been work done to divert the footpath to exit the far left of the car park which I was surprised to see as it is designated a 'public' footpath as far as I know, and therefore I would not have thought it belonged to the council and would not be allowed without permission. With this re-location my neighbours lose side access to their garden which does not seem to have been taken into account.

It is a great shame that this building which has been part of Charlton Kings for over 100 years is being considered to be demolished. While I know this is not a conservation area, it is still an important building and if, as some people have stated, there has been interest in the building

itself I would hope that these are given proper consideration and that the keeping of this building be a priority.

239 Cirencester Road Charlton Kings Cheltenham Gloucestershire GL53 8EB

Comments: 28th November 2013

Whilst we do not oppose the principle of residential development at this site we do have some concerns and reservations as detailed:-

Parking

The site is simply not big enough to accommodate 10 houses and at least 20 cars. In fact, at the recent Parish Council meeting, the councillors estimated that there would be at least 40 cars for residents (not including visitor parking). As so, cars will inevitably park outside the development on the busy A435 Cirencester Road, thus impeding our vision when parking/exiting our driveway. This lack of visibility could be fatal!

There is also a blind spot with traffic coming into Cheltenham over the bridge. In the opposite direction we find that lorries speed up to gain momentum before their hill climb.

Visual amenity and noise attenuation on the following fronts:-

- From rear windows on the first floor of PLOTS 4, 5 and quite probably 6.
- The lower level of the rear of our house is predominantly glass and with the proposed scheme will potentially invade our privacy. Also our 1st floor back bedroom will be in full view.
- We are also very concerned that the rear windows on the first floor of PLOTS 1, 2 and possibly 3 will overlook our garden.

We are concerned about the new footprint of the 3 proposed houses (Plots 1, 2 & 3) fronting onto Cirencester Road following the proposed demolition of the pub. This will lead to sunlight being blocked to our garden - a consideration that we took account of years ago when we opted for a one-storey extension rather than a 2 storey. I know from living here for 17 years that the sunlight during the Spring/Summer will be blocked out by about 3-4pm if the proposed development of Plots 1, 2 & 3 go ahead..

The proposed development shows that there will be basements. This leads us to further concerns about ground works and possible damage to our foundations. Plot 1 is TOO CLOSE to our property within 2 metres to our house. Digging 4/5 metres down could result in subsidence to our property with structural damage caused by piling methods.

We run our business from home and are VERY WORRIED about the huge impact the noise; dust and vibrations from the demolition and building will have on our working day. The force and vibrations of the piling work could actually damage our computers and other sensitive equipment.

Historical Concern

The building at 237 has been part of Charlton Kings for over 100 years. We would question the need to knock down a perfectly sound building which is in keeping with its surrounding? We would also ask whether it is a listed building. Pubs in Cheltenham have recently been successfully refurbished to provide very attractive housing i.e. The Malvern Inn on Leckhampton Road, and The Duke of York on London Road. The proposal states that during the construction phase that best practice dictates that as much as possible will be done in the first instance to minimize the amount of waste generated by the development. Surely NOT demolishing this building will be the most environmentally friendly approach of all. The proposal also states that

waste would be crushed onsite and used as hardcore. That's an awful lot of hardcore with nowhere to go considering that they also intend to dig out basements; so, more unnecessary waste to landfill.

Summary

All in all, we're losing privacy, light and there is a major risk of a road traffic accident due to the lack of parking.

While we understand that the site needs to be developed we are sure that concessions can make this possible, but not under the current proposal. One possible solution that would help parking and our reduced light issues would be to have off-road parking in front of the current building.

As an immediately adjacent neighbour, we would very much welcome a consultation with the developers or architects to discuss our concerns.

Comments: 10th January 2014

The new plans have not appeased any of the concerns we have voiced, and we feel that there has been very little movement by the architects.

Parking

This has still not been properly addressed. The proposal sates that the current overflow parking concerns are not a material planning concern. Perhaps some observations of the current parking patterns should be undertaken so the problem can be addressed accordingly. This is a problem that WILL ONLY GET worse. The council would be irresponsible if they agree to the current plans.

If the parking situation is not taken seriously it wont be a question of if, but when an serious accident occurs

Building Heights

Plots 1-3 appear to be in line with measurements of Lyefield Court. We are a lot closer to the proposed plot yet the height of the plot compared to our house has been blatantly ignored. If the intention is to move the building line closer than the present building the light into our garden WILL be affected.

Frontage Parking and Building Line

We object to the comment regarding frontage parking as we feel that it would solve our 2 major issues road parking and loss of light. We have lived here for 17 years and reverse in and out of our drive with no problems, as long as there are no obstructions to our view. Indeed most houses along Cirencester Road have the same method of parking as us. We even reverse into the drive (again, as long as there are no parked cars obstructing our view) and have experienced no problems.

We also feel that the plots should be in line with our building not Lyefield Court as again we are closer and would experience more impact.

Little Owl Pub

We are also disappointed to note that a perfectly good building is to be demolished when it could be adapted for attractive housing; in effect it would be recycled.

Neuchatel Bradley Road Charlton Kings Cheltenham Gloucestershire GL53 8DX

Comments: 18th November 2013

In principal we have no objections to the Little Owl site being developed. However we do have some concerns regarding the proposed plots 9 and 10.

There is a triangular area of small trees and bushes at the junction of the footpath from Bradley/Garden Road to the start of The Owl car park. The pub has always maintained that this area does not belong to them and therefore we have shared the maintenance of this with No 15 Garden Road at our own expense. The growth has always provided us with some welcome screening and privacy. The plans appear to state that this area will be cleared and the existing footpath moved to run parallel to our boundary.

This will then only give a narrow footpath between our fence & the start of No 10's garage. We appreciate that according to the side elevation there will be no windows overlooking us but the house is sited far too close especially as it is three storeys. I believe it is more realistic to build one house in this area and ideally only two storeys.

The second concern relates to the row of Lombardy poplars. The arboricultural survey states that these are to be removed. We agree that these are inappropriate for their present site & we are already finding root invasion in our lawn. They are now so high that they are restricting our light in summer when they are in full leaf. However the proposed site layout states that these trees are to remain. Please can this be clarified.

Comments: 26th November 2013

Further to the Parish Council Planning meeting a further point was raised which we had not considered.

The land on the Owl site is higher than that of Bradley Road and therefore the 3-storey plot 10 would be taller than we initially calculated. In view of the planned proximity of the building this will severely restrict any light coming into our garden and back windows.

Comments: 6th February 2014

Having now reviewed the revised plans for The Owl site dated 31 January 2014, we make the following observations.

The footpath is still shown as being diverted to run alongside our rear boundary and there is only a two car width between our garden and the proposed house now renamed plot 9. The Owl land is higher than our plot and therefore the proximity of the building would severely restrict the light to our garden and downstairs back windows, even though the plot has been reduced from four to three storeys.

On a positive note we are pleased that the poplar trees are to come down and be replaced with something more appropriate.

15 Garden Road Charlton Kings Cheltenham Gloucestershire GL53 8LJ

Comments: 27th November 2013

The scheme proposes to build over a public footpath. The line of the footpath shown on the submitted plans is not as the definitive map shown on the Shire Hall records. The scheme cannot be implemented without diversion of the footpath which has not been agreed by the County Council. The application is therefore invalid.

Notwithstanding the footpath issue, the scheme also proposes to block off an established rear garden access gate to 15 Garden Road. The applicants have no legal right to block off this access so the scheme as submitted cannot be implemented.

Notwithstanding the above, the development is far too dense for the site and out of scale with adjacent dwellings. Two storey houses in the middle of the plot would have less impact on adjoining properties and be more in keeping with the density and pattern of development in the area.

Units 9 and 10 are far too close to 15 Garden Road, Neuchatel and Brendon and given that the proposed houses are four storeys high (including a lower ground floor) their impact on these neighbouring properties will be harmful due to the scale, size and layout of the buildings and result in the loss of visual amenity.

Due to the orientation of units 9 and 10, first floor rear windows will look into first floor bedroom windows of 14 and 15 Garden Road. They will also look over private gardens resulting in the loss of privacy.

The scheme submitted is an ill-conceived design that is unsympathetic to the site context due to over development. Reducing the height and density of the development is more likely to receive local support and result in a better scheme, providing more space for landscaped amenity areas (which I note are referred to in the supporting statements but are not provided for in the submitted scheme) and adequate on-site parking space.

Planning policy encourages pre-application consultation. I understand the applicants had no pre-application discussions with planning officers or locals and to some extent this is reflected in the poor quality of the submission.

I have no objection to the site being developed for new housing. This scheme, however, is flawed and should therefore be refused permission.

170 Cirencester Road Charlton Kings Cheltenham Gloucestershire GL53 8DY

Comments: 10th February 2014

I wish to object to this development in its current form for a number of reasons detailed below:

Exacerbation of existing traffic problems; traffic congestion and access

Cirencester Road is already congested, with traffic queues at peak times of the day, and traffic flows that delay/prevent access to our home. I have waited up to 15 minutes to exit our driveway,

and once when I was trying to take my child to hospital at 5.30pm a passenger had to get out of the car to stop the traffic (after a 10 minute delay) so we could leave. Additional traffic both during and after any potential works will only exacerbate this problem.

Additional HGV traffic and other site traffic, including tradespeople; s vans and cars will create significant extra congestion (with increases in pollution, both air-quality and noise), and risk turning an A road into a single lane highway, which will be hazardous for all road users, whether drivers, cyclists or pedestrians, and will potentially freeze a major artery into Cheltenham.

There is a risk that this will also restrict access by essential public services such as refuse and recycling.

Parking

On this section of Cirencester Road, cars and tradespeople¿s vans already park across pavements, limiting access for those of us with pushchairs, and for wheelchair users, and making egress from driveways hazardous by blocking the view of the road. It is evident from the plans that there is inadequate off-street parking for a development of this size, which will force additional vehicles onto the road, even after the works traffic is gone. The evidence of the development at Pilley Lane demonstrates that this causes significant disruption, and a complete breakdown of the road surface. Additional pressures on parking will make the pavements effectively impassable for those of us with buggies or mobility impairments etc.

Please note the prohibitions on ¿causing nuisance¿ in the Highways Act 1980, and in the Disability Discrimination Act 1995 which protects the rights of disabled people to access.

Road condition

Any developer of this site should be required to send an upfront sum to the Council which should be adequate to cover ongoing road repairs during a build, and to reinstate the road surface upon completion, and must be ring-fenced by the Council for this purpose alone.

Impact of works

Hours of work

It should be recognised that not all residents are able to leave their homes during the day, and they will suffer disproportionately from noise, traffic and dust caused by the works. This includes vulnerable people such as the elderly and those at home with small children, as well as those who work from home. It is vital, therefore, that these impacts are kept to a minimum, and that appropriate engineering solutions are sought to minimise disruption and health risks, rather than simply the cheapest building option.

For the same reason, I would object strongly to weekend working, which will impact severely on our family's quality of life.

HGVs must not arrive before the stated hours of work. On previous developments on which I have worked (as an adviser to the developers), HGV drivers arriving out-of-hours or behaving anti-socially were immediately sacked, and the contractor warned. This should be written into any planning conditions.

Environmental Impacts

Air quality, noise and vibration

There is serious concern about the impact of the works on air quality, whether through the creation of dust and particulates during demolition and crushing, or though the huge increase in traffic, including HGVs and stationary traffic, which is a risk to health.

Given the age of the existing building, assurances must be given that any asbestos is found and disposed of appropriately according to regulations to enable local residents and workers to avoid exposure.

Noise and vibration caused by piling means that it is not an appropriate technique for use in this densely populated family suburb. There are suitable civil engineering alternatives that have been successfully used in other developments.

Light pollution

Lights must not be left on outside the hours of work. This causes significant nuisance to local residents. Care must be taken with the positioning of any lights to ensure that they do not invade residents' homes, thereby causing nuisance.

Compliance and Financial Sanctions

If consent is granted there should be agreed and published sanctions (financial) that will apply to breaches of the terms under which planning is awarded. These must be promptly and publicly applied.

There should also be a published policy on compensating local residents for damage caused to their property or persons in any way resulting from the works, ideally to obviate the need for legal action should damage arise.

Environment

The lack of an environmental element in the design is extremely disappointing, as is the failure to ensure that the building is 'in keeping' with the area, and with Cheltenham's general architectural style. New developments must embrace both the modern requirement to be as environmentally friendly as possible, whilst protecting the feel of the existing built environment. In its present form, this development does neither.

28 Garden Road Charlton Kings Cheltenham Gloucestershire GL53 8LJ

Comments: 28th November 2013 Letter attached.

241 Cirencester Road Charlton Kings Cheltenham Gloucestershire GL53 8EB

Comments: 28th November 2013

Whilst I do not oppose the principle of residential development at this site, there are concerns and reservations below

Parking - The site is not big enough for 10 houses and at least 20 cars. I feel there will be around 30 (not including visitor parking). Cars will park outside the development and outside neighbouring houses on the busy A435 Cirencester Road, this will impede vision when parking/exiting my drive, and would be hazardous for traffic flow.

There is a blind spot with traffic coming into Cheltenham over the bridge. In the opposite direction we find that lorries speed up to gain momentum before their hill climb.

There are already enough parked cars and vans that are obstructive around that area.

The rear windows on the first floor of PLOTS 4, 5 and 6 will overlook the rear of my garden.

I do not see why there is a proposal to demolish the original front part of the pub (Plots 1, 2 & 3) fronting onto Cirencester Road.

I will, like surrounding neighbours lose privacy, there is a major risk of a road traffic accident due to the lack of parking. I feel there should be fewer houses with more on-site parking

Three storey housing is intrusive for neighbouring properties.

I understand that the site needs to be developed and am sure that concessions will make this possible, but not under the current proposal.

I would also welcome a consultation with the developer and architects to discuss concerns.

45 King Arthur Close Cheltenham Gloucestershire GL53 7EX

Comments: 27th November 2013 Letter attached.

Comments: 7th January 2014 Letter attached.

BUILT

Recd 2 2 NOV 2013

ENVIRONMENT

2 Lyefield Court

Cirencester Road

Charlton Kings

Cheltenham

Glos

GL53 8EN

Promenade

Municipal Offices

Cheltenham

Glos GL50 1PP

22 November 2013

The Planning Department

F.A.O. Miss Michelle Payne

Planning Application No. 13/01902/FUL

Dear Madam

Re: Proposal of 10no. dwellings, reconfiguration of site access and associated landscaping following demolition of existing building (The Little Owl Public House) at 237 Cirencester Road Charlton Kings Cheltenham

Living next door to the above proposed property development as I do, and having inspected all the details, these are my *observations/concerns*.

Arboricultural Survey

A discrepancy – a conflict of wording - has occurred in regard to the line of Poplar trees.

Given the report in *this* section – at 3.3 – states that "the line of Lombardy Poplars is to be REMOVED to facilitate the development", WHY – in the Planning Statement report - at 2.3 – does it appear to confirm that "the re-development scheme proposes to RETAIN the existing boundary trees"? The Poplar trees are the only significant 'boundary' trees there. I imagine this will be clarified?

(The point made about their providing some privacy for both sites, of course, would be relevant only in summer, wouldn't it?)

The report further states that Poplar trees are (well-known to be) especially liable to cause problems with ingress to drains and their close proximity to houses is usually inappropriate", and also (as further reported) because they severely dry out surrounding soil which is hazardous to buildings due to subsequent subsidence.

(Also reported) these Lombardy Poplars have an eventual potential height of 25 metres and a considerable canopy (indicated on the survey map), plus a progressive root system (which can cause large-scale soil dry-out). As a side issue but, I think, pertinent to this point, my stand-alone garage (in the Lyefield Court enclave) is ADJACENT to the trees, which must

already have considerable root support which will continue to grow in step with that eventual 25-metre height!) With continued drying-out/shrinkage of the soil, subsidence is a 'disaster waiting to happen' and is also more than likely to cause damage to the long retaining wall (of which my garage wall forms a part). THE WALL HOLDS UP THE SOIL ON THE LITTLE OWL PUB SIDE, this land being more than 1.5 metres higher than the Lyefield Court site. The survey will surely have identified this important fact! PLEASE ALSO SEE PAGE 4 – SITE PLAN - RE WATER RUN-OFF/FLOODING POSSIBILITY.

Appendix 2 - Tree Survey data

G1 also states: 'Lombardy Poplar – line of young trees, good condition. UNSUITABLE for long-term retention because of possibility of causing structural damage'.

One further question regarding the Poplar trees, is the matter of **their maintenance and preservation should they REMAIN**. The report states that 'the trees have been maintained to date' (although it admits that checking them did not feature *in* this survey). Whether or not regular maintenance *has* been the case, **whose responsibility will it be in the future**, once site development is complete and divided into 10 **private** properties? Already there are at least 3 trees which have broken off and, not only are now a lot shorter than the rest, but look to be developing outwards, conspicuously unlike Poplars! So how far and in which direction is **their** growth going to go? They look decidedly at variance with the majority;! only hope that none of the others also break off and fall on my car!

TO PUT YET ANOTHER QUESTION ABOUT THIS: IF THE TREES ARE TO REMAIN, WILL THE ALLEGED MAINTENANCE CONTINUE, OR CEASE IN DUE COURSE? IN EITHER CASE, WHO SHOULD BE CONTACTED ON THIS MATTER, IF THE NEED ARISES, or will there be a legal requirement for setting up a management company, as was the case at Lyefield Court? In the absence of such management, the question of whom to contact is essential.

Arboricultural Method Statement

Part C Section 3 Materials storage, chemical contamination of the soil, trenching for services. etc.

C 3.1 says 'no concrete/cement washings or other chemicals will be discharged within 10 metres of the Root Protection Area of any tree or hedge shown on the Tree Protection Plan'.

QUESTION: Where will this be so allowed, then, since the volume of such discharges will be no doubt considerable over the long construction period?

Transport Report (by Mayer Brown Limited)

I understand the urgent need/desire to get 10 properties - and many more - built within Cheltenham due to housing shortages. What I do not know is quite how much investigation into the crucial traffic situation in the area — particularly along this long and extremely busy main Cirencester Road - has taken place and whether it has been sufficiently thoroughly monitored for, only by doing so over a period of time, would this have enabled those investigating to confirm the true situation!!

Next, I make this comment against the report's statement that, calculating just 1.5 (!!) cars per property and 2 (!) visitor spaces, 'no-one will need to park outside' the site area. People already living here, not least in Lyefield Court, will sincerely hope this to be so; but they will question, as do I, the validity of such assumption/calculation, especially based on 1.5 cars per household, and will they think it conservative — even rather fanciful?

Lyefield Court has a far smaller footprint — with **12** households - not **10** - and *no* visitor spaces - which *may* well have resulted from insufficient consideration, in 2005/6, about the space required for individual transport needs — so some residents are for *ever* obliged to park cars on the road. The area has already seen much increased parking along this stretch of road just in *my* 7 years of residence, nose-to-tail right outside our enclave; **even residents** *opposite* (and *their* visitors) park there, so there is simply *nowhere* for an overflow from this proposed development to go — and, as it stands and as I see it, an overflow must surely result.

A further point is that – given the size of the proposed 10 properties – with 4 bedrooms – surely *up to* 5 houses, possibly more, are set to have upwards of 3+ children, some of whom will be old enough to drive, or nearly so, and *will* be found their own cars; where will *they* have to be parked? Again, on this already-congested roadside? Without doubt!

Will not these families also have friends and other relatives - some coming to stay a-while - who also will be unable to park on-site? Has this been considered as it is surely a further important and most relevant factor? Planning Officers would see for themselves - standing for a mere half-hour outside the development - how dangerous on this already extremely congested road is the high volume of FAST-MOVING traffic, much of which consists of very large lorries, coaches, enormous farm vehicles (and the buses) plus simply thousands of cars, already, carrying busy people to their places of employment.

COMMENT: about people opting to use public transport

The notion that families will reduce road usage by using 2 bus services in the immediate vicinity, seems most unlikely to me (nor would they entertain taking the P and Q buses – especially nowadays; too much time needed to walk children to and from that bus stop). I would be interested to see how many of them do so; it's all about time and comfort!

As a retired person – and hopefully still living in the *real* world – I am *well* aware that parents' lives are programmed to shuttle their children to this, that and another venue **for a** *myriad* of after-school activities, also at weekends; they *might* be able to grasp a few quiet moments – but only if they are lucky! *Ought* anyone to suggest those parents ferry a *clutch* of offspring to numerous, different activities – BY *BUS*?! And all to reduce car-user numbers for everyone else's sake?! Very noble *if* such parents exist! NO, *somebody* would miss out and not just the frantic parents trying to balance such impossible juggling acts!

Furthermore, never mind how time-consuming these **totally inconvenient**, alternative - but 'round-the-houses' **one-way only (!)** transport routes would be for today's frantic pace of family life, even if every venue conveniently sat directly on those routes — which of course they don't - and particularly with no-end of paraphernalia having to be carted along, how about the cost of paying the fares for all their children into the bargain? It would be prohibitive at today's rates! Does anyone know such paragons of virtue, because I don't!

Lastly, what about people working farther away – or round the clock? Public transport – no matter how local - would be ruled out in such instances, so back to private vehicles again!

THIS STRETCH OF ROAD IS ALREADY **AN ACCIDENT WAITING TO HAPPEN**; HOW COULD EXACERBATING THIS SITUATION BE JUSTIFIED/SANE? IT IS A HUGE RESPONSIBILITY!!

Site Plan

What is the actual distance between the retaining wall in Lyefield Court and the proposed positioning of the road inside the re-development?

Moreover, what measures are being put in place/stipulated to ensure there is no water run-off nor flooding onto Lyefield Court land which, as already said, is so much lower?

Planning Statement

4.17 Policy CP4 – Safe and Sustainable Living subject to 5 caveats which include: amenity of adjoining landowners. (Is this what I suggest in my very last sentence?)

Lastly, I accept that so many houses are urgently needed. My hope is for this planning application to be deliberated on and approved for the benefit of all, <u>INCLUDING</u> THOSE ALREADY LIVING IN THE VICINITY. Though probably unpopular with the developer, would it not be better – ultimately - to allow *fewer* houses to be built, ENSURING SUFFICIENT PARKING FACILITY within every site and so **PROTECTING THE 'AMENITY' OF EVERYONE?**

Yours faithfully

The Planning Department Municipal Offices Promenade Cheltenham Glos GL50 1PP BUILT

Red - 1 DEC 2013

ENVIRONMENT

2 Lyefield Court Cirencester Road Charlton Kings Cheltenham Glos GL53 8EN

F.A.O. Miss Michelle Payne

Planning Application No. 13/01902/FUL

2 December 2013

Dear Madam

Re: Proposal of 10no. dwellings, reconfiguration of site access and associated landscaping following demolition of existing building (The Little Owl Public House) at 237 Circncester Road Charlton Kings Cheltenham

Following my letter to you of 22 November, I attended a meeting of Charlton Kings Council after formal notification that the above application was on the agenda. As a result of what was discussed, I am again writing to you, mostly on the matter of the Lombardy poplars, with some further input on the parking issue for the *whole* area (this 'amenity to local residents' angle).

When I asked the chairman of the meeting about the poplars – specifically the discrepancies in the planning report (noted by many) as to whether they are to be removed or not – his basic comment was that 'the trees (were) not a planning matter'!

Therefore the question 'to be' or 'not to be removed' was not answered!

However if, indeed, this line of poplars is *truly* NOT a planning matter, **why does a tree survey** – which so strongly stresses the serious hazards these trees present (ingress to drains and causing soil subsidence from severe drying-out) – **feature so prominently in the application?** So, for clarification of the report's 'recommendation', **are they to stay or will they have to** *go***?**

Moreover, since it is *unlikely* Gloucestershire *County* Council – or Cheltenham Borough Council, of course – will adopt the road within the site, will the poplars have to feature – be covered - in the deeds of the TEN properties, with EVERY owner responsible/liable?!

QUESTION: how can, or would it be possible, even, to monitor and/or enforce responsibility and action for the maintenance and welfare of the trees? (They are purported to have been maintained up until now – but by whom, I would be interested to know.) I ask, particularly, because NONE of the trees will sit in any of the ten gardens; they lie on the north-west perimeter of the site, BETWEEN the retaining wall in Lyefield Court - plus the land of a few

other properties - and the proposed site road. Inevitably, I believe, there will be those who don't check documents, even deeds, sufficiently carefully, so neither the maintenance question nor their liability, collectively or otherwise, regarding the trees and people-safety, will register. What then? Will a Management Company, as in Lyefield Court, be mandatory and so, presumably, charged with addressing such issues?

I require a proper answer to this, understandably - I hope you agree – because from whom would I have to, or even be able to seek any kind of (legal) redress, if the trees were to remain, in the event that my garage were to suffer from subsidence or any other damage? It is situated directly next to the trees and the arboricultural survey forecasts that the height of these (now) young trees will reach about 25 metres (more than 80 feet)! The land there is already more than one metre higher than Lyefield Court land! The roots to support the trees' eventual height will grow in tandem and will extend well under my garage plus under our access road and all the adjacent parking spaces, so not a problem for me alone!

New tree planting within the estate is a further mention; where and what this will be?

Lastly on the tree subject, under the Design Principles heading, there is mention made of 'taking advantage of the mature tree planting that exists on the site and along its adjacent boundaries and (refers to) the distinctive nature that these give the setting'! Poplars? Possibly rather fanciful, considering the actual surroundings! Given the *known* eventual height of these poplars (and the hazards they pose to a lot of people), would it not be a good decision to remove them and replace with a fine planting of bushes (maybe *some* of them evergreens) — and for sure **something which flowers**, as seen in many parts of Cheltenham. This would certainly give so much pleasure whilst they bloom and would 'pretty-up' the place, not to mention attracting bees. Poplar trees surely belong round sports fields and such-like spaces, don't they, which is where they mostly appear? Why did anyone *ever* consider them to be either suitable or enhancing for the present site, not even when part of it constituted allotments?

(There is just one other point, which I mentioned to the tree officer who came to look at the site last Thursday (he then suggested I should ask the planners about it); it is the matter of the accuracy, or otherwise, of the red northern boundary line which appears to be exactly on the Lyefield Court retaining wall (and, of course, includes one of my garage walls). If this is completely accurate, there actually remains a very narrow strip of ground lying between the retaining wall and the close-boarded fence standing all along there on 'our' side. My question is: does this small strip belong to Lyefield Court or — as I suspect, given its higher height level — to the proposed development site? This has to be properly sorted out — and as quickly as possible - not solely as to why my garage wall might be forming part of a boundary between the two sites but also because, if it does belong to the Little Owl pub

site, residents here have no liability – and certainly no desire - to maintain it nor, indeed, to supply any plants for it! I am becoming more concerned about all this, the more I look).

Further comments - Planning Statement/Transport Report

I would like to mention here a few corrections, still in the context of the proposed redevelopment, namely that:

- 1) contrary to this statement, not *all* of Lyefield Court consists of flats; there are 6 houses and 6 flats! Mention is further made about the block of 'flats' north of the site being 4 storeys high! Again, this is not properly accurate as the 6 houses have only 3 storeys (even mine, though it does have a loft which sports a single fire escape window!) The flats are basically only 3 storeys high, though the top 2 flats (7 and 8) are split-level, which is perhaps how you rate the *apartment* building which adjoins my house as 4-storeys high.
- 2) Furthermore, although it is correct that our main <u>access</u> 'road' runs parallel to the boundary between the two sites, some garage parking and parking spaces are in various parts; a more careful look would have confirmed this and council planning archives/council-tax records do hold this information.

Moreover, there is vastly less space for parking in Lyefield Court — and no visitor spaces at all! It has less than half the footprint than that of the site next door, which is why the matter of parking availability in the *new* development is so vital. After all, those persons who *currently* park in the Little Owl car park (not *solely* Lyefield Court car-owners) will cause *even further* congestion along the main road when they can no longer do so once construction commences, *never mind* the inevitable overflow from the incumbents of the 10 new houses in due course (spoken of in my first letter and by others at the Parish Council meeting)!

In a way, does it not beggar belief that local residents appear to be the only ones able to see this problem as HUGE as it truly is?

The report states that 'the ground-floor levels of the surrounding properties are set at a similar level to the majority of the site.' As dwelt on previously, NONE of the northern, poplar-tree lined boundary is the same level as any part of the length of Lyefield Court land which is over 1 metre lower! Hence I have already voiced concern about the real likelihood of large-scale water run-off or flooding if the lie of the land is not correctly calculated at the beginning stages.

3.5 Yes, Lyefield Court *is* more modern than some of the other traditional forms of build in the area, but it is still *more* in keeping with such properties and with the established look in this area of Cheltenham, **than the proposed 10 houses would ever be.**

Why *must* ultra-modern designs be thrust amongst earlier mixes of property, next door or anywhere else (such as the modern house *crammed* between houses in Greenway Lane – sticking, out like a sore thumb) ESPECIALLY where the size of the site is totally inadequate to avoid ruining the value of adjacent properties?

After all, in the Planning Statement at 4.17, Planners <u>stipulate</u> that the development has to satisfy 5 caveats, one of which is 'amenity to the surrounding residents'. I am repeating this yet again, because I consider that the new houses will not meet this caveat. Architects may think it is good to buck the trend but, if *they* personally don't live in such a house already, and one such design were built slap-bang against their (possibly) more individual property, would *they* welcome this? It does make people wonder whether architects — and maybe planners, too —have become 'obsessed', so to speak, with putting such glaringly-different house designs wherever they can, regardless of the aesthetics involved, simply for the so-called march of progress; for what else can it be!

4.15 The 'proposed development seeks to redevelop the brownfield site at a density comparable to surrounding existing development patterns (most notably Lyefield Court'). Had this been the ultimate case, there could have been 20 or so properties built, according to earlier information; clearly someone sensible saw that this would have been a density too far — what a pity this did not happen with Lyefield Court! Our development should definitely not be used as the yard-stick for accepted levels of density, for either the Little Owl pub site or anywhere else; Lyefield Court ought never to have been allowed as it is!

Finally, 2 points – in one report, mention is made of local 'machine shops'; where and what are they? - and the other mentions on-site recycling facilities; a) will these include large white commercial-style refuse bins, b) will they be housed inside and under-cover in a purpose-built 'bin room' like we have - to avoid unsightliness/smells - and c) where, on-site, will this be?

As stated in my original response to this application, I acknowledge the extreme need for more housing - everywhere; it is just that the aesthetics of this proposed site are, I feel, so wrong and it flies in the face of your *professed* wish/drive - <u>once again</u> - to fulfil the caveat about 'amenity of local residents'!

If it would serve any purpose – and if you wished to discuss the points put in this letter - I could attend your offices, which might be more convenient and definitely less time-consuming for you than either writing or conducting a long telephone conversation.

Yours faithfully

The Planning Department Municipal Offices Promenade Cheltenham Glos GL50 1PP 2013 2017 2018 2018 2018 2018 2018

2 Lyefield Court Cirencester Road Charlton Kings Cheltenham Glos GL53 8EN

F.A.O. Miss Michelle Payne

Planning Application No. 13/01902/FUL

31 December 2013

Dear Madam

Re: Proposal of 10no. dwellings, reconfiguration of site access and associated landscaping following demolition of existing building (The Little Owl Public House) at 237 Circucester Road Charlton Kings Cheltenham

I visited your offices yesterday to view the amendments to the above planning application as explained in a letter to you from Messrs Evans Jones LLP. I can see that progress has been made and I would simply like to add just a few further points/questions, which are numbered to correspond with those *in* that letter.

1. The original 'opinion' for the appropriate number of car spaces/car parking in this proposed site was based on 1.5 cars per property PLUS the 2 visitor spaces so, unless it is now being said each property will have 2 whole spaces, not 1.5 (!?!), nothing has changed, since the 2 visitor spaces were in at the start! Thus, where is there any amendment to the original plan?

Still on the subject of parking, on- and off-site, although mention was made about some near-by residents presently parking within the Pub site, it was patently obvious to those doing so — and to everyone else - that this will have to end and, indeed, was acknowledged at the outset by anyone writing in on this matter. Therefore the writer's statement/comment on page 2, saying that 'the informal use of the former pub car park is thus not a material planning consideration', is thought to be unnecessary/inappropriate. This is because the mention of cars being parked (meanwhile) in the empty car park, was actually making the point about those cars inevitably having to be parked on the already crowded road outside EVEN BEFORE THE EXPECTED OVERFLOW FROM THE NEW PROPERTIES WHICH WILL STILL HAPPEN, REGARDLESS OF WHATEVER SMALL ADJUSTMENTS WILL BE MADE, MENTIONED ABOVE! It was not a complaint about their losing handy parking space; the relevance was about the inevitable increase of on-road parking by those already living around here, never mind extras which will definitely arise from the new house owners!! Surely that was perfectly understandable, but perhaps this is too a difficult point which is going to be ignored, not addressed?

The proposed parking provision may well be 'compliant (not 'complaint', as in the writer's statement!) with both local and national standards for this type of development', however, whether 'it is considered to be commensurate with anticipated demand' or not, remains to be seen. There must be many around here just waiting to say, "We told you so", regarding what actually does occur along this so dangerous stretch of main road; we watch this space!

[As an aside to the writer's words on Lyefield Court's very limited parking availability — since it was he or she who admitted this - it is of no compensation that it is acknowledged that planning for car parking on the Pub site 'does exceed that provided for the neighbouring development' (patently Lyefield Court) which, too late though it was vigorously stressed originally, had such a ridiculously small footprint and therefore ought never to have been passed by other planners, or perhaps it was the same ones? Many people, particularly those locally who were opposed to the cramped Lyefield Court development at that time, still fail to understand — along with we who are now living here - just how this could have been allowed to happen?! MY POINT IS that it is IMPERITAVE they don't continue to make this mistake elsewhere, whatever the pretext.]

- 3. It is a *great* relief to learn that the poplar trees *are* to be removed, such trees to be replaced with silver birch. I will contact the tree officer, who was very helpful last time, to find out more about silver birch species, the eventual extent of their root system, height, etc., for my personal interest. I will also have to inspect my garage, inside and out walls, foundations due to its close proximity, to ensure no damage occurs when removal of the trees takes place. I would also like to be told when this will take place, if this would be possible.
- **5.** I am a little relieved to see that the considerable ground-level height difference between land in the proposed site and that in Lyefield Court has been acknowledged. I just hope we do not find it necessary to come back at you/'someone' if water run-off/flooding *does* occur on 'our' side! Careful monitoring will be required.
- 6. Whilst anyone would accept that house design is always a subjective issue, building this number of properties in a somewhat 'confined' space in such a contemporary design, would no doubt never 'fit/blend in' with the older styles. The fact that there is a variety of property type and design around the proposed site, surely does not justify this number of houses in amongst them which 'someone' is deliberately bent on making, in contrast, so "forward-looking"? (After all, it will be a very long time before the 'old' styles will have to be demolished for ever-more contemporary-designed dwellings, won't it?) I really do think there is a very fine line between aspiring towards modern design and to 'forward-looking' approaches yet also acknowledging that this ought not always be just anywhere and everywhere!

I suppose one should be relieved that 'someone' decided the 3 houses to be built fronting Cirencester Road will each have a pitched roof and no doubt the resident right next door to them will take a bit of comfort from that!

However, the statement that the letter writer can "see sound design grounds for slavishly copying the same theme through to the rear of the site" – if it means what I read it to be saying – would, I feel sure, be most heartening for so many hereabouts and a fairly wonderful conclusion all told!

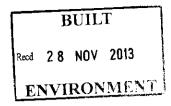
8. I have not yet studied the revised hard-surfacing layout – that is, if there *is* one yet – and therefore, at present, I simply cannot imagine just how extra car spaces will be achieved – *AS WELL AS* 'ADDITIONAL GARDEN SPACE' – so it will be interesting to discover whether this will be achieved!

Finally, taken as a whole, it does appear that there has been much careful consideration and deliberation on this planning application and, if the amendments are indeed taken forward and executed, the end result could be well satisfying for largely all concerned and I look forward to watching how this journey concludes.

Yours sincerely



Cheltenham Borough Council Planning Office Municipal Offices Promenade Cheltenham GL50 9SA



28 Garden Road Charlton Kings Cheltenham GL53 8LJ

Dear Sirs

Ref: Little Owl Redevelopment 13/01902/FUL

As the pub has been part of the community for many years it is sad to see yet another establishment lost to housing. This is of particular concern considering I hear there in fact were two interested parties in purchasing the property to run as a pub.

The lack of parking provision for such large properties taking into account potential visitors as well as residents is of concern. It is likely that cars would be parked on the main Cirencester Road causing a major hazard as this is a busy road with the Chelsea Call Centre, the hotel, Clock tower, and the fact it is a National Express coach route. The route is also frequently used due to problems at the Air Balloon roads. Currently cars are parked on the pavement and grass area outside Lyefield Court already causing an obstruction to pathways making it difficult to pass, sometimes resulting in a need to walk in the road. Cars already use Bradley Road for parking; some people also park there when using the National Express service. At times this road becomes congested making it difficult for Stagecoach buses to pass. This is likely to be exacerbated by overflow parking from the proposed development and from residents of Lyefield Court who currently use the pub car park.

The height of the proposed properties is of particular concern and the design is not in keeping with surrounding properties. I feel the development is also too dense and that fewer two story properties would be more in keeping with the area and size of the site.

Our property backs on to the site and we currently have a high leylandii hedge which we have kept at this height to shield the noise etc from the pub's entertainment suite. There is mention in the tree report that the developer would need to ensure the roots are not damaged as this could destabilise them and has suggested that they should be reduced in height. We would be reluctant to reduce the height as these would give us privacy from the proposed properties. However it is evident that the height of the hedge would affect light into the rear of the houses as they have small rear gardens. I have concerns that if the developers should damage the roots "by accident" the hedge would die. If we were to agree to a reduction in height firm agreement would need to be drawn up and any work undertaken at the developers cost.

Yours faithfully

I wish to object to this planning application for the following reasons.

Firstly, there are serious incorrect statements in the submitted 'Planning Statement'. It states that no offers for the pub were from anyone intending to take it on as a going concern and that all bidders intended to re-develop the site. This is totally incorrect. According to the Echo, Nov 11, Robin Carter, owner of the Royal Union, bid for the pub stating he would have continued it's use as a pub, (although that is no guarantee that some of the site may have been identified for development considering his recent planning application to build two cottages on the back of the Royal Union), but my understanding is that the bidding ended as a two-horse race between this 'developer' and a well-established and respected Cotswold brewery based in Oxfordshire who are looking to expand their pub portfolio. The asking price was exceeded to almost double by continual re-bidding between these two so the brewery's final offer was considerably higher than the original asking price, but as the value of the land for 10 houses could be far higher, the brewery was eventually forced to back out although I have been reliably informed that they would still be interested in the pub if it came back on the market at a sensible price. This would be this brewery's first pub in Cheltenham and a welcome asset to the Cheltenham pub scene and, in the right hands, could be a very well-run and profitable pub. This pub has quality modern function rooms to the rear and arguably the best pub garden in Charlton Kings, therefore to state similar facilities are available close-by is also not true.

I regard these statements as 'gross misconduct' by a professional planning consultant who would have been fully informed of the offers of other bidders for this pub but was clearly given instruction by the developer (or Enterprise) to justify redevelopment of the site.

The pub has undergone expensive high quality refurbishment in recent years and so is certainly not in a run-down condition. Charlton Kings could lose a valuable asset due to simple profiteering by speculative developers.

Enterprise Inns put this on the market to generate maximum profit as they are in financial difficulties, therefore they were not concerned who bought it or for what purpose, they just wanted to achieve maximum return for the site.

The ownership certificate A. states the applicant and owner of the site as Davmay20 Ltd. This is a previously unknown company and a search on the internet reveals this company was set up on 12 sept 2013 between Gary Lawrence and James Smith with a capital of just £2. Ownership is therefore questionable and it is therefore suspected that there could be a link between Davmay20 and Enterprise Inns and that legally Enterprise may still own the pub.

Approval of this scheme could set a precedent for any pub with a decent garden and site area to be lost through re-development based on how many houses could be accommodated on the site.

I therefore urge you to refuse this application so that it can be put back on the market as a pub at a reasonable market price to be retained as a pub/restaurant and function venue hopefully by the above mentioned previous bidder.

45 King Arthur Close Charlton Park Cheltenham CAMRA. (Pubs Officer)

45 King Arthur Close Charlton Park Cheltenham GL53 7EX 6th Jan 2014

Little Owl, application 13/01902/FUL

I see the applicant has now admitted that there were bids for this pub for its continued use as a public house. It is therefore highly likely that in any early planning discussions about re-development the applicant would have stated the opposite thus feeding false misleading information to the planning department in order to justify redevelopment.

Too many pubsiare being lost at present, not due to being non-viable, but purely because the land is more valuable as development potential. If this continues we will be loosing many more pubs for housing and nowhere for the residents to go for social interaction. This application is similar to the Greyhound pub which was lost through similar greed.

If bids were received from parties intending to continue it's present use, particularly a large local brewery who would have put a lot of money into it, then that bid should have been accepted, not selling to a developer purely because it would produce extra revenue.

I therefore request that permission be refused and the pub be put back on the market. Principle reason- loss of high quality community facilities in being a local pub with substantial modern function room facilities and large pub garden.

Yours faithfully

Address details as on previous objection