

<b>APPLICATION NO: 19/01141/FUL</b>		<b>OFFICER: Mr Ben Hawkes</b>
<b>DATE REGISTERED:</b> 21st June 2019		<b>DATE OF EXPIRY :</b> 16th August 2019
<b>WARD:</b> Park		<b>PARISH:</b>
<b>APPLICANT:</b>	Mr Neil Otter	
<b>LOCATION:</b>	2 Bethesda Street, Cheltenham	
<b>PROPOSAL:</b>	Erection of a new dwelling to the rear of 2 Bethesda Street	

### **ADDITIONAL CONSULTATION**

#### **Architects Panel**

29th July 2019

#### Design Concept

The panel had no objection to the principle of building a new dwelling on this site. However, the submitted scheme is a very poor design in terms of its layout, appearance and overall scale.

The panel did not believe a three storey design would work on this site.

#### Recommendation

Not supported.

### **ADDITIONAL REPRESENTATIONS**

2 Chapel Lane  
Cheltenham  
Gloucestershire  
GL50 2AR

#### **Comments:** 16th August 2019

Letter attached.

#### **Comments:** 19th August 2019

I am emailing all members due to some significant omissions from the Agenda Pack for 19/01141/FUL [ new house to rear of 2 Bethesda Street ]. Could I kindly request that this is forwarded to any substitutes come 22nd August?

A significant Consultee comment has been omitted from the Agenda Pack [ and Report]. The following is on the idox web page and precedes, in date, other comments that have been included. Why this has happened is still to be determined, however, it is a material Consultee view on the latest plans:

*Architects Panel*

*Comment Date: Mon 29 Jul 2019*

### *Design Concept*

*The panel had no objection to the principle of building a new dwelling on this site. However, the submitted scheme is a very poor design in terms of its layout, appearance and overall scale.*

*The panel did not believe a three storey design would work on this site.*

### *Recommendation*

*Not supported.*

Additionally the Civic Society comments are from before the latest revisions [ revised elevations 20th July ]. Three storeys are clearly also unacceptable to this consultee. Two consultee's are not happy with the design.

### *Cheltenham Civic Society*

*Comment Date: Wed 26 Jun 2019*

*This is a full planning application, so why has the applicant submitted conceptual drawings? The Forum has no objection to the infill development on Chapel Lane. (The applicant's inclusion of the existing street scene on their application is much appreciated, this being frequently omitted from other similar applications).*

*The third storey is unacceptable in a street scene of 2-storey cottages and in relation to 2 Bethesda Street. The street elevation with 3 "front doors" and a window extending to ground level is very odd and not in keeping with the area.*

The revised drawing for elevation got rid of the "three front door" effect, but did not address the three storey issue - unacceptable to Civic Society.

The Officers Report implies that the Church Hall, by virtue of having one large window, will always need artificial light and, by implication, electric "strip lighting". This cannot be true, as the Hall predates electric light. The hall was orientated and designed to harvest direct southerly light, at a time when other sources of light would be limited to gas or candle- these being inferior to electric light. Quite simply, that window, due to size and aspect was more than fit for purpose for natural illumination and for the design, it being mock Gothic. The Report advocates the hall having it's natural light removed by overshadowing from the new house and encourages the use of electric light instead, condemning present and future users to be entombed and use unsustainable means of illumination. This contravenes NPPF and well-being.

It is noted from the Report that Conservation Officer is likely to have approved a house on this site that will overshadow the hall windows, with all the adverse affects this will have. This was done some time ago with no official site visit or onsite measurements or consultation. There is not sufficient burden of proof that the benefits from the house will outweigh the absolute harm caused to the Hall, its community value in well-being and its setting. The Methodist Church Consultee, an expert in conservation matters relating to listed buildings, has stated there is a statutory duty to protect the Heritage Asset. In monetary and conservation terms, the magnitude of cost [ fiscal and human] to mitigate and wholly redesign a grade II listed building to maintain its beneficial function as a

community resource will be substantial and no doubt prohibitive. Could we start at a 7 figure sum in monetary terms and an un-quantifiable amount of lost human well being?

The Hall users, some being a sensitive group with particular needs, are being burdened to prove their value and worth. The Church lets out the hall at low or no cost, but does not have, by implication, permission to comment on their individual behalf, or to instruct them what to do, being mindful these are autonomous groups, as such there has to be sensitivity in the consultation's as some of the groups wish to be anonymous or have special needs. Four weeks ago I witnessed the distress this Application is causing one particular elderly group that uses the Hall regularly. They were clutching flyers, produced by the Church, explaining the Application, where it was and its aspect to the Hall windows. They could not locate the Application site and were in a state of confusion.

Plannings' handling of the consultation is unrepresentative of users of the Hall and puts them at a disadvantage. CBC have address details of local houses; the Church, however, do not have address and contact details of every individual user of the Hall- nor would they be expected to do so or to canvas them- Individual group "leaders" have commented and objected as they have a duty of care to the hundreds of people that use the Hall, but they cannot act for each individual as it is not in their remit, to do so they would have to negotiate many time consuming layers of bureaucracy and it would be a very long and drawn out process exceeding Planning timeframes, exacerbated when there are "revisions" and they have to start again.

The Report alleges some community disinterest in that 26 letters were sent and only 13 respondents, as such erroneously concluding the Hall has no value on such a small sample and on the false premise that the users of the hall only live in a <100mtr radius. Clearly a fallacy. If this was a community consultation - the people that actually use the Hall- the users of the hall should have been consulted directly by the Council; that would have been proper due process for a Heritage Asset that is so sensitive. The other letters no doubt, went to homes that did not use the Hall. There is a Statutory Duty to protect Heritage Assets and the positive benefit they provide to people and the Character of an area.

The Planning officer states that

"The conservation team are supportive of infill development on this site and consider that development which will result in the loss of the poor quality hard surfaced area will improve the aesthetics of the area". That may be so, but enclosure by a rear wall and fencing [ as in previous incarnations on the rear of this site ] or a single story dwelling would have the same affect and then have the benefit of protecting a valued community Heritage Asset.

It is noted that Applicants supporting statement 15.08.19, has made the agenda pack. As normal process we hope that the response representation 16.08.19 will be made available at Committee, as the Applicant has made some interesting statements. For the time being, the response can be found on the idox webpage in documents tab for 19/01141/FUL

Thank you for taking the time to read this representation.

16 Great Norwood Street  
Cheltenham  
GL50 2AP

**Comments:** 19th August 2019

I would also like to raise an objection to this proposed new dwelling. Whilst I am not as technically eloquent as some of the other objectors I feel that as this is a conservation area consideration should be given to the general environment we live in here.

With three stories the dwelling is too tall for the space and it is not in keeping with any of the other houses in the small narrow street.

Any development here should not block the light into the church hall or affect the privacy of those who use it. The Church Hall is a community amenity that has only recently been improved for the benefit of us all.

I agree we should not be losing a parking space or adding to the number of cars trying to park in the crowded streets in this area.

Chapel Lane is a small quiet road in very poor repair in some places and any further development is likely to make the conditions of the lane even worse. The lane has a character of its own that needs to be protected.

There have already been two new houses in the lane of poor design and construction standards and there doesn't need to be any more.

[REDACTED]  
2 Chapel Lane  
Cheltenham  
GL50 2AR

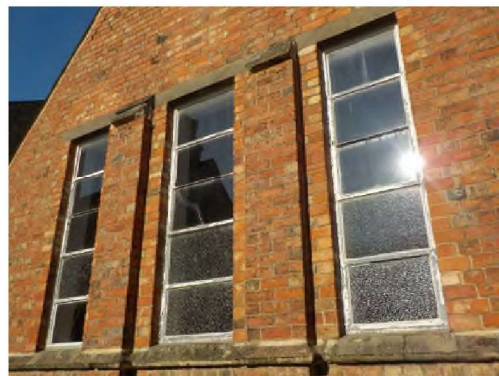
Ben Hawkes  
Planning Department  
Cheltenham Borough Council  
PO BOX 12, Municipal Offices  
Promenade  
CHELTENHAM GL50 1PP

Thursday, 15 August 2019

Dear Mr Hawkes

**Application Ref: 19/01141/FUL**  
**Erection of new dwelling to the rear of 2 Bethesda Street [objects]**  
**Response to the Applicants Statement 15<sup>th</sup> August 2019**

Firstly, in response to Applicants statement 15<sup>th</sup> August, we need to revisit the photographs below:



*South facing Church Hall Windows: Note shadow either side due to no 1 and no 3 and imagine the devastating effect of the overshadowing caused by the new house.*

The contents of the statement, if they were to be of value, should have been in the original Design and Access statement. Though academic at this juncture, the claims are worthy of a response:

- Chapel Lane has Character. The original cottage style houses [no 1, 2 and 3] and the Church and Hall, no 4 and 6 [direct coach house replica of original coaching / stabling circa 1995], no 5 and 3a [later “contemporary” additions]. There are three “types” of houses plus a Heritage Asset.
- The substation is a utility asset. It does not necessitate being beautiful. Without it there would be no electricity.
- The road is in poor condition due to three new builds since 2006. All noted and proven. Additionally, if necessary, we can produce photographs of builders using the road surface as an “anvil” for bashing out foundation mesh. How else do you think it has ended up so potholed and cracked?
- If the Applicant had considered the Church representations they would know the Hall windows are about to be refurbished.
- The existing rear windows of 2 and 3 Bethesda Street are about 18 mtrs away from Hall windows, so do not constitute overlooking. **However, there is an important point here in that the Applicant is acknowledging there is a principle of overlooking and privacy, as regards the Church Hall and continues to do so in the representation.** This we can agree on.
- The window of 3 Chapel Lane [Lamb Flag] is set at an angle away from the Hall and is not in front. From Hall window centres it is outside 90 degree span [45 degree from perpendicular]. Additionally, the Hall window reveals are very deep, to maintain privacy from that angle. The Applicants photo is from inside. From no 3 aspect, hall is not overlooked.
- The lower windows of the Hall are obscured for privacy from pedestrians. Obscuring of windows should not be applied to existing windows. The burden is on the new house to adapt.
- It is noted the Applicant provides a photograph showing a longer view through the Character Area. This is of the whole Heritage Assets South face. A significant longer view that will be removed by the new house as admitted by the Applicant.
- The Applicants photograph from inside the Hall clearly demonstrates the large amount of natural daylight afforded by the large south facing windows. The artificial light is not material in this context as it is horizontal on the ceiling and the ceiling has no roof windows. The Hall windows provide wide spayed lateral lighting.
- We note that the inside of the Hall is not public domain. Was there bona fide permission to take photographs and post these in the public realm, given the sensitivity of some of the user groups?
- Applicant alleges there is a bricked up window on the east wall of the Hall. What evidence is there that it has not always been so? In any event, less than 4 mtrs away is 6 Chapel Lane, overshadowing this portion of wall from an easterly direction. There has been Coach Houses / stabling of proportion similar to existing since at least 1860.
- Many thanks for the planning advice for 2 Chapel Lane, however more levelled comment would have spotted the obvious potential for a 2 storey **side** extension. In any event, who in full possession of their senses would want to lose 3 or 4 off street parking places in super congested Zone 8?
- We detect a sense of entitlement in the representation, so all reasoned objection – and it is all well founded – is seen as an unnecessary impediment, sort of a “with us or against us” point of view. There is to be a significant loss to the Community and Heritage Asset if an overshadowing House is permitted on the Application site, this should not be taken lightly.
- Though of absolutely no relevance whatsoever, average house prices in GL50 2\*\* are not £500,000!

