

APPLICATION NO: 19/01956/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 28th September 2019		DATE OF EXPIRY : 23rd November 2019	
WARD: Benhall/The Reddings		PARISH:	
APPLICANT:	Clark Holdings (UK) Ltd		
LOCATION:	18 Hatherley Lane, Cheltenham		
PROPOSAL:	Sub-division of/alterations to existing pair of semi-detached houses to create 3no. terraced dwellings, and extension to create additional dwelling at 18/20 Hatherley Lane		

REPRESENTATIONS

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

33 Hatherley Lane
Cheltenham
Gloucestershire
GL51 6PN

Comments: 19th October 2019

Various members of my family have lived opposite this establishment for over 40 years.

In the beginning it was a perfectly respectable pair of semi-detached "chalet bungalows" as they used to be called. In the intervening years the buildings have been extended bit by bit and changed use from residences for two nuclear families to multi-occupancy dwellings of different kinds, most recently a boarding house then studio lets. This has frequently resulted in annoyance for the neighbours, mainly because of parking an excessive number of vehicles both in the forecourt and on the road, and noise.

The pavement and kerb in several places have been broken up because a lot of the vehicles were large commercial ones (on two occasions I have seen a car transporter and a heavy road maintenance tar sprayer.) The road is a busy one, on a half-hourly bus route, and the property is right next to a bus stop and near a well-used road junction with two schools in the near vicinity.

Changing the designation yet again to make four dwellings will now double the original capacity of the site. I have two concerns about this.

Firstly it will increase traffic on the road, and parked vehicles will be emerging far too near a sharp bend where the railway bridge is. There is limited visibility for traffic which comes round the corner quite fast, because this road has become something of a "rat run" between Westall Green and Arle Court, to avoid the often-congested A40. This will compromise highway safety.

Secondly, I seriously wonder if the developer can, by a series of extensions over the years, be permitted to (in effect) build four homes in place of two.

The single-storey extension will not be in keeping with the appearance of the rest of the building and be crammed into a small corner of the site. It looks as if it will be very close to the houses round the back, creating considerable loss of privacy. There is insufficient room for yet another extension at the opposite end of the building from the first extensions.

Comments: 7th November 2019

Further to my previous objection, lodged when the first set of proposals was notified to us, there have now been two further submissions. The first was a substantial change, in that the fourth proposed extra dwelling had become a two-storey extension on an area of the site that, in all honesty, is barely sufficient for the garage that currently stands there. Therefore, my objection to the single-storey extension, saying it was crammed into a small corner of the site and very close to the houses round the back, creating considerable loss of privacy, becomes even stronger because of the new height. This would cause an even more intrusive invasion of privacy.

The fact that the developer is further "tweaking" the second amended application makes me more suspicious that something is going on that is less than straightforward and above board. I repeat: I seriously wonder if the developer can, by a series of extensions over the years, be permitted to (in effect) build four homes in place of two.

One further point about traffic safety on this busy road. Previously I wrote: The road is a busy one, on a half-hourly bus route, and the property is right next to a bus stop . . . As of last weekend, the Stagecoach 97/98 bus service has been changed to three per hour, every 20 minutes from the Promenade, and when I last used it earlier this week, the bus could not pull in where the bus stop is because there was a vehicle parked half on the road and half across the pavement extending past the bus stop. This was because all the parking space in front of this property was filled, as two large commercial vehicles had parked parallel to the road along the front of the building, being too long to park at right angles, and therefore taking up several car spaces each.

27 Hatherley Lane
Cheltenham
Gloucestershire
GL51 6PN

Comments: 5th October 2019

The above plans reduce the amount of parking and do not take account of the large number of transit style work vans which park on the drive during the week.

The houses are currently rented out as individual rooms for short stays. This leads to the car park at the front of the house being full including 3 to 4 workers transit style vans. Extra parking on the verge is often used at peak times over night.

The plans seem to indicate reducing the number of bedrooms and reverting to 4 small properties. This may actually be beneficial to the neighbours but since the company has not engaged with us it is hard to tell. Generally, the garden is not maintained and there can be large quantities of waste. There has in the past been anti-social behaviour from residents, again it is hard to tell if this will be reduced with the apparent change of use.

Comments: 4th November 2019

Opposed: Sub-division of existing pair of semi-detached houses to create 3 terraced dwellings plus a 4th new dwelling is opposed on the following grounds:

There are a number of significant inaccuracies in the planning application: the site is not residential but commercially run multi-occupancy low budget hotel, the number of bedrooms declared is incorrect and ground floor rooms labelled as lounge, study, dining room are in fact bedrooms/studio rooms. The application is for an additional 1 x 2 bedroom property but the plans only show a 1 x 1 bedroom extension with downstairs living area. The current properties are not 4 bedroom properties. There are between 10 and 20 rooms rented out as studio lets depending on which booking website is viewed and from the plans we can see 17 rooms available for use as

studio/ bedrooms. We can clearly see that downstairs rooms are studio/bedrooms and there are no communal spaces for residents.

Adequacy of parking/loading/turning and highway safety are significant issues. The proposed plan reduces the parking to 8 car spaces which is wholly inadequate for the proposed development. During the last week of October at least 10 spaces have been used overnight with an average of 4 commercial vans taking up the whole of the front of the properties and surrounding verge. Large commercial vehicles do not fit on the site and are parked with part of the vehicle obstructing the public foot path. Vehicles reversing on or off the site do so close to a blind bend. This was one of the reasons for planning refusal in 2000 (reference 00/01580/FUL). The road is now far busier and there are increased number of vehicles including large commercial vans using the site.

Noise and disturbance resulting from the low budget hotel continues to annoy the neighbours including late night noise from social gatherings in the garden, vehicle engines, door slamming and the beeping of the electronic door key pads as residents come and go late at night or very early morning. JCS SD4(iii) , JCS SD14: (1,2), Local Plan CP4

Layout and density of building was another reason for refusal of planning in 2000 (reference 00/01580/FUL) with the reason given that it would overdevelop the site and provide an unwelcome and uncharacteristic terrace effect. This objection remains true today as other properties in this part of Hatherley Lane are detached or semi-detached. JCS SD4(i) , Local Plan CP7, NPPF 130

The site is a "corner plot" with very limited garden space for the original 2 properties. To divide the property into 3 or more properties would give insufficient outdoor space or privacy to each property. JCS SD4(iii), Local Plan CP7

The property is used as a cheap hotel and does not provide any accommodation for the local or surrounding community. Any additional accommodation from this proposal will not improve the character or quality of the surrounding area for the community. Subdividing into smaller units increasing the number of rooms for rent will only further exacerbate the already outlined issues.

The owners of the property have not engaged with the local community or provided any additional information on this plan(as recommended in NPPF 124). As there is no change of use proposed in this application I can only assume the wish to continue to use it as a low budget hotel.

Opposed: The proposed double storey extension is objected to on the grounds it overbearing, overlooks and is a gross loss of privacy to houses 12 and 14 Faringdon Road. The extension is only 4.5 m from its property boundary. The distance from the proposed dormer window to the upstairs bedroom window of number 14 is only 14.6m. The distance from the same window to the upstairs window of number 12 is 16m. (Local Plan CP4 Note 3). A proposal in 2000 included a similar dormer window was refused on these grounds and there is no change to the facts.

The design of the north side of the extension (facing the road) includes velux windows rather than dormer windows. This is out of keeping with the rest of the property and does not integrate with the existing buildings. (JCS SD4. Local Plan CP7)

I have already outlined why it should not become a 4th house in its own right.

Summary:

- 1) The whole plan should be refused on the grounds that the application is inaccurate and misleading.

- 2) A similar application in 2000 (reference 00/01580/FUL) was refused and all those reasons still stand today.
- 3) The subdivision of property 18/20 into 3 dwellings plus 4th new dwelling should be refused :

JCS SD4 (i) and (iii) - design requirements
Local Plan CP4 and CP7
NPPF section 12 : 127 and 130

- 4) The 2 storey extension should be refused:

JCS SD4 and SD14
Local Plan CP4 (especially Note 3) , CP7
NPPF section 12 : 127 and 130

References

JCS - Joint Core Strategy Gloucester, Cheltenham and Tewkesbury,
Local Plan - Cheltenham Borough Local Plan
NPPF - National Planning Policy Framework
JCS Joint Core Strategy Plan Gloucester, Cheltenham, Tewkesbury

SD4: design requirements

i. Context, Character and Sense of Place;

New development should respond positively to, and respect the character of, the site and its surroundings, enhancing local distinctiveness, and addressing the urban structure and grain of the locality in terms of street pattern, layout, mass and form. It should be of a scale, type, density and materials appropriate to the site and its setting. Design should establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, and having appropriate regard to the historic environmental

iii. Amenity and space;

New development should enhance comfort, convenience and enjoyment through assessment of the opportunities for light, privacy and external space, and the avoidance or mitigation of potential disturbances, including visual intrusion, noise, smell and pollution.

SD14 Health and Environmental quality

1. High-quality development should protect and seek to improve environmental quality. Development should not create or exacerbate conditions that could impact on human health or cause health inequality.

2. New development must:

I. Cause no unacceptable harm to local amenity including the amenity of neighbouring occupants;

ii. Result in no unacceptable levels of air, noise, water, light or soil pollution or odour, either alone or cumulatively, with respect to relevant national and EU limit values;
Cheltenham Borough Local Plan

POLICY CP 4 SAFE AND SUSTAINABLE LIVING

Development will be permitted only where it would:

(a) not cause unacceptable harm to the amenity of adjoining land users and the locality (notes 1 - 4); and

(b) not result in levels of traffic to and from the site attaining an environmentally unacceptable level;

Note 1

In assessing impact on amenity, the Council will have regard to matters including loss of sunlight and/or diffuse daylight (see note 2), loss of outlook, loss of privacy (see note 3), and potential disturbance from noise, smells, dust, fumes, vibration, glare from artificial lights (see also policy CP 3 (sustainable environment), hours of operation, and travel patterns, including heavy goods vehicles (see also policy CP 5 (sustainable transport)).

Note 3

In determining privacy for residents, the Council will apply the following minimum distances:

- 21 metres between dwellings which face each other where both have windows with clear glazing
- 12 metres between dwellings, which face each other where only one has windows with clear glazing.

POLICY CP 7 DESIGN

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).

Extensions or alterations of existing buildings will be required to avoid:

- (d) causing harm to the architectural integrity of the building or group of buildings; and
- (e) the unacceptable erosion of open space around the existing building.

TABLE 4: PRINCIPLES OF ARCHITECTURAL DESIGN

The architectural design of new buildings and alteration of existing buildings should demonstrate a creative response to a specific site and locality. Particular attention should be paid to:

function

- fitness for purpose
- character
- historical context
- distinctive features of the locality (such as spatial quality, rhythms, density, scale, style and materials)

layout

- the urban grain (the pattern and density of routes, street blocks, plots, spaces and buildings of a locality) and topography of an area
- the efficient use of land

scale

- the size of the building, its elements and its details in relation to its surroundings and the human form
- massing (the arrangement, volume and shape of a building)
- height (its effect on shading, views, skylines and street proportion)

appearance

- materials (high quality and suited to their location and purpose)
- detailing

landscape

- the integration of buildings and landscape.

National Planning Policy Framework

40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.

Section 12

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

127. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Comments: 7th November 2019

Following the release of the 3rd set of plans:

The change in plans have only come after detailed objections from neighbours including detailing local planning policy. Did they not know about local planning policy? It appears the applicant is trying to "get away" with what they can.

I still object to the dividing of the property into 3 plus a 4th new house.

1) There is still no change of use from a budget hotel (Category C3) and it is in use at the moment as a hotel. The application should be refused for its inaccuracies and being mis-leading.

A planning application that is not clear what is being applied for must be refused because no decision can be made.

The plan must be refused until the authorised use of the site is clarified.

2) Layout and density of the proposed plan was another reason for refusal of planning in 2000. It would overdevelop the site and provide an unwelcome and uncharacteristic terrace effect. This objection remains true today as other properties in this part of Hatherley Lane are detached or semi-detached.

3) Lack of amenity space and privacy: The site is a "corner plot" with very limited garden space for the original 2 properties. To divide the property into 3 or 4 would give insufficient outdoor space or privacy to individual property.

4) Noise and disturbance resulting from the low budget hotel continues to annoy the neighbours including late night noise from social gatherings in the garden, vehicle engines, door slamming and the beeping of the electronic door key pads as residents come and go late at night or very early morning.

5) Parking is wholly inadequate (photographic evidence available). At least 10 spaces are regularly used during the week with additional space used on the public footpath and verges. This plan increases the proposed density of accommodation and reduces the level of parking.

I still object to the 2 storey extension on grounds of overbearing number 14 Faringdon Road.

a) Its rear window is only 14.6m and 16m from properties 14 and 12 Faringdon Road although is now opaque glass.

b) However, it remains overbearing as it is only 4.6m from its boundary closest to number 14 Faringdon Road and 15 Faringdon Road.

Fundamentally, the basis of this application has not been dealt with i.e. it is a site used as a low budget hotel with a large number of rooms rented out as bedrooms/studios. All these proposed changes obscure any reason for change. The revised plans have done nothing to clarify the situation.

25 Hatherley Lane
Cheltenham
Gloucestershire
GL51 6PN

Comments: 28th October 2019

I draw your attention to 'irregularities' in the application form...

Section 12 - Assessment of Flood Risk

This is marked as NO risk. This is incorrect. The stretch of road from 21-30 Hatherley Lane suffers from flooding in heavy rain storms. Poor drainage and an adverse road camber creates a mini lake 150-200 mm deep across the width of the road. This has been frequently reported to Cheltenham Borough Council.

Section 14 - Existing Use

'Two semi-detached dwellings' is not an accurate description for 18-20 Hatherley Lane. It has been a lodgings house providing temporary accommodation for 20+ years and 4-5 years ago has been operating as a 'hotel'. Please refer to the link. https://www.booking.com/hotel/gb/hatherley-studio-lets.en-gb.html?checkin=2018-09-06&out=2018-09-07&hp_refreshed_with_new_dates=1

Section 17 - Residential Units

The 'Existing' number of bedrooms in 'Market Housing' is incorrect and the ground floor rooms are incorrectly labelled in the existing plans. As previously mentioned, 18-20 Hatherley Lane is a commercial multi-occupancy low budget hotel with all downstairs and upstairs rooms converted into guest rooms with single or double beds. Clarification on its use is requested. Clearly it is not residential 'Market Housing'. Please refer to the previous Hatherley Studio Let website link.

Section 18 - All types of Development: Non-residential floorspace

'Use class/types of use' has been crossed off. 'C1 Hotels and halls of residence' needs to be filled in.

Please return the form for completion with correct details and clarification of its intended use. Is it residential sales, rental or back to multi-occupancy 'hotel'? Without clarity, I object to this application.

Comments: 6th November 2019

Until now I never really batted an eyelid but this application has stirred up my curiosity into how it's come about to be its current existing design. It is so different from the other chalet style houses in the area. 18-20 Hatherley Lane never seemed to blend in well. Neighbours who have lived here longer than me, have pointed out and explained how the existing construction has expanded over the years to be what it is now.

Is there evidence that previous conversions of 18-20 to its existing state, were to planning procedures?

Is the new proposal to further increase to 3 or even 4 separate properties based on an unapproved conversion?

On the subject of its use as a 'hotel', how could permission be granted for this when the area is well served with the Travelodge and Jurys Inn hotel less than 2-3 mins drive at the end of Hatherley Lane.

Comments: 9th November 2019

On top of mine and everybody else's comments, I add the applicant has additional properties nos. 7 and 11 Hatherley Lane converted to HMOs with more than 6+ people. Does Hatherley Lane fall under Article 4 Direction? If so, the current use of nos. 18 and 20 should revert back to individual dwellings. If it hasn't got it, then the Article 4 Direction controls should be applied to restore the character of one of the most desirable areas of Cheltenham to live in.

In the event this application is successful, I request the planning committee apply Article 4 Direction to prevent conversion of nos. 18, 18a, 20 and 20a into HMOs. Effectively each house could have 6 people each. 24 people with no control or limits on car parking, noise, wheelie bins, etc.

23 Hatherley Lane
Cheltenham
Gloucestershire
GL51 6PN

Comments: 5th November 2019

We have suffered from traffic issues for years from this so called Hotel. We have never had a say on change of use from a dwelling property to this position we are in now.

Many times we have been woken up by the noise coming from the property and the police have been called on more than one occasion. Only last week a van outside was playing very loud music and flashing lights on top of the van was like a disco in full swing!

14 Faringdon Road
Cheltenham
Gloucestershire
GL51 6NZ

Comments: 2nd October 2019

The plan extension will impact on my privacy and view. These properties are rented out on a regular basis. There is already considerable noise and disturbance at the weekends and in the evenings especially in the Summer time.

Comments: 6th November 2019

The garden area for the present dwellings is triangular in shape so splitting that into three gardens would not provide amenity for each dwelling.

The proposed single-story extension would invade our privacy, be over bearing and not in keeping with the design of the area.

The present drains, which support 14 & 15 Faringdon Road and 18- 20 Hatherley Lane are already overloaded and have caused problems in the past.

12 Faringdon Road
Cheltenham
Gloucestershire
GL51 6NZ

Comments: 6th November 2019

The addition of another dwelling added to this property with a dormer window would make a total of six large windows overlooking our property. They can look directly into our bedroom, dining room and kitchen., thus affording us no privacy at all. When we originally purchased our property the dwellings in question were just two family homes. The site is already over developed for the size of the plot.

11 Faringdon Road
Cheltenham
Gloucestershire
GL51 6NZ

Comments: 21st October 2019

I am concerned at the additional traffic on an already busy road that this may cause. The access from Faringdon Road onto Hatherley Lane is on a blind bend, with no warning signs on Hatherley Lane, and traffic is already heavy and fast moving, making exit from Faringdon Road extremely difficult at times.

14 Faringdon Road
Cheltenham
Gloucestershire
GL51 6NZ

Comments: 3rd October 2019

Already disturbances and police intervention due to existing number of occupants. Continual noise with banging gate.

Already plenty of traffic from the cars and exit from that existing dwelling onto Hatherley Lane and then when departing traffic meets Faringdon Road. It is impossible to turn right and one is forced to drive up to the roundabout.

Visual impact already an eyesore. Any extension will only magnify existing problem.

Privacy

We are already overlooked directly into our Kitchen and upstairs bedroom.

Comments: 8th November 2019
Re Altered plans of 5th November

a) Extension is overbearing , lack of garden for this property ie not suitable amenity
Division into 3 plus 4th new properties : over development, noise, lack of change of use (still a hotel) , parking (potentialy a danger as close to blind bend off a bridge). Specifically the building is totally out of character to all forms of accomodation nearby and is already overdevelopped. This was the reason for rejection last time and nothing has changed.

6 Faringdon Road
Cheltenham
Gloucestershire
GL51 6NZ

Comments: 13th October 2019

The parking currently outside these properties can be dangerous to pedestrians when fully occupied as the large vans can obstruct the pavement. Faringdon Road also has increased traffic as the sat navs send people into this small cu-de-sac when looking for this accomodation.