

APPLICATION NO: 16/01149/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 30th June 2016		DATE OF EXPIRY : 25th August 2016
WARD: Charlton Park		PARISH: CHARLK
APPLICANT:	Allan White	
LOCATION:	15 Greenhills Road Charlton Kings Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 15 Greenhills Road and associated access drive	

REPRESENTATIONS

Number of contributors	8
Number of objections	7
Number of representations	1
Number of supporting	0

Merton House
6A The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 20th July 2016

This development conflicts with the planning guidance given in the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009. This states 'On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted'. The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. Not only is this tandem development inappropriate, but it is also 50% bigger than the frontage house.

We are strongly opposed to this development because:

- a. It would have a significant impact on the neighbouring properties, especially 14 Greenhills Road, 7 and 6A The Avenue. The immediate neighbours would suffer considerable loss of privacy, and the proposed two storey house would visually impact an even greater number of surrounding homes.
- b. The house is too big for the proposed location with only a minimal garden. It has over 2400 sq ft of living space (not including first floor area with head height below 1.8m) plus a double garage. The Northern boundary is less than 5 Metres from the back of the house and the East and West boundaries are only just over 1 metre to the side.
- c. This is another development of a back garden in the area and eventually there will be no large gardens and the green space will be lost. More building will lead to increased flooding in heavy rain.
- d. There is very little provision for off-road parking in the proposed property plan. The planning statement (para 9.1) claims 2 garage and 2 parking spaces, but the site layout only shows 1 parking space. This will increase the likelihood of visitors parking on Greenhills Road and create a serious bottleneck at a narrow point of what is now a major route in the area.
- e. Access to the proposed development is very poor as there is only 2.67 metres (8ft 9ins) from the side of 15 Greenhills to the boundary to fit in a driveway. Hence no lorries will be able to get on site , both during construction and subsequently. It will be extremely difficult for commercial vans as they will only have 19cms clear on each side of the van. (A Ford Mondeo

would only have 27cms each side.) The likelihood of vehicles parking on Greenhills road would be greatly increased and create a serious bottleneck on this major route.

- f. The access does not meet the requirements for the fire services as it is less than 3.1 metres alongside the house and it is over 45 metres from where a fire engine could park.
- g. The rear elevation with clear windows is positioned only 5 metres from the rear boundary compared to the at least 10.5 metres stipulated on page 44 of the SDP.

There are several major errors and omissions in the application:

- The layout of the building shown in the full site layout differs entirely from that shown in the floor plans document.
- The size of the existing house at No 15 differs radically between that shown in the full site layout and the block plan.
- No tree survey or proper access information has been provided.
- The Design and Access statement is supposed to include a plan of the site and existing building up to 100 metres away, according to the SPD. This is missing.

We argue that these need correcting before the application is considered.

Comments: 7th November 2016

These comments are on what is now the third plan for the house plus the latest version of the access. These changes are to address the concerns raised for this inappropriate development and its very poor access.

This development still conflicts with the planning guidance given in the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009. This states 'On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted'. The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. Not only is this tandem development inappropriate, but it is still at least as big as the frontage house.

We are strongly opposed to this development because:

- a. It would have a significant impact on the neighbouring properties, especially 14 Greenhills Road, 7 and 6A The Avenue. The immediate neighbours would suffer considerable loss of privacy, and the proposed two storey house would visually impact an even greater number of surrounding homes.
- b. The house is too big for the proposed location with only a minimal garden. It has almost 2400 sq ft of living space (not including first floor area with head height below 1.8m) plus a single detached garage. The Northern boundary is less than 6 metres from the back of the house that overlooks the houses in The Avenue. The West boundary is only half a metre to the side of the garage, which together with the house significantly impacts 14 Greenhills Road.
- c. This is another development of a back garden in the area and eventually there will be no large gardens and the green space will be lost. More building will lead to increased flooding in heavy rain.
- d. Access to the proposed development is very poor as there is only 2.67 metres (8ft 9ins) from the side of 15 Greenhills to the boundary to fit in a driveway. In addition the new central access from Greenhills Road makes it even more difficult to get down the side of the existing house. Hence no lorries will be able to get on site, both during construction and subsequently. It will be extremely difficult for commercial vans as they will only have 19cms clear on each side of the van. (A Ford Mondeo would only have 27cms each side, so visitors with at least medium sized cars are likely to park on Greenhills Road)

- e. For all the above reasons this development will create frequent serious bottlenecks at a narrow point of what is now a major route in the area, both during construction and thereafter.
- f. The access does not meet the requirements for the fire services as it is less than 3.1 metres alongside the house and it is over 45 metres from where a fire engine could park.
- g. The rear elevation with clear windows is positioned only 6 metres from the rear boundary compared to the at least 10.5 metres stipulated on page 44 of the SDP.

The proposed development is too large and sited too close to the rear boundary in contravention of the council's planning guidelines. In addition the access is so poor that it will lead to more parking on the narrowest part Greenhills Road.

7 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 19th July 2016

I object to this planning application for the following reasons:

1. It is contrary to Council policy as stated on page 36 of the Local Development Framework - Development on Garden Land and Infill Sites in Cheltenham, Supplementary Planning Document, June 2009 (SDP) "On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted".
2. It is excessive in both size and mass
 - i. The applicant argues that the proposed house should be acceptable because it is same size as those approved in the rear gardens of Nos 16 and 17 but that fails to take account of the fact that No 15's plot is smaller than those and in fact is just two thirds of the size of No 17's, as a result the proposed house is overbearing and inappropriate
 - ii. Council policy (SDP page 39) states that "development in rear gardens which is greater in height, scale and massing than development on the frontage will not normally be acceptable". The proposed house is more than 50% larger than frontage house as shown in the Full Site Layout Plan (and twice as large as the house shown in the Block Plan)
 - iii. As a result the proposed house can only just be squeezed into the width of the garden with little over 1 metre clearance on either side which is in contravention of the recommendation on page 34 of the SDP. (Indeed so tight is the fit that the eastern boundary line on the Full Size Layout Drawing has been drawn with a bend, giving the appearance of more space than actually exists)
3. It results in considerable loss of amenity to the neighbours most directly affected
 - i. The applicant claims (6.2 of statement) there will be no loss of amenity to neighbouring sites which are identified as Hayman's Close and Nos 16, 17 Greenhills Road (these latter two properties along with the proposed No 15 would appear to have been developed using the same plans, the same consultants and with the mutual acquiescence of the three owners). Only No 16 of the identified properties abuts the proposed development whilst the other properties are up to 100 metres distant. However the applicant completely ignores all the "real" neighbours whose properties directly abut the

- development, namely No 14 Greenhills Road and 6a and 7 The Avenue, which will all suffer a substantial loss of amenity
- ii. The applicant claims (6.2) that "Windows are configured so as not to cause overlooking or loss of privacy" but this is true only with regard to the "velux" type roof lights facing the applicant's own existing house and that of his "co-developer" at No 16. Whereas the "real" neighbours No 14 Greenhills Road and 6a and 7 The Avenue are faced with large dormer windows that look directly into their gardens and houses and cause a significant loss of amenity. The windows appear to have been positioned to allow the development to benefit from the "real" neighbour's' gardens whilst protecting the applicant's own privacy. If the proposed house was rotated through 180° then the intrusion would be much less.
 - iii. The house is positioned much closer to all of the boundaries than recommended thereby exacerbating the loss of amenity. In particular the Council's policy on the rear boundary is stated on page 44 of the SDP "new dwellings are generally required to be 10.5 metres from a boundary where first floor windows have clear glazing". The proposed design is 5 metres from the boundary and in clear breach of the policy.
4. The access between No 15 and No 14 is only 2.68 metres wide and consequently the proposed building will be in breach of the Fire Safety Building Regs (2000) Section B5 clause 17.2b
 5. No tree survey has been provided (as recommended on page 30 of the SDP) despite the new building being less than 8 metres from a 90 ft Lombardy Poplar tree and there is no method statement showing how fatal damage to the tree's roots would be avoided. When the new No 16 development was constructed a commitment was given to reduce the height of this tree by a third as recommended by the tree surgeon. The Council failed to enforce this undertaking. The proposed house is even closer than the one in No 16 and the tree has already lost a lot of roots as a result of that construction. A further failure to take action will exacerbate the hazard this tree now represents.
 6. Perhaps as a result of the failure of the applicant to consult with Planning Officers, there are many mistakes and misleading statements in the application. In particular the layout of the building shown in the Full Site Layout differs entirely from that shown in the Floor Plans document, the size of the existing house at No 15 differs radically between that shown in Full Site Layout and the Block Plan, the eastern boundary on the Full Site Layout has been distorted and paragraph 6.2 of the Access and Design Statement is deeply misleading. No tree survey, method statement or proper access information has been provided. These errors and omissions should be remedied before any consideration is given to the proposal.

Comments: 5th September 2016

Revised plans for development at 15 Greenhills Road

Views of the directly affected neighbours - 14 Greenhills Road, 6A and 7 The Avenue

The only changes to the original plans are

1. Width of garage reduced by 1m
2. House moved 1m to the South
3. Access and drive arrangements altered

With exception of the access, all of our existing objections remain, in particular

- The unacceptable size and massing of the building is effectively unchanged
- The height of the building at 7.51m is equivalent to a normal house and some 2 metres higher than the genuine dormer bungalows in Haymans Close with which they seek to compare
- The 1m adjustment in the siting still leaves the rear windows 6m from the northern boundary, far closer than the 10.5m stipulated on page 44 of the Council's SDP
- The applicant wrongly claims that the Tree Officer is satisfied and still fails to undertake the necessary tree survey given the proximity of some very large trees

Remedies

Whilst we, the directly affected neighbours, would prefer that there was no development in the garden of 15 Greenhills Road, a development would be acceptable if it met both of the following criteria

1. The development was a bungalow or a genuine dormer bungalow with a roof line no higher than those in Haymans Close

AND

2. Any dormer windows were aligned to overlook the applicant's own garden rather than to invade the privacy of his neighbours. If the statement in the application quoted below was genuinely meant then this should cause no problem, it would also mean that the building would become south-facing.

"It is accepted that any development should not cause loss of amenity to adjoining existing residential occupiers, the windows are configured so as not to cause overlooking or loss of privacy."

Comments: 13th September 2016

The latest set of plans (6 September) do not alter my objections to this development

- The height of the building is unchanged and remains 2m higher than the new properties in Haymans Close. As a result the massing of the building remains overbearing to neighbouring properties.
- The proposed property is still situated 6m from the back boundary, far closer than the 10.5m stipulated in the Council's own SDP and, with two high-level windows facing into my garden, is overlooking and unnecessarily intrusive.
- Both these problems would be ameliorated by replacing the proposal with a bungalow or genuine dormer bungalow situated at least 10.5m from the back boundary and with windows aligned to overlook the applicant's garden rather than those of his neighbours

Comments: 7th November 2016

The latest set of plans change none of my objections and I reiterate all my previous points. In particular:

1. The house remains far too big and tall for the much smaller plot compared to its neighbours
2. Despite alterations to the plans, the applicant has still arranged twice as many windows to overlook his neighbours' properties as overlook his own

3. The house is sited much closer to its southern boundary than the Council's policy allows without any justification being provided
4. The officers' report to the Planning Committee meeting on 22 September stated that the applicant had promised to remove or reduce the height of the 90ft poplar which will become an even greater hazard to my property once further roots are removed. However no enforceable written commitment has actually been made by the applicant and the promise is wholly unenforceable (as proved to be the case with 16 Greenhills Road's new house). It is very misleading for officers to imply that the issue has been resolved - only an enforceable commitment or planning condition will ensure it happens. If the tree does fall after roots around 50% of its circumference have been removed then the Council's failure to act will leave it legally exposed.

Royal Mews
St Georges Place
Cheltenham
Gloucestershire
GL50 3PQ

Comments: 20th September 2016
Letter attached.

13 Greenhills Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9EB

Comments: 21st September 2016
I believe additional traffic joining Greenhills Road, where the average speed is close to 40mph outside of rush hours (as per the traffic calming campaign earlier this year) through a very restrictive width access point and a very narrow pavement is crazy. It is only time before an accident will occur.

North Warehouse
Gloucester Docks
Gloucester
GL1 2FB

Comments: 9th September 2016
Letter attached.

Green Avenue Limited
14 Greenhills Road
Charlton Kings
Cheltenham
Gloucestershire
GL53 9EB

Comments: 4th July 2016
I wish to formally advise you that Green Avenue Limited own the boundary between No 15 and No 16 Greenhills Road and also the boundary between No 14 and No 15 Greenhills Road. On the last occasion that this occurred CBC claimed that they were unaware of the the additional

ownership issues that are immediately evident from the Land Registry. Please ensure that Green Avenue Limited are specifically informed of any applications/changes.

As an initial comment the current application does not state what is happening to the original house. All previous applications have been specific on what changes are required to the original property. You are well aware of the Restrictive Covenant which applies to No 15 Greenhills Road-only permitting one dwellinghouse per property.

Any development of the garden of Number 15 will cause loss of amenity to the adjoining existing residential occupiers.

Comments: 29th July 2016
Letter attached

Comments: 8th August 2016

I do have an important correction to make to my letter of objection. No 17 Greenhills Road is 90 feet wide. No 16 Greenhills Road is 77 feet wide. Each has had a house of identical size built on it. No 16 was permitted after some concern about its mass. No 15 Greenhills Road is asking to build an identical house on a 60 feet wide property. This would never have been allowed if No17 had originally had a 60 feet wide plot of land.

White House
6 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 1st September 2016
Letter attached.

Brown Gables
8 The Avenue
Cheltenham
Gloucestershire
GL53 9BJ

Comments: 25th July 2016
Letter attached.

Comments: 14th September 2016
Letter attached.

16/01149/FUL 15 Greenhills Road

p17-48

EVANS JONES

- additional representation

building surveying
planning
project management

Our Ref: 12725

16 September 2016

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

Dear Michelle

Re: 15 Greenhill Road – 16/01149/FUL

I write in response to the representations submitted on behalf of [REDACTED] of 14 Greenhills Road by McGloughlin planning.

For the sake of brevity I comment below in the same order as that set out within the letter of representation.

Paragraph 1 - Public Consultation

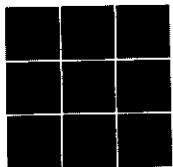
The application has been subject to neighbour notification in accordance with your authority's standard procedures. In response to earlier representations and officer comment the scheme has been re-sited and reduced in both size scale and massing of the proposed dwelling has also been significantly reduced.

Evans Jones is the trading name of Evans Jones Ltd.
Registered in England and Wales No: 05901609
Registered Office: Royal Mews, St Georges Place, Cheltenham, Gloucestershire, GL50 3PQ.
Regulated by RICS



Royal Mews
St. Georges Place Cheltenham
Gloucestershire GL50 3PQ

Telephone: (01242) 522822
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16/01149/FUL 15 Greenhills Road

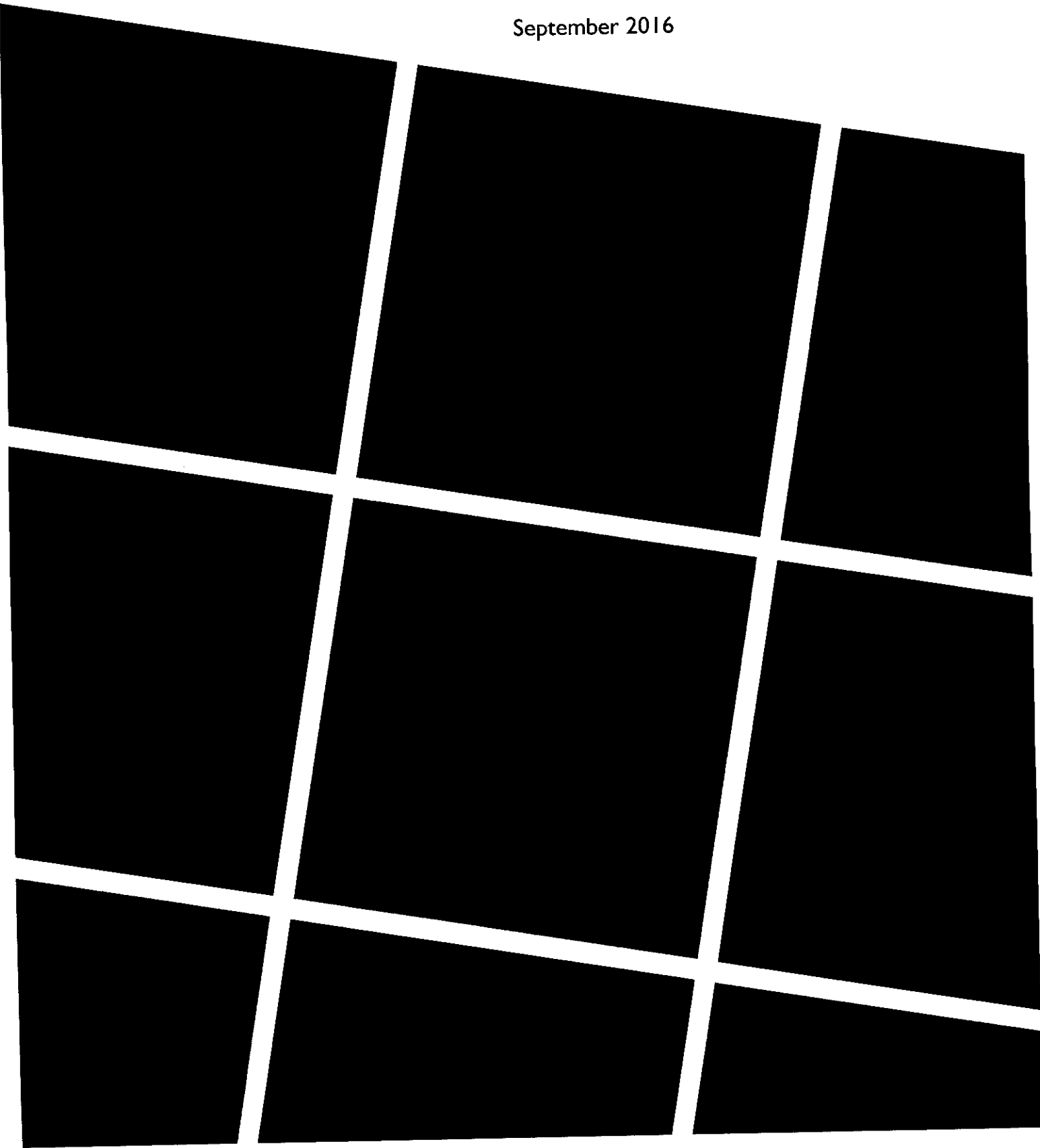
COTSWOLD
TRANSPORT
PLANNING

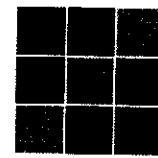
Evans Jones Ltd

Development of a Residential Dwelling
at 15 Greenhills Road, Charlton Kings,
Cheltenham

Transport Statement in relation to
Planning Application 16/01149/FUL

September 2016





**COTSWOLD
TRANSPORT
PLANNING**

Evans Jones
Royal Mews
St Georges Place
Cheltenham
Gloucestershire
GL50 3PQ
FAO: Marcus Evans

Date: 17th September 2016

Our ref: CTP-16-338

Your ref:

Dear Marcus

**16/01149/FUL – Planning Application for the erection of a dwelling
to the rear of 15 Greenhills Road, Charlton Kings, Cheltenham**

I am writing further to our appointment to consider the technical highways and transportations issues regarding the development of a new residential dwelling at the above site.

In the forthcoming letter, we make reference, where relevant, to comments made by Gloucestershire County Council (GCC) as the respective highway authority, and a letter of objection submitted by McLoughlin Planning (MP) on behalf of the resident of no.14 Greenhills Road.

Introduction

It is noted that the suitability of the visibility splays achievable from the proposed access of no.15 Greenhills Road are being disputed by MP. Furthermore, it is observed that comments from GCC with regards to visibility splays indicate that to date, they have not been satisfied that the level of evidence provided is sufficient to demonstrate a safe and suitable access from no. 15 Greenhills Road is achievable. The relevant extract from comments made by GCC is set out below for ease of reference.

"Based on limited information currently submitted it appears 2.4m x 120m visibility splays particularly to the southeast may be unattainable and restricted by third party land/boundaries, however further evidence based on recorded speeds may illustrate suitable visibility can be attained. However currently I have insufficient evidence demonstrating suitable visibility splays can be provided and maintained for a shared access if being determined as a separate dwelling."

By way of context, it should be stated that any new (or use intensified) access should be reviewed and justified as being able to provide visibility splays in accordance with *Manual for Streets* (MfS) and *Manual for Gloucestershire Streets* (MfGS). For reference, GCC's deemed to satisfy visibility splay standards are currently set at 2.4m ('X' distance) x 54m ('Y'

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distance) for a 30mph road. However, where it can be justified there are grounds to adjust both the X and Y distances that form a visibility splay, to take account of localised highway network characteristics.

Technical Assessment of Visibility Splays

Assessment of 'Y' Distances

As referred to in the above comments from GCC and in line with paragraph 3.2.2 of GCC's Standing Advice note, any departure from these standards (relating to the Y distance component of the visibility splay) will require a speed survey to demonstrate real traffic speeds are below the advertised 30mph speed limit.

The applicant has appointed 360 Traffic Surveys, an independent traffic data collection agency, to carry out a survey of 85th percentile traffic speeds along Greenhills Road. In line with paragraph 3.2.3 of GCC's standing advice, a handheld radar gun survey was carried out in accordance with TA22/81. A copy of the data is included in **Appendix A** of this letter and a summary of the results and adjustments permitted by GCC are set out on **Table 1** below.

Eastbound	32mph	29.5mph	42m
Westbound	30mph	27.5mph	38m

Table 1 – Summary of Traffic Speeds and Visibility Splays

Table 1 indicates that the recalculated visibility splays for east and westbound traffic i.e. looking right and left out of the proposed access, equate to 42m and 38m respectively.

Assessment of 'X' Distance

With regards to the design of 'X' distance, GCC standing advice notes that a 2.0m X distance can be used where the following criteria is met:

- a). the speed limit is no greater than 30mph; and
- b). the site is located on a residential street; and
- c). there is no departure from the forward visibility requirements; and
- d). the adjacent highway carriageway width is not less than 5.5m.

With regards to the application site, all of the above criteria is met, with exception of (d) where, as acknowledged by MP, there is a shortfall by 8cm. The justification behind the 5.5m width set in criteria (d) is based on the width set out in Manual for Streets as being suitable for allowing two vehicles of any size (i.e. two HGVs) to pass each other with sufficient room to avoid conflict. On the basis that a 5.0m width is still sufficient to enable two large vehicles to pass or 4.8m to allow a car to pass a HGV, it is deemed that should a vehicle (where a 2.0m X distance is provided) need to encroach up to 40cm on the highway to obtain visibility in each direction, then there would still be sufficient remaining carriageway width to allow for two vehicles travelling in opposite directions to continue safely along the road.

Greenhills Road is a residential street which is moderately trafficked and dominated by small vehicles (cars and LGVs). On this occasion on the basis that criteria (a) to (c) are all met, and the shortfall of (d) by 8cm is minimal in real terms and will not ultimately have a material impact on the safety movement of two-way traffic flow on Greenhills Road, the use of a 2.0m X distance is considered to be appropriate and acceptable.

The following visibility splays are assessed as being required for the application site access proposal:

- Looking left: 2.0m x 38.0m; and
- Looking right: 2.0m x 42m.

Technical Drawing Assessment

A detailed technical drawing has been prepared to set out the required visibility splays described above. This drawing has been prepared in AutoCAD, using digital OS data scaled at 1:500, which is normal best practise and replicated in numerous planning applications both within Gloucestershire and throughout England.

To ensure the derived visibility splays are achievable within land forming either part of the application site, or across the adopted highway, a copy of the records showing the extent of adopted highway maintained by GCC has been obtained from the local authority. A copy of the records are appended to this report in **Appendix B**, and the relevant area is included in the drawings set out below.

As set out on **Drawing SK01** in **Appendix C**, visibility splays in excess of the required visibility splays are achievable from the proposed site access.

The proposed site access is deemed to be safe and suitable, and there is therefore no reason for the local authority to object to this planning application.

Alternative Access Arrangement

As requested, despite the positive conclusion to the assessment above, Cotswold Transport Planning have assessed the site access arrangement on the basis of a 2.4m X distance. As shown on **Drawing SK02** in **Appendix D**, subject to the minor repositioning of the access by approximately 3.0m to the west of the currently proposed location, it is possible to provide visibility splays in accordance with the standards, in both an east and westerly direction.

Adjacent Planning Applications at 16 and 17 Greenhills Road

It is noted that planning consents have been issued for similar developments at 16 Greenhills Road (14/01226/FUL) and 17 Greenhills Road (13/01109/FUL). Copies of the respective officer reports including comments on access and highways are appended to this letter in **Appendix E**, for ease of reference.

Comments in both of these reports are the same so far as it being acknowledged that neither junction would meet the default standards on visibility splays, however each junction, widened to 4.8m and incorporating 2.0m pedestrian visibility splays (same as the application site), would be suitable in delivering a safe and suitable access in the context of the local highway network.

Informal comments offered to the case officer from GCC Highways with regards to the permission for 17 Greenhills Road, as follows, support the suitability of the junction, which is directly relevant to the access of the application site:

"given that forward visibility along Greenhills Road is very good, and that there haven't been any recorded collisions along this stretch of highway as a result of an access within the last 5 years I would say that the intensification of a single additional dwelling should not have a severe or significant impact upon highway safety."

It is considered that both the applications for development at numbers 16 and 17 Greenhills Road are identical in highway terms to the proposals at 15 Greenhills Road, and there is no distinguishable difference in this instance that should prohibit the local authority from supporting this application.

Summary

I trust the assessment set out above is clear, however please do not hesitate to contact me if you wish to discuss any of its content further.

Yours Sincerely

Adam Padmore

Managing Director on behalf of **Cotswold** Transport Planning Ltd

adam@cotswoldtp.co.uk

01242 370283 / 07884 266321



APPENDIX A

Greenhills Road, Cheltenham



Speed Limit



Weather

Weds 14th Sept 2016

Dry/Bright

1000-1300

All speeds are recorded from free flowing vehicles

Westbound				Eastbound			
Speeds(mph)		Speeds(mph)		Speeds(mph)		Speeds(mph)	
1	12	51	28	1	14	51	29
2	17	52	28	2	16	52	29
3	21	53	28	3	19	53	29
4	22	54	28	4	20	54	30
5	22	55	28	5	22	55	30
6	23	56	28	6	23	56	30
7	23	57	28	7	23	57	30
8	23	58	29	8	23	58	30
9	23	59	29	9	23	59	30
10	24	60	29	10	24	60	30
11	24	61	29	11	24	61	30
12	24	62	29	12	24	62	30
13	24	63	29	13	24	63	30
14	24	64	29	14	24	64	30
15	25	65	29	15	25	65	30
16	25	66	29	16	25	66	30
17	25	67	29	17	26	67	31
18	25	68	29	18	26	68	31
19	25	69	29	19	26	69	31
20	25	70	29	20	26	70	31
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22	25	72	29	22	26	72	31
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25	26	75	30	25	27	75	31
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46	28	96	33	46	28	96	34
47	28	97	33	47	28	97	35
48	28	98	33	48	29	98	35
49	28	99	35	49	29	99	37
50	28	100	36	50	29	100	38

ROAD SURFACE - DRY

Average Westbound	27.6	Average Eastbound	28.5
85th%ile Westbound	30.0	85th%ile Eastbound	32.0
% > Speed Limit Westbound	12%	% > Speed Limit Eastbound	33%
% > 15mph over Speed Limit Westbound	0%	% > 15mph over Speed Limit Eastbound	0%



APPENDIX B



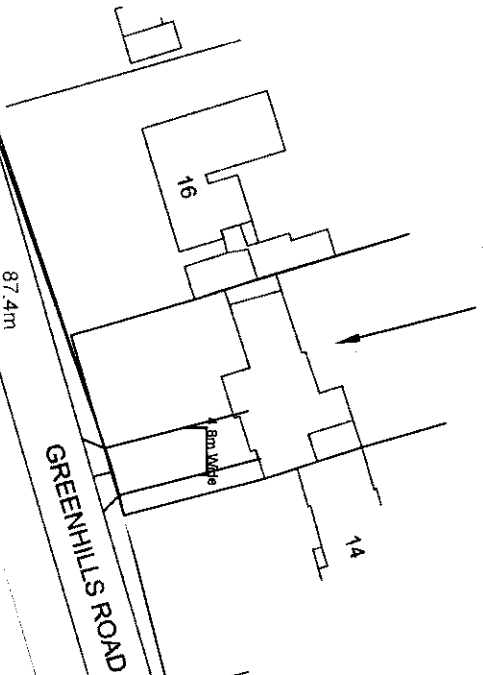
DATE: 10-Sep-2018 SCALE: 1:1,250



APPENDIX C



Indicative Application Site Boundary



Visibility splay = 2.0m x 42m. This measurement is in line with Manual Streets Guidance, based on a recorded on-coming 85th percentile traffic speed (adjusted for wet-weather) of 29.5mph.

Achievable visibility splay = 2.0m x 54m. This measurement is commensurate with Gloucestershire County Council's deemed to satisfy visibility standard for a 30mph.

Achievable visibility splay = 2.0m x 58m. This measurement is in excess of the required visibility splay of 38m, which is required in line with Manual Streets Guidance, based on a recorded on-coming 85th percentile traffic speed (adjusted for wet-weather) of 27.5mph.

Notes:

Key:

Extent of adopted highway, as confirmed by Gloucestershire County Council's Land Charges Department.

Visibility splays in accordance with required Stopping Sight Distances (SSD)



**COTSWOLD
TRANSPORT
PLANNING**

Cotswold Transport Planning Ltd
121 Promenade
Cheltenham
Gloucestershire GL50 1NW
Tel: 01242 370283
cheltenham@cotswoldtp.co.uk
www.cotswoldtp.co.uk

Drawing Title:
Review of Access Arrangement

Client:
EVANS JONES LTD

Project:
15 Greenhills Road, Cheltenham

Drawing No:
SK_01

Date Drawn:
16/09/16

Drawn by:
AP

Project Code:
CTP-16-338

Drawing Status:

Scale at A3:
1:500

Issue Date:
16/09/16

Checked by:
AP

Revision:

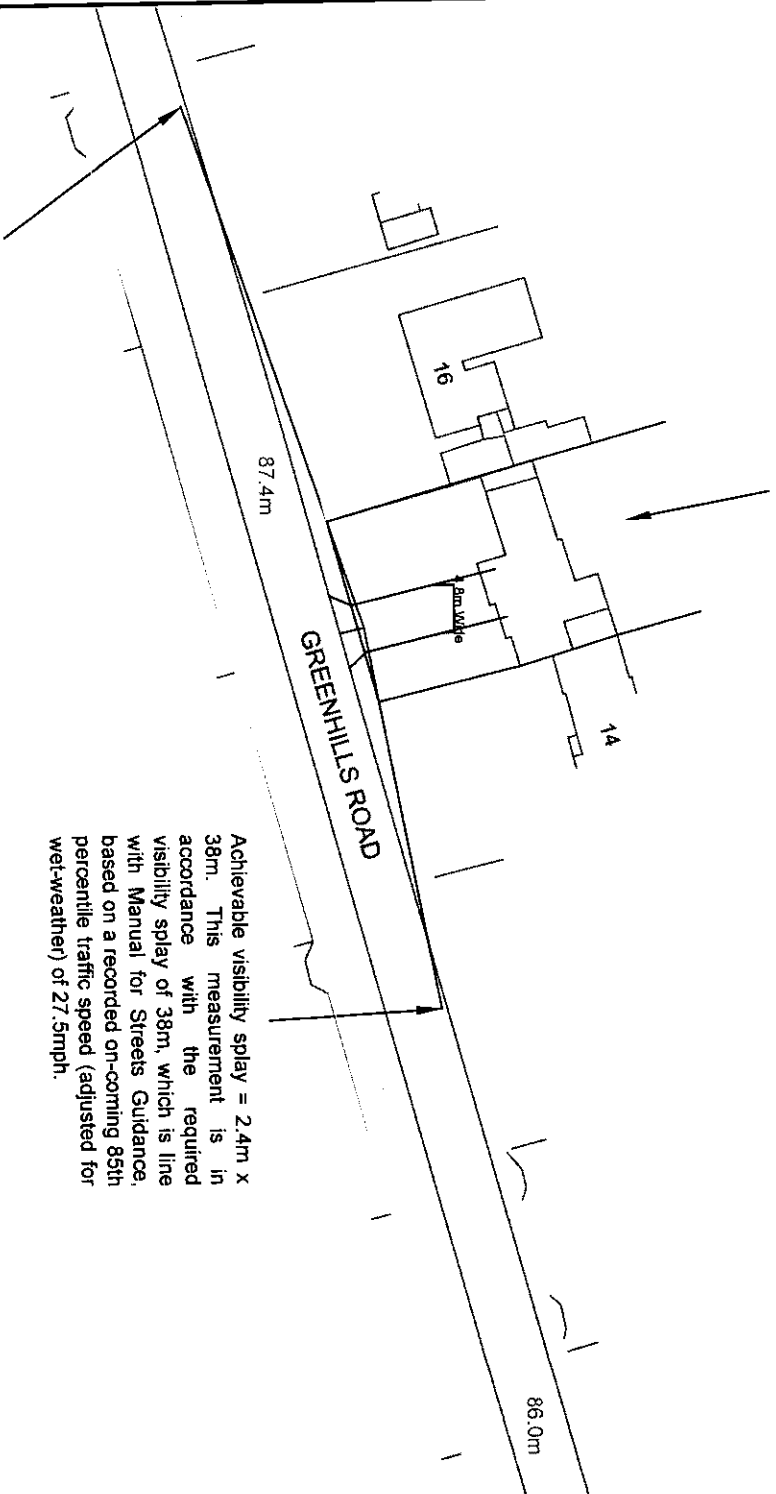
Information



APPENDIX D



Indicative Application Site Boundary



Achievable visibility splay = 2.4m x 54m. This measurement is commensurate with Gloucestershire County Council's deemed to satisfy visibility standard for a 30mph.

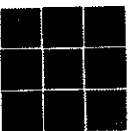
Achievable visibility splay = 2.4m x 38m. This measurement is in accordance with the required visibility splay of 38m, which is line with Manual for Streets Guidance, based on a recorded on-coming 85th percentile traffic speed (adjusted for wet-weather) of 27.5mph.

Notes:

Key:

Extent of adopted highway, as confirmed by Gloucestershire County Council's Land Charges Department.

Visibility splays in accordance with required Stopping Sight Distances (SSD)



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Drawing Title:
Review of Alternative Access Arrangements

Client:
EVANS JONES LTD

Project:
15 Greenhills Road, Cheltenham

Drawing No: SK_02
Revision:

Date Drawn: 16/09/16
Issue Date: 16/09/16

Drawn by: AP
Checked by: AP

Project Code: CTP-16-338
Scale at A3: 1:500

Drawing Status:

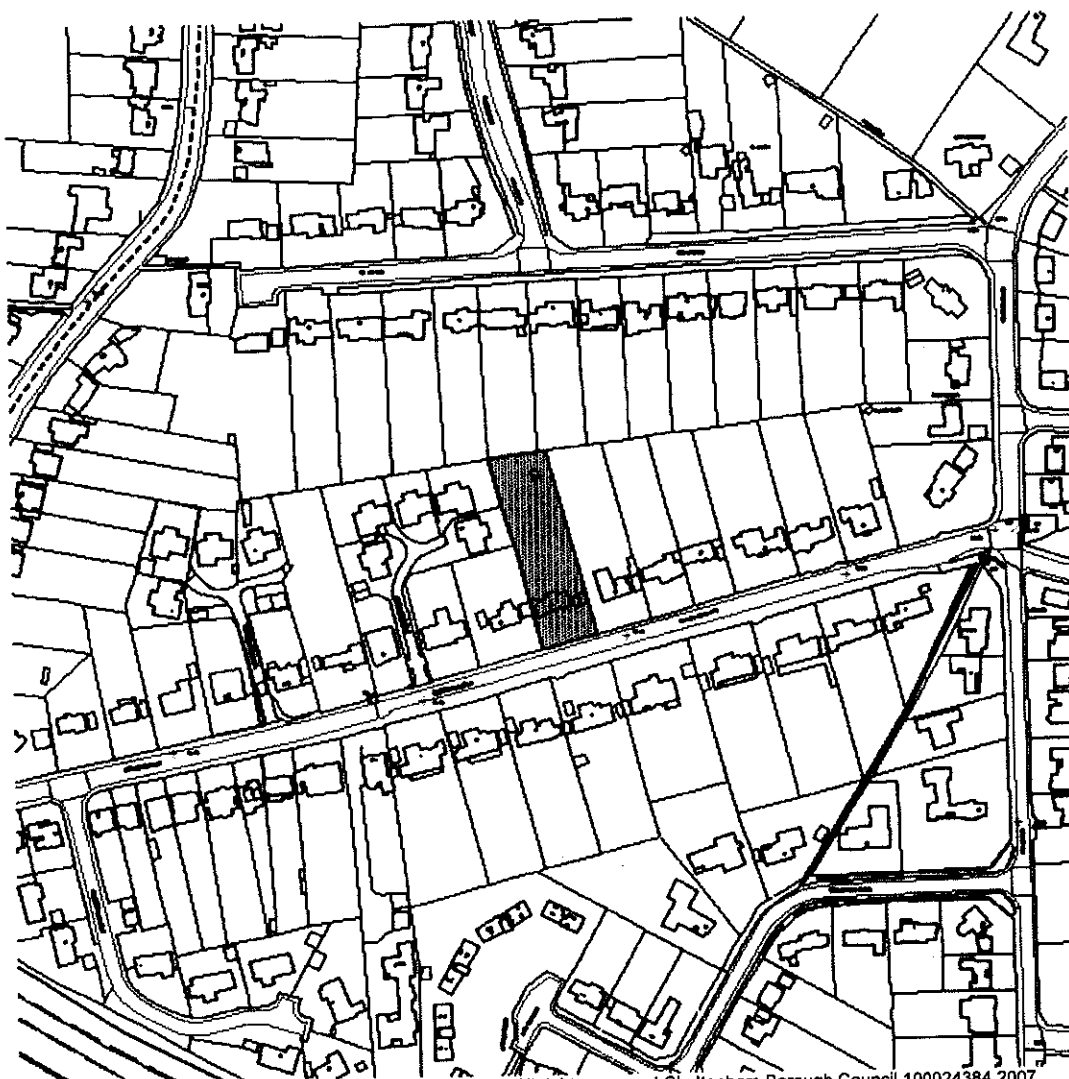
INFORMATION



APPENDIX E

APPLICATION NO: 13/01109/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 3rd July 2013		DATE OF EXPIRY: 28th August 2013
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Mr Simpson	
AGENT:	Mr David Jones	
LOCATION:	17 Greenhills Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 17 Greenhills Road, formation of new access, and erection of a garage for the existing dwelling	

RECOMMENDATION: Permit



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1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a four bedroomed dwelling to the rear of 17 Greenhills Road. As originally submitted, the application was seeking only outline planning permission, with all matters apart from means of access (appearance, landscaping, layout and scale) reserved for future consideration however full details have now been provided.
- 1.2 The existing access to the site from Greenhills Road would be stopped up and a new shared access for both the existing and proposed dwelling would be provided to the east of the site following the demolition of an existing garage located to the side of the existing dwelling.
- 1.3 The proposed dwelling would be two storeys with the first floor bedroom accommodation provided within the roof space. Adequate private amenity space, and parking and turning facilities for both the existing and proposed dwelling would be provided within the site.
- 1.4 As originally submitted, the outline application proposed the erection of a large flat roofed garage to the front of the existing dwelling but the garage has been relocated to the rear in this revised scheme.
- 1.5 The application is before planning committee following an objection from Charlton Kings parish council. Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS

Landfill Site boundary
Smoke Control Order

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Residential alterations and extensions (2008)
Play space in residential development (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

HMO Division

9th July 2013

Subject to the bedrooms having floor areas no less than 7sqm for a single bedroom and 10.5sqm for a double bedroom, I would have no fundamental objection to this proposal.

Contaminated Land Officer

10th July 2013

No comment.

Cheltenham Civic Society

12th July 2013

It is too late to do more than regret the bitty and piecemeal backland development along this road. On that basis it is now difficult to object to the principle of a building of the type proposed. However, it is difficult for us to make a proper judgement as we did not see any elevations in the plans, and the proposed first floor room did not appear to have a window.

Building Control

15th July 2013

No comment at this time.

GCC Highways Planning Liaison

15th July 2013

In response to Section 16 1 (d) of the Town and Country Planning (Development Management Procedure) (England) Order 2010, Gloucestershire County Council, as Local Highway Authority, has resolved that it does not intend to make representations to Local Planning Authorities on new or existing developments comprising 5 dwellings or less which are accessed off a Class 3 highway that is subject to a 30mph speed limit, or of a Class 4 (or lower) highway, as defined in the published Standing Advice, subject to the exceptions set out in the Standing Advice.

Parish Council

16th July 2013

OBJECTION Parish Council Policy is not to support back garden developments.

Tree Officer

26th July 2013

The Tree Section has no objections to this application providing the following conditions can be attached to any approval:

Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the Tree Survey dated May 2013 and drawing number GRHL-04-MAY13 Tree Retention and Protection Plan. The fencing shall be erected, inspected and

approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated May 2013 and associated drawings with said report.

Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

TRE04B No fires within RPA

TRE05B No service runs within RPA

INFTR7 Foundations to take account of trees

Parish Council

2nd October 2013

OBJECTION This type of back garden development is contrary to Charlton Kings Parish Council policy. The Council is concerned by the incremental increase in traffic on Greenhills Road caused by the number of such developments that have already taken place. Notwithstanding the aforementioned, the design of the proposed new garage is out of keeping with the existing garage.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of the original application for outline consent, letters of notification were sent to 11 neighbouring properties and, in response to that publicity, seven representations were received; one in support and six in objection. Following the submission of the additional and revised information, making this a full application, a further 14 letters were sent out. All of the comments have been circulated in full to Members.

6. OFFICER COMMENTS

6.1 Background

6.1.1 Some Members will recall that concerns were expressed in a report to Cabinet on 26th November 2002 which recommended the preparation of a development brief for this particular area as a means of avoiding numerous individual or small cul-de-sac style developments but securing a comprehensive co-ordinated development, with the provision of open space and affordable housing, however this was not progressed. As a direct result, applications have in the past been approved for what is in effect a new secondary line of development. It is therefore quite likely that similar applications will follow.

6.2 Determining Issues

6.2.1 The main considerations when determining this application relate to the principle of the development, design and layout of the proposed dwelling, potential for impact on neighbouring amenity, and highway safety.

6.3 Principle of development

6.3.1 Local plan policy HS1 states that housing development will be permitted on land allocated for residential development and previously-developed land. Annex 2 of the NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land but excludes private residential gardens.

6.3.2 Paragraph 49 of the NPPF advises that when determining applications for housing they should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; the Council is currently unable to demonstrate a five year supply.

6.3.3 Where policies are not considered to be up-to-date, the NPPF advises 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 policies within the framework, taken as a whole.

6.3.4 Further to the above, paragraph 53 of the NPPF suggests that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens and this is what the Council's adopted SPD relating to 'Development of Garden Land and Infill Sites in Cheltenham' seeks to achieve. The document is therefore a material consideration when determining this application.

6.3.5 It is important to remember that the aim of the SPD is not to prevent development on garden land but to ensure that development proposals are based on upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.

6.3.6 In conclusion, there is no fundamental reason to suggest that the principle of developing the site for a single dwelling would be unacceptable.

6.4 The site and its surroundings

6.4.1 The application site is located on the northern side of Greenhills Road within Charlton Kings parish. The existing property currently benefits from a large rear garden which is approximately 60 metres long by 25 metres wide and almost entirely laid to lawn. The garden is well screened on all three sides by established hedging and a number of trees which are intended to be retained. At present, a garage is located alongside the dwelling, to the east, with access located at the western end of the site frontage. The site is bounded by residential properties in Greenhills Road, Hayman Close, and The Avenue to the rear.

6.4.2 Greenhills Road is predominantly characterised by substantial detached dwellings in large sized plots; the properties are set back quite some distance from the edge of the carriageway, giving the road an open and spacious feel.

6.4.3 The character and urban grain of the locality has changed somewhat in recent years as a result of development having taken place on the adjacent rear gardens of nos. 18, 19 and 20 Greenhills Road in the form of a cul-de-sac consisting of five dwellings, nos. 1 – 5 Hayman Close, with a shared access running alongside no. 20 Greenhills Road.

6.4.4 A development of four dwellings, nos.1 – 4 Charlton Gardens, has also taken place on the rear gardens of nos. 108, 110 and 112 Charlton Lane further to the west.

6.5 Design and layout

6.5.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality.

6.5.2 The proposed dwelling would be located to the rear of the site adjacent to the recent Hayman Close development to the west. The scale, height, massing and footprint of the property has been greatly influenced by the properties in Hayman Close with the first floor accommodation provided within a steeply pitched hipped roof; a similar palette of facing materials is also proposed.

6.5.3 The replacement garage for the existing dwelling which was originally shown to sit forward of the dwelling would have unacceptably breached the established building line and so has been relocated within the site to the rear.

6.5.3 Access to the dwelling would be provided via a new shared access driveway located to the eastern side of the site. Whilst page 36 of the garden land SPD suggests that single 'tandem' development which shares the same access or plot as the frontage development will not normally be acceptable, it does not preclude such developments. In this particular case, backland developments have already taken place, and a secondary line of housing has been established. The proposed block plan clearly indicates that the proposed dwelling would sit well within its context and would respect the already altered character of the locality.

6.5.4 Adequate levels of car parking and private amenity space would be provided for both the existing and proposed dwelling.

6.5.5 The proposal is therefore considered to meet the aims and objectives of policy CP7 and the garden land SPD.

6.6 Impact on neighbouring property

6.6.1 Local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality.

6.6.2 Now that full plans have been submitted, it is clear that the proposed dwelling could be comfortably accommodated within the site without harm to neighbouring amenity in respect of privacy, daylight or outlook.

6.6.3 The fenestration has been carefully considered to ensure that the proposed dwelling would not result in any unacceptable overlooking of neighbouring properties. Where first floor windows are proposed, they achieve the accepted minimum distance of 10.5 metres to the boundary. There are no first floor windows proposed to the west elevation facing the properties in Hayman Close, only two high level roof lights with a cill height of 1.75m.

6.6.4 Given the existing boundary screening, the positioning and mass of the building would not result in any significant loss of outlook from the surrounding properties or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties should not be unduly affected.

6.6.5 Therefore, whilst all of the concerns of the local residents have been duly noted, the proposal is considered to be in accordance with policy CP4.

6.7 Access and highway issues

6.7.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.

6.7.2 This application proposes the stopping up of the existing access and the provision of a new shared access for both the existing and proposed dwelling. Given the small scale nature of the development, the Local Highway Authority would not normally make representations on this proposal, and it would be determined in accordance with the standing advice.

6.7.3 However, given the concerns raised by local residents and the parish council, the following informal comments have been received:

As there will be a new site access which the two dwellings will make use of the Highway Authority would normally recommend that in the absence of a speed survey, visibility splays of 2.4m by 54m should be provided in both directions, due to the adjacent boundary it doesn't look possible to achieve this to the east. I note that the proposed access is 4.1m, however to make this a genuine two way working access I would suggest that the access be widened to 4.8m, I would also suggest that the access be moved slightly to the west in order to accommodate a pedestrian visibility splay, this would also help improve emerging visibility to the east. I note that the hedge is to be cut back to improve visibility to the west which would be welcomed. With such improvements, and given that forward visibility along Greenhills Road is very good, and that there haven't been any recorded collisions along this stretch of highway as a result of an access within the last 5 years I would say that the intensification of a single additional dwelling should not have a severe or significant impact upon highway safety.

6.7.4 In response to these comments, a revised layout plan has been submitted which shows an altered 4.8 metre wide access, and the proposal is now considered to be wholly acceptable on highway safety grounds subject to conditions requiring the car parking to be implemented and retained, and the provision of a pedestrian visibility splay.

6.8 Other considerations

6.8.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. As on-site play space provision is clearly not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition.

6.9 Conclusion and recommendation

6.9.1 The proposed dwelling is considered to be of a suitable scale, height, massing and footprint for this location, and would sit comfortably in its context. Furthermore, the proposal would not result in any unacceptable harm to neighbouring amenity or highway safety.

6.9.2 The recommendation therefore is to grant planning permission subject to the following conditions:

7. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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 development hereby permitted shall be carried out in accordance with Drawing Nos. 12074 P-01, 12074 P-03, 12074 P-05, 12074 P-06, 12074 P-07 and 12074 P-08 received by the Local Planning Authority on 12th September 2013 and Drawing Nos. 12074 P-02/A and 12074 P-04/A received 1st October 2013.

Reason: To ensure the development is carried out in strict accordance with the approved drawings.

- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated May 2013 and accompanying Drawing No. GRHL-04-MAY13 (Tree Retention and Protection Plan). The fencing shall be erected, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 5 All demolition and construction works within the root protection area of the trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated May 2013 and associated drawings with said report.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 6 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 7 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 8 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 9 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities; and
 - e) measures to control the emission of dust and dirt during construction.

Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.

- 10 Notwithstanding the approved drawings, the proposed vehicular access shall incorporate an adequate pedestrian visibility splay in the form of a triangular area between the outside edge of the proposed driveway and the rear of the footway which shall be of minimum dimensions 2.0m x 2.0m x 2.8m and shall be kept clear of obstructions thereafter.
Reason: To reduce any potential highway impact by ensuring that adequate pedestrian visibility is provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to first occupation of the new dwelling, the existing access to the site shall be permanently closed for vehicular and/or pedestrian use as appropriate, and the verge/footway crossing shall be reinstated to the satisfaction of the Local Planning Authority. The access that has been closed shall be maintained as such thereafter.
Reason: To ensure satisfactory access arrangements in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 12 Prior to first occupation of the new dwelling, the car parking and turning facilities shown on Drawing No. 12074 P-04/A shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.
Reason: To ensure adequate car parking and turning facilities are provided and retained within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

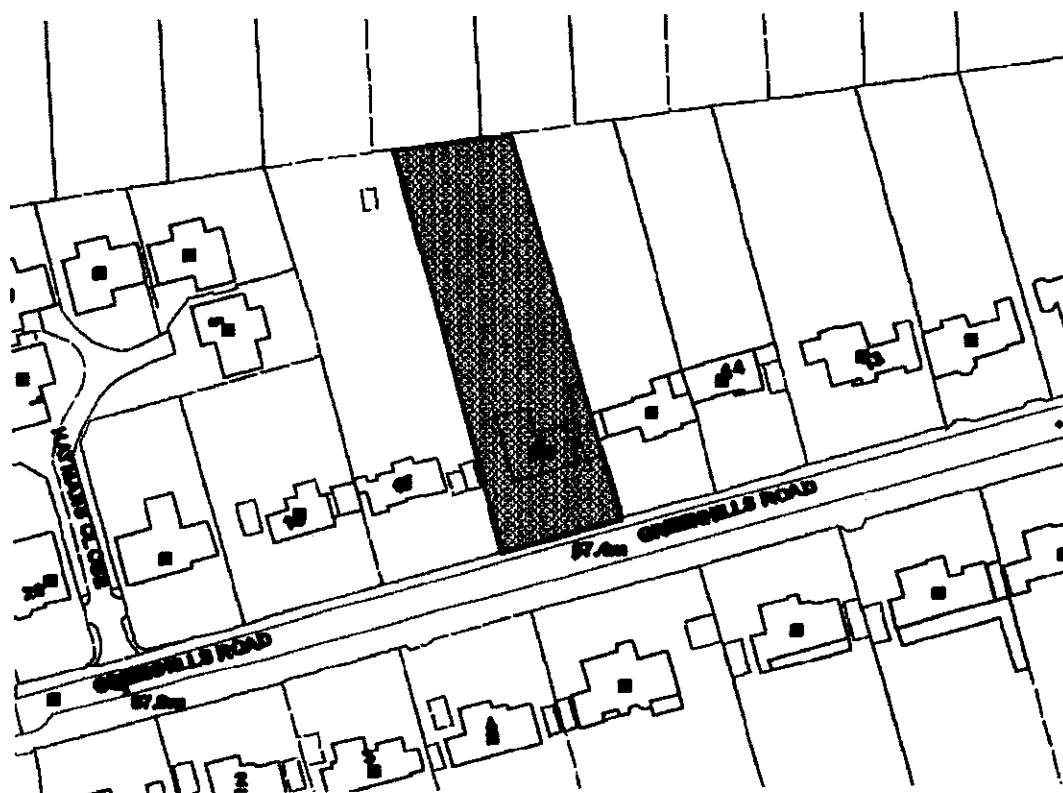
In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The foundation depth and design must take account of adjacent trees and their future growth potential, so as to avoid future nuisance.

- 3 The applicant/developer is reminded of the need to contact Gloucestershire Highways on 08000 514 514 to obtain a dropped kerb license (Section 184 of the Highways Act) for the provision of the new dropped kerb and reinstatement of the existing footway crossing.

APPLICATION NO: 14/01226/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 9th July 2014		DATE OF EXPIRY: 3rd September 2014
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Mr Pete Leahy	
AGENT:	Evans Jones LLP	
LOCATION:	16 Greenhills Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling (revised scheme following refusal of planning permission ref. 14/00660/FUL)	

RECOMMENDATION: Permit



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1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for the erection of a four bedroomed dwelling to the rear of no.16 Greenhills Road. It is a revised scheme following a recent refusal of planning permission by members at the June committee meeting.
- 1.2 The refused application proposed a contemporary dwelling, the main body of which was two storeys with single elements on either side; the application was refused on design grounds for the following reason:
- The proposed dwelling by virtue of its scale, form and massing would constitute an overdevelopment of this backland location and would fail to complement or respect the prevalent form of neighbouring development and the character of the locality. Furthermore, the proposed dwelling would fail to be subservient to the existing dwelling or achieve a satisfactory hierarchy of development within the site. The proposal is therefore contrary to the requirements of Local Plan Policy CP7(c) and the Council's Supplementary Planning Document relating to Development on Garden Land and Infill Sites in Cheltenham.*
- 1.3 Copies of the refused scheme will be available to view at the committee meeting.
- 1.4 This revised application now proposes a dwelling which would be the same as that recently approved by members on the adjacent site, no.17 Greenhills Road; the scale, height, massing and footprint of which is greatly influenced by the properties in the recent Hayman Close development to the west, with the first floor accommodation provided within a steeply pitched hipped roof.
- 1.5 The application is before planning committee following a further objection from Charlton Kings parish council and at the request of Cllrs Smith and Baker due to the level of concern amongst local residents. Members will have the opportunity to revisit the site on planning view.

2. CONSTRAINTS AND PLANNING HISTORY

Constraints:

Smoke Control Order

Planning History:

CB13650/00

PERMIT

11th October 1977

Demolition of existing sun lounge and erection of two storey extension to rear

CB13650/01

PERMIT

10th May 1979

Erection of extension to existing garage to form utility (laundry) room and larger garage

CB13650/02

PERMIT

19th October 1995

Erection of two storey rear extension

04/02019/FUL

PERMIT

1st February 2005

Two storey side extension, alterations to porch and addition of pitched roof to garage

14/00660/FUL

REFUSE

19th June 2014

Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 7 Design
GE 5 Protection and replacement of trees
GE 6 Trees and development
HS 1 Housing development
RC 6 Play space in residential development
TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Development on garden land and infill sites in Cheltenham (2009)
Residential alterations and extensions (2008)
Play space in residential development (2003)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Contaminated Land Officer

14th July 2014

No comment.

Tree Officer

28th July 2014

The Tree Section has no objection to this application provided the following conditions are attached to any planning permission which may be issued:

TRE04B-No Fires

TRE09B-Gutter cover to help negate problems caused by falling leaves especially in north east corner of the garden where the large Lombardy poplar is situated.

TRE08B-Arbicultural monitoring

All ground protection, construction exclusion zones and work methods as defined by the Revised Arbicultural report of Jim Unwin (incorporating the revised layout scheme of July 2014), conforms to methods described within.

It is recommended to reduce the height of poplar tree T16 by 8 metres. This may reduce any new occupiers' perception of dominance of this tree and also possible associated fears or anxieties regarding possible tree or branch failure, as this (recommended) 17 metre high tree is to be within 9 metres of this property.

However it is also noted that the tree is situated within the border (and is therefore the responsibility of) the adjacent property owner. It is recommended that regular and cyclical

safety inspections by a suitably qualified and experienced arboriculturalist and the re-pruning of this tree are undertaken should such a reduction in height occur.

This revised site layout is to be further from this tree than the previous application 14/00660/FUL where previously no objection was made.

Parish Council

29th July 2014

OBJECTION

Although we note the changes compared with the earlier application, it is still a substantial building in comparison to the size of the plot and constitutes over development. If permitted, as a condition we would recommend entry and exit in forward gear only on to a busy road.

Architects Panel

30th July 2014

This proposal represents a re-design of a previous scheme and although it mimics an adjacent approval, the panel felt that the mass created by the roof was too great and should ideally be reduced.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 On receipt of this application, letters of notification were sent out to 14 neighbouring properties and, in response to that publicity, nine representations have been received – eight in objection to the proposal and one in support.
- 5.2 All of the comments have been circulated in full to Members but briefly the main objections relate to:
 - Overdevelopment
 - Impact on privacy
 - Highway safety

6. OFFICER COMMENTS

6.1 Background

- 6.1.1 Some Members will recall that planning permission was recently granted in October 2013 for the erection of a dwelling on land to the rear of the adjoining property, no.17 Greenhills Road. At that time, Members were reminded of a report to Cabinet in November 2002 which recommended the preparation of a development brief for this particular area as a means of avoiding numerous individual or small cul-de-sac style developments, and securing a comprehensive co-ordinated development, with the provision of open space and affordable housing, however this was not progressed. As a direct result, applications have in the past been approved for what is in effect a new secondary line of development. Members have therefore previously been advised that it was quite likely that similar applications such as this would follow.

6.2 Determining Issues

- 6.2.1 The main considerations when determining this application relate to the principle of the development, design and layout of the proposed dwelling, potential for impact on neighbouring amenity, and highway safety.

6.3 Principle of development

- 6.3.1 Local plan policy HS1 states that housing development will be permitted on land allocated for residential development and previously-developed land. Annex 2 of the NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land but excludes private residential gardens.
- 6.3.2 Paragraph 49 of the NPPF advises that when determining applications for housing they should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; as it stands, the Council is currently unable to demonstrate such a five year supply.
- 6.3.3 Where housing policies are not considered to be up-to-date, 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 policies within the framework, taken as a whole.
- 6.3.4 Further to the above, paragraph 53 of the NPPF suggests that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens and this is what the Council's adopted SPD relating to 'Development of Garden Land and Infill Sites in Cheltenham' seeks to achieve. The document is therefore a material consideration when determining this application.
- 6.3.5 It is however important to remember that the aim of the Garden Land SPD is not to prevent development on garden land but to ensure that development proposals are based upon a thorough understanding of the character of the neighbourhood, and in particular the street and block within which the site is located.
- 6.3.6 Therefore, in conclusion, there is no fundamental reason to suggest that the principle of developing this site for a single dwelling would be unacceptable; indeed, the principle of development did not form part of the previous refusal reason.

6.4 The site and its surroundings

- 6.4.1 The application site is located on the northern side of Greenhills Road within Charlton Kings parish. The existing property currently benefits from a large rear garden which is approximately 50 metres long by 23 metres wide and largely laid to lawn. The garden is reasonably well screened on all three sides and is bounded on either side by residential properties in Greenhills Road, and The Avenue to the rear.
- 6.4.2 Greenhills Road is predominantly characterised by substantial detached dwellings in large sized plots; the properties are set back quite some distance from the edge of the carriageway, giving the road an open and spacious feel.
- 6.4.3 The character and urban grain of the locality has changed quite significantly in recent years as a result of a number of developments having taken place on the rear gardens of nos. 18, 19 and 20 Greenhills Road in the form of a cul-de-sac consisting of five dwellings, nos. 1 – 5 Hayman Close, with a shared access running alongside no. 20 Greenhills Road.
- 6.4.4 A development of five dwellings, nos.1 – 5 Charlton Gardens, has also taken place on the rear gardens of nos. 108, 110, 112 and 114 Charlton Lane further to the west.

- 6.4.5 Recently, planning permission was granted by members of the planning committee for the erection of a single dwelling to the rear of the adjacent property, no. 17 Greenhills Road; however this permission has not yet been implemented.

6.5 Design and layout

- 6.5.1 Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality.
- 6.5.2 Greater detail can be found in the Council's adopted SPD relating to Development on Garden Land and Infill Sites in Cheltenham 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 3.3 that *"The aspects of a place that are visible or experienced from the public realm are generally understood to contribute most to the character of a place"* but does also acknowledge that *"areas which are less visible, such as back gardens also have a role to play – the extent to which this is the case depends on the visibility of those gardens from the public realm"*.
- 6.5.3 Members will recall that the previous application on this site was refused only on design grounds in that it proposed a contemporary dwelling, the scale, form and massing of which were considered unacceptable; Members determined that the building would have failed to respect the prevalent form of neighbouring development or achieve a satisfactory hierarchy of development within the site.
- 6.5.4 The dwelling now proposed would be the same as that previously deemed acceptable by members on the adjacent site in October 2013; the scale, height, massing and footprint is greatly influenced by the properties in the recent Hayman Close development to the west, with the first floor accommodation provided within a steeply pitched hipped roof.
- 6.5.5 Access for both the existing and proposed dwellings would be provided via the existing albeit altered access from Greenhills Road. The existing garage to the eastern side of the existing dwelling would be demolished to provide access to the rear of the site however the application is proposing to form a garage in an existing extension to the western side.
- 6.5.6 Whilst page 36 of the garden land SPD suggests that single 'tandem' development which shares the same access or plot as the frontage development will not normally be acceptable, it does not preclude such developments. In this particular case, backland developments have already taken place, and a secondary line of housing has been established. The proposed block plan clearly indicates that the proposed dwelling would sit well within its context and would respect the already altered character of the locality.
- 6.5.8 Adequate levels of on-site car parking and private amenity space would be provided for both the existing and proposed dwelling.
- 6.5.9 The proposal is therefore considered to meet the aims and objectives of policy CP7 and the garden land SPD.

6.6 Impact on neighbouring property

- 6.6.1 Local plan policy CP4 advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or locality.

6.6.2 Officers consider that the proposed dwelling could be comfortably accommodated within the site without significant harm to neighbouring amenity in respect of privacy, daylight or outlook.

6.6.3 Whilst the dwelling would be located in quite close proximity to the rear gardens of properties in The Avenue (approximately 7.5 metres at its closest point) these neighbouring gardens are in excess of 40 metres in length; the upper floor windows in the rear elevation would therefore more than achieve the required minimum distance of 21 metres between clear glazed first floor windows. The proposed dormer window to the side elevation facing east would achieve the desired distance of 10.5 metres to the boundary. There are no first floor windows proposed to the west facing side elevation, only two high level roof lights with a cill height of 1.75m.

6.6.4 As a result, officers consider that given the existing boundary screening, the positioning and mass of the building would not result in any significant loss of privacy, loss of outlook from the surrounding properties or have an overbearing effect. Additionally, levels of daylight currently afforded to neighbouring properties would not be unduly affected.

6.6.5 Therefore, whilst all of the concerns of the local residents have been duly noted, the proposal is considered to be in accordance with policy CP4.

6.7 Access and highway issues

6.7.1 Local plan policy TP1 states that development which would endanger highway safety by creating a new or altered access will not be permitted.

6.7.2 Given the small scale nature of the development, the Local Highway Authority has not commented on this proposal as it covered by their standing advice. They did however provide informal comments on the recent application at no. 17 Greenhills Road, given the concerns raised by local residents and the parish council, which read, in part:

I note that the proposed access is 4.1m, however to make this a genuine two way working access I would suggest that the access be widened to 4.8m, I would also suggest that the access be moved slightly to the west in order to accommodate a pedestrian visibility splay, this would also help improve emerging visibility to the east”.

6.7.4 Currently, this application indicates a 4.1m wide access however it is anticipated that a revised plan will be submitted prior to the committee meeting to show a 4.8m wide access together with the required pedestrian visibility splay; alternatively, such alterations could be reasonably secured by way of a suitably worded condition. Members are reminded that concerns in respect of highway safety did not form part of the previous reason for refusal.

6.8 Other considerations

6.8.1 As with all new residential development, provision for play space would be required to meet the requirements of local plan policy RC6. As on-site play space provision is clearly not feasible in this location, policy RC6 envisages a commuted sum in order to achieve its requirements and it is considered that this matter could be adequately dealt with by way of a condition.

6.8.2 Members will be aware that matters relating to restrictive covenants are a civil matter and not a material consideration in the determination of an application for planning permission.

6.9 Conclusion and recommendation

6.9.1 Officers consider that the dwelling now proposed successfully overcomes the previous reason for refusal and the recommendation therefore is to grant planning permission subject to the following conditions:

7. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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 development hereby permitted shall be carried out in accordance with Drawing Nos. 12232/2-1, 12232/2-3, 12232/2-4, 12232/2-5 and 12232/2-6 received by the Local Planning Authority on 8th July 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated February 2014 (revised July 2014) and accompanying Drawing No. 16GRTRP-JUL14 (Tree Retention and Protection Plan). The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 5 All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated February 2014 (revised July 2014) and Drawing No. 16GRTRP-JUL14 (Tree Retention and Protection Plan).
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 6 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 7 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance with The National Joint Utilities Group; Volume 4 (2007).
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 8 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 9 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities; and
 - e) measures to control the emission of dust and dirt during construction.
- Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.
- 10 Notwithstanding the approved drawings, prior to commencement of development, a revised site layout plan shall be submitted and approved in writing by the Local Planning Authority to incorporate a 4.8m wide vehicular access and adequate pedestrian visibility splay. The approved access shall be completed in all respects prior to first occupation of the new dwelling and maintained as such thereafter.
Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and access arrangements are provided in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to first occupation of the development, the car parking and turning facilities shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.
Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.
Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.

INFORMATIVES

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

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

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

- 2 The foundation depth and design must take account of adjacent trees and their future growth potential, so as to avoid future nuisance.

APPLICATION NO: 14/01226/FUL		OFFICER: Miss Michelle Payne
DATE REGISTERED: 9th July 2014		DATE OF EXPIRY: 3rd September 2014
WARD: Charlton Park		PARISH: Charlton Kings
APPLICANT:	Mr Pete Leahy	
AGENT:	Mr David Jones	
LOCATION:	16 Greenhills Road, Charlton Kings, Cheltenham	
PROPOSAL:	Erection of a single dwelling to the rear of 16 Greenhills Road and associated access drive, following demolition of existing attached garage and re-instatement of integral garage within existing dwelling (revised scheme following refusal of planning permission ref. 14/00660/FUL)	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. As anticipated in the main report, a revised site layout plan has now been received which shows an altered 4.8 metre wide access with pedestrian visibility splay, and the proposal is now considered to be wholly acceptable on highway safety grounds.
- 1.2. The recommendation therefore remains to grant planning permission subject to the following revised conditions:

2. REVISED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
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 development hereby permitted shall be carried out in accordance with Drawing No. 12232/2-1 received by the Local Planning Authority on 8th July 2014 and Drawing Nos. 12232/2-3A, 12232/2-4A, 12232/2-5B and 12232/2-6A received 13th August 2014.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, samples of the proposed facing materials and roofing materials shall be submitted to and approved in writing by the Local Planning Authority, and the materials used in the development shall be in accordance with the samples so approved.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 Tree protective fencing and/or ground protection shall be installed in accordance with the specifications set out within the submitted Tree Survey dated February 2014 (revised July 2014) and accompanying Drawing No. 16GRTRP-JUL14 (Tree Retention and Protection Plan). The tree protection shall be erected/installed, inspected and approved in writing by the Local Planning Authority prior to the commencement of any works on site (including demolition and site clearance) and shall remain in place until the completion of the construction process.

Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

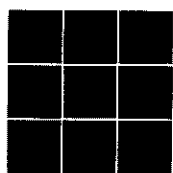
- 5 All demolition and construction works within the root protection area of trees to be retained, on or adjacent to the site, are to be carried out strictly in accordance with the Tree Survey dated February 2014 (revised July 2014) and Drawing No. 16GRTRP-FEB14 (Tree Retention and Protection Plan).
Reason: In the interests of local amenity, in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 6 No fires shall be lit within 5m of the Root Protection Area(s) and materials that will contaminate the soil such as cement or diesel must not be discharged within 10m of the tree stem. Existing ground levels shall remain the same within the Root Protection Area(s) and no building materials or surplus soil shall be stored therein. No trenches for services or drains shall be sited within the crown spread of any trees to be retained.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 7 All service runs shall fall outside the Root Protection Area(s) unless otherwise agreed in writing by the Local Planning Authority. Any such works shall be in accordance The National Joint Utilities Group; Volume 4 (2007).
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 8 Prior to the commencement of development, a scheme for the provision or improvement of recreational facilities to serve the proposed dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling(s) shall not be occupied until the approved scheme has been implemented.
Reason: To avoid any increase in the Borough's imbalance between population and the provision of outdoor play space and related facilities in accordance with Local Plan Policy RC6 relating to play space in residential development.
- 9 Prior to the commencement of development (including any works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities; and
 - e) measures to control the emission of dust and dirt during construction.
 Reason: To ensure that the development is carried out in a considerate and sustainable manner in accordance with Local Plan Policy CP1 relating to sustainable development.
- 10 Prior to first occupation of the new dwelling, the alterations to the existing access to the site to include the provision of an adequate pedestrian visibility splay, shall be completed in all respects in accordance with Drawing No. 12232/2-3A and maintained as such thereafter.
Reason: To reduce any potential highway impact by ensuring that satisfactory pedestrian visibility and access arrangements are provided in accordance with Local Plan Policy TP1 relating to development and highway safety.
- 11 Prior to first occupation of the development, the car parking and turning facilities shall be completed in all respects in accordance with the approved plans. The car parking and turning facilities shall thereafter be retained as such and shall not be used for any

purpose other than the garaging of private motor vehicles and ancillary domestic storage without planning permission.

Reason: To ensure adequate car parking within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and/or re-enacting that order with or without modification), no additional openings shall be formed in the development without planning permission.

Reason: Any further openings require detailed consideration to safeguard the amenities of the locality in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living and design.



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09 September 2016

Ms M Payne
Planning and Environmental Services
Cheltenham Borough Council
Municipal Offices
Promenade
Cheltenham
GL50 9SA

Dear Ms Payne

16/01149/FUL – Planning application for the erection of a dwelling to rear of 15 Greenhills Road, Charlton Kings.

McLoughlin Planning has been appointed by [REDACTED] of 14 Greenhills Road (the neighbouring property to the application site) to review the current proposals for the erection of a new dwelling to the rear of 15 Greenhills Road.

[REDACTED] and their neighbours have already raised objections to the original proposals which still stand, but we note some revisions have now been made to the scheme and these have been published on the Council's website on the 19th August and 6th September 2016. We understand these revisions have been made in light of your original concerns and those of the County Highways Authority.

Following our review of the revised proposals, we note that although some effort has been made in the latest plans to reduce the mass of the dwelling, these changes do not go far enough to alleviate local concern. We are therefore instructed to make strong objections to the application on behalf of local residents. The main objections are summarised as follows:

1. Public Consultation

We are somewhat surprised that the latest revised plans have only been subjected to a very short consultation period. For the Council to have received the plans on the 6th September and then to invite comments no later than the 13th September does not seem a reasonable period of time, and falls well short of the normal period for consultation. As you are aware, the original plans were subject to strong objections from Charlton Kings Parish Council, the Cheltenham Civic Society and a number of local residents. We are also aware that Councillor Paul Baker has requested committee determination to ensure that the local concerns are properly considered in a democratic forum.

Whilst the Council is under no statutory obligation to re-consult, I would respectfully suggest that a more reasonable period of public consultation should be undertaken to allow stakeholders to properly understand the plans and make any additional comments. Should the revised plans be considered to have overcome Officers' original concerns, the level of change would surely be significant enough to warrant full consultation with stakeholders. Therefore, unless you are minded to recommend the application for refusal, I would strongly urge you to formally re-consult on the application for a minimum period of 21-days. Failure to do so would be undemocratic and would potentially leave the Council open to legal challenge. On this basis, the application should be deferred until the October Planning Committee.



2. Size, scale and design of the dwelling

We share our client's view that development on this land would result in the unacceptable loss of green space, which contributes to the verdant and low-density character of the Greenhills Road locality. We acknowledge that development of back garden plots immediately to the west have been judged acceptable in the past. Furthermore, we note that the latest set of revised plans as received on the 6th September 2016, have reduced the mass of the dwelling to a limited degree. However, we would draw your attention to important differences between those schemes and the one subject of the current application before you.

Local plan policy CP7 requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality. The design and layout of the proposed dwelling effectively replicates that of the adjacent houses permitted in the back gardens of 16 and 17 Greenhills Road.

However, we question whether a further repetition of what is clearly considered by the developer's agent to be a winning design formula is in fact the most appropriate design solution for the site in question. There are important differences between the current application site and those adjacent. The application site is further removed from Hayman Close than neighbouring plots, which therefore has less influence in townscape terms. The garden width is narrower than that of both No's. 16 and 17 and is less able to accommodate a building of the footprint and mass proposed. This would result in a cramped form of overdevelopment and would have an overbearing impact, occupying a fuller extent of the garden width and notably closer to the boundary with the rear garden of No. 14.

This represents unacceptable overdevelopment of the site and is an issue that has not been suitably addressed by the amended plans. There has been no reduction in the height of the dwelling. The roof design appears top heavy and overly bulky, and at a height of 7.51 metres is essentially of two-storey height. It is considered that this is a setting where a bungalow would be more appropriate and a less overbearing design solution. In addition, the previous integral garage has been replaced with a detached garage, which would still be read in the context of the main house and does little to reduce the apparent mass.

The reduced height and mass of a single storey building would be more in-keeping with this garden setting and would respond better to the open undeveloped gardens to the east, having a significantly less harmful impact on openness and aiding the maintenance of a spacious character in views glimpsed from the road. There is no justification for continuing to replicate a design appropriate to a different site context. As paragraph 3.5 of the Council's SPD 'Development on Garden Land and Infill Sites in Cheltenham' states, *"responding to character is not simply about copying or replicating what already exists in an area"*.

3. The impact on the living conditions of neighbours

The replication of the design of the adjacent backland house also does not take account of the significant differences in landscape screening in preserving residential amenity. As clearly illustrated in the appended photographs, the design submitted creates the potential for overlooking of our client's rear garden and the back of 14 Greenhills Road. The development would also result in overlooking to the rear gardens of No's. 6A and 7 The Avenue, which are located directly to the rear of the application site.

We note that the previously proposed side facing dormer window has been removed from the plans, but the front facing dormer window and the additional side facing rooflights will give the occupiers of the neighbouring property the feeling of been substantially overlooked. This will in turn reduce their private enjoyment of their property.



Whereas the boundary between No's 15 and 16 contains mature planting of height, including a large willow tree that importantly obscures views into the neighbouring property, the boundary with the neighbours garden at No.14 is very open and comprises low level planting below fence height. This offers no protection from overlooking and loss of privacy. This represents a significant material difference from the previously permitted developments. This is further illustrated on the attached photographs.

As the layout plan illustrates, the overdevelopment of the site with a large dwelling footprint close to the boundary with No. 14, leaves very little opportunity for meaningful and effective boundary landscaping. There are no existing mature trees within the site or opportunity for new tree planting which would assist with screening views of the neighbouring property and mitigate loss of privacy. The scheme as proposed would result in an unacceptable loss of residential amenity to the occupiers of 14 Greenhill Road, in clear conflict with Local Plan policy CP4, which advises that development should not cause unacceptable harm to the amenity of adjoining landowners.

In addition, no effort has been made to address the issue of overlooking to the gardens of the properties to the rear at No's 6A and 7 The Avenue. These properties would be substantially overlooked in the event that trees and vegetation along this boundary are removed, for which there is no control. Planning conditions could not be used to secure a boundary treatment here in perpetuity.

Overall, the amendments to the plans are not sufficient to overcome the impact on neighbouring properties, nor do they reflect the degree of objection made to the original submission scheme. This adds further weight to the claim that this proposal represents overdevelopment of the plot and would be out of keeping with the character, appearance and living conditions of the area. The proposal therefore conflicts with policy CP4 of the Cheltenham Borough Local Plan.

4. The lack of adequate visibility from the proposed access

We note that Planning Officers' and the County Highways have previously raised concerns over the proposed access arrangements, in terms of securing adequate visibility. The OS based 1:500 scale Visibility Splay plan submitted on the 23rd August implies that 54m splays are achievable in both directions in accordance with GCC's Deemed to Satisfy Standards.

Firstly, we would respectfully suggest that using a 1:500 scale OS plan to measure a 54m visibility splay is not appropriate. An accurately drawn plan at a much lower scale is required, and this should include exact details of boundary treatments etc. We note that no attempt has been made to include the visibility splay line on the 1:250 scale Site Layout Plan, we wonder if this is because it would clearly show that the required visibility is, in fact, not achievable?

A thorough on-site assessment shows that the required 'minimum' 54m visibility splays simply cannot be achieved. It is noted that the visibility splay drawing seeks to illustrate that on the basis of an X-distance of 2m the required Y-distance of 54m can be achieved. We submit, however, that the X-distance should be the default 2.4m.

The default X-distance in Gloucestershire County Council Standing Advice on visibility splays is 2.4m for a single dwelling unless all the criteria of 3.2.4 of the advice are met, in which case consideration can be given to a reduction to 2m. In this instance, criterion d) requires that the adjacent highway carriageway width is not less than 5.5m. However, this is not met as when measured on the ground the carriageway at this point is only 5.42m. As such, visibility must be taken from a point 2.4 metres back from the carriageway edge. We would encourage Planning Officers and representatives from the Highways Authority to assess this on site.



An on-site assessment makes it clear that, when measured from this point, there is absolutely no way the 54 metre 'minimum' splays can be provided in the easterly direction, as the neighbours boundary hedge is in the way. Even if the measurement were to be calculated from the suggested 2m X-distance the splay is still unachievable. As the applicants do not have control over this boundary, there can be no certainty that the minimum visibility requirements would be secured in perpetuity. It is inevitable that natural boundary treatments will overhang the footpath and there can therefore be no certainty of visibility in the long-term.

Therefore, the access fails to meet the minimum standards for a safe access and so fails to comply with Local plan policy TP1. Given the proposal would significantly intensify the access by doubling the amount of vehicle movements, this must be regarded as a significant increase that would have 'severe' highway safety consequences.

The only other option would be for the applicants to undertake a speed survey, with a view to demonstrating that vehicle speeds are lower than the stated 30mph speed limit. However, it is clear from observing traffic along Greenhills Road that vehicle speeds are actually well above the 30mph limit. Greenhills Road is an established rat run for traffic. When traffic is flowing vehicles tend to travel in excess of 40mph at this point.

For these reasons, it is clear that the development would have a 'severe' impact on highway safety. The Government's policy expectation is that such development should be refused.

Conclusions

In conclusion, whilst my clients would naturally prefer to not have a dwelling sited in the rear garden adjacent to them, it is understood that the principle of providing infill residential development is acceptable providing it complies with suitable design, character and living standards. However, in this case the current proposal fails to meet the social and environmental dimensions of sustainable development, due to its harm to local townscape character, residential amenity and highway safety. For these reasons, the current application should be refused.

It is suggested that a much smaller development, which addresses issues of size, height and overlooking be considered. This should involve a development of single storey construction only and a significantly smaller footprint. Genuine attempts should be made to provide greater private amenity space for the new dwelling and landscaping should be used to both soften the development and protect the amenity of neighbours. Of course, any future application will also be required to overcome the issue over visibility at the access, although it is difficult to see at this stage how this could be achieved.

I would be grateful if you could take those points in to account in formulating your recommendation on this application. I would again ask, unless you are simply minded to refuse the application at this stage, that the application be opened up to a full round of public consultation.

I would be more than happy to discuss this representation with you in further detail. Please do not hesitate to contact me if this would assist.

Yours sincerely

Oliver Rider MSc MRTPI
Director

Photograph showing the lack of substantial boundary treatment along the boundary of No's 14 and 15 Greenhills Road, thus subjecting No. 14 to significant overlooking and overbearing impacts from the proposed new dwelling.



Photograph showing the existing willow tree along the boundary of No's 15 and 16 Greenhills Road, which currently provides a significant screening effect for No.15. This does not exist between the boundary of No's. 14 and 15



Green Avenue Limited
14 Greenhills Road
Charlton Kings
Cheltenham
GL53 9EB

Michelle Payne –Planning Officer
Cheltenham Borough Council
PO Box 12
Municipal Offices
The Promenade
Cheltenham
GL50 1PP

Email: [REDACTED]

29 July 2016

Hand Delivered and
Email: dccomments@cheltenham.gov.uk

Dear Ms Payne,

Proposed erection of extra house – 15 Greenhills Road - 16/01149/FUL

I have reviewed the plans for erecting an extra 4 bedroom house in the garden of 15 Greenhills Road. I wish to object to the above application on behalf of Green Avenue (a group of neighbours formed to protect the area from inappropriate development). Green Avenue own the three boundaries (West, North and East) to the garden of No 15 Greenhills Road (GR988).

I have taken the opportunity to set out below the grounds of our objection in the context of the council's published guidance, especially: Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009 ("SPD"). This gives specific guidance on appropriate development on garden land and is in line with the requirements of the National Planning Policy Framework.

The scheme proposes a single dwelling with a footprint of about 183sqm (including the garage) be built in the rear garden of number 15 Greenhills Road located less than 5 metres from our Northern boundary. The additional house proposed is two storey and provides over 2400sq ft of living space (not including the first floor with head height below 1.8m).

The proposed additional house will be highly visible and seriously affect the privacy of the neighbouring properties in both Greenhills Road (14 and 16) and The Avenue (6A and 7). We object to the proposed scheme for the reasons set out below.

GARDEN LAND DEVELOPMENT

The SPD gives clear guidance as to what sort of development on garden land and infill sites is and is not acceptable, that is in line with the requirements of the National Planning Policy Framework paragraph 53 that states:

Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Hence we consider this SPD to be key guidance in considering this application. Page 36 of the SPD states:
On a rear garden site, single 'tandem' development which shares the same access
or even the same plot as the frontage development, **will not normally be accepted.**

The proposed 'tandem' development is contrary to the SPD and whilst we acknowledge this type of development has been permitted at No.16 there is no such thing as precedent in planning. Tandem development is not encouraged within the SPD for very good planning reasons and if more of this type of development is granted consent, then the planning harm identified in the SPD will be multiplied. The neighbours all objected to the proposed development at No. 16 with one exception, No. 15 passed no comment but their motivation is now clear. At the end of the day what would the street / community be like if every property in the road undertook tandem development? It would totally change the character of the existing neighbourhood and the quality of life and amenities enjoyed by the residents.

The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. So not only is this tandem development inappropriate, but the scale at over 2400 sq ft of living space (plus a double garage) is far larger than the original house at 15 Greenhills Road.

DESIGN

On 27 March 2012 the government published the **National Planning Policy Framework (NPPF)** which confirms at paragraph 58 "that the Government attaches great importance to the design of the built environment". The NPPF requires development to "take the opportunities available for improving the character and quality of an area" and states that permission should be refused for development that does not.

The Cheltenham Borough Local Plan Second Review, although adopted in July 2006 contains saved policies that are in conformity with the NPPF and which therefore are material in the consideration of this proposal.

In particular, Policy CP7 sets out that development will only be permitted where it:

- (a) is of a high standard of architectural design; and
- (b) adequately reflects principles of urban design; and
- (c) complements and respects neighbouring development and the character of the locality and/or landscape (note 3).

The "**Principles of Architectural Design**" set out in the Local Plan stress that the alteration of existing buildings should demonstrate a creative response to a specific site and locality and that particular attention should be paid to

- the urban grain (the pattern and density of routes, street blocks, plots, spaces and buildings of the locality) and
- the size of the building its elements and its details in relation to its surroundings
- massing (the arrangement, volume and shape of the building)
- height (the effect on shading views skylines and street proportion)

The **Supplementary Planning Document "Residential Alterations and Extensions February 2008"** notes that "Cheltenham has an image of an elegant spacious town with groups of well proportioned buildings set in generous gardens" and acknowledges that the spaces between the houses, and the greenery contribute to this character.

The purpose of the Guide is to ensure that the character of each of the residential areas is not eroded through poorly designed residential properties which leave neighbours disadvantaged. It is intended especially for use in residential areas that are not protected by conservation area status, where good design is as essential as it is in the historic parts of the town.

The Design Guide notes that the spaciousness of the town derives from spaces at the front back and sides of buildings. "Glimpses of trees, gardens and the surrounding hills are essential if the spacious character of the town is to be maintained. The Council will maintain such spaces between buildings to prevent a terracing effect between existing houses."

The emerging **Draft Gloucester Cheltenham & Tewkesbury Joint Core Strategy** policy S4 requires proposals for all new developments to demonstrate how the development will "respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, addressing the urban structure and grain of the locality in terms of street pattern, layout, mass, and form and ensuring that new development is of a scale, type, density and materials appropriate to the site and its setting"

The Character of the Area

Although Greenhills Road does not fall within a conservation area, it is nevertheless a pleasant but busy road with an open aspect which is characterised by large houses set within large plots. It is a feature of the Greenhills Road/Avenue area that each of the individually designed dwellings is set in ample green space. There are restrictive covenants on every property including No 15 Greenhills Road (GR988) which flow down from title GR957 which permit not more than one dwellinghouse per plot of land and specifically prohibits "outbuildings behind or so as to extend beyond the back of the dwellinghouse to which it belongs". The restrictive covenants

were established for a very good reason-any such erection would impact on the urban grain. Every owner of land comprising the original field owned by William Henry Jordan is a successor in title who can enforce the covenant. The current owners were well aware of it when they acquired No.15 Greenhills Road and agreed to be bound by it. Is it Council policy to actively encourage a property owner to break the law and knowingly breach these covenants?

The proposed extra house will result in a massive loss of garden for the footprint of the proposed house, garage and the driveway needed to link it to Greenhills Road, which would be totally out of character with the street scene. The proposed extra house is for this reason at odds with the urban grain.

Scale and Massing

The development proposed would result in more than double the footprint of buildings on the current No 15 plot, as well as a 4 metre wide roadway to the Eastern side of the plot. As such the scale of the proposed extra house is inappropriate-size, height width and depth-massing would have an unacceptably adverse impact on the amenities of the adjacent properties.

The massing of the proposed property being a 2-storey building built close to the northern boundary is inappropriate. Although it is a chalet style design, the large footprint results in a roofline of similar height to a traditional design two storey house. The Eaves are much higher above the ground floor windows than is necessary and the result is a dominant roof line. It will result in an over bearing development with no sunshine falling on the garden at the Northern end.

It is contrary to Local Plan Policy CP4 (a) relating to safe and sustainable living which seeks to prevent development that would cause unacceptable harm to the amenity of adjoining land owners.

Privacy and Security

The latest application has moved the gate to several metres behind the back of the current No.15 property. All the properties on Greenhills Road and The Avenue have always enjoyed privacy in their rear gardens. Permitting a further house to be built at No 15 would be a massive loss of privacy to all the houses in the immediate vicinity and will reduce the existing security of both 14 & 16 and all the neighbouring properties due to the driveway providing easy access to their rear gardens (again contrary to CP4 (a)). There are invasive windows facing to East and West and certainly would affect the right to quiet enjoyment of the existing neighbouring properties.

Overdevelopment

The proposed dwelling results in an overdevelopment of the GR988 plot of land. No 17 Greenhills Road was permitted to build a similar house with few objections but the property was 80 feet wide. Repeating the style and mass of house on a 60 feet wide plot is the definition of overdevelopment. 1 metre to both West and East boundaries and 5 metres to the North would not be allowed for a house extension-why should a new build be permitted so close?

Materials, Size and Design

The application is totally inappropriate. The proposed design is far too large and is contrary to Local Plan Policy CP7 relating to design. The proximity of the building to the fence ensures that the north facing "garden" for the new property will be in permanent darkness – almost certainly it will be paved/concreted to leave no remaining greenery and increase the risk of flooding that conflicts with CP3 (f) that seeks to minimise the risk of flooding as part of a sustainable environment.

Effect on Area/Traffic

Greenhills Road is an established "rat run" for traffic on that side of Cheltenham. In rush hour, the traffic is static in both directions from Sandy Lane to Pilley Bridge making it extremely difficult to turn right or left from the properties on the North side of Greenhills Road. When traffic is flowing it is like a drag strip for many drivers who seem to wish to do 40-50 mph by the time they pass 14/15/16 Greenhills Road. Cyclists regularly use the pavement in lieu of the road, presenting another unpredictable danger. Boundary walls or hedges are only a pavement width (1.45m) from the road. A substantial house added at the back of No 15 brings further certainty of a serious traffic accident. 3.18 of the SPD, Box 6 sets out Elements of Amenity which are considered important but not addressed in this proposal.

Conclusion

The NPPF requires that good design should "contribute positively to making places better for people." This proposal is out of character with the area. It is overbearing and does not represent a good design and it has a seriously detrimental impact upon residential amenity. This development would cause harm to the local area and therefore conflicts with para 53 of the NPPF on garden land development and should not be allowed. Furthermore it is contrary to Cheltenham's SPD on garden development to build this large house in tandem style on a single plot. There are no material considerations that would justify a departure from development plan policy in this case.

We therefore urge the Council to refuse this inappropriate application to build an extra property on the land comprising GR988. In the event that Cheltenham Borough Council propose to abandon so many of their own guidelines then they need to state clearly and publicly why these policies have been disregarded.

Yours faithfully

[Redacted Signature]

[Redacted Name]

Chairman, Green Avenue

01242 [Redacted Phone Number]

28 July 2016

Dear Miss Payne,

Re: 15 Greenhills Road Proposed Development
Your Reference 16/01149/FUL

I have not had notification of this application. Its wider circulation could be something the department may wish to consider as by implication a house here may mean a house at the foot of my garden. My neighbour, [REDACTED] has passed me his observations which I fully endorse and include below. For my part I emphasize that visual impact of the potential intrusion needs close attention should it proceed. Residents do not want a repeat of glaring inconsistencies in recent works such as bright red roof tiles where no such tile has been used in the past or full length windows needlessly overlooking their property from a roof conversion several plots away-see my original point on notification.

This development conflicts with the planning guidance given in the Development on Garden Land and Infill Sites in Cheltenham Supplementary Planning Document, June 2009. This states 'On a rear garden site, single 'tandem' development which shares the same access or even the same plot as the frontage development, will not normally be accepted'. The SPD (page 39) describes why a rear garden development should be on a reduced scale compared with the frontage houses. Not only is this tandem development inappropriate, but it is also 50% bigger than the frontage house.

We are strongly opposed to this development because:

- a. It would have a significant impact on the neighbouring properties, especially 14 Greenhills Road, 7 and 6A The Avenue. The immediate neighbours would suffer considerable loss of privacy, and the proposed two storey house would visually impact an even greater number of surrounding homes.
- b. The house is too big for the proposed location with only a minimal garden. It has over 2400 sq ft of living space (not including first floor area with head height below 1.8m) plus a double garage. The Northern boundary is less than 5 Metres from the back of the house and the East and West boundaries are only just over 1 metre to the side.
- c. This is another development of a back garden in the area and eventually there will be no large gardens and the green space will be lost. More building will lead to increased flooding in heavy rain.
- d. There is very little provision for off-road parking in the proposed property plan. The planning statement (para 9.1) claims 2 garage and 2 parking spaces, but the site layout only shows 1 parking space. This will increase the likelihood of visitors parking on Greenhills Road and create a serious bottleneck at a narrow point of what is now a major route in the area.
- e. Access to the proposed development is very poor as there is only 2.67 metres (8ft 9ins) from the side of 15 Greenhills to the boundary to fit in a driveway. Hence no lorries will be able to get on site¹, both during construction and subsequently. It will be extremely difficult for commercial vans as they will only have 19cms clear on each side of the van. (A Ford Mondeo would only have 27cms each side.) The likelihood of vehicles parking on Greenhills road would be greatly increased and create a serious bottleneck on this major route.
- f. The access does not meet the requirements for the fire services as it is less than 3.1

¹ Quote from construction vehicle website: if the delivery site has high walls (which the proposed driveway has) a 10ft / 3.05m gap will be needed to accommodate wing mirrors. Note that the vehicle width is 8ft 2 ins so only 3ins each side would be available even if the wing mirrors are moved, and a square on approach is unlikely.

- metres alongside the house and it is over 45 metres from where a fire engine could park.
- g. The rear elevation with clear windows is positioned only 5 metres from the rear boundary compared to the at least 10.5 metres stipulated on page 44 of the SDP.

There are several major errors and omissions in the application:

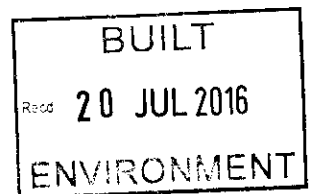
- The layout of the building shown in the full site layout differs entirely from that shown in the floor plans document.
- The size of the existing house at No 15 differs radically between that shown in the full site layout and the block plan.
- No tree survey or proper access information has been provided.
- The Design and Access statement is supposed to included a plan of the site and existing building up to 100 metres away, according to the SPD. This is missing.

We argue that these need correcting before the application is considered.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

[REDACTED]
Brown Gables
8 The Avenue
Cheltenham
Glos. GL53 9BJ
[REDACTED]
[REDACTED]



Head of Planning
Cheltenham Borough Council
PO Box 12
Promenade
Cheltenham
GL50 1PP

20 July 2016

Dear Sir/Madam

**DEVELOPMENT BEHIND 15 GREENHILLS ROAD
APPLICATION NO 16/01149/FUL**

We write to object to the proposal to develop land behind 7 The Avenue.

Despite the fact it will overlook our property we only learnt of this from our neighbour.

We have already suffered from the development of the back gardens of 16 and 17 Greenhills Road. Both severely impact our privacy and the enjoyment of our property.

16 and 17 Greenhills Road are much larger than the plot sizes warrant and both are significantly higher than the dormer bungalows further up the road. Neither should have been allowed and this proposal, on a much smaller plot is totally unreasonable not to mention against your council's own planning policy.

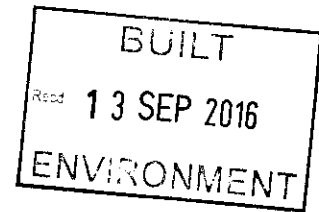
If you ignore your own policy and allow this where will it end?!

Yours faithfully

[REDACTED]

[REDACTED]
Brown Gables
8 The Avenue
Cheltenham
Glos. GL53 9BJ
[REDACTED]

Email [REDACTED]



Head of Planning
Cheltenham Borough Council
PO Box 12
Promenade
Cheltenham
GL50 1PP

Your Ref: 16/01149/FUL

12 September 2016

Dear Sir/Madam

**DEVELOPMENT BEHIND 15 GREENHILLS ROAD
APPLICATION NO 16/01149/FUL**

Thank you for your letter of 6 September.

The revisions to the original plans seem relatively insignificant. In particular the height of this "dormer bungalow (!)" remains the same.

Our objections remain.

Yours faithfully

[REDACTED]