

APPLICATION NO: 15/00058/FUL	OFFICER: Miss Chloe Smart
DATE REGISTERED: 21st January 2015	DATE OF EXPIRY : 18th March 2015
WARD: Charlton Kings	PARISH: CHARLK
APPLICANT:	Mr & Mrs Thornton
LOCATION:	9 Copt Elm Road, Charlton Kings, Cheltenham
PROPOSAL:	Erection of single storey dwelling

ADDITIONAL REPRESENTATIONS

13 Copt Elm Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 8AG

Comments: 19th March 2015

I understand that the meeting before the Town Council will not be put back in time despite the last minute production of the Highways Consultants report. That being the case I wish to put on record my strong objection to any note whatsoever being taken of the traffic/speed report (in letter form) being admitted in evidence before the Council Planning Committee. The document contents were compiled by the applicant and therefore cannot be relied upon as being impartial. The objectors have no way of checking or verifying the data produced.

It is my experience from living a few yards away from the lane (Church Walk) that vehicles travel at unreasonable speeds and at certain times of the day the traffic flow is greater in terms of numbers of vehicles.

Furthermore as stated in my main letter of objection the lane is frequently used by walkers including many schoolchildren who use it as a shortcut to both the local primary school and the two local secondary schools.

I am also unimpressed by the applicant's offer to lower his six foot fence to provide better visibility. What will stop him or other subsequent owners from raising the fence in future or planting to obscure the visibility to both vehicles and pedestrians?

Please confirm that this letter will be made available to the members of the Planning Committee before the meeting on Thursday evening.

7 Copt Elm Road
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Subsequent to the site visit on 17th March and in advance of the committee meeting on 19th March, a reply to the planning officer's report on 9 Copt Elm Road (ref. 15/00058/FUL).

The reasons why this garden-grabbing application should be refused:

- contrary to primary legislation set out in section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990
- contrary to national policy set out in paragraphs 123 & 126 of the NPPF, and PPS5 (Planning for the Historic Environment)
- contrary to policy CP7 and GE2 of the Adopted Cheltenham Borough Local Plan

Responses to specific aspects of the planning officer's report:

The site and its context

6.2.1 The site is currently fenced off by a close boarded timber fence and used as ancillary land in association with no. 9 Copt Elm Road. Until very recently this area was open, part laid to lawn and part cultivated vegetable plot; the applicant has made every effort to give it the misleading appearance of a development site.

Principle of development

6.3.6 Officers do not share the view that it is the rear gardens that contribute significantly to the character of the area. To claim that the houses fronting the site are more important than the gardens within which the site actually sits is a purely subjective opinion inappropriate to planning decisions that will have an irreversible impact on a locality given special designation because of its visually distinctive character as a whole.

6.3.8 Whilst the properties to the north of the site lie just outside of the conservation area, the area is read as a whole when within the site and therefore is relevant when assessing the overall context. This is special pleading: the officers refuse to read the conservation area as a whole (see 6.3.6 above). There is no reason the site should be considered differently because it is on the edge of the conservation area; it still needs to be judged within the context of the conservation area.

Design and layout

6.4.2 Officers consider it is an honest, contemporary design which would not be at odds with the character of the locality. As Karen Radford states: The design and material specification for the building is utilitarian at best and lacks a residential character and therefore conflicts with local policy that requires a high standard of architectural design that reflects principles of urban design that complements and respects neighbouring development and the character of the locality.

6.4.4 Officers echo the comments of Cheltenham Civic Society, in that the proposal is discreet and appropriate for its location. The CCS Planning Forum took no account whatsoever of the fact that the application sits within the St Mary's (Charlton Kings) Conservation Area. If they did not know of its context, their comments are simply misguided; if they did know of its context, their comments appear wilfully negligent.

Impact on neighbouring property

6.5.3 The applicant proposes a high level window on the south elevation, however the purpose of this is to provide natural light and there would be no view out of this window. However, there would be light pollution on all sides from the atrium-style window proposed.

Access and highway issues

6.6.1 Access and highway issues The new highways report only reached the council on Monday 16th March and at time of writing is still not available for public scrutiny online.

Responses to specific aspects of the new highway officer's report:

No evidence of any recorded personal injury collisions at this location While trying to turn right into Church Walk from Copt Elm Road, a car was written off in a collision opposite no. 9 Copt Elm Road during the construction of its extension in 2013. Any avoidance of personal injury has been a matter of good fortune.

No reference is made within the application to any off-street parking provision for No 9 Copt Elm Road. This was a reason for refusal in the 24th June 2014 traffic officer's report: The development fails to provide suitable parking for both No 9 Copt Elm Road and the proposed new dwelling under Gloucestershire County Council Highways Development Co-ordination Standing Advice Proposed or Existing residential Development comprising 5 dwellings or less and in accordance with the Development Plan policies and other material consideration, including the National Planning Policy Framework related to car parking.

The speed of the limited number of vehicles recorded as using Church Walk has been calculated at an average of 6.9 MPH. This figure should be inadmissible as evidence; it was provided by the applicant himself across land that does not belong to him, and not as part of a professionally conducted and independently verified survey. As the 24th June 2014 traffic officer's report stated: the development fails to provide safe and suitable access in accordance with NPPF specifically Section 4 (Promoting sustainable transport) and Section 7 (Requiring good design).

The boundary to the east of the point of access is to be reduced in height to improve the level of available visibility in this direction. This is not enforceable. It will be an easy matter for future occupants to reverse by planting a hedge or a line of trees.

Conclusion and recommendation

7.1.1 Officers consider the proposal represents a sustainable form of development. This specious argument is not supported by other borough and county council officers. The application is not environmentally bearable according to the Conservation Manager, nor if we consider the green light that developers will expect to future planning applications in this part of the conservation area. Socially equitable is not how anyone would honestly want to describe garden-grabbing. And economically viable? The only financial interest served by this proposal is the applicant's own self-interest, underlined by the fact that he and his family are moving away from the area next week on a long-term basis.

Additional notes subsequent to your site visit on Tuesday 17th March:

The single- and two-storey extension to the rear of 9 Copt Elm Road

This was approved by committee in May 2013. It later had to be referred not once, but twice, to planning enforcement officers for breaches of planning consent. The more serious of the two was investigated by Martin Chalmers himself: despite the applicant's categorical assertion before committee that it would not exceed 2.4m, the height of the single-storey extension was initially built to over 3.2m. In addition, the gates included in the plans at the insistence of Mr Chalmers for the sake of road safety have never been installed.

The gated access onto Church Walk in the north-east corner of the applicant's land

Fenced off by the applicant last month, this gateway, despite appearances to the contrary, will act, as it has in the past, as the proposed access for future applications. Developers move in to acquire further garden plots between Church Walk and this section of Copt Elm Road running up to Lyefield Road East; only this time, refusal will be impossible. The planning officer's report completely fails to appreciate the destructive long-term impact this development will have on the whole of the conservation area if permitted.

37 Leighton Road
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GL52 6BD

Comments: 18th March 2015

Further to our telephone conversation today, I confirm my contention that information contained within the Highways Authority's report is untrue and could seriously mislead your Committee on the matter of road safety due to the proposed development.

The particular statement in the third paragraph is that "Church Walk forms a priority junction with Copt Elm Road with good visibility splays".

There are NO visibility splays at this junction and that visibility is NOT GOOD.

You will see from the photographs annexed to the letter from ____ dated 9th. February 2015 that the actual visibility from Church Walk onto Copt Elm Road is virtually nil due to the un-restricted vehicle parking along Copt Elm Road and the adjacent front boundary wall and hedge on either side of the junction.

A very brief look at this junction on site will confirm this.

Visibility at this junction is not adequate for the existing volumes of traffic and indeed, there was a serious collision in late 2013 when a vehicle was written-off. Any further vehicle movements resulting from this development would only increase accident risk.

I appreciate that the statement of the Highways Authority is its responsibility but as I said to you, if you feel there is any doubt as to the veracity of information being given to your Council members I feel it is your duty either to clarify this with the Highways Authority or to inform your members of my contention.

Time is now very short, which is why I asked for an deferment of this item, therefore I would ask you to take the appropriate action as suggested and in any case forward my comments to the committee.

Comments: 19th March 2015

Following our telephone conversation yesterday it has come to my attention that the existing speed measurements as contained in the Highways report was conducted by the Applicant.

The applicant was observed by a witness who has written that vehicle drivers were persuaded to slow down when confronted by the applicant holding some device in his hand and pointing towards them.

Along with the factual inaccuracy about the "good visibility splays" this further biased speed information must render the Highways report even more invalid and misleading to your committee, and I request once again that this application item be withdrawn from tonight's committee meeting.

Would you please make the committee aware of this further e-mail and its contents at a time in advance of the meeting which will fairly enable the members to read and digest.

I regret that I am forced to send so many last-minute messages but this is made necessary by the Highways report being published only 3 days before the committee meeting thus denying us time to consider fully the report and to reply in good time.

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Charlton Kings
Cheltenham
GL53 8BJ

Comments: 19th March 2015

I am writing to complain about the fact that a speed/vehicle survey carried out by the applicant of the above planning application has been used to part form the basis of the decision made by the Highways Officer in this case. This survey was carried out by the applicant himself down Church Walk and to my knowledge was not independently checked or verified. As such it is not right that it should be used to help form part of the decision-making process on this application as there is a clear conflict of interest. I would also like to object to the fact that the information provided in the Highway Officer's report was not made public until today (Tuesday 17/03/15). This has left little time to consider this important new piece of information.

I would like to know what action the planning department will take to rectify these matters.

In addition to the above complaints, I would like to add further comments to my original objection (dated 8th February 2015) against the proposed development. I wish these to be considered, if possible, by the planning committee in conjunction with the other documentation, as they take into account important points raised in the report by the planning department.

My concerns and questions are as follows:-

1. The planning officer's comment that the garden is 'used as ancillary land' is misleading. This is historically a narrow garden plot and allotment, regardless of its current state. In addition, the fact that the garden has 'a close boarded fence' should have no bearing on whether it is used for building or not.
2. The planning department compares the proposed development plot to gardens and buildings to the east and north of the site, which are not in St Mary's Conservation Area ('just outside' is not inside) This comparison is wrong. It is immaterial if the land/buildings outside the conservation area are different to those which lie within it. Land use/urban grain/plot size **outside** is obviously going to be more varied because it has not been subjected to the same building constraints, regulations and planning processes as land **within** the conservation area. That, surely, is the point of a conservation area - to conserve.
3. The planning officer states 'officers do not share the view that it is the rear gardens that contribute significantly to the character of the area.' and 'it is the frontage development along Copt Elm Road that is particularly important.' This is directly at odds to the St Mary's Conservation Area Character Appraisal and Management Plan adopted by the council in 2009 which references the fact that in terms of the urban grain it is the **total** plot which is of special interest: 'There is a steady, planned rhythm in the pattern of the plots, which tend to be long and narrow in form.' Also 'Gardens form an important part of the Conservation Area, contributing to a sense of space and a verdant character.' The council decided on the boundaries for the conservation area and produced the relevant SPD. Are they now saying that the boundaries no longer apply and that parts of the conservation area are not significant to the character of the area? Clearly the gardens were thought of as significant when the boundaries were decided upon and the SPD was adopted. What

public/community consultation (continuous community involvement - SPD St Mary's Conservation Area Appraisal) has been undertaken to reach this new standpoint?

4. The planning department states that 'the long and narrow nature of the gardens is only visible when looking at the site purely in plan form' making this 'characteristic not legible'. This is the case for much of the conservation area. Does this mean that all areas out of sight are not significant enough or worthy of conservation, preservation and improvement? Ironically, the planning department approves a scheme which take this 'not legible', invisible garden plot and makes it visible by the erection of a dwelling.
5. The planning department states that 'The proposal is clearly subservient to any frontage development and will therefore not dominate or detract from it.' But the proposed dwelling is within a garden and when looking at the development within the context of its garden setting, it will dominate. Even if one could argue that it should be compared to the existing terrace, its open, exposed design (due to low boundary wall) **does** mark it out as different, and by its nature as an 'honest, contemporary' design amongst Victorian and for the most part, red-bricked dwellings, it **will** dominate and detract from the frontage.
6. The nearest building to the proposed design is not number 11, as stated by the planning department, but Number 4 Church Walk and Number 9 itself. Please could this be corrected.
7. Issues relating to the design when regarded from the viewpoint of potential occupants (which we raised in our original letter of objection) have not been addressed by the planning department. Only aspects of the exterior design and relations to its environs have been commented upon. What consideration has been given to the the issues of light, amenity, privacy of occupants of the new dwelling?
8. No reference has been made to the parking situation for Number 9 Copt Elm Road which was raised in the original Highways Officer's report. Has this issue been rectified and if so, how?

I'd appreciate it if my concerns can be addressed and given to members of the planning committee.