

APPLICATION NO: 22/01585/FUL		OFFICER: Miss Michelle Payne	
DATE REGISTERED: 3rd September 2022		DATE OF EXPIRY : 29th October 2022	
WARD: St Peters		PARISH:	
APPLICANT:	Ski Tyres		
LOCATION:	Ski Tyres 73 New Street Cheltenham		
PROPOSAL:	Construction of 7no. residential dwellings and associated works following demolition of existing buildings		

REPRESENTATIONS

Number of contributors	5
Number of objections	5
Number of representations	0
Number of supporting	0

26A Burton Street
Cheltenham
Gloucestershire
GL50 3NE

Comments: 21st January 2023

I object to the current proposal due to the following points:

Privacy and light

Currently my property is not overlooked and was a key point when purchasing, with the elevation of the site, the third storey and the living area with Juliette balcony I will lose all privacy of my garden, part of my downstairs living space and potentially the master bedroom. The proposal shows no empathy for the privacy of the residents at the rear of the development, with no windows being obscured and direct viewing into several properties. The amendment to the distance from the properties in Burton Street still does not address the real lack of privacy these homes will create.

It is unclear from the plans the impact of light to the properties on Burton Street due to inaccurate data, as demonstrated by another respondent, and the lack of acknowledgment that the building site is on higher ground than Burton Street. However, using judgement and the information available, it is likely that all several properties will receive less light as a result of this development, in breach of the Rights of Light Act 1959.

Noise

Notwithstanding the noise and disruption caused by the initial building work, which will have a detrimental impact on all local residents, there will be ongoing issues with noise pollution due to the air source heat pumps. These are known for generating excessive noise and will be located directly to the rear of properties in Burton Street. This will impact the enjoyment of our homes and gardens.

Parking

Parking is a known issue in zone 12, with this development only generating 8 extra parking spaces and no parking allowances for the properties on New Street this will only exasperate the issue further creating more issues for existing residents. It is unclear if

there are currently 2 parking spaces associated with cottage being demolished. If this is the case, that's 2 parking spaces lost.

Environmental issues

The land to be developed is known to attract and house local wildlife and create a safe environment in a town due to the restricted access between Ski Tyres and Burton Street, this will be completely lost as part of this development. The continued noise pollution from the air source heat pumps will also ensure that future wildlife are not attracted to this area.

Although against current proposals, I am not in objection to the development of this site. I do believe that further consideration needs to be given on the impact of existing residents, especially with regards to privacy and also the scale of the development. The site seems small for 7 properties, and it may be prudent for the developers to consider fewer, 2 storey dwellings with ample parking.

27 Burton Street
Cheltenham
Gloucestershire
GL50 3NE

Comments: 27th September 2022

I object to the planning application for the construction of 7 new dwellings, particularly the 4 properties backing onto Burton Street on the existing Ski Tyres property, for the following reasons:

- 1). The rear of our property is not currently overlooked. The construction of these new dwellings will cause considerable loss of privacy due to the nature of the proposed design and the proximity of these dwellings to the existing properties. Juliet balconies on the first floor, living spaces at the rear, unobscured glass and the additional height of these 3-storey properties will all cause significant loss of privacy to the existing Burton Street residents.
- 2). Based on the submitted plans/drawings, it would appear that the requirements for separation between the existing properties and the proposed new properties will not be met. Furthermore, it would also appear that the distance between windows and the property boundaries will be inadequate and will not meet the boundary distance requirements.
- 3). The installation of air source heat pumps will cause significant noise nuisance, given that these pumps are inherently noisy and that these units will be situated unacceptably close to the boundaries of the Burton Street properties.
- 4). The security of the rear of the Burton Street properties backing onto the development will be severely compromised both during and following construction, due to the proposed rear/side access that will be provided to these dwellings. At present, the area of land between the Burton Street properties and Ski Tyres is almost impossible to gain access to, providing security to the rear of our properties.
- 5). The proposed new dwellings will undoubtedly lead to an increase in demand for parking in this area by the new occupants and their visitors, which is already at capacity.

6). The area between the boundaries of the Burton Street properties and Ski Tyres is home to a variety of wildlife, which will be severely impacted by the demolition of Ski Tyres and the construction of new properties here.

28 Burton Street
Cheltenham
Gloucestershire
GL50 3NE

Comments: 23rd January 2023

Letter attached.

Comments: 27th September 2022

Letter attached.

30 Burton Street
Cheltenham
Gloucestershire
GL50 3NE

Comments: 16th September 2022

1) Unacceptable harm to the amenity of adjoining landowners and the locality (privacy and Light). Existing warehouse has no windows at the rear and has a pitched roof

2) Rear clear windows and living areas of Application overlook gardens and look into rear of houses. < 21 mtrs between facing windows (all except no 30) and 10.5mtrs between rear windows of application and the boundary to gardens of Burton street Gardens

3) Overbearing

4) Over-development due to cramped sight

5) concerns over demolition and control of toxic substances and dust, asbestos roof? . Insist on a robust condition attached to any future permission regards a "construction and method Statement" Reason : to mitigate and restrict harm to neighbouring health and amenity

6) parking Over subscribed parking zone . significant double yellow lines it is not resonable to have no parking on plots 1,2,and 3 and specious to state future occupiers will be car free. Further plots 4,5,6,7have very tight parking provision. Spaces only 4.5m long . many cars will overlap this and block the pavement. There is no pavement opposite. Turning manouvers will not work when one of the spaces is occupped as the road is to narrow

44 cheapside
Horsell
woking
GU21 4JL

Comments: 26th September 2022

Firstly I believe that the house that is referred to as Number 76 is actually Number 75, so this needs to be checked. Whatever number it is, it is scheduled for demolition.

I am the owner of Number 77 which is currently rented accommodation, and which is joined to number 76 (75) and includes a shared chimney. The internal wall between the two houses is single skin, so I also believe an additional skin will need to be added, and the freehold of the land required will need to be transferred to me. The proposed alleyway presents a number of issues - security, noise and anti-social behaviour, which all impact on any occupier of Number 77.

During the demolition process I would envisage that my tenants would have to be rehoused for a period of time - this raises cost implications for me and I would expect the developers to cover all the costs associated with this.

As this alleyway only appears to service a limited number of properties, I would expect a secure gate with lock at the entrance. In addition I would also expect that the existing walls surrounding the garden of Number 77 would need to be raised for security and privacy reasons. Does this development actually need this alleyway at all?

Regarding the three storey development at the rear - I feel that this gives all the residents of the New Street terrace concerns over privacy as currently their rear gardens are not overlooked.

Although I have ticked the object box, I am not against redevelopment of this area at all, I just wish to make sure that all these things are well considered before any go-ahead is given.

28 Burton Street
Cheltenham

Mrs Emma Pickernell
Planning Officer
Cheltenham Borough Council

26/9/22

Dear Mrs Pickernell,

Ref: 22/01585/FUL

I wish to object to the proposed plans for the construction of 7 houses in Grove Street/New Street. Specifically, my concerns relate to the 4 semi-detached properties backing onto Burton Street (plots 4 to 7).

1. Overlooking and loss of privacy

1.1 Current level of privacy

No. 28 Burton Street currently enjoys complete privacy: neither the house or garden are overlooked by neighbours. This was a significant factor in my decision to purchase the property. The proposed plans would result in a significant reduction in privacy, with the 4 non-obscured windows/glazed doors of plot 6 looking directly into my garden and living areas.

1.2 Required separation

'Facing windows to habitable rooms (living, dining and bedroom) should be a minimum of 21 metres apart, with at least 10.5 metres from window to boundary.' Cheltenham Local Development Framework SPD – Residential alterations & extensions¹

The plans submitted do not comply with the facing windows requirement.

- The distances between facing windows are c. 20.6m between plot 6 and the living/dining room of no. 28 Burton Street
- The requirements are even more compromised by an overlooking distance of only c.16.3m between plot 7 and the ground floor extension of no. 27 Burton Street, which is a kitchen/diner.²

The window to boundary distance requirement is also not met, with distances from the proposed windows to the proposed boundary ranging from 8.4 – 8.6m across plots 4-7.

1.3 Additional considerations

The proposed houses have 3 storeys. Many authorities specify an additional distance of separation of several metres between an existing 2 storey building and a proposed 3 storey building, due to the increased penetration of overlooking from an elevated vantage point.

In addition, according to the submitted topographical survey the ground level for the proposed buildings is c. 1m higher than that of the Burton Street houses. Again, other authorities specify that

¹ Presumably these are applicable – I can't think of any logical reason why the requirements would differ between residential alterations/extensions and new residential developments

² As detailed measurements are not provided on the plans, these distances and all others cited here have been measured with the measurement tool, using the appropriate plan scale

the construction of a new property with facing windows on a higher ground level requires an additional distance of separation.

1.4 Alternative solutions

The applicant's suggestions of window louvres and/or restricted opening on the 2nd floor windows are not good solutions. Firstly, they don't solve overlooking issues from the 1st floor. Secondly, restricting the opening of a non-obscured window will not prevent overlooking. Finally, window louvres would be unattractive and are not an architectural feature of the local area.

The plans which were approved in 2015 for a similar development further along Grove Street at Ryan House (15/01243/FUL) were much more mindful of the privacy of Burton Street neighbours. These houses have the following features:

- Smaller patio doors rather than full bi-fold doors at ground level
- Bathrooms situated at the rear of the 1st floor, with obscured glass windows
- A mansard roof to the rear, with Velux windows for the 2nd floor bedrooms

The Ryan House design feels like a much more successful answer to the privacy challenges of building on the infill sites of Grove Street.

2.Overbearing

2.1 Building height

The submitted 'Planning Design and Access Statement' states that the height of the development will be lower than the height of the existing Ski Tyres building at 8.825m. However:

- Height measurements taken from the submitted 'Topographical survey and existing elevations and plans' suggest that the existing Ski Tyres roof apex is actually lower than this at c. 8.534m.
- The height of the existing Ski Tyres wall at roof eaves is much lower than the roof apex at c. 4.569m.
- The submitted document 'Proposed elevations – plots 6 & 7' gives a height of c. 8.4m for the new buildings. So the new façade facing Burton Street properties would actually be c. 3.8m taller than the existing wall.
- It is notable that the submitted 'Existing and Proposed Arial views' are not to scale. It is my belief that these drawings underplay the actual height of the proposed buildings in relation to both the One Grove building and the Burton Street houses.

2.2 Lack of section diagram

It seems unusual that the developer has not submitted a section diagram to show the relative heights of the Burton Street houses and the proposed development, including the difference in ground heights.

Such a diagram would allow a clearer view as to whether the development was unacceptably overbearing, and also allow for the calculation of the 25 degree guideline for daylight assessment.

3. Effect on the character of the neighbourhood

3.1 Piecemeal redevelopment

The 'Lower High Street Character Area Appraisal and Management Plan' states as a key risk or pressure that: *'There is a potential for the piecemeal redevelopment of spaces on Grove Street. It is likely some of the current light commercial units will be redeveloped in a piecemeal fashion with residential units. ACTION LH10: The Council will encourage a comprehensive approach to the redevelopment of plots in Grove Street and the treatment of the street and spaces within it.'*

It is my view that the proposed development would deliver the opposite of a comprehensive approach, having very little consistency or continuity with the other residential developments in Grove Street. Specifically:

- Recent developments in Grove Street and historic houses in the surrounding area are more typically fully or partially rendered rather than faced in plain brick.
- Design solutions elsewhere in Grove Street are more effective at maintaining the privacy and amenity of Burton Street neighbours (see 1.4 above).

4. Possible noise & disturbance

'Sound privacy can also be an issue: you should always consider location of noise generating activity when preparing your design.' Cheltenham Local Development Framework SPD – Residential alterations & extensions

4.1 Living areas oriented to rear

The proposed plans have Juliet balconies at the rear at 1st floor level. Occupants are likely to use these spaces as living rooms, which typically generate more noise than bedrooms. Because the balconies are at heights at or above the bedroom windows of the Burton Street houses this layout would seem to be highly likely to cause noise disturbance to Burton Street residents.

4.2 Waste and recycling bins

The convention for most houses in Burton Street, New Street and Grove Street is for waste and recycling bins to be sited at the front of properties rather than in rear gardens as proposed. Other residential developments along Grove Street have provided storage for bins at the front of properties. This is convenient for occupants and also reduces noise at the rear for neighbours.

4.3 Air source heat pumps

Air source heat pumps can generate significant noise, particularly if they need to be of a high specification to heat a larger house, and also when operating at a higher rate in the winter. It is notable that the applicant has chosen to site the units away from the new properties and towards the boundaries with Burton Street gardens. This will present a noise nuisance, particularly to those residents of Burton Street who do not have the benefit of newly installed high specification and airtight window units which will be better at sound proofing.

Furthermore, the siting of the air source heat pumps some distance from the house will compromise efficiency due to heat loss in the external pipe runs back to the house.

5. Sustainability & Ecology

5.1 Sustainability

I hope that this development will be required to comply with the recently agreed 'Cheltenham Climate Change SPD' to ensure that it makes a positive contribution to the town's Net Zero goals.

The application states that the plans are 'seeking' to maximise energy efficiency and reduce environmental impact. However:

- There is no detail provided of planned energy efficiency measures including insulation and high performance (e.g. triple glazed) windows.
- The SPD states that in order to reduce solar gain on East/West facing walls, the '*ratio of windows to external elevation should be 10-20%*'. These plans fail to meet this guideline.

5.2 Biodiversity

The strip of land between the rear walls of Burton Street gardens and the existing wall of Ski Tyres is currently an area rich in biodiversity, particularly to the rear of no. 28. By commissioning an ecological survey in January, the applicant appears to wish to underplay this fact.

The area and adjoining gardens are home to many nesting birds, squirrels and foxes, with the ivy wall and canopy providing shelter for a wide variety of species. Bats are regularly seen in Burton Street gardens at dusk, although I am unsure where they roost.

The applicant's statement that the development will 'successfully deliver biodiversity net-gain' is almost definitely untrue. The proposed 'front gardens' are a miniscule strip of ground containing a few small shrubs. The proposal to install a few bat and bird boxes feels like an inadequate response to replacing, let alone improving, biodiversity on the site.

5.3 Trees

'It shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions for the preservation or planting of trees.' Section 197 of the Town and Country Planning Act 1990

'The Council will also seek possibilities for new planting, both in conjunction with development, and separately. Priority areas will include the Conservation Areas'. Cheltenham Plan

'It is assumed that, unless there are overriding circumstances, new trees of appropriate species should be planted within a development site.' Cheltenham Plan

There is no mention in the submitted plans for the planting of trees.

6. Summary

It's disappointing that the applicants did not consult with local residents before submitting these plans, and I believe that the proposals need a major rethink for the reasons stated above. If appropriate, I would be happy to take part in conversations with the developers and/or the Council to agree a plan that makes a more positive addition to the local area.

Many thanks for your consideration of these points.

Yours sincerely

28 Burton Street
Cheltenham

Miss Michelle Payne
Head of Planning
Cheltenham Borough Council

21/1/23

Dear Miss Payne,

Ref: 22/01585/FUL

I wish to reconfirm my objection to the proposed plans for the construction of 7 houses in Grove Street/New Street. Specifically, my concerns relate to the 4 semi-detached properties backing onto Burton Street (plots 4 to 7).

Whilst the applicant has made some positive changes to the scheme, the revised plans do not, in my opinion, either comply with planning regulations, sufficiently address the issue of loss of privacy to Burton Street properties or fit well with the character of the local area. As no written notes were published regarding the changes to the plans, my comments are based on the changes that I am able to determine myself.

1.Overlooking and loss of privacy

1.1 Current level of privacy

As stated previously, no. 28 Burton Street currently enjoys complete privacy to the rear. The revised plans have replaced the Juliet balconies with windows, and reduced window sizes. However, the 4 non-obscured windows of plot 6, which would directly overlook my garden and living areas, remain.

1.2 Required separation

'Facing windows to habitable rooms (living, dining and bedroom) should be a minimum of 21 metres apart, with at least 10.5 metres from window to boundary.' Cheltenham Local Development Framework SPD – Residential alterations & extensions

'The Council uses the following minimum distances in determining privacy for residents: 21 metres between dwellings which face each other where both have windows with clear glazing'
Development on Garden Land and Infill Sites SPD June 2009

According to my measurements, the plans submitted still do not comply with the facing windows requirement.

- The distances between facing windows are **c. 17.8m** between plot 6 and the fully glazed kitchen door of no. 28 Burton Street
- Similarly, the overlooking distance between plot 7 and the ground floor extension of no. 27 Burton Street, which is a kitchen/diner, is only **c.17.9m**.¹

The window to boundary distances have been increased, but the requirement is still not met, with distances from the proposed windows to the proposed boundary ranging from 10.08 – 10.48m across plots 4-7.

¹ As detailed measurements are not provided on the plans, these distances and all others cited here have been measured with the measurement tool, using the appropriate plan scale

2.Overbearing

'The size and scale of a new dwelling should be appropriate to the site and available space, rather than comparable to the size of nearby dwellings. Development on a site should not feel 'cramped' and have an overbearing appearance due to its layout, scale and massing. Where this is the case, proposals will not be permitted.' Development on Garden Land and Infill Sites SPD June 2009

The new 'Perspective Street Scene' drawing now shows clearly the difference in scale between the proposed plots 4-7 and a) the New Street terraced houses and b) the One Grove building.

It appears to me that the proposed design is substantially too large for the space available, and that a complete redesign of Plots 4-7 should be considered.

3. Effect on the character of the neighbourhood

Despite comments on the designs of Plots 4 to 7 from the Architecture Panel ('very bland') and the Cheltenham Civic Society ('uninspiring and rather aggressive'), no proposed changes have been made to the plain red brick design of the houses apart from the addition of a grey panel underneath the windows.

I feel that these designs would not fit comfortably next to either the modern housing in Grove Street or the historic houses in the surrounding streets.

4. Possible noise & disturbance

'Sound privacy can also be an issue: you should always consider location of noise generating activity when preparing your design.' Cheltenham Local Development Framework SPD – Residential alterations & extensions

4.1 Living areas oriented to rear

Whilst the Juliet balconies at 1st floor level have been replaced with windows, occupants of the new houses are still likely to use these spaces as living rooms, which typically generate more noise than bedrooms. Because the balconies are at heights at or above the bedroom windows of the Burton Street houses this layout seems to be highly likely to cause noise disturbance to Burton Street residents.

4.2 Waste and recycling bins

No changes have been made to the siting of waste and recycling bins, that are likely to cause noise disturbance to Burton Street neighbours as they are sited to the rear.

4.3 Air source heat pumps

There has been no change to the proposed location of the air source heat pumps, which as stated previously can cause significant noise disturbance. I note that the drawings show the 'indicative locations of air source heat pumps.' Given neighbours' concerns, I would request that the proposed locations are accurately described.

5.Sustainability & Ecology

5.1 Sustainability

No changes seem to have been made to the plans in order to comply with the 'Cheltenham Climate Change SPD' to ensure that it makes a positive contribution to the town's Net Zero goals.

My concerns previously stated still apply. In addition, the already tiny 'front gardens' to the property have now been entirely removed

6.Summary

Whilst I welcome the improvements made to these drawings, to the best of my understanding the plans still do not meet either Cheltenham planning guidance or the substantial concerns of neighbours.

I hope we will have the opportunity for further discussion, and that a fresh design can be agreed upon which adds value rather than significant harm to the neighbourhood.

Yours sincerely