



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Planning Committee

**Thursday, 18 July 2013
6.00 pm
Council Chamber - Municipal Offices**

Membership	
Councillors:	Helena McCloskey, Jacky Fletcher, Garth Barnes, Chris Coleman (Chair), Barbara Driver, Bernard Fisher, Rob Garnham, Les Godwin, Penny Hall (Vice-Chair), Peter Jeffries, Andrew McKinlay, Malcolm Stennett, Pat Thornton, Simon Wheeler and Klara Sudbury

The Council has a substitution process; substitutions will be announced at the meeting

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **PUBLIC QUESTIONS**
4. **MINUTES OF LAST MEETING** (Pages 1 - 26)
5. **PLANNING/LISTED BUILDING/CONSERVATION AREA
CONSENT/ADVERTISEMENT APPLICATIONS,
APPLICATIONS FOR LAWFUL DEVELOPMENT
CERTIFICATE AND TREE RELATED APPLICATIONS**
 - a) **13/00777/FUL & CAC Former Odeon Cinema,
Winchcombe Street and 13/00827/OUT & CAC
Haines & Strange, Albion Street** (Pages 27 - 156)
 - b) **13/00661/FUL Cheltenham Racecourse** (Pages 157 - 182)
 - c) **11/00735/FUL 113 Church Road, Leckhampton** (Pages 183 - 230)
 - d) **13/00189/FUL Land to the rear of Well Cottage, The
Burgage, Prestbury** (Pages 231 - 242)
 - e) **13/00220/FUL Cheltenham Car Wash, Kingsditch
Lane** (Pages 243 - 250)

- f) **13/00383/FUL Manor by the Lake, Hatherley Lane** (Pages 251 - 276)
- g) **13/00691/COU Manor by the Lake, Hatherley Lane** (Pages 277 - 310)
- h) **13/00679/OUT 81 New Barn Lane** (Pages 311 - 320)

**6. ANY OTHER ITEMS THE CHAIRMAN DETERMINES
URGENT AND REQUIRES A DECISION**

Contact Officer: Judith Baker, Planning Committee Co-ordinator,
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Planning Committee

20th June 2013

Present:

Members (14)

Councillors McCloskey, Chair (HM); Hall, Vice-Chair (PH); Barnes (GB); Coleman (CC); Driver (BD); Fisher (BF); Garnham (RG); Godwin (LG); Jeffries (PJ); McKinlay (AM); Stennett (MS); Sudbury (KS); Thornton (PT); Wheeler (SW).

Substitute: Councillor Andrew Chard (AC)

Officers

Tracey Crews, Head of Planning (TC)
Martin Chandler, Team Leader, Development Management (MC)
Ian Crohill, Senior Planning Officer (IRC)
Wendy Hopkins, Planning Officer (WH)
Michelle Payne, Assistant Planning Officer (MP)
Cheryl Lester, Legal Officer (CL)

Present as an observer: Mike Redman, Director Built Environment (MR)

1. Apologies

Councillor Fletcher.

2. Declarations of interest

There were none.

3. Public Questions

There were none.

4. Minutes of last meeting

Resolved, that the minutes of the meeting held on 23rd May 2013 be approved and signed as a correct record without corrections.

5. Planning applications

Application Number:	13/00111/FUL
Location:	Former Bonella Works, Tewkesbury Road, Cheltenham
Proposal:	Erection of builders' merchant's premises (sui generis) for the display, sales and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and storage, with associated servicing arrangements, car parking, landscaping and associated works
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	1 Update Report: Additional condition

Public Speaking:

Mr Simon Hoare, on behalf of the applicant, in support

Said this is an important application which commanded strong support at consultation. Members had visited the site and could see that it is in a poor state of repair and a focal point for anti-social behaviour. This application presents a golden opportunity to regain a brownfield site and put it to good economic use, and puts Travis Perkins in the unique situation of relocating within the town, with all existing jobs retained. The company is an important supplier for small and medium-sized businesses as well as the public, and the proposed location is ideal for all its customers. The investment for the construction and fit-out would be £9m, financed by the sale of the Gloucester Road site, and there were no statutory obligations on this application. Said the proposal had been strongly supported at pre-app stage, and hoped that Members would accept the recommendation for approval as a first course entrée of the two courses on offer this evening.

Member debate:

RG: thought Members were doing the right thing by considering this Travis Perkins application first, but was alarmed by the blue update which stated that this proposal wasn't strictly dependant on the Gloucester Road scheme being approved. Considered them to be linked and wanted to establish an audit trail, having been in a similar situation before with Kier Construction and needing the weigh one off against the other.

HM: agreed that this is an important point and asked the Legal Officer to comment.

CL, in response:

- confirmed that the application could be considered on its own merits and as a stand-alone scheme, although the Gloucester Road application was dependent upon this one.

MS: will support the scheme. Has a slight concern about the fork-lift trucks which operate in the current Travis Perkins yard with loud buzzers at the back. Asked if a condition could be added to ensure that these are kept as far away as possible from Brook Road and other existing houses, where the noise could be an inconvenience and a nuisance. Asked Officers if there was any way to mitigate against undue noise.

PT: asked if Condition 18 could be amended slightly to say that all vehicles should turn right into Brook Road to avoid a lot of cars driving through the residential area as people come to shop at Travis Perkins. Thought this would mitigate the traffic in the estate, which is busy enough already. Said that on Planning View, she had been given to understand the Brook Road site would be built before the Gloucester Road site was developed.

LG: said it was difficult to oppose this application, but the update regarding conditions gave cause for concern. Wondered if the wording of the condition will be satisfactory, adding that signs directing drivers in and out of the site don't guarantee that people will abide by them. Said this seems to be an essential point considering the closeness of the development to a residential area. The suggested condition states that drivers of large vehicles should be discouraged from using residential roads, but there was no legal impact if they did. Thought this should be strengthened if possible.

IRC, in response:

- regarding the suggested condition, said this referred to drivers in general, not whether their vehicles were large or small, although it was reasonable to assume that a lot of the vehicles on the site would be large;
- to LG, said Brook Road is a public highway, and drivers cannot be prevented from using it – only discouraged. Had spoken to Mark Power about this, and accesses had been designed to allow one-way movement of HGVs through the site. HGVs will not be able to egress into Brook Road, and he doesn't consider that drivers of delivery vehicles would want to, as it takes more time. Said the southern radii onto Brook Road would be reduced to discourage access from this direction. The condition requires access details to be approved, and Mark Power has confirmed that when the details are looked at, he can ensure that a right turn will be very undesirable and drivers will not want to turn right.

CC: was pleased that this condition had been added following Planning View and that Members' concerns had been dealt with appropriately. Remained concerned about drivers turning left onto Moors Avenue, and asked if there was any chance of signage to prevent access to the Travis Perkins site from that side. Said drivers of large vehicles will take any route possible, and Moors Avenue is home to many young families, with children likely to be playing outside. Was keen to minimise the risk to them resulting from having this large site on their doorstep, but was otherwise very much in support of the application, which brings a disused site back to life.

BF: asked if there was any condition about hours of work. Thought this should be included, though assumed that these would be similar to the Gloucester Road site.

IRC, in response:

- said the condition talks about delivery of materials to the delivery yard, and that there were currently no restrictions at the Gloucester Road site. It was felt that deliveries at weekends may cause problems, and they were therefore being limited to Monday-Friday only, but not to any specific time of day;
- to RG, said the difference between this situation and Kier Construction is that the Bonella Works scheme is a stand-alone proposal and the site is already in existing industrial use. If this particular scheme is approved but not implemented, in any event building on Gloucester Road would be linked directly to this approval on Tewkesbury Road; if it is not implemented, it would not comply with the S106 agreement imposed on Gloucester Road. Said the two schemes were sufficiently tied up and there was no need to restrict this application by an S106 agreement;
- to MS's earlier question about mitigating the noise of fork-lift trucks, said there was a problem here as fork-lift trucks make a noise for health and safety reasons, and it was difficult to know whether their usage would increase at the new site.

RG: said most of the discussion so far had concerned traffic, and it was good to have heard Mark Power's view, via IRC. Suggested MP should be given the gist of tonight's conversation as an informative before starting work on the travel plan.

PT: thought health and safety probably wasn't an issue when the Bonella site was last in use. Asked if the working hours can be restricted – not before 6am or after 6pm or all over the weekend – and

what Travis Perkins' working hours are now at the Gloucester Road site. Said that in a fully residential area, work shouldn't start before 8.00 in the morning, and nothing should be put in place which could cause a lot of disruption, saying that a lot of the residents of Brook Road weren't living there when the site was previously in operation.

MS: in view of IRC's and PT's comments, said it was rather important to restrict the hours of work to sensible times, and not after 6.00 in the evening.

AM: asked for clarification of the legal advice that this application was not linked to the Gloucester Road application, with particular reference to the funding of this scheme by way of the other. Wanted to be assured that by passing this application, Members would not be fettering their decision or altering the scope for response on the other.

IRC, in response:

- said that this application could be a stand-alone application. The link would occur with anything granted at Travis Perkins' Gloucester Road site. That site could not be developed unless the development of the current site has been carried out. If Tewkesbury Road is developed in a different form, the permission at Gloucester road could not be implemented.

CL, in response:

- said the direct answer to AM's question is that the decision on the Tewkesbury Road application won't fetter any decision on the Gloucester Road application. Members should make their decision on this scheme, and may then want to link the Gloucester Road development to it.

AM: asked if this meant Members could link the two schemes if they wanted to but don't have to.

CL, in response:

- said Members would most likely want to link them.

AM: wanted to be sure that they were not pre-judging the other application.

KS: supported the application by and large but was concerned about traffic. Said Travis Perkins are good neighbours, but the traffic associated with them – men in white vans coming and going and often in a hurry – may not be so considerate. Thought they would want to turn right onto Brook Road and was concerned about access – wished the Highways Officer was present to discuss. Said Brook Road should be used for exit only – with children wandering along Tewkesbury Road and the possibility of drivers whipping round the corner, was surprised there had been no objections to it.

PJ: spoke as a builder himself, and said it was true that they had notoriously interesting ways of getting to where they want. Echoed other Members' concerns, and hoped that the hours of operation could mirror the residential area and the impact of traffic be mitigated it best it could.

IRC, in response:

- noted Members' concern about traffic issues. Said the report was very clear in terms of large delivery vehicles, which would go in one way and out the other; the issue was with smaller vehicles which had caused problems elsewhere;
- the obvious route was left out of the site onto Brook Road, an immediate left onto Tewkesbury Road, and then out of or into town. The other option – to turn right out of the site into Brook Road – can be prevented by design, and Mark Powers cannot see why drivers would want to use such a tortuous route. The left turn is not far from traffic lights, and design of access and signs on site will significantly reduce the potential for anyone wanting to turn right and follow that tortuous route;

- regarding hours of operation, thought it logical to repeat the hours used at the existing premises, but didn't know what these are. Suggested that, in consultation with the Chair and Vice-Chair, he will find out the hours of operation at Gloucester Road and impose a standard condition accordingly.

PJ: accepted the argument about turning right when leaving the site, but was concerned about traffic further up. Thought some drivers would avoid Brook Road and come to the site via Moors Avenue.

AC: suggested that a stranger following GPS could be taken round Moors Avenue, and asked whether there would be signs directing drivers to the best way into the site.

LG: remained concerned about the highways issue. Agreed that logically, turning left was the best way to go, but said that logic doesn't always prevail. Had a suggestion: would it not be sensible for pinch points to be located to the right of the access in Brook Road? This works well in Warden Hill, and would ensure that no lorry would turn right as it wouldn't be able to get through.

PT: agreed with PJ, and thought cars and vans would go through Moors Avenue to the other entrance.

GB: thought that Moors Avenue could end up as a rat run, unless traffic restrictions were installed and drivers were advised that the road was unsuitable. In that way, anyone using Moors Avenue would soon be discouraged from doing so.

IRC, in response:

- reminded Members that the site has an existing industrial use, with exits and entrances already in place. Two of these were to be closed to improve the situation, but whatever happens to the site, access will be from Brook Road, allowing people to get out closer to Princess Elizabeth Way. Said again that these roads are public highways and the bottom line was that people can drive where they want;
- the only other restriction which could be imposed was a weight restriction, but the vehicles in question are not HGVs but builders' vans. Other traffic calming measures, including sleeping policemen, are already in place, and these together with parked cars would ensure that drivers would only go that way only once;
- said that improved signs and careful design of access would be enough to prevent drivers from turning right out of the site.

BD: asked whether there will be a condition about hours of delivery.

HM: said there would - a standard condition with the agreed hours inserted. Told Members the long, full debate about traffic issues would be recorded in the minutes and available for Mark Powers to consider. Checked Members were happy for the Chair and Vice-Chair to work with Officers on the condition covering hours of operation.

Vote taken on officer recommendation to permit with additional condition

15 in support – unanimous

PERMIT

Application Number:	13/00106/FUL
Location:	Travis Perkins, Gloucester Road, Cheltenham
Proposal:	Erection of 107 dwellings (class C3) including access and servicing arrangements, car parking, landscaping and associated works
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	19
Update Report:	Recommendation to remove Condition 18

Public Speaking:

Mr Simon Hoare, on behalf of the applicant, in support

Thanked Members for their vote in support of the previous application, saying that in order to implement it, Travis Perkins needed to secure permission on this application. Regarding highway safety, said that there were no objections from the county council, and that existing traffic in and out of the site in its current use had been measured against predicted residential use, and shown that there would be 50% fewer traffic movements per day. Local residents considered houses to be a more conducive use of the site. The developer had considered whether it was viable to install a roundabout or traffic lights but with only 107 homes and 50% fewer movements, this was not considered necessary. Regarding the viability of affordable housing, said the success of this scheme was fundamental to the regeneration of the Bonella site, and there was a lot of evidence and peer review demonstrating justification of 15% affordable units on a quid pro quo basis – the site was sustainable and brownfield, would open up the Honeybourne Line, permeable, user-friendly for local residents, and supported by the Civic Society and the Architects' Panel – a very popular initiative. Said great care had been taken with the design and boundary treatments in this location, to protect the existing residential amenity, and the proposed development was both attractive and better for Gloucester Road than what it there at the moment.

Member debate:

PJ: agreed with these comments and said the proposal ticked many boxes in favour of its approval. Wanted to support the application but had doubts regarding the affordable housing provision. Was concerned about the lack of evidence and information about affordable housing in the Officer report, and with pressure on greenbelt land, and more and more brownfield sites being developed with little or no affordable housing, said there was extreme pressure in town for more affordable housing.

MS: wholeheartedly supported the application, and considered it very sensible use of this brownfield site and much better than what is there now. Liked the cottage-style houses, thought these would be excellent homes for people, and had no concern about affordable housing, believing that this needed to be linked to the retention of employment in the Cheltenham vicinity. Said it was important not to constrain the development by insisting on more affordable housing – this was what the government wanted, and if the proposal was refused on that basis and went to appeal, the Council would lose.

BD: on the whole agreed with the development but had a few questions. Referring to Para 6.6.1, said there must be a condition for trees and landscaping to make it a good place for families and children. Disagreed with MS and was disappointed not to see more affordable housing included. Said there was a desperate need, and developers had no conscience, by including the very least they could. Regarding the S106 contribution of £30k to public art, said public art was very pleasant but that there was a crying need for a children's play area on the High Street for which no funding was available – thought that priorities were muddled here. Was also concerned about residents of Malvern Road whose gardens would be in shadow for part of the day.

PT: referred to the comments from the crime prevention design adviser and the aim to design out crime. Noted that laminated glazing was recommended for glazed door panels and adjacent windows, and that housing association properties were obliged to be built on Secured by Design principles but other houses on the site weren't – thought this a cause for concern. With reference to Page 23, asked about the historic engine shed on the site, as described by the County Archaeologist, which may be significant in the area – thought it a shame to cover it up for ever. Regarding the trees, wasn't sure which tree was which – T2 and T4 are referred to, but only one in the corner seems to be retained - and asked Officers for clarification.

RG: had concerns about the proposal - recognised the argument about investment in Tewkesbury Road but thought the price was high. Noted the density of the dwellings on site – three-storey houses, flats, not what he would call 'cottage style', and felt these gave a 'make-do' impression and were not inspiring. Thought the arguments were based entirely on economics, and a multi-national company such as Travis Perkins could afford better. Would support the proposal, recognising the arguments, but did not consider it the best.

GB: had looked at the scheme when it was first mooted and asked about affordable housing – was told then that there was no plan to include any because of viability constraints. Considered 16 affordable units a bonus, in view of the viability of the two schemes working together, noting that the other properties weren't exactly mansions, and included terraced houses and flats which could be considered affordable. Overall and on balance, considered this to be a viable scheme which just about cuts the mustard. Thought the opening of access to the Honeybourne Line – taking down the fir trees and opening up the aspect to allow a wider range of people to make better use of its facilities - a huge advantage, and in view of these advantages, was relaxed about the level of affordable housing.

KS: thought this a tricky application and really wanted to like it – it was not built on fields and it was good to see Travis Perkins doing well and staying in the town. However, said that this is a precious site and planners should be demanding the absolute best of it for existing and future residents. Realised that it was situated in a dense housing area, but said there was not enough amenity space or parks – wanted to see playspace on the Honeybourne Line, as apart from the tiny park near Lansdown and a play area in Churchill Road, there was nowhere for families to play to make it a viable proposal. Thought the families would be squashed into the development, and considered to design to be grim – traditional but without any quality or inspiration. Thought the designers could do better. Noted the row of garages with a flat over very close to the boundary of a property in Malvern Road; thought this looked awkward on the site, saying the developers had combined the need for parking spaces with fitting in another unit – said this should not be done. Wanted to support the proposal, but did not consider it good enough for this important site.

CC: shared a lot of the other comments and concerns, but cautioned against the call for something bolder on the site, saying Members had seen examples of bolder designs just down the road on planning view which did not look good - would like to see this site kept more traditional in design. Liked the opening of the Honeybourne Line, saying it was good for residents and others to know that it would be made more secure. Said his main concern was with the residents of Malvern Road – the proposed flats had been pushed down to that end of the site. On planning view, had noted the site levels and considered that the 2.5 storey houses would have less impact than the Malvern Road residents believed to be the case. Also noted on planning view the boundary fences and walls, trees and greenery on the back gardens of Malvern Road, and said that these should be preserved to ensure security and privacy, both of the utmost importance.

BF: noted the crime prevention advisor's comments about secure by design dwellings, and thought it silly to have a large number of houses but only 16 secure by design – thought the standards applied to the affordable units should be mandatory for all the houses. Could not imagine much difference in

price between laminated glass and normal glass and thought it crazy not to include it for all houses, if we want crime to drop – it would save money in the long term.

AM: shared similar concerns to other Members. Said part of him really wanted to like the application and that it ticked a lot of boxes. However, considered the design to be bland and uninspired, saying that it won't add to the streetscape of Gloucester Road – the designers could do better. Was very concerned about the justification for 15% affordable housing – Travis Perkins is a multi-national company. Companies don't expect to relocate for nothing, and if the need to relocate was excluded, 40% affordable housing would be required on this site. Understood Para 6.6.5 of the report but said there is a big difference between 15% and 40%, and thought this should be looked at again, together with design and security. Wanted the scheme to be a major success, but thought KS had made a good point – this is an average scheme for an important site – there are not many of these left in the town, and he was not convinced that this proposal was doing to best for it.

PH: approved of opening up the Honeybourne Line as this would also improve residents' perception of it, solving several problems in one go. Noted the Urban Design Manager's comments on Page 29 about Unit 44 – the flat over the garages – and thought that this needed further consideration.

PT: noticed the transport people agreed with the proposed vehicular access onto Gloucester Road, but pointed out that there are actually five accesses – the main one being a road through the centre of site, with two to the right and two to the left. Thought this would result in a lot of egress onto Gloucester Road, although the smaller accesses were technically lay-bys serving just a few houses with few cars, and wondered if Highways realised they were all there.

HM: asked whether the HMO concern about the useable floor area of smaller bedrooms had been redressed.

IRC, in response:

- to PJ, concerning affordable housing, said financial information had been submitted confidentially, although Members could see it if they wished. As the authority could not independently assess the financial implications, this was sent to the District Valuation Service, which gives independent advice to the public sector. Their advice back to the Borough Council was that the scheme could be viable with 40% affordable housing. The District Valuation Service was subsequently asked to assess whether, when the figures for the redevelopment of Bonella Works were taken into account, the figures provided were realistic, and whether the reduction to 15% affordable justified to achieve the redevelopment of the Tewkesbury Road site. They considered it was acceptable;
- if this was an independent case, 40% affordable housing would be required, but to realise the Gloucester Road site, Travis Perkins has to relocate. Bonella Works site is ideal – within the borough, brownfield, vacant for some time – and no jobs would be lost;
- however, if permission is granted on the basis of that information and the suggested S106 and the Tewkesbury Road development does not take place, the legal link between the two sites can't be made and the planning permission to develop the Gloucester Road site would fail;
- officers had looked carefully at the two schemes and told Members that it can be tied legally. Insisting on 40% affordable units would result in a totally different scenario, and Members could only determine what is front of them.

PJ: fully accepted the independent valuations and thought that Members may take comfort from this, but was still concerned that if the two schemes stood alone, 40% affordable would be required. Was not asking for 40% but for as much as could be afforded, adding again that this is a multi-national company which was clearly working in its share-holders' interest here, not for the residents of Cheltenham. Moved to defer – said there were still many questions to be answered.

IRC, in response:

- failed to see what would be achieved by deferral. Said these two applications formed a package, and if Members don't want it or didn't think it will be delivered as a package, the residential development won't take place;
- referred Members to Para 21 of the NPPF, which states that investment in business shouldn't be over-burdened by the combined requirements of planning policy expectations. This is a sustainable development tied to another site; if the link breaks down, the development can't take place;
- if the DVS was re-consulted, it would come up with the same figures in terms of the development package;
- to BD, said landscaping and trees were covered by Condition 15 – there will be a fair amount of good-quality landscaping, with the Trees Officer involved.

BD: asked if Members can see this

HM: confirmed that it is freely available.

IRC, in response:

- said there are many plans concerning landscaping and planting, and the Trees Officer and landscape designer have been involved to ensure a high-quality scheme on Gloucester Road and the Honeybourne Line;
- to BD, regarding shadowing of gardens in Malvern Road, said there was shadowing at 9.00am but at other times of day there is a good range of light, with hardly any shadowing from the garage over the garden;
- regarding S106 contribution to public art, said that this is one of the Council's requirements, and Officers negotiate this contribution in line with the Local Plan, as they do for affordable housing;
- to BF, with reference to the Police Liaison Officer's comments about laminated glass, said Secure by Design is the gold standard for all affordable and social housing, and PLO comments are normally copied directly to the applicants with the planning permission, to make sure that they are aware of what has been suggested. Said this is more an issue for building control than for planning;
- to PT's comments about the engine shed, said there is a standard condition with reference to archaeology, in line with national policy;
- regarding PT's concerns about trees, wasn't sure which trees she was referring to. Confirmed that the majority of trees on Gloucester Road were to be removed, street trees would be retained and supplemented, and a new planting regime all along the Honeybourne Line would be implemented;
- to RG, said the density of 42% wasn't out of keeping with the immediate surroundings, and relates well to the context of the local plan. Said it would be hard to raise an objection on this ground;
- to KS, said there had been a lot of comments relating to the design, and it was true that the applicant had gone for the easy option regarding architecture – complementary to existing buildings in Gloucester Road. Agreed that it was not an architecturally outstanding scheme and there was no WOW factor, but said local residents were happy with it and it reflected what is around the area. Did not consider this a reason to object to the scheme;
- regarding playspace, said all the houses have gardens and the Honeybourne play area is not insignificant and is well used;
- regarding the garages with the flat above, said the Urban Design Manager had been concerned about overlooking of the rear of the flat, but this was now dropped down and had no windows at the back. This issue had therefore been addressed and should not cause any problem;
- in response to CC's concerns about the boundaries of properties on Malvern Road, said there was a condition requiring means of enclosure to be submitted. There is vegetation along the boundary, all of which originates on the residential side – said this is a problem with any

residential site and its retention could not be conditioned as it is outside the development site, but it is the duty of the developer to do a good job;

- said the scheme was beneficial from residents' point of view, and new houses will need to be built in a reasonable and acceptable manner;
- to AM's comments about the boring design, agreed that the developer had taken the easy option but well suited to the area;
- regarding the justification for a reduced level of affordable housing, said the real issue Members must realise is that government advice is changing. Said 15% was more than was intended when the applicants first drew up their plans, and the economic benefits made this acceptable;
- to PT's question about access points, said all of these were shown on the drawings which would have been seen by the Highways Officer, but County Highways was concerned about primary access into the site – the central access which serves most of the houses, as opposed to the smaller ones which serve just a few – and was happy that this was a safe option;
- to HM's concern about the size of the small bedrooms, said there would be problems ahead for the developers if they failed to meet standard requirements.

SW: asked if all roads were to be constructed to adoptable standards.

PT: was going to ask the same question. Asked about hours of work during construction, and what colour the houses would be – said it was hard to tell from the drawings.

PH: returning to the flat over the garages, asked how the narrow strip behind it would be used.

RG: reiterated KS's concerns about the lack of a playspace contribution. Said the houses may have gardens, but was worried about the flats. Said the proposal should be refused on policy RC6 – lack of amenity and green space.

BD: asked if the Friends of the Honeybourne Line had been consulted about the scheme – it would be good to involve them in any discussion.

AM: said IRC had emphasised the economic benefits of the linked scheme, but asked how many jobs and how many millions of pounds were at stake here.

BF: reminded Members that the Honeybourne Line play area was very easy to access from the site.

IRC, in response:

- regarding adoption of the roads, said these are shown on the drawing in a terracotta-brown colour, and covered the bulk of the main access roads into the estate – confirmed that all these roads would be adopted;
- to PT's question about the colour of the houses, said these would be red brick on the Gloucester Road side, lighter elsewhere in the site and facing the Honeybourne Line. There would be gradation through the site, in keeping with the area;
- to PH, said the land at the back of Plot 44 would be in the ownership of the flat above the garage – the land dropped down and it would form a small tight amenity space;
- to BD, regarding the Friends of the Honeybourne Line, said they had been involved in discussion but the problem here is that the Honeybourne Line is outside the site, and the aim of the application is to improve the access rather than the line itself. The proposal gives a direct view through to the line at three access point and would give a lift to this part of the Honeybourne Line;
- to AM's question about economic benefits, said there were no economic constraints but several economic benefits with this scheme, including the redevelopment of a brownfield site, the provision of houses to meet targets, the retention of an employment base in the town, construction jobs during the redevelopment of the site – all this contributed to the economy of the town;

- to RG's suggestion that the scheme could be refused on RC6, said there had been an independent assessment of the viability of the scheme, considering various contributions – education , libraries, affordable housing, public art. Another financial contribution would have a direct impact on the viability of the scheme, and would therefore be contrary to the advice in the NPPF. Did not consider this sufficient ground to warrant refusal.

KS: remained concerned about the issue of design. Thought the scheme to be a wasted opportunity but much more than this as well - boring, unsuccessful and too dense – adding that it was not acceptable for the developer to neither provide any playspace on the site nor contribute to playspace via a S106 payment. Was concerned about the social impact of allowing the proposal to go ahead in this way. Was not too familiar with the play area on the Honeybourne Line, but said 300 new residents would need more space. Considered this a fundamental issue - decent communal areas are really important to the quality of life of a community. Didn't want a bold design but thought the architecture to be cheap and municipal-looking, not right for this development. Said IRC's comments about Plot 44 had not taken her concerns away – it would impact on the gardens behind, looked cramped and awkward in the space, and should be removed to make this corner of the site work better in an urban design way. Regarding affordable housing, felt a bit more easy about this; there is a definite need in the town but felt 15% was acceptable, if pepper-potted throughout the site. Said a scheme of this importance should look good and be a pleasant place to live, and issues surrounding the quality of the design and playspace needed to be ironed out.

MS: said it would be wrong to defer this application, and this would place an unfair burden on Officers trying to renegotiate. Thought Members should approve or refuse, and take a chance on an appeal. If the plug was pulled on account of the outside boundary, the town would be left with the Bonella site. It would be wrong to defer on the points raised so far.

AC: had two questions: was pleased to hear that the roads will be adopted, but asked who would be responsible for maintenance of the service roads off Gloucester Road. Also asked about access to the flat over the garages, and whether it would be possible to get to it direct.

GB: had just noticed pedestrian access - could not see any on the main roadways into the site. Was concerned about the safety of pedestrians and traffic at the junction – people with prams and children – and asked if this had been taken into account.

PJ: was in a quandary. Accepted that deferral wasn't the right option and wanted to see the proposal permitted, but thought there were too many unanswered questions. Said again that Travis Perkins is a multi-national company and it was stated that the move would cost them £9m. Did not think enough information had been provided, and although he wanted to support the proposal, would vote for refusal if this was the only option.

LG: had been listening patiently and carefully, and considered some excellent comments to have been made. Agreed that the design could be better and had an awful feeling that if the scheme is permitted, Members will be shocked when they walk past the development in the future and realise that this is what they had approved. Said KS had made some excellent points, the comments of the Civic Society and Architects' Panel needed to be looked at more carefully, and so did the size of the rooms, as raised by HM. Was persuaded by Para 56 of the NPPF, which stressed the great importance of design of the built environment, which should contribute positively to making places better for people. Noted too that although the Urban Design Manager accepted the proposal, he suggested the internal lay-out could be reconsidered and improved. Thought the developers could do better with the site, and hoped that when it was finally constructed, it would be a lot better than it was currently. Moved to refuse on policy CP7 – design.

AM: had listened to IRC's economic arguments and was now less convinced that previously - the economic benefits without affordable housing and without Travis Perkins would be the same. Accepted the requirements of Para 21 of the NPPF, but said this referred to individual applications. Had been assured this decision was not fettered by approval of the previous application. Accepted the 15% issue on affordable housing was driven by the desire to make this scheme fund the Tewkesbury Road development, and also agreed that the design is bland and uninspired. Did not think Members should be swayed by Travis Perkins' stated intention to leave Cheltenham if they don't get their permission – thought the worst case scenario would be that they would stay where they are. Thought this was nonsense and that this application shouldn't be decided on spurious ideas of what constituted an economic benefit. Had supported PJ's move to defer, but had been convinced by IRC that this was the wrong decision – would vote for refusal.

RG: said this was a difficult case to decide, and for him would have to be an on-balance decision, weighed up against the advantage of the Tewkesbury Road site – this is not developed now, but will provide 25 jobs, which will be an economic benefit. Did not want to know all the reasons why the proposal would be an economic benefit, preferring to trust that Officers had discussed and considered this at length. Agreed that the design was not brilliant, but didn't think this was a reason to refuse - a sound planning reason was needed for that. Said the economic development, opening of the Honeybourne Line, additional jobs, and development of the Tewkesbury Road site were all good. Thought the new houses would be in great demand, and would give a new meaning to *The Railway Children*.

HM: asked PJ if he still wanted to move for deferral.

PJ: said he did not. Withdrew the move to defer, saying the application should be refused.

IRC, in response:

- said RG was right, Officers had discussed at length and given a lot of thought to the implications of the development itself and the economic development of the town;
- was concerned about the move to refuse on design, saying Members needed to say what is actually wrong with the design. In context, it fits well into the Gloucester Road frontage and throughout the site and provides good surveillance over the Honeybourne Line. Said sufficient points would be needed to pursue this as a refusal reason;
- could see Members' point and agreed that the design is not the most exciting – it is a safe option and appropriate in its context. Said the drawings don't show it at its best and it is difficult to get a 3D feeling from them;
- quoted the NPPF Para 49, that there should be a presumption in favour of sustainable development, and this scheme will contribute towards the 5-year supply of deliverable housing sites, adding that although this is crucial, it doesn't mean that Officers will accept whatever is thrown at them and this would lead to problems.

PJ: if looking at the application as a stand-alone, asked to add policy HS4 as a refusal reason.

KS: said RC6 and RC7 are both useful as refusal reasons – there is not enough on-site play space of public amenity space, and this is a crucial issue.

AM: said he had not realised that Para 49 quoted by IRC meant that Members had to accept anything. Pointed out that no-one had said this site wasn't suitable for housing. Realised that there was no 5-year supply but said this didn't mean that planners can't stand by their policies.

IRC, in response:

- agreed that it doesn't mean that they have to accept anything that's thrown at them, but if an application is going to be refused, there have to be good reasons for doing so;
- said PJ had referred to this as a free-standing application, but it was made quite clear from the start that it is linked to the other development. The Tewkesbury Road scheme could stand alone, but this is directly linked to it. Officers have written the report on that basis and Members should look at it in this way; if it was to become a free-standing application, it could be looked again with regard to HS4, and the percentage of affordable housing would be reconsidered;
- said the way in which the application was submitted meant that 15% affordable units is a bonus, over and above what was originally discussed. By agreeing to this, the Gloucester Road site would be developed, and so would the Tewkesbury Road site, which had been undeveloped for years. It was a highly sustainable scheme, albeit not a particularly exciting one - although this was not a reason to refuse and could not be argued at appeal.

HM: asked LG if he wanted to flesh out his reasons for refusal on policy CP7.

LG: said CP7 (design) and NPPF Para 56 were his suggested refusal reasons, and it was difficult to qualify what was good or bad design. Could argue the external elevations, poor layout, alleyways to access rear gardens, lack of public outside space and lack of public meeting spaces were all relevant. Could also quote the Civic Society and Architects' Panel's lack of support for the proposal, but thought CP7 and the NPPF were sufficient. Said Members are not architects, and can only try to put across what people in the area think about the scheme – it was not incumbent on Members to list architectural errors. Thought the suggested reasons were sufficient and would speak for themselves at an appeal.

MJC, in response:

- said that month by month, Members were encouraged by Officers to take a positive approach to planning applications; tonight there were a lot of negatives. IRC had emphasised the good things about this scheme: affordable housing, redevelopment of Bonella Works site, jobs, retention of Travis Perkins. Said at an appeal, these real positives would be weighed against the merits of the design, making it difficult to argue. The NPPF also encourages planners to take a positive approach and look for solutions. Said that there would be a struggle to defend the suggested refusal reasons at appeal.

GB: noted that much had been said about the design, and admitted to struggling with this viewpoint. Said the drawings did not give the best picture of what the design would ultimately look like. The houses had been described as bland, but architects weren't out to win a Civic Society award every time. Thought these were decent houses which didn't denigrate the area, and there were no design faults to make them out of place in Gloucester Road. Members could require this or that, but there was nothing to demonstrate that the houses were utterly without hope – they were adequate for what they were required to do, that is, provide housing for a lot of people in the town. Regarding recreation space, did not consider this a real issue, as there is a huge amount of green space to the left of the site – Winston Gardens and the Honeybourne Line. Would struggle to support refusal on design grounds. Would like to hear Officer comment on the pedestrianised areas, but had heard nothing so far which would cause him to vote against the application.

IRC, in response:

- said there was a footway on either side of the entrance and thereafter shared surface – this is the way sites are being designed now. There was a major link through the site with a central cross element and shared facilities – this was how the estate design had evolved.

GB: asked if there would be conflict between pedestrians and cars.

IRC, in response:

- said the scheme had been designed with traffic calming in mind, with changes of direction and materials - this is the evolution of street design. To go back to a traditional 1950s-60s-style estate would be a retrograde step.

PJ: in view of this, suggested adding CP4 as a refusal reason, saying there was an almost identical estate in his ward of Springbank, which wasn't safe – in fact it was dangerous, with people being knocked over and council lorries unable to access all the houses. Did not consider this type of lay-out safe or sustainable, given the 90° corners.

IRC, in response:

- said this could not be sustained at an appeal – there was a drawing demonstrating the tracking of vehicles round the site, and the Highways Authority was OK with the type, scale and nature of the road lay-out within the site.

HM: said HS4 could be appropriate, in view of Para 6.6.3 of the officer report.

AC: asked for an answer to his question about the service roads. Thought these could be overrun with weeds and become an eyesore.

PT: asked for an answer to her question about construction hours

RG: thought Members were making a mess of this debate and making policies on the hoof – they had made little progress after a two-hour discussion. Reminded them that if this was a stand-alone site, it would not be at planning committee – Officers would have sorted it out – but it wasn't a stand-alone, and the NPPF had been brought in to make sure that planning was done well. Said it was the job of Members to weigh up the proposal, and rather than looking for reasons to refuse, they should be looking for reasons to approve, as set out in the NPPF. If the scheme was to be refused, it would need very sound reasons.

HM: told PT that the hours of operation during construction were set out in Condition 5.

IRC, in response:

- to AC, said the driveways he was concerned about were private, to serve a limited number of houses, and that the development was following a standard approach here.

TC, in response:

- wanted to sum up, though said RG had done a good job of this and mentioned all the main factors;
- stressed that these are two very important sites, and said that Members had been dragged into consideration of other issues, looking for refusal reasons;
- reminded them that the current use of the site in Gloucester Road was not appropriate to a residential area, and that the Bonella Works site was empty and in decline;
- the proposal would make more appropriate use of Gloucester Road, and bring Bonella Works back into full use – and this is a key site, on one of the main gateways to Cheltenham;
- said the plan is important to the economy of Cheltenham in the widest sense and in line with the NPPF;
- regarding the suggested refusal reasons RC6 and RC7, said the play area on the Honeybourne Line had recently been improved and increased in size, with better facilities. The new development would have direct access to the Honeybourne Line, which would also provide a cycle route to the wider facilities of Cheltenham;

- acknowledged that HS4 is an important policy, but reminded Members of the input of Officers in negotiating 16 affordable units. Said it should be noted that exceptional circumstances are clearly involved in this case – the retention of a key employer in the town, and the re-use of a brownfield site when the economy is constrained;
- considered the arguments for refusal on CP7 to be exhausted, and the arguments for CP4 to be very weak;
- urged Members to reflect on the arguments before them from an Officer perspective.

Vote taken on LG's move to refuse on CP7 and the NPPF

5 in support

10 in objection

0 abstentions

PERMIT

Application Number:	13/00294/FUL
Location:	32 St Stephens Road, Cheltenham
Proposal:	Proposed vehicular access and hardstanding, and redesign of remaining frontage introducing soft landscaping (revised scheme following refusal of planning application ref. 11/00013/FUL)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	3
Update Report:	Additional representation

Public Speaking:

Mr Langdon, neighbour, in objection

Strongly protested about the lack of time for comments on the second amendments to the scheme – was given only five days to consider his response, during which time the planning officer was on holiday. Also, as the original consultation period ended on 26th March, the other complainant could not access the website to lodge his objections, which stated that the time limit had expired. Thought under these circumstances, consideration of this application should have been deferred. Moving on to the proposed development, thought that in the light of policies BE7 and BE12, the scheme should not be considered. The applicant requires direct vehicle access to the road at the front, despite having a garage at the rear of his property, and the Officer report did not acknowledge the many residents who do not have the option of using Inkerman Lane. Said the proposal should be rejected, as by providing a parking space for an individual resident, other residents without their own parking spaces would be deprived of a parking space on the public highway, and prevented from parking on the street as they are entitled to do.

Mr Bacon, applicant, in support

Said he had listened to comments and opinions following his previous applications, and felt that the updated application and design addressed all concerns, being fully supported by Highways, Heritage and Conservation, and Planning Officers. Regarding highway safety, said St Stephen's Road already has several properties with driveways – one more would not add to highway safety issues – and with a young son and another baby due, it would be easier to get his family in and out of the car off the highway and away from the traffic. Said the current frontage of his house was predominantly hardstanding, and had been described by the Appeals Inspector as 'not particularly attractive'; the new proposal would provide a far more attractive frontage with lawn, a redesigned wall border and substantially more landscaping, and this was supported by the Officers. Was aware every application should be considered independently, but pointed to numerous examples of dropped kerbs both on St Stephen's Road and in the vicinity. Said the application was at committee because of its planning

history and weight of public opinion against the proposal, but said that the Officer's report addressed planning issues, and there had been only two responses to the 30 letters sent to neighbours, Echo advert and site notice. Of the six semi-detached houses on St Stephen's Road, only one neighbour had objected; two already have dropped kerbs, one has written to support the proposal, and two have expressed verbal support. Said he and his wife love the Tivoli area and have no intention of doing anything to spoil it, but with 66% of properties on the road already having a drive of some sort, did not feel his proposal was out of character with the road or area. As previous comments had been addressed and the Officers supported the scheme, hoped that members would follow their advice and vote for approval.

Member debate:

PJ: appreciated the applicant's comments and understood his concerns for his young family near a busy road, but was concerned about the first speaker's comments about access to information on the scheme and opportunity to comment on amendments.

MJC, in response:

- said this is a procedural matter, and as far as Officers are concerned, the information has been accessible – published on the website for anyone with access to the internet, and available to view in the office, as they are every month;
- regarding the consultation following amendments to the scheme, said there were some subtle changes to the gates and small trees, and it was at the authority's discretion to re-consult – the changes could not have generated a different response from neighbours.

KS: commented that it is often the small applications which arouse most passion and strong views from neighbours. Thought this a difficult application – anything which might detract from the street scene was not desirable but other houses a couple of doors along already had dropped kerbs and off-street parking. In view of this, could see no grounds to refuse.

RG: corrected comments from MJC, regarding papers being viewable online to anyone with access to the internet – this had not been available for periods of time recently, a matter being taken up with the Authority and addressed shortly. Agreed that this is a difficult application and wondered if it would contravene policy BE7, even though it had the full support of the Heritage and Conservation Officer. Would listen to the debate before deciding how to vote.

GB: found it difficult to balance the arguments here, although realised that this is what Members are here for. Realised that access to the front would be beneficial for the applicant from a child safety point of view, and yet the house backed onto Inkerman Lane, which was surely the safest area to offload children. Was concerned about precedent, started by No 38 St Stephen's Road. If the principle had been to avoid hard-standing all along the road, noted that No 38 now had all hard-standing to the front, and there was nothing to stop the applicant from doing the same once permission had been granted, losing the lawn and greenery. Had slight concerns about giving approval on the basis that some greenery would be left, if nothing could be done should the applicant later change his mind.

BF: reminded Members that they had been told on Planning View that the whole issue of the application was the dropped kerb – what the applicant chose to do in his front garden was no concern of theirs. Could see no reason to refuse, following on from the Inspector's comments.

HM: pointed out to Members that the previous application had gone to appeal, and the current proposal addressed all the Inspector's concerns.

RG: said BF was wrong, the planning application does related to the landscaping of the garden. Asked whether permitted development rights could be removed to guarantee the proposed front garden is kept.

PT: as there is off-road parking to the back where children could be put in and taken out of the car in safety, was puzzled by this application and wondered why it was needed.

MP, in response:

- said there is access at the rear, but the application must be dealt with on its own merits, and the rear access was not taken into consideration by the Inspector, who stated that the proposal would be acceptable, subject to soft landscaping ;
- said Members needed to consider whether the proposed access is acceptable;
- confirmed that a condition could be included to ensure the retention of the lawn.

BD: asked that this is done - will vote for the proposal if this condition is attached.

PT: asked about policy BE7 and how the scheme fitted in with that.

MP, in response:

- said in his appeal decision, the Inspector made full reference to BE7 with regard to parking on the forecourt, saying that this may be acceptable if some sort of soft landscaping was considered, so that the front garden would not be all hard landscaping – the ‘alignment, shape and lay-out of the hardstanding’ was the only reason for refusal at appeal.

PT: said if BE7 was no longer relevant, maybe it should be removed from the Local Plan.

MP, in response:

- said the policy is still relevant but it was felt that soft landscaping would mitigate any harm;
- reminded Members that the scheme is supported by the Heritage and Conservation Officer.

Vote taken on Officer recommendation to permit with additional condition

13 in support

2 in objection

PERMIT

Application Number:	13/00527/FUL
Location:	131 Cirencester Road, Charlton Kings
Proposal:	Erection of a timber garden/summer house
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

Public Speaking:

None.

Member debate:

BF: had no problem with this application, and was surprised to see how well the summer house sits in the garden. Visited the garden next door on Planning View, and noted that it was screened from the neighbours by trees and shrubs. The summer house is well down the garden, and it was only due to the narrow constraints of the plot that the proposal was at Committee – if the garden was wider, it

would not have been called in. Thought it had been done very well and that there was no reason to refuse.

PJ: fully supported the proposal, and was envious of the applicant's long garden.

Vote taken on officer recommendation to permit

15 in support – unanimous

PERMIT

Application Number:	13/00562/FUL
Location:	3 Sandhurst Villas, Sandhurst Road, Cheltenham
Proposal:	To increase the number of children from 12 to 17, in existing childcare business granted under reference 10/01290/FUL
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	12
Update Report:	None

Public Speaking:

None.

Member debate:

KS: struggled with this application. On Planning View, all had been peaceful with delightful little children playing in the garden, but thought that 17 excited, older children would be very noisy. Didn't see the whole lower floor of the house, and wondered whether it was big enough to accommodate 17 children. Noted that there had been no formal complaints about noise levels, commented again on the beautiful setting and that most people were happy to have children there, but thought five more children might be too many in a semi.

RG: had a memory of a similar application for a nursery which limited the number of children who can play outside at any one time – although this may seem a bit draconian, thought it had been done in the past.

MJC, in response;

- said the issue of the size of the accommodation for the nursery and number of children was not a planning consideration and was governed by other legislation; Members needed to consider the impact on amenity and parking issues;
- regarding noise, said the Environmental Health team had reviewed the issue, and didn't feel it was necessary to restrict the number of children to 12; in light of the history of no complaints, took the view that an extra five children would be OK;
- told Members that the applicant had stated that she was happy to restrict the number to 12 children at any one time, with 17 places in total if the Committee would allow.

BF: noted that nothing was being done to alter the building and yet Members were being asked to make a judgement on the number of children attending the nursery. Did not feel qualified to make the judgement, even though what Members saw on Planning View looked great.

MS: thought the proposal would probably work all right, but asked if a time limit of one year could be conditioned, to see if it started going over the top and causing problems.

RG: would rather do things the other way round, as issues such as term times and birth rates would affect the outcome. Although it was draconian, suggested a condition allowing only 12 children in the garden at any one time. The applicant could then ask for this condition to be removed after one year.

SW: echoed BF's comments, and thought this proposal had nothing to do with Planning Committee. Thought it was a matter for Ofsted, and was surprised that they allowed 17 children, but said if social services and Ofsted were happy, there could be no quibble.

PT: said Ofsted make the final decision, but Planning Committee has to consider the effect on local residents. Having run a nursery herself, could not see a problem with this proposal. Said the hours of operation are already in place – 8.00am–5.30pm - and the nursery doesn't just cater for young children but also 5-8-year-olds after school. Had no problem with the proposal, and as Environmental Health had no trail of complaints, could see nothing wrong with the application.

MJC, in response:

- said it was right that the planning authority was considering the application and that planning permission is needed;
- said Members did not need to consider the space issue but the impact on the amenity of neighbours and parking considerations;
- regarding the amenity impact and potential noise, said RG's suggestion was appropriate – Condition 3 suggested that the gardens be used only between 9.30am and 5.30pm, Monday to Friday, and an additional condition could restrict the number of children in the garden to 12. The applicant had said that this would be acceptable and she could work with this. If it was not workable, another application could be made after 12 months.

SW: in so far that most of the children would be under five years old, said there should be no more than three in the care of each member of staff. However, if the applicant is looking to attract school-age children, it would be the short period at the end of the day when problems with noise may arise.

KS: generally supported the proposed condition but thought this should be alongside MS's suggestion of a temporary permission – thought this would be fairer to all parties, and that the nursery would do all it could to accommodate 17 children.

HM: said a temporary permission might make it difficult for parents to plan and place their children there.

PH: on planning view, had noted small groups of children with each adult, all working well together. Said as these were toddlers, not too many were allowed together without adequate supervision. Any further consideration of this was not the concern of the planning committee.

HM: asked MS if he would like a condition included stating that there should be no more than 12 children in the garden at any one time.

MS: confirmed that he did.

Vote taken on officer recommendation to permit, with additional condition

14 in support

1 abstention

PERMIT

Application Number:	13/00576/FUL		
Location:	Land adjacent to 3 Mead Road, Cheltenham		
Proposal:	Demolish existing garage and build new 2 bedroom dwelling		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	5	Update Report:	None

Public Speaking:

None.

Member debate:

KS: hoped that Members would refuse this application. Recalled the long debate on the last application at this site, and the current proposal had not changed significantly or been discussed with residents. There is already extant permission at this site, decided purely on the merits of that application, and this one was so similar to the previous refused one, other than it being sunk slightly in the ground, that it seemed as if the applicant was taking the mickey and causing additional anxiety to neighbours. Asked Members to remember the previous debate.

BF: said Members had approved the first application, against Officer recommendation, and it had been the originality of the design that swung it, which had been excellent in regard to the shape and size of the plot. Said the principle that the site could be developed was established, and this design is better than the previous one. Could not find any planning reason to refuse this proposal.

IRC, in response:

- said the reason for this application being submitted now was procedural . The 2012 application had been refused and taken to appeal, but turned away as no Design and Access Statement was provided. Therefore a further planning application was needed – it was not 'just for the sake of it';
- said the report makes it clear that as far as Officers are concerned, there is already an approved scheme, and although the site is incredibly small, Officers think the current scheme is a better design for this location in Mead Road than the extant permission.

KS: moved to refuse for the exact same reasons as last time – there was no change with this scheme other than a small drop in the height of the building.

IRC, in response:

- referred Members to 1.1.3 of the Officer report, which listed the previous refusal reasons. Said one of the principle reasons had been the reduction of sunlight to the rear of 3 Mead Road, but said this is a difficult one to argue, as although there was undoubtedly some shadowing in the early morning, this was not different from that found in a traditional street on an east-west axis. Urged Members to look at this in particular;
- said the object of the application was to progress the matter to appeal, and Officers did not think the current application could justify that.

PT: asked for confirmation that the applicant wanted a refusal so that he can go to appeal.

IRC, in response:

- said he wanted approval, or refusal so he can go to appeal, and in order to progress the matter one way or the other, he needs to get a decision.

GB: said there had been some difficult applications this evening. Supported KS although realised this was probably a hiding into nothing. Supported refusal for the same reasons as given previously, as suggested by KS, saying the proposal should not have got permission in the first place.

HM: said that we are where we are with this application, and the question Members should be asking was whether this application is better than the approved one.

PT: asked for Officers to give a steer.

IRC, in response:

- said the recommendation to permit is the steer. Officers do not consider the plot suitable for development but there is extant permission in place already. As to whether the current proposal is better or worse than that which has been granted, said Officers considered it better with regard to mass and proximity to No 3 Mead Road, though it still had a dominating effect – adding that the reference to mass should be taken out.

GB: asked if taking this out would strengthen the grounds for refusal.

IRC, in response:

- said taking out removes a weakness.

LG: said if Members were thinking of refusing the proposal, they would find the answer to some of their problems in the report, at 1.2, 1.4, 1.5 and 1.6. If they went against these comments, they would look foolish.

PJ: if the proposal is permitted, asked that the through-colour render be conditioned for the boundary side.

HM: asked KS if she wanted to move to refuse with the reference to sunlight taken out. Said the proposal conflicted with policy CP4, as set out in 1.1.1, which is why it had been refused in the past. Thought Members should give a consistent message.

PT: asked about policy CP7 in this respect.

HM: said Members should look at the refusal reason included in the orange update.

IRC, in response:

- said CP4 is the correct policy if Members want to refuse – the impact in neighbours, bulk and position of the proposal, though the reference to removal of sunlight needed to be taken out.

HM: said the previous refusal reason talked about mass and proximity, and moved to the vote.

Vote taken on KS's move to refuse on the same grounds as 12/00859/FUL, with the reference to sunlight removed

5 in support

9 in objection

1 abstention

PERMIT

Application Number:	13/00614/FUL
Location:	111 Old Bath Road, Cheltenham
Proposal:	Split level single storey rear extension
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	2 Update Report:

Public Speaking:

Mrs Cooper, neighbour, in objection

Began by saying she had not tried to prevent her neighbour from having an extension, despite the fact that it would be a great disadvantage to her. Was simply asking for a slight alteration in the building materials to mitigate that disadvantage - these alterations would not affect the neighbour, as they would not be visible to her. Said if the effect of the dark mass of the new building could be lightened with brick-coloured tiles that would merge with the red brick walls of the house and the new side wall coloured to match her own light patio paintwork, this would help considerably. Said it wasn't correct to say that she would not see the slate roof when sitting on the patio – the only way one wouldn't see it was if you was lying on one's stomach on the floor. Thought this request should be a very minor matter to the applicant and the Planning Officer, in view of the loss of sunlight on her patio, lounge and hall, together with the feeling of enclosure in such a vital space, which she would suffer. Had been told that the roof had to be slate because it is in a conservation area and has to be suited to the Victorian building, but did not see how the lower part of the extension – a pleasant modern design with a flat roof – fitted in with the Victorian ideal, adding that this would be visible from most directions. Could not see why brick-coloured tiles, out of sight to anyone but her, would be a problem. Had also been professionally advised brick-coloured tiles rather than slate would not reduce the value of the applicant's house.

Dr Jelly, applicant, in support

Was very keen to maintain good relations with Mrs Cooper and all her neighbours, saying that life too short not to do so. Appreciates and respects the fact that Mrs Cooper has lived next door for a long time, and had therefore been sure to involve her in the planned development from the start. Had listened to her comments about the impact of the extension on her garden, and taken regard of this, altering the plans accordingly in the hope of avoiding the present conflict. The planning agent Clint Jones had liaised with the planning department on the overall scheme and its potential impact on the neighbouring garden. Had been happy to listen to the comments and attempt to reduce the impact, but struggled with the request to substitute the slate tiles for terracotta-coloured ones. Thought these would look strange and out of keeping, and told Members that the planning officers could not accept this request either. Said hers was a large property but configured in such a way that the lower ground floor is a separate flat, which means that the living space is relatively modest and an extension is the only solution the enable the family good access to the garden. Had already listened to Mrs Cooper and changed her plans accordingly, and assure Members that if the proposal was permitted, she would continue to be considerate towards her neighbour.

Member debate

RG: thought that in the spirit of keeping good neighbourly relations, Members should blame the Officers for this one. Said Members had to take Officers' advice that the materials requested by the neighbour are not suitable.

KS: thought this was quite a tricky application, and hated the situation where neighbours want to have good relations and ward councillors wanted to be fair to both parties. Asked if a flat roofed extension had been considered, as the height of the pitch would add to Mrs Cooper's sense of enclosure. Asked why it had not been thought appropriate.

GB: was also ward councillor for this application, and faced with the issues, realised that the decision was going to upset someone. Understood Mrs Cooper's concerns, adding that there were many shades of grey – were any of these more suitable than others?

BF: understood why materials in conservation areas can't be changed and must be as near to matching as possible. Hoped Mrs Cooper's fears may be pacified when she sees the extension built. Would not object if his neighbours wanted to build it, and as the applicant and her neighbour were two sensible people, thought the outcome would be alright in the end.

PJ: was interested to hear Officer comments regarding shades of grey for the tiles.

MP, in response:

- to KS, said a flat roof was not considered as part of this application. There had been a lot of pre-app discussion of the scheme with a pitched roof with lowered eaves; said a flat roof would in fact increase the height at the boundary.

GB: asked if there was a lighter shade of grey to reduce the impact without compromising the conservation area.

HM: asked if slate is one standard colour or whether there are different shades.

MP: said there was not a lot of difference in the colour of slate tiles – they are slate grey.

Vote taken on officer recommendation to permit

13 in support

0 in objection

2 abstentions

PERMIT

Application Number: **13/00383/FUL**

Location: **Manor by the Lake, Cheltenham Film Studios, Hatherley Lane**

CONSIDERATION OF THIS APPLICATION WAS DEFERRED

Application Number: **13/00691/COU**

Location: **Manor by the Lake, Cheltenham Film Studios, Hatherley Lane**

CONSIDERATION OF THIS APPLICATION WAS DEFERRED

Agenda Item 6

Officer report on enforcement proceedings at Sandford Dene, Lake Street

CL: said Para 1.4 in the officer report explained why this item was before Planning Committee tonight. Said Planning Committee has no powers regarding enforcement matters, but the item was on the agenda for their notice, consideration and comments, following their decision regarding the heat pump in January 2012. Said the power to decide and act on this matter was with Officers, delegated to them by the Council not by Planning Committee, and Officers could not delegate this decision back to Planning Committee, only seek their Members' opinion.

BD: remembered this application from Planning View, and thought that if the planning authority makes rules, it should stick by them, and if the applicant had done something wrong, it should be removed. Otherwise, the applicant appeared to thumb his nose at the Council. Thought the planners should stand up and be counted, not make decisions under the fear of costs – this was wrong.

BF: had read the report. Noted that the fence had been put up, the noise had been measured, and the new fence and trees found to deaden the noise. Had noted the test results at the end of the report and the times that these were taken in the morning – said it all complied with noise regulations. Said there was a lot of noise in the world, and no-one can live in silence. Thought it would be wrong to pursue this enforcement case.

MS: took a different view and supported BD. On Planning View had thought the heat pump was not acceptable – it was noisy and produced a cold blast of air. Said it was alien to have this stuck next to a house, especially when it should and could have been installed round the corner. Thought the enforcement team should try to get it removed.

PJ: thought the noise was unacceptable. Said an important condition had been ignored, a subsequent condition had also been ignored, and if these were not enforced, asked what message this would give to the building community.

HM: said Mike Redman had been waiting to hear views of Members.

CL, in response:

- said a vote could be taken on whether or not Members thought enforcement action should be taken.

PT: asked whether an Inspector would ask for the heat pump to be moved or not.

GB: asked if Members' decision was binding or not.

MJC, in response:

- confirmed that Members' decision would not be binding;
- said the enforcement action would be the removal of the air source heat pump;
- MS had mentioned the cold blast of air, but pointed out that there is now a close-boarded fence in place of the old fence, which prevented the cold air from affecting the neighbours – so one part of the refusal reason had been covered;

- said Officers and Members had had a clear steer from Environmental Health, and if the enforcement action went to appeal, there would not be much chance of success on amenity grounds. The noise levels had been measured with proper equipment and there was no loss of amenity case to answer – the appellant would place a lot of weight on this;
- when permission was granted, PD rights were removed, but Members should remember that air source heat pumps fall within PD rights.

BD: asked if it had been suggested that the heat pump be moved further down the wall.

PT: said it had been suggested it was moved round the corner.

MJC, in response:

- said there had been discussion of this, and he had visited the site on two or three occasions. The applicant was not prepared to move the pump;
- said the enforcement notice would therefore have to be to remove the heat pump, as the applicant had made it clear that he was unwilling to move it round the corner.

Vote taken on whether Members recommend that enforcement action does NOT proceed

6 in support

5 in objection

4 abstentions

Recommendation that enforcement action does NOT proceed

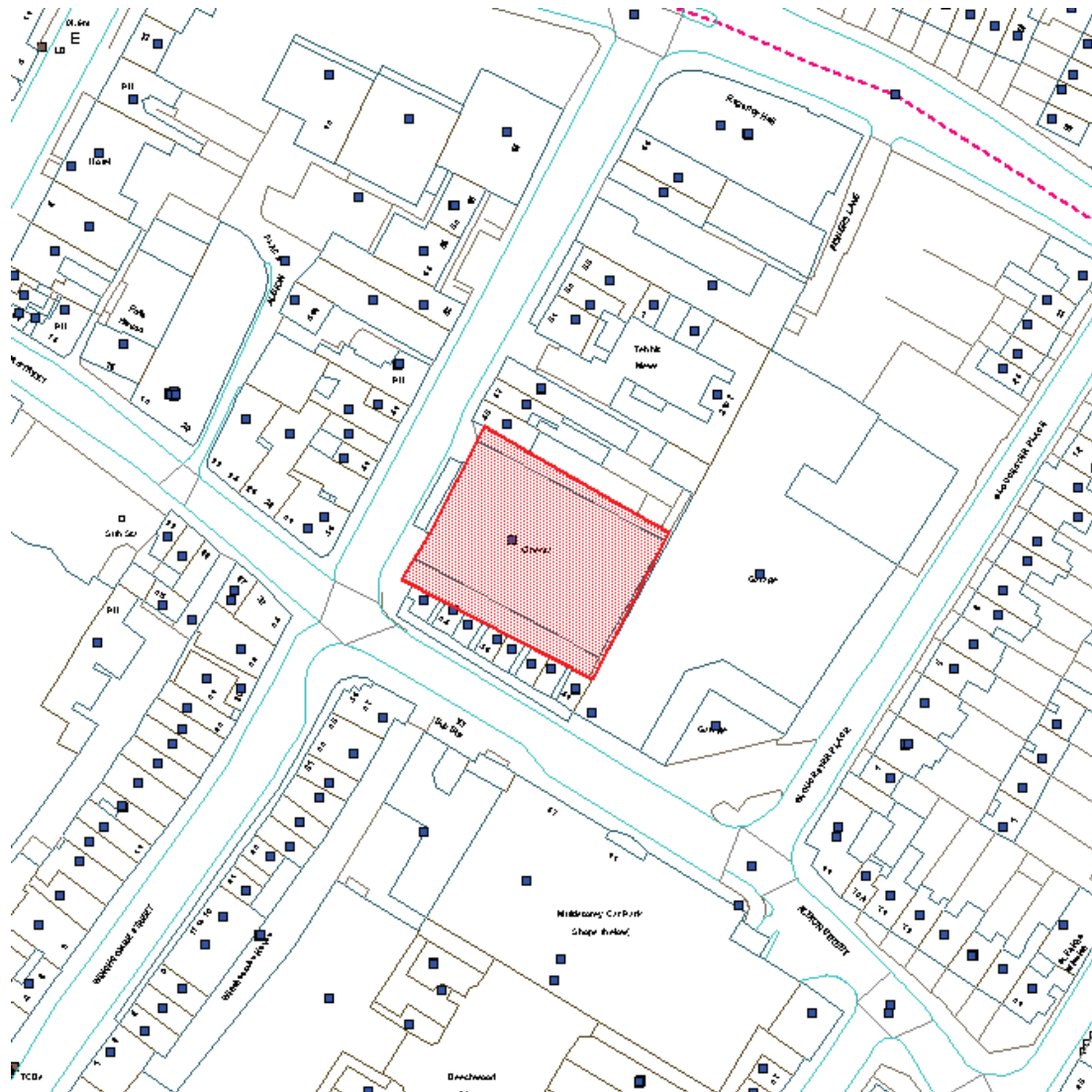
The meeting ended at 9.50pm.

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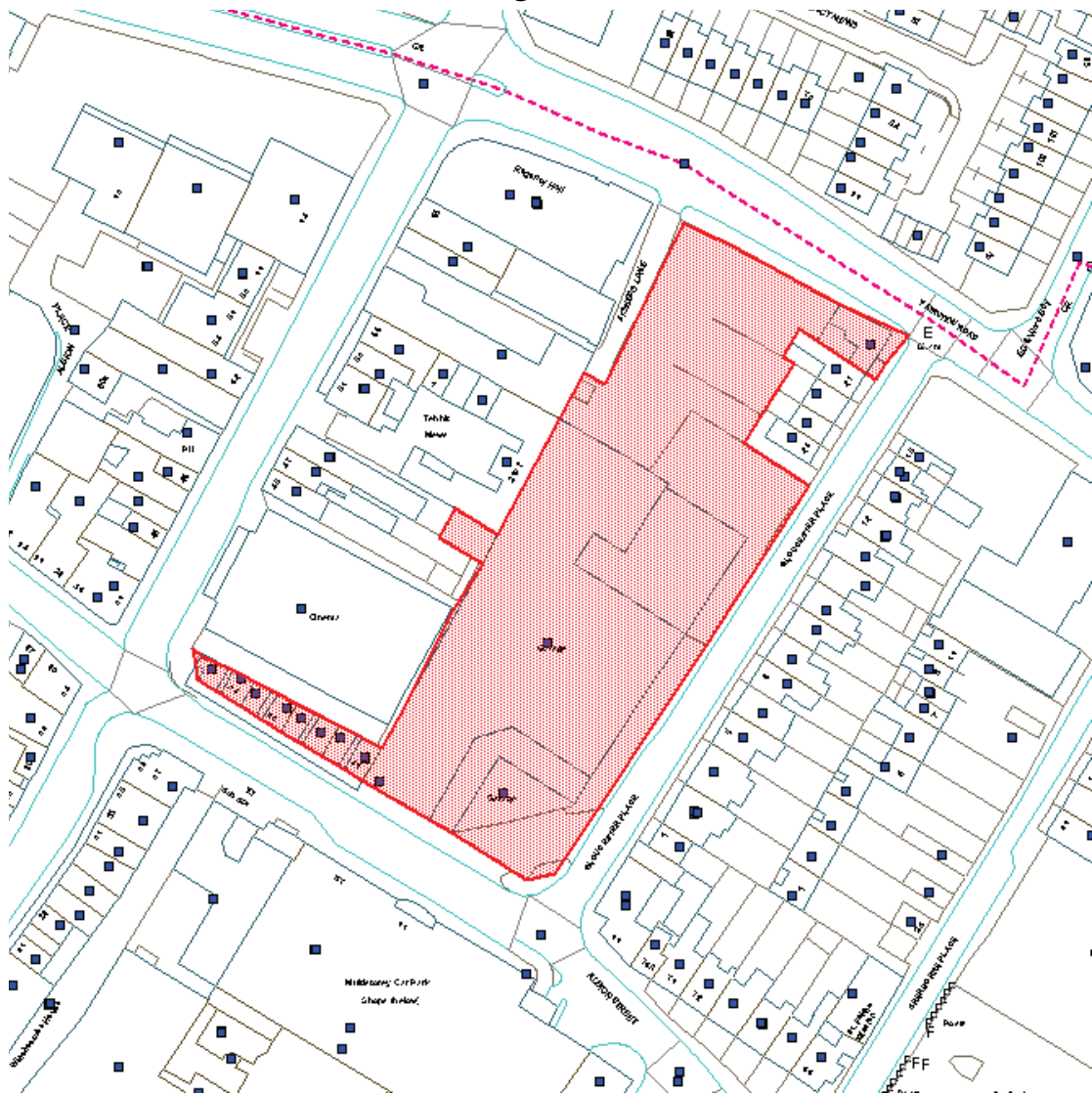
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APPLICATION NO: 13/00777/FUL & CAC And 13/00827/OUT & CAC	OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 13/00777/FUL & CAC 16th May 2013 13/00827/OUT & CAC 24 th May 2013	DATE OF EXPIRY: 13/00777/FUL & CAC 15th August 2013 13/00827/OUT & CAC 23 rd August 2013
WARD: All Saints	PARISH: None
APPLICANT:	Meaujo (766) Ltd & Leckhampton Estates (2012) Ltd
AGENT:	Simon Firkins
LOCATION:	Former Odeon Cinema (Winchcombe Street) and Haines & Strange (Albion Street, Gloucester Place, Fairview Road, Fishers Lane), Cheltenham
PROPOSAL:	<p>13/00777/FUL & CAC: Construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of the existing building</p> <p>13/00827/OUT & CAC: Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings</p>

RECOMMENDATION: To be made at Committee



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1. Introduction

- 1.1 Members will note that many of the determining issues remain outstanding when reading the following report. Officers are awaiting consultee responses which may then require subsequent negotiations to take place with the applicant(s). These matters, as stated through-out the report, will be provided as updates to this report in advance of the committee meeting.
- 1.2 Whilst this would not be our normal practice, Officers consider that an exception can be made in this case for a number of reasons.
- 1.3 Members are aware that this is a key town centre site that has been vacant for many years and it is a site that has been promoted through the 'Cheltenham Task Force'. From a commercial perspective putting together a redevelopment scheme of this nature with differing ownership can be at best complicated and it is not without substantial economic risk. The applicant(s) have informed the local planning authority that contractual obligations need to be met or the delivery of this redevelopment proposal may not go ahead.
- 1.4 The NPPF requires local planning authorities to make decisions that accord with sustainable development principles in a "positive and proactive manner". Matters

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pertaining to economics form an intrinsic strand of sustainable development and therefore Officers consider that, where possible, commercial constraints should be taken into account.

1.5 It is for these reasons that these applications are being presented to this month's committee meeting. An Officer conclusion and recommendation shall form an update to this report when all outstanding information has been received. This outstanding information to date includes:

- Independent assessment of viability from DVS
- Formal Conservation consultee comments on Haines & Strange site
- Revised Conservation comments following submission of design revisions and applicant(s) written response to the initial consultee response dated 27th June 2013
- Urban Design comments following revisions to layout on both sites
- Formal consultation response from Gloucestershire County Highway – Planning Liaison on access and highway matters
- Further comment from Contaminated Land Officer on air quality
- Formal consultation response from Ubico on waste management and refuse storage
- Formal consultation response from the Housing Enabling Officer
- Further comment from Landscape and Tree Officers following submission of revised drawings

2. The Proposal

2.1 This report covers the redevelopment of a key town centre site that comprises the former Odeon cinema site, the former Haines & Strange (Baylis) site and Albion Street parade of shops. This redevelopment proposal has been submitted to the Local Planning Authority (LPA) in the form of two separate planning applications. One full application covering the former Odeon cinema site and the other, an outline application, covering the former Haines & Strange (Baylis) site and Albion Street shops. Officers expressed during pre-application discussions that a comprehensive approach to the redevelopment of the whole site would be preferable however; the applicants have stated that due to differing ownerships their preferred approach is the submission of two separate applications.

2.2 A comprehensive approach to the redevelopment of the whole site area through the submission of a single planning application is not something that the LPA can insist on. The view of Officers is that in terms of statutory process the redevelopment can be considered as two separate applications and the site considered as a whole for the purpose of any resulting planning obligations. Accompanying each planning application is a Conservation Area Consent application for the demolition of existing buildings on each site.

2.3 For ease, this report refers to each application by either the 'Odeon' or 'Haines & Strange' as Members are most familiar with each site by their previous use.

2.4 Odeon

2.4.1 The proposal involves the demolition of the Odeon and the erection of a mock-regency terrace fronting Winchcombe Street with 6 retail units at ground floor and 8 x 1 bed

apartments above; along with a 3-storey mock-regency terrace of 6 x 4 bed town houses with integral garages to the rear. Revised access arrangements are proposed along with associated hard standing, parking provision, refuse storage, secure cycle storage and landscaping.

2.4.2 A full planning application was submitted to the Cheltenham Borough Council and validated on 24th May 2013. The application forms were accompanied by:

- site location plan;
- existing and proposed drawings (block plan, elevations, floor plans);
- demolition plan;
- Master plan (covering both application site areas)
- Planning, Design & Access Statement (incorporating Justification Statement in relation to the Demolition)
- Structural Appraisal Report
- Architectural & Historical Appraisal
- Heritage Impact Assessment
- Design Concept Statement
- Urban Design Appraisal
- Transport Statement
- Ecological Phase 1 Report
- Asbestos Survey & Removal Certificates
- Statement of Community Involvement
- Commercial Agent's Letter

2.5 Haines & Strange

2.5.1 The proposal involves the demolition of all the buildings on the Haines & Strange site along with the Albion Street shops and mixed-used redevelopment proposed. This would comprise 81 residential units (48 apartments and 33 houses) and 6 retail units. Revised access arrangements are proposed along with associated hard standing, parking provision, refuse storage, secure cycle storage and landscaping (shown in an indicative form).

2.5.2 An outline planning application was submitted to the Cheltenham Borough Council and validated on 24th May 2013. All matters (access, appearance, layout and scale) with the exception of landscaping are being considered as part of the application. The application forms were accompanied by:

- Site location;
- existing and proposed drawings (block plan, elevations, floor plans);

- demolition plan;
- Master Plan (covering both application site areas)
- 3D Visuals
- Planning, Design & Access Statement
- Urban Design Appraisal
- Transport Statement
- Gloucester Place Road Safety Audit
- Ecology Phase 1 Report
- Indicative Landscaping Master Plan
- Land Quality Assessment
- Asbestos Survey Report & Removal Certificates
- Statement of Community Involvement
- Viability Assessment

3. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Central Conservation Area
Core Commercial Area
Local Listing (Odeon)
Central Shopping Area
Smoke Control Order

Relevant Planning History:

Odeon

06/01713/COU 16th February 2007 REF – ALLOWED AT APPEAL (May 2009)

Change of use from Odeon building (Use Class D2) to 2no. restaurants (A3) at ground floor and nightclub (Sui Generis) on first and second floors with associated external alterations including new shop fronts, entrances and canopy

06/01871/COU 2nd February 2007 PER

Change of use from cinema (use class D2) to place of worship and ancillary services/facilities (use class D1)

11/00048/TIME 10th March 2011 PER

Change of use from Odeon building (Use Class D2) to 2no. restaurants (A3) at ground floor and nightclub (Sui Generis) on first and second floors with associated external alterations including new shop fronts, entrances and canopy

12/01556/PREAPP CLO

Re-development of Haines and Strange, Odeon cinema and associated buildings within this block

13/00777/CAC PCO

Demolition of the existing building prior to construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works

Haines & Strange

08/00372/FUL 8th July 2008 PER

Demolition of all buildings and construction of 161 dwellings and associated landscaping; 296 sqm of B1 office accommodation, 736 sqm of accommodation comprising A1 and/or, A2 and/or A3 uses; basement car and cycle parking; car parking off Fishers Lane; provision of car parking spaces along Gloucester Place; formation of a new access and associated works off Gloucester Place; landscaping and highway works to Gloucester Place

12/01556/PREAPP CLO

Re-development of Haines and Strange, Odeon cinema and associated buildings within this block

13/00827/CAC PCO

Demolition of all buildings

4. POLICIES AND GUIDANCE

Cheltenham Borough Local Plan Policies

CP 1 Sustainable development
CP 3 Sustainable environment
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 6 Mixed use development
CP 7 Design
CP 8 Provision of necessary infrastructure and facilities
PR 2 Land allocated for mixed use development
BE 3 Demolition in conservation areas
BE 4 Timing of demolition in conservation areas
BE 11 Buildings of local importance
GE 6 Trees and development
NE 4 Contaminated land
HS 1 Housing development
HS 4 Affordable Housing
HS 5 Mixed Communities
RT 1 Location of retail development
RT 2 Retail development in the core commercial area
RC 6 Play space in residential development
RC 7 Amenity space in housing developments
UI 2 Development and flooding
TP 1 Development and highway safety
TP 2 Highway Standards
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

Affordable housing (2004)
Amenity space (2003)

Landscaping in new development (2004)
Planning obligations (2003)
Planning obligations: transport (2004)
Play space in residential development (2003)
Security and crime prevention (2003)
Shop front design guide SPD (2007)
Submission of planning applications (2004)
Sustainable buildings (2003)
Sustainable developments (2003)

Central conservation area: Old Town Character Area and Management Plan (Feb 2007)
Index of buildings of Local Interest SPD (2007)

National Policy/Guidance
National Planning Policy Framework

5. CONSULTATIONS

Odeon

Cheltenham Civic Society (20th June 2013)

We do not favour Regency pastiche in an area where it is not already an integral part of the area as we think it dilutes the impact of Cheltenham's impressive heritage of Regency buildings. We are concerned that there may be too many shops, and some of us regret that there has been no attempt to incorporate at least some aspect of the old Odeon cinema into the design

HMO Division (7th June 2013)

The proposed layouts of apartments 1, 3, 4 and 6 have bedrooms which fail to meet the minimum floor area for a single bedroom. The minimum floor area for a single bedroom is 7sqm.

I would advise that space standards in residential accommodation are governed by both the Housing Act 1985 and Housing Act 2004. Undersized or overcrowded premises may be subject to enforcement action.

Strategic Land Use Team (25th June 2013)

The relevant policy document for consideration in regard to this application is the Cheltenham Borough Local Plan Second Review 2006; Material Considerations include National Planning Policy Framework (NPPF) and the Tewkesbury, Cheltenham and Gloucester Joint Core Strategy Developing the Preferred Option Consultation Document of December 2011.

The NPPF states that the presumption in favour of sustainable development should be a golden thread running through both plan making and decision taking (paragraph 14). This presumption in favour of sustainable development places the development plan as the starting point for decision making. (Paragraph 12)

The application site is within the following Local Plan Designated areas: The Principal Urban Area, Core Commercial Area, Central Shopping Area and Central Conservation Area.

In the Local Plan relevant policies include: CP1, CP6, RT1, RT2, HS1, HS4, and BE11

CP1 Requires that development will be permitted only where it takes adequate account of the principles of sustainable development. In particular development should... (b) Give priority to the use of previously developed land

CP2 Requires that mixed use development will be permitted where the uses are compatible... (a) with each other and adjoining land uses

RT1 Permits retail development which relates to the role and function of retailing centres as assessed against a sequential test. In this test the Central Shopping Area is the most favoured location for such development.

RT2 Permits retail development within the Core Commercial Area only where the proposals are (a) of a scale appropriate to the Core Commercial Area... (c) make adequate provision for off highway servicing.

HS1 Permits housing development on previously developed land which makes the most efficient and effective use of the site.

HS4 Requires that in residential developments of over 15 or more dwellings... a minimum of 40% of the total dwellings proposed will be sought for the provision of affordable housing.

HS5 Requires that in residential development a mix of housing sizes and types will be required which promotes social inclusion

BE11 States that the demolition of, or harmful alteration of a building on the index of Buildings of Local Importance will be resisted.

In the NPPF the most relevant policies include: The core planning Principles (paragraph 17) of

- Proactively driving and supporting sustainable economic development*
- Always seeking high quality design and a good standard of amenity*
- Re-using land that has been previously developed*
- Encouraging multiple benefits from the use of land*

Supporting these core principles are the following paragraphs in the NPPF:

Paragraph 23 (albeit referring to plan making) "local planning authorities should recognise town centres as the heart of the communities and pursue policies to support their viability and vitality" and "recognise that residential development can play an important role in ensuring the vitality of centres".

Paragraph 49 "Housing applications should be considered in the context of the presumption in favour of sustainable development."

Paragraph 70 "planning decisions should ensure that established shops facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community"

Paragraph 134 "The effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application."

Summary comments for application

The proposal meets the requirements of Local Plan policies CP1 and CP2 in that the application site is for the mixed use redevelopment of a site within the Core Commercial Area and Central Shopping Area. The development proposal accords with the close surrounding area which includes shopping, offices, financial services and residential uses.

The location of the development meets the policy requirements for retail use in Local Plan policy RT1 as it is within the central shopping area and provides a good and accessible location which will add vitality and diversity to the retail offer in Winchcombe Street and create a better retail gateway to the High Street. The case officer should check that arrangements for off highway servicing are sufficient with relevant officers; however it seems unlikely to be worse than the existing arrangements.

The Planning Policy team acknowledges that the council cannot currently demonstrate a five year supply of deliverable housing sites in accordance with paragraph 47 of the NPPF. Therefore it is welcomed that the proposal will make a small contribution toward increasing housing land supply on previously developed land. The site is not protected in the Plan for another use and despite benefiting from permission for D class and Sui Generis uses over the past seven years has not found an occupier.

It is something of a missed opportunity that the scheme falls slightly under the threshold for affordable housing identified in policy HS4 (providing 14 rather than 15 units), the applicant may wish to consider splitting one of the 6 town houses to create a wider mix of units and to deliver some affordable provision in line with policy HS5.

The development is also likely to contribute towards building a strong responsive and competitive economy in the town and create a high quality built environment if good quality materials are used. However the impact of the loss of the non designated heritage asset at the heart of this proposal will need to be assessed as the key factor in determination.

Environmental Health (30th May 2013)

I have reviewed the two applications for these sites, which form one redevelopment proposal, and offer the following recommended conditions in respect of both applications:

Condition 1:

A plan for the control of noise, dust and other nuisances from the site(s) shall be submitted to the Local Planning Authority for approval before such works commence.

Reason: To control loss of amenity affecting nearby properties due to noise, dust etc.

Condition 2:

The retail premises proposed on Albion Street in application 13/00827/OUT shall be limited to A1/2 use only.

Reason: Use for A3/4/5 purposes has potential to cause loss of amenity to residential properties constructed as part of this development, due to noise and odour from kitchen extraction plant.

Condition 3:

The applicant must provide an acoustic report to establish the levels of road traffic noise affecting residential property fronting Albion Street and Winchcombe Street. This report must then be used to identify suitable fenestration and/or ventilation to prevent and adverse effect on residents of these properties.

Reason: Residential property fronting to Albion Street and Winchcombe Street will be affected by noise from high levels of road traffic using these roads, which may lead to disruption of sleep etc.

Heritage and Conservation

13/00777/CAC (2nd July 2013)

Further to: pre-application site visit, pre-application meeting and application information

Analysis of Site: An extremely prominent corner site within the town centre.

Historic analysis of the site-

1. *The site is located on the historic route north out of the town and Winchcombe Street (previously known as Bell Lane and St Leger's Lane) was in existence certainly by 1792. However before 1810 the only buildings constructed were in the section of the street between the High Street and Albion Street.*
2. *By the publication of the 1820 map, the application site was occupied by the Albion Livery Stables, later known as the Albion Mews on the 1834 map.*
3. *By 1852 the stables are replaced by the new Congregational Church and by 1932 the Church is demolished and replaced by the Gaumont Cinema, later known as the Odeon Cinema.*

Comments:

My comments relate separately to the two applications for this site and my comments for the total demolition of the Odeon building are set out below.

Application 13/00777/CAC

Submitted Architectural & Historic Appraisal (dated December 2012) -

1. *The applicant has submitted an Architectural and Historic Appraisal in order to assess the significance of the former Odeon Cinema. This is a supporting document to the application for conservation area consent for the total demolition of this building.*
2. *This is the key document in the applicant's argument for justifying the total demolition of this building, and as such therefore it is an extremely important document.*
3. *In addition the applicant has also submitted an Addendum report (undated but written after 17th April 2013) to the Architectural and Historic Appraisal.*
4. *The preparation of the Architectural & Historic Appraisal document is welcomed and its author argues the existence of this document fulfils the applicant's requirements under clause 128 of the NPPF. However I do not accept that this document does satisfy the requirements of clause 128 in the NPPF, and my comments below explain why I hold this view.*
5. *In some respects this Architectural & Historic Appraisal is an interesting read and a mini thesis on 1930s cinema buildings in Britain. However much of its content is of marginal interest and much of its content is not directly pertinent to this application building or its setting or this part of the conservation area. It is therefore a wasted opportunity and poorly focused document, since it fails in the following areas-*
 - a. *Fails to analyse or even mention the way in which this former cinema is constructed in three distinct sections, with three different structural systems.*
 - b. *Fails to analyse or mention the contribution that this building makes to its setting, as a landmark building in this part of the town.*
 - c. *Fails to understand the historic evolution of this part of Cheltenham which forms the setting of the former cinema building, but instead simply focuses in a narrow way on the history of the application site only.*

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- d. *Fails to understand or consider the selection reasons for the Odeon building being included on the Index of Buildings of Local Interest, but instead makes a sweeping and unsubstantiated statement that the inclusion of this building is meaningless.*
 - e. *Fails to understand the policy implications of Local Plan policy BE11 which relates to Locally Indexed Buildings.*
 - f. *Fails to consider the phenomena of the historic Golden Age of the cinema within the Cheltenham context.*
 - g. *Fails to make a considered architectural critique of the Odeon building but instead makes sweeping a generalisation about the building's architectural quality.*
 - h. *Fails to understand that the architecture in Cheltenham is not solely Regency, makes no reference to any other style of architecture in the town except stating that the Odeon is Art Deco.*
 - i. *Fails to comment on the how many other buildings by W E Trent, (who was the architect for the Odeon was a nationally recognised cinema architect) have either been retained or demolished across the country.*
6. *Therefore as a baseline document prepared in order to argue the case for total demolition of this building, this Architectural & Historic Appraisal is flawed and in some respects seriously flawed, and I cannot accept its conclusion that there is no objection, based on government guidance, to the demolition of the Odeon.*
7. *The submitted Addendum report essentially reiterates the assumptions and conclusions, arrived at in the Architectural & Historic Appraisal and since in my opinion there are flaws in the principal document it also follows that there are flaws in the Addendum Report.*
8. *Structural Engineer's report - the applicant has submitted an engineer's report. This is a document is also flawed in many respects. In particular the following comments are of interest:*
- i. *Clause -2.00 -states - "the condition of the built form is currently stable but deteriorating." In other words it is not currently unstable*
 - ii. *Clause 4.03 -states - ".the front wall could be retained because it does not currently display significant evidence of distress..." In other words it is not unstable.*
 - iii. *Clause 3.03 - refers to- "the currently internal wall between the foyer/front of house section and auditorium having openings in it, and if the auditorium were to be demolished whilst leaving the foyer, this wall would become an external wall"- and therefore the demolition of this wall is the engineer's only conclusion. However he fails to consider in-filling some of the openings or the possibility of another building being constructed alongside the wall. His logic is weak and questionable, as is his conclusion.*
 - iv. *However later in the report (clause 4.010) he considers installing strengthening to this wall but dismisses this idea for cost and site access reasons. Again his argument is weak and flawed, especially*

since he offers no costings to justify his dismissive conclusion on finances.

- v. *Clause 4.04 (5) - states - "Whilst an engineering solution is possible, the costs and complications relating to the retention of the façade or front section. "Again his comments are flawed as no costings have been submitted to substantiate his conclusion.*

9. *My comments on the Odeon building*

- a. *Construction of the Odeon* - this building has been built as three separate structural elements joined together. So the east end is the load bearing brick fly tower with concrete floors. The middle section is the steel framed auditorium with steel structural roof supports and a sheet material covering (possibly asbestos cement sheets?). The west end section (ie entrance and front of house) is a brick masonry section with concrete floors and corner stairs and a flat roof. It is possible to demolish the fly tower and auditorium and convert the front of house section to an alternative use. I would support such an approach and this approach was discussed at pre-application stage. It is therefore particularly disappointing that the applicant has simply dismissed this approach, as too costly and difficult without either providing a financial analysis or articulating the perceived difficulties.
- b. *Setting and Landmark building* - this building is a visual landmark from a number of locations, due to its prominent location corner location. Clearly the design of the building was such that the front elevation was always intended to be the visual focal point and it has remained a focal point in this part of the town for the past 80 years. Because of its prominent location the setting for this building is quite significant, and its ability to form a strong focal point particularly when looking north up Winchcombe Street from the High Street, is of value. The retention of the front of house part of the cinema would allow the visual landmark element of the building to be retained.
- c. *Historic evolution of the area* - Cheltenham's history pre-dates the Regency period and High Street formed the mediaeval core of the town, with streets running off from the High Street being part of that mediaeval core. This site is located on the historic route going north out of the town and linked Cheltenham to the mediaeval town of Winchcombe. This wider area with its variety of architectural styles forms the setting of the Odeon building. This part of the town was never conceived as a set piece of Regency town planning.
- d. *Character and appearance of the wider area forming the setting of the site* - Although Cheltenham's architecture is prominently Regency there are other architectural styles in the town. Indeed such a distinct and unique building as the Odeon adds to the visual richness to the area and visually reinforces the historic evolution of this part of the town.
- e. *History of the Odeon* - it was designed by W E Trent, a noted cinema architect of national repute, and built in 1932-3. It was originally named the Gaumont Palace.
- f. *Architectural appearance of the Odeon* - it was built in a modernist style known as Art Deco. It originally had a projecting vertical fin on the front elevation. Although the fin has been removed in all other respects the external appearance remains essentially the same as it was in 1933. The

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"front of house" street is a bold and confident composition, with excellent proportions, and interesting details which are so typical of Art Deco design.

- i. Other cinemas designed by W E Trent - William Edward Trent was a leading cinema architect and designed a total of 46 cinemas across Britain. However, of these 46, only 9 currently remain in use as cinemas, with the remaining 37, including the Odeon in Cheltenham, facing an uncertain future and potentially demolition.

- g. Golden Age of cinema in Cheltenham - during the mid 20th century period Cheltenham cinema goers enjoyed the choice of a number of cinemas in the town. These were as follows:

- i. Regal Cinema (later renamed as the ABC) in the Promenade, (demolished in 1980s).
- ii. Coliseum Cinema (later renamed the Springbok Club) in Albion Street (demolished in 2011).
- iii. Ritz Cinema (later renamed the Essoldo) in the High Street (now Ace Bingo Hall)
- iii. Daffodil Cinema - now a restaurant

This phase of British social history is represented in the remaining buildings which are still standing. The most architecturally confident and aesthetically pleasing of them is the front of house section of the Odeon.

- h. Events which have taken place in the Odeon - not only was this a popular cinema but during the 1960s it was a popular concert venue, with the Rolling Stones, Beatles, Small Faces, The Hollies, Everly Brothers, Joe Brown and Rolf Harris all performing at the Odeon.

- i. Local index

- i. The Odeon is included on the Index of Locally Listed Buildings.
- ii. The Index of Buildings of Local Interest (supplementary planning document) was adopted on 28th June 2007 by full Council.
- iii. The need for the Index is set out in the supplementary planning document (clause 2.4, page 3) stated as follows- "In recent years a number of locally valued buildings have been demolished so that their sites can be more intensively developed.By compiling the Index, the Council aims to protect buildings of local importance from insensitive alteration and demolition through the use of powers available under the Planning Acts".
- iv. Total demolition of buildings included in the Local Index is set out in the supplementary planning document (clause 6.2d, page 8) and is stated as follows - "Demolition of Indexed buildings will only exceptionally be permitted. Redevelopment proposals should use the principles of good architecture and urban design to retain and integrate Indexed buildings rather than demolish them".
- v. The impact of the Index is set out in the supplementary planning document (clause 5.4, page 6) and is stated as follows - "Where there is control over demolition (ie buildings in a conservation area), it will normally be refused unless there is strong justification."
- vi. The Odeon building is an historic building and is included on the Index of Buildings of Local Interest (ie locally listed) and whilst this

lacks the statutory protection given to statutory listed buildings (which also have their interiors protected), none the less the fact that this building has been included on the Index does mean it is a material consideration in planning decisions. However it should be noted that its interior has never been protected.

- vii. *The Odeon was included in the Index in 2007, and there were no objections to its inclusion at the time. There has been a review of the Index in the years of 2008, 2009, 2011 and although the applicant has made a sweeping assertion that it is no longer worthy of being included in the Index, there has never been any requests from anyone that it should be removed: so its inclusion has remained valid and it has remained protected as a Locally Indexed heritage asset. It should be noted that any member of the public, or Council officer or Councillor is able to request that a building is added or removed from the Index.*
- viii. *The selection of buildings on the Index was undertaken in 2007 as an external visual assessment and that has continued in the subsequent Index reviews. It has never been the Council's intension to control a building's interior by including the building on the Index.*
- ix. *Selection criteria for buildings on the Cheltenham Local Index is set out as Appendix 2 in the supplementary planning document (page 16) and is stated as follows - "Locally listed (or Indexed) buildings are those which make a special contribution to the history, appearance, character, and cultural value of Cheltenham. They include buildings which have qualities of age, style, and detailing.....It is likely that most of the entries will date from the mid-19th to mid-20th century".*
- j. *Should the Odeon remain on the Index of Locally Listed Buildings?*
 - i. *From the process of review of the Index there have been opportunities for it to have been removed but no request has been received for its removal. Therefore it has remained on the Index and its inclusion must be considered as a material planning consideration.*
 - ii. *The external appearance (in particular the front elevation) of the Odeon has an architectural quality, is a landmark building, has a distinctive architectural style which is fairly unique in Cheltenham, is part of the social history of the town from the 1930s through the 1960s until it closed as a cinema in 2006, it is designed by a nationally significant architect and due to its age it is historic.*
 - iii. *For all of the above reasons it is correct that it was included on the Index and it is correct that it remains on the Index today.*
- 10. *My comments on the total demolition of a building (ie Odeon) in the conservation area*
 - a. *This building is also located in the Central Conservation Area, which has been subdivided into 19 smaller character areas. The application site is in the Old Town Character Appraisal Area (no. 1). This Character Appraisal document was adopted by full Council in February 2007, including the Management Plan and management proposals.*

- b. *In the townscape analysis map (page 37) of the Character Appraisal document correctly identifies the Odeon building as a positive building.*
- c. *The Management proposals in the Appraisal document states - "The Council will refuse planning permission or other consents for proposals which. or for:
a) the demolition of any building or structure if its loss would damage the character or appearance of the conservation area".*

11. Relevant legislation and policies -

- a. *The Planning (Listed Buildings and Conservation Areas) Act 1990 section 72(1) states -special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.*
- b. *The NPPF - section 12 - in terms of this clause the conservation area is considered to be a designated heritage asset and the Odeon building is an un-designated heritage asset which is located within the conservation area (ie within a designated heritage asset).*
- c. *There are a number of relevant clauses in particular clause 129 which states - "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."*
- d. *I have identified flaws in the applicant's Architectural & Historic Appraisal - see above. However independent conservation assessor's included the Odeon building in the Index of Buildings of Local Importance, it has been included in the Conservation Character Appraisal as a positive building and my detailed comments above also confirm it is a positive landmark building with architectural qualities which contribute to the character and appearance of the conservation area. These positive assessments of the Odeon need to be considered in relation to the proposals for its total demolition and in consideration of clause 129 in the NPPF.*
- e. *Clause 130 of the NPPF also states - "Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision."*
- f. *The applicant has argued that because the Odeon building has been empty for a number of years and it has had the interior removed, it has therefore lost any architectural value. However my detailed comments above concerning the external qualities of the building have exposed the error in the applicant's argument and in addition clause 130 of the NPPF advises local planning authorities that any neglect or damage should be ignored when reaching a planning decision.*
- g. *Clause 132 of the NPPF is also relevant and states - "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation." This clause is referring to the conservation area. The Odeon has been identified as a positive building in the conservation area and the demolition of the Odeon will not be preserving or enhancing the character of appearance of the conservation area.*

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- h. NPPF - clause 138 is relevant and states that any loss of a building which makes a positive contribution (and the Odeon does make a positive contribution - see 12 b, c and d above) to the significance of a conservation area and should be treated as substantial harm under clause 133 of the NPPF.*
- i. NPPF - clause 133 states - "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..". The applicant has not argued that the total demolition of the Odeon will bring about any substantial public benefits. Therefore the proposed total demolition of this building is not in accordance with this policy 133 in the NPPF.*
- j. Local Plan policies BE3 and BE11 are relevant. In particular policy BE11 states - "The demolition of, or harmful alteration of a building on the Index of Buildings of Local Importance will be resisted." Note 3 of this policy requests that applicants submit a robust justification for demolition and analysis of repair costs.*
- k. Local Plan policy - BE3 states - "The demolition or substantial demolition of buildings or other significant structures in conservation areas will not be permitted, unless:*

 - a) they make no positive contribution to the special character or appearance of the area, or*
 - b) the retention of the building is structurally and financially impracticable (taking into account all sources of finance, including associated development), or*
 - c) there is an essential need in the town for development which cannot be accommodated satisfactorily by a different form of development or in a different location, or*
 - d) the demolition serves to preserve or enhance the character or appearance of the conservation area, taking into account both the history and appearance of the building to be demolished and the contribution of any new buildings.*

In addition the notes to the above policy states that anyone wishing to demolish a building on the basis of the above exceptions will be required to provide convincing and fully documented evidence of the validity of the exception, including a full financial analysis.

12. Summary

- a. The applicant's Architectural & Historic Appraisal of the Odeon building is flawed, and does not fulfil the obligation under clause 128 of the NPPF.*
- b. The Odeon is on the Index of Buildings of Local Importance.*
- c. The conservation Character Appraisal has identified the Odeon building as positive.*
- d. My detailed comments also confirm that the Odeon continues to be a positive historic building in the conservation area.*
- e. Under the Planning (Listed Buildings and Conservation Areas) Act 1990 section, the total demolition of this historic positive Odeon building will harm the character and appearance of the conservation area.*

- f. *Under clause 130 of the NPPF, the deteriorated state of the Odeon or the loss of its interior fittings should be ignored in the consideration of an application for the demolition for the building.*
- g. *NPPF - clauses 129 and 132 are relevant and recognise the need to avoid harm to the historic Odeon building and to avoid harm to the conservation area. However the total demolition of this positive building will harm both the historic building and the conservation area. Therefore the proposed total demolition of this building is not in accordance with these policies.*
- h. *NPPF - clauses 138 and 133 are relevant and the test under these clauses confirms that the total demolition of this positive building will be considered to be substantial harm which should be refused unless there are substantial public benefits which outweigh the harm of the demolition. There are no public benefits identified and so it follows that the demolition should be refused.*
- i. *The Odeon building is positive and therefore cannot be considered as a suitable exception under clause (a) of Local Plan policy BE3. The applicant's structural engineer states that the building is structurally stable but retention of the front elevation would be costly but fails to provide any financial analysis and therefore the total demolition cannot be considered as a suitable exception under clause (b) of Local Plan policy BE3. The applicant has failed to suggest or to provide any evidence to suggest that the new development on this site of retail and housing could not be accommodated elsewhere in the town, and therefore total demolition cannot be considered as a suitable exception under clause (c) of Local Plan policy BE3. Therefore the total demolition of this building is contrary to Local Plan policy BE3 a, b, and c.*
- j. *The Odeon building is on the Index of Buildings of Local Interest and its demolition is contrary to Local Plan policy BE11.*
- k. *This application for total demolition of this building clearly is contrary to national legislation, national planning policy (ie NPPF) and Cheltenham Local Plan policy.*

CONCLUSION

My comments are such that I am unable to support this application for total demolition of a positive building in the conservation area which is also on the Index of Buildings of Local Interest.

Refusal reason:

The total demolition of this historic 1930s Art Deco former cinema building (known as the Odeon) which has been included on the Council's Index of Buildings of Local Interest will harm the character and appearance of the conservation area and therefore will not be in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition the total demolition of this former cinema building will not comply with the NPPF and Local Plan Policies CP3(c), BE3, and BE11.

13/00777/FUL (2nd July 2013)

Further to: pre-application site visit, pre-application meeting and application information

Analysis of Site: An extremely prominent corner site within the town centre, adjacent to a small terrace of 3 listed buildings which date from 1820 with later 19th century shop-front in the central building.

Historic analysis of the site-

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1. *The site is located on the historic route north out of the town and Winchcombe Street (previously known as Bell Lane and St Leger's lane) was in existence certainly by 1792. However before 1810 the only buildings constructed were in the section of the street between the High Street and Albion Street.*
2. *By the publication of the 1820 map, the application site was occupied by the Albion Livery Stables, later known as the Albion Mews on the 1834 map.*
3. *By 1852 the stables are replaced by the new Congregational Church and by 1832 the Church is demolished and replaced by the Gaumont Cinema, later known as the Odeon Cinema.*

Comments:

My comments relate separately to the two applications for this site and these comments on the planning permission need to be read in conjunction with the comments for the conservation area consent for the total demolition of the Odeon cinema (ie application no. 13/00777/CAC).

My detailed comments

1. *The principle of the applicant considering development work to this site is welcomed, subject to what development work is being proposed.*
2. *It is recognised that the former cinema building was closed in 2006. Since that time no other proposals for the existing building have been submitted other than as a nightclub and despite planning permission being granted for it being converted into a night club, this conversion has not been implemented.*
3. *It is also recognised that this building is empty and deteriorating and its state is having an adverse visual impact on the surrounding area. It is also recognised that in addition to the visual impact that uncertainly over the buildings future will also be deterring investment in the surrounding area.*
4. *However none the less the Odeon is a heritage asset in the conservation area and the conservation area has the benefit of statutory protection. I do not support the total demolition of the Odeon building - see my detailed comments relating to 13/00777/CAC.*
5. *I therefore consider this application to be a missed opportunity to solve the problem with the site in a creative way, and fails to avoid or minimise the conflict between the conservation of the Odeon and the proposed new development.*
6. *However not withstanding the above comments, my objection to the total demolition of the Odeon and my objections to the application 13/00777/CAC, my detailed comments on this application are as follows-*
 - a. *Site context and adjoining properties - this application site is adjacent to a small terrace of 3 listed buildings which date from 1820 with later 19th century shop-front in the central building. The front elevations of these buildings are built in ashlar limestone over brick with double pitched roof, and have a double depth plan with a side stairways and full height service range/wing to the rear. They are typically Cheltenham Regency houses which have later been converted to shops on the ground floor. They are designated heritage assets. The end property (no 45 Winchcombe Street) has had an unfortunate history and it became structurally unstable however it has now been stabilised; and work is now progressing to restore it.*
 - b. *Application Site layout - the site plan with a block of flats on the front of the site and a block of town houses behind is acceptable in principle (subject to the comment below about the design of the shop relationship to the street)*

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and there are numerous examples of this type of development in the town. However I do have more detailed concerns which are as follows-

- i. Refuse bin provision - the central courtyard area serves as an access area for the rear entrances to the shops, parking areas for residents, possible delivery area for the shops, an amenity external space for residents of the flats and a bin area. The space suggested for bin provision appears totally inadequate. Since no refuse storage is shown for the town houses, is it to be assumed that the bin area has to serve shops, flats and 6 town houses as well as re-cycling storage for all these properties? This issue was raised at pre-application discussions. This must be resolved in a satisfactory manner now in order to avoid the small courtyard area becoming unsightly or bin bags being left on the pavement. This issue of refuse storage is fundamental to the success of the courtyard space and should not be left to be resolved with a condition.
- c. Height and mass of the street block - the proposed height and mass are acceptable.
- d. Height and mass of the town house block - these town houses are too high and should be two storey. My reasons are given below and relate to the proposed style of architecture.
- e. Proposed use - the proposed change of the site from a cinema/leisure use to a residential and retail use is acceptable. This is certainly a mixed use part of the town and such a change of use would not harm or detract from the character of the area. Indeed the proposed use of shops on the ground floor is welcomed and will create an active frontage at street level.
- f. Form and style of architecture are linked:
 - i. Style of architecture - it is noted that in Dr Carole Fry states in the Heritage Impact Assessment dated 4th March 2013, that this proposed scheme is a pastiche. In Building in Context - new development in historic areas published by English Heritage and CABE, it is stated - "A word often used to describe projects including elements of this kind is pastiche, which when used correctly, implies the assembly of stylistic elements from different sources. Frequently, however, the term has come to be a generalised way of abusing architecture with any historic elements regardless of the skill or accuracy with which they are employed"
 - ii. The principle of designing an historic replica style of architecture is acceptable subject to the proposed location of the replica building in the town, the form and mass of the replica building both being appropriate and convincing, and the materials and details of the replica building all being convincing.
 - iii. Unfortunately due to the form, mass and overall design of these new buildings I agree with the Heritage Impact Assessment that this scheme is a pastiche and unfortunately for a variety of reasons, these is not are convincing historic replica buildings.
 - iv. The front elevation of this block has been designed as a set piece of "Regency" architecture with the side and rear elevations also having

Regency references. Due to proposed size and detailing and proportions of this front building, it has been designed as if it were terraced houses for the 19th century gentry (later converted into shops at the ground floor). Such houses (if they were ever to have been built) may have had artisan housing or coach houses or mews buildings at the rear. They would never have had 3 storey town houses at the rear. Therefore read as a whole scheme using "Regency" reproduction architecture the mass, height and form of the town houses at the rear are too grand, too big and too high for their proposed location and relationship to the principal reproduction buildings to the front.

- g. Street frontage block - as stated above the front elevation for this building which is a block of flats, has been designed to have the appearance of terraced houses. Although as these "terraced houses" do not have front doors, the theme of architectural deceit has continued, so that ground floors of the houses have been converted to shops. This architectural make believe approach is acceptable as a principle, provided that it is historically accurate in all respects. Unfortunately the design of this development fails in a number of areas:*
- i. Street elevation has duality, with no central focus to balance that duality.*
 - ii. The horizontal spacing between the front windows is uneven and therefore not authentic "Regency" style architecture.*
 - iii. To the north of the site the adjacent small terrace of three listed buildings, has ground floor shops. These terrace buildings each has a typically raised ground floor which give these authentic historic buildings elegant vertical proportions. The proposed replica terrace fails to copy the elegant proportions of the adjacent listed buildings. Instead this new building has elevations of poor proportions, especially the side and rear elevations which is particularly poor.*
 - iv. The adjacent listed buildings have projecting ground floor shop front which are typical of 19th century conversions. The proposed replica building has failed to copy that projection with the new shop fronts.*
 - v. In addition the detailed shop fronts of the new development appear to have squat proportions and atypical gaps between the shop front pilasters.*
 - vi. Due to the prominent location of this corner site, the south elevation of the street frontage block will be seen from long distances above the roofs of the retained 1960s parade of shops. The proposed architectural treatment of this elevation is weak and unconvincing in terms of an accurate replica building.*
 - vii. The courtyard elevation of the street block may have timber sash windows and a slate pitched roof but fails in all other respects to attempt to appear like an historic building.*
 - viii. No roof drainage has been indicated and yet downpipes can alter the appearance and composition of elevations. Therefore the location of rainwater down pipes does need confirming now.*
- h. Inner courtyard town houses - whilst the height of the houses is of concern (see above comment) in general the design of these houses is more acceptable and in terms of massing, duality has been avoided. However there are aspects of the overall design which like the front block of flats does lack authentic historic*

architectural conviction, in particular the relationship of the single rear extension to the main building.

- i. Impact on the setting of the adjacent listed buildings - Indeed the adjacent listed buildings do provide an authentic example of Regency architecture which the applicants could have copied. Failure to propose an authentic reconstruction building but instead propose a style of architecture which is approximately historic does therefore devalue the architectural quality of these listed buildings and consequently causes harm to their setting.*
- 7. The applicant's Heritage Impact Assessment - this is written in the form of a brief letter dated 4th March 2013. It confirms that this new development is pastiche architecture, but finds such pastiche architecture acceptable. The applicant's design approach contradicts design advice given by English Heritage and CABE in their published document, and this is a document which is recommended in national planning guidance. In addition the applicant's Heritage Impact Assessment fails to recognise that the adjacent buildings are listed and therefore fails to comment on how the proposed new development will impact on the setting of these listed buildings.*
- 8. Planning policies*

 - a. Notwithstanding my comments on the application to totally demolish the Odeon, the merits of the replacement development also need to be considered in relation to legislation, and planning policies.*
 - b. Clause 5.25 of the Local Plan states - "the general presumption should be in favour of retaining buildings which makes a positive contribution to the character and appearance of a conservation area, and that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In making such an assessment, the Council may consider the merits of the any proposed development as well as those of the existing building."*
 - c. Local Plan policy CP7 - states - "Development will only be permitted where it: a) is of high standard of architectural design, b) adequately reflects the principles of urban design, and c) complements and respects neighbouring development and the character of the locality and/or landscape."*
 - d. From my assessment of the new development, the scheme is not sufficiently well designed to be an accurate and convincing historic replica building. It is a pastiche design and has used some historic elements inaccurately or without due consideration. Consequently it does not have a sufficiently high standard of architectural design to comply with Local Plan policy CP7.*
 - e. The NNPPF has a presumption in favour of sustainable development, and explains that a sustainable development has economic, social and environmental considerations. The environmental consideration does include protecting and enhancing the built and historic environment (clause 7) and the core planning principles (clause 17) include that the planning system should - "always seek to secure high quality design". Clause 60 of the NPPF states that planning decisions should not impose architectural styles, but that it is proper to promote or reinforce local distinctiveness. Whilst Cheltenham has a wealth of fabulous Regency buildings, the proposed mock and poorly proportioned Regency architecture being proposed is not high quality design and fails to promote local distinctiveness, but instead de-values the town's architectural heritage.*
 - f. Again in the NPPF clause 126 confirms the desirability of new developments making a positive contribution to local character and distinctiveness, and the*

opportunities to draw on the contribution made by the historic environment to the character of a place. However the applicants have failed to use the opportunity to understand, consider and copy the listed buildings immediately next to the application site.

- g. Clause 128 of the NPPF states that - "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted..". However the applicant has failed to mention or consider the listed status of the buildings immediately next to the application site, in any of the following the submitted supporting documents - Heritage Impact Assessment, the Architectural and Historic Appraisal and its addendum. The applicant has ignored the impact that the proposed development will have on the setting of these listed building and therefore these supporting documents have not fulfilled the required level of consideration under the NPPF clause 128.*
- h. The PPS5 Planning for the Historic Environment (Historic Environment Planning Practice Guide) which remains as relevant national planning policy states that detailed guidance on design and the historic environment is available from English Heritage and CABE, and suggests Buildings in Context: New Development in Historic Areas (pub. 2001). Although this advice booklet was published in 2001, the design advice it gives and the architectural principles it explains remains a relevant consideration today. On page 5 - it is stated - "A word often describe to describe such projects is pastiche, which implies the assembly of stylistic elements from different sources". On page 4 it is explained that "the principle of copying the architecture of existing buildings (but not as an authentic reconstruction) leads to superficial echoing of historic features in the new building, which erodes the character of the area rather than enriches it". Consequently pastiche schemes erode the character and appearance of an area and this proposed development will certainly erode this part of Cheltenham.*

CONCLUSION

My comments are such that I am unable to support this application for a new development of residential units and shops.

Refusal reason:

The proposed new buildings due to the general design and proportions of both of these buildings, and in addition the proposed height of the town houses, will harm the character and appearance of the conservation area and harm the setting of the adjacent listed buildings. Therefore this development will not be in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition this proposed development will not comply with the NPPF, PPS5 Historic Environment Planning Practice Guide, and the Local Plan policies CP3, CP7.

Architects Panel (5th July 2013)

1. Is the information sufficient to understand the application?

We viewed this application at pre application stage as part of the wider development for the Haines and Strange site. It is now submitted as a separate application and our comments are based on this assumption. The information provided is therefore sufficient to understand the smaller application.

2. Context

When viewing this application on its own, the proposal sits between poor quality accommodation and the chosen aesthetic does little to improve this. This leads us to question the benefit of losing the historic façade especially when the proposed plan appears to provide single aspect accommodation. If this is the preferred plan we cannot see why the façade could not be retained with the plan handed and the main entrance area used as an entrance to the apartments? This would also have the potential of gaining an additional floor.

3. Massing and Scale

The scale appears acceptable and the front elevation seems well proportioned although a little bland and out of context.

4. External Appearance.

The front elevations appear competent in their design but the rear elevations are very utilitarian and need to be better considering they face the houses in the rear block. Should the entrances to the ground floor retail units have canopies? Why the blank windows?

5. Detailing and Materials

The detailing and materials appear competent but we question the principal.

6. Environmental Design.

No apparent consideration towards sustainable design.

7. Summary

When viewing this application independently we question the loss of the historic façade and the chosen aesthetic. We believe the current plan could work with the retention of the façade and this would provide a more sympathetic solution and a scheme with much better value. If the façade is to be lost we would like to see a much higher quality solution.

8. Recommendation

Refuse.

Crime Prevention Design Advisor (19th June 2013)

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the planning application at the former Odeon Cinema, Winchcombe Street, Cheltenham with reference number 13/00777/FUL. I would like to draw your attention to the PDF document attached to the carrying e-mail which should be read in conjunction with the following crime generating subjects.

Crime and Disorder Act

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their "Duty to consider crime and disorder implications (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

Design and Access Statement

This application's Design and Access Statement has only described security for the communal cycle store and hasn't mentioned any consideration for crime prevention, designing out crime techniques or site security, but further information should have been included to address the concerns listed below and any future Secured by Design application.

The Communities and Local Government (CLG) "Guidance on information requirements and validation" which describes under Paragraph 132 that "new developments should create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design and access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places- the Planning System and Crime Prevention."

"Security and personal safety are matters that are generally taken for granted, but crime and the fear of crime has a significant impact on the way we live. Careful design of the built environment can reduce opportunities for crime and improve feelings of safety." Cheltenham Supplementary Planning Guidance - Security and Crime prevention Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

"Development will be permitted only where it would:

*(c) make adequate provision for security and the prevention of crime and disorder; and
(b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety."*

Carbon Footprint of Crime

The carbon cost of crime is based on a formula created by Prof Ken Pease for converting the financial costs of crime into the energy expenditure of the emergency services and criminal justice service as they respond to criminal events. In Gloucestershire this roughly equates to 257,012 tonnes of CO2 generated in 2012, with Cheltenham responsible for 27% a total of 65680 tonnes of CO2. Over the past 12 months 2265 crimes occurred in Cheltenham Town Centre, generating 10666 tonnes of CO2.

Secured by Design

Secured by Design focuses on crime prevention of homes and commercial premises; promoting the use of security standards for a wide range of applications and products. The design principles can reduce crime by 60%; create a positive community interaction; work to reduce the opportunities exploited by potential offenders; remove the various elements that contribute and encourage situational crime; and ensure the long term management and maintenance of communal areas.

To assist in achieving these security levels the door sets and windows installed in this development should comply with BS PAS 24:2012. Laminated glazing should also be used on glazed door panels, windows adjacent to doors and any additional glazing which is easily accessible to provide additional security and resilience to attack.

Permeability

The layout should encourage all routes, housing types and layout to offer spaces that are overlooked, integrated within the community and well used to increase opportunities of passive surveillance.

Management and maintenance

*In an effort to preserve the quality finish, reduce the anti social behaviour, create safe and friendly public spaces. "Management and maintenance needs to be part of the design and delivery process across a large scheme." (Design Council CABI Case Studies 5, 2012)
The access gates into this development should be maintained to ensure their continual operation and long-term security of the small court parking area.*

The landscape will need to be continually managed by either the council or an external company under contract to demonstrate a level of ownership and community respect for this public space; the plants should be maintained to offer natural surveillance and

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restrict any opportunities for hiding, stalking and ambush. "The level of investment in the public spaces and the quality of its management does rely on there being sufficient resources from residents and a competent organisation overseeing the scheme to maintain this quality approach." (Design Council CABE Case Studies 1, 2012)

Surveillance

Secluded and shaded areas around the apartment entrances will instil a fear of crime as residents anticipate the opportunities for ambush, assault or robbery; these issues will be reduced by providing sufficient lighting and CCTV coverage.

The street scene and landscaping should encourage passive surveillance from the pedestrian and vehicular movement; this can be achieved by keeping the ground level plants below 1m in height, while removing epicormic growth and lower branches to a height of 2 metres.

Soft landscaping

Ground level planting's vertical growth should be maintained to provide natural surveillance, with any horizontal growth trimmed to ensure the footpaths remain open and parking spaces are unobstructed.

The location of trees and taller shrubs should not provide climbing aids onto or over built structures.

CCTV

To assist with the security of the building and outside spaces the cameras needs to be located to monitor each façade and the approaching footpaths. These cameras should be positioned at a suitable height to prevent damage, abuse or tampering, but ensure identifiable images are obtained.

Lighting

The lighting plan should be designed to encompass an effective and efficient coverage of the development and allow for seasonal variations within the planting scheme; while preventing light pollution into the environment and any residential rooms facing this area. Dusk till dawn lighting on the front of each dwelling should compliment the overall plan, provide additional lighting to each front garden and assist in the recognition of visitors. These provisions will remove areas of deep shadow, thereby reducing the fear of crime and addressing crime and ASB.

"Well-designed public lighting increases the opportunity for surveillance at night and sends out positive messages about the management of an area... well lit spaces are crucial in reducing the fear of crime, making places more 'liveable' and in most cases, increasing activity after dark while being sensitive to the needs of residents and users".

'Safer Places - The Planning System and Crime Prevention'

Apartments

The communal entrance door to each of the blocks should form the first line of security; fitted with an access control system that incorporates a telephone door entry system so that residents can confirm their visitors. The layout of the stairwell should restrict access to each floor, with the apartment door creating the final security measure for each residence.

Each apartment should be supplied with separate utility meters stored outside of the building. The delivery of mail needs careful consideration so that post can be securely deposited without compromising the building security.

Shops – CCTV

To assist with the security of each shop should offer a fused spur, wiring loom and camera points to provide suitable internal and external coverage of the retail spaces.

These cameras should be positioned at a suitable height to prevent damage, abuse or tampering; and located to allow for any seasonal variations within the planting scheme and the specifications defined in the lighting plan.

Cash/ valuables handling

Each shop should have a safe and secure area; covered by CCTV and included within an intruder alarm security system dedicated to the storage of monies or other valuables left on site over night.

Communal storage buildings

The cycle store for the apartments should be housed in a purpose built structure with a BS PAS 24: 2012 external door and fitted with lighting that will provide a 15 Lux average.

The cycle rack, Sold Secure anchor points or a galvanised steel 'Sheffield Hoop' should provide a means of locking both wheels and the crossbar securely. One theft or incident of criminal activity will leave either of these facilities unused, with the bins left on the kerb side. Once ignored by the community, these buildings will be open to further abuse and vandalism. 12/6/13

The cycle store for each house should offer the same cycle rack, as any apartment facilities, this will compliment the type and quality of the security products used should be proportionate to the value of modern cycles and reduce the impact of crime on an individual. 13/6/13

Car parking

The parking spaces close to the rear access/ egress to each shop should offer a larger The parking area and adjoining communal spaces should be well lit and landscaped to encourage natural surveillance from pedestrian movement through the area and from within each dwelling, which in turn will help reduce any 'fear of crime' experienced by residents or visitors.

Specific attention should be made to where visitors are likely to park - visitors seem particularly unwilling to park in areas away from the public carriageway and will tend to park up on kerbs nearest the dwelling they are visiting. Design Council CABE Case Studies website 2012

Forensic Marking

Personal or business property kept, stored or used within any of these buildings should be marked with a forensic property marker, identifiable and traceable through a recognised database. The use of these products should be displayed on the entrance signage, along with stickers on external windows and door.

Conclusion

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

Trees Officer (13th June 2013)

As the same Landscape Proposal (Drawing No 1079-002-2) has been submitted for both this application and 13/00827/OUT Haines and Strange, Albion Street my comments are duplicated for both application:

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In respect of the demolition and construction the Tree Section has no objections but comments will be in reference to the Landscaping Proposal.

Overall this is well considered with good choices of fruit or ornamental fruit trees which will be in-keeping with the size of the gardens and shared areas within the development. However, the proposed sizes of 25-30cm girth are very large (semi-mature) and, although they will have an instant impact, are likely to struggle to establish and the maintenance for such large trees is costly and time consuming. Therefore I recommend that the largest size of 12-14cm girth be planted and to use container grown trees (the 10-12cm should also be container grown), as these are sufficient in respect of impact, but will also establish far quicker and will require the normal maintenance for newly planted trees.

The only other concern is regarding the four Quercus ilex to the front of the 6 town houses in the inner courtyard. This species of tree will become very large, cast dense shade and more than likely, will be seen as a nuisance in the future to the residents. There are many constraints to this area (low natural light levels, paved areas, near to buildings, poor soil conditions etc) therefore I have three other suggestions for this space that I feel will be more suitable long-term:

- Carpinus betulus Fastigiata Fran Fontaine-this tree is suitable for very poor soil, good where space is restricted, hardy once established and will tolerate shade.*
- Acer campestre Elegant-good for restricted spaces due to tight, upright habit and hardy once established. Good autumn colour.*
- Ginko biloba (or varieties of)-hardy once established, remains relatively narrow, tolerates paved areas and is deep rooted. Good autumn colour and attractively shaped foliage.*

The above information needs to be considered and the necessary amendments made to the Landscaping Proposal. Also further details are required to be submitted prior to a decision being issued:

- planting pit details, aftercare and maintenance*
- service runs*

Both are to ensure that the Landscape Proposals can take place as detailed and to ensure the long-term successful establishment to help soften this new development within the central conservation area.

Once the amendments have been made to the landscape proposal and further details have been submitted I will be happy to recommend conditions.

Haines & Strange

Cheltenham Civic Society (20th June 2013)

We do not favour Regency pastiche in an area where it is not already an integral part of the area as we think it dilutes the impact of Cheltenham's impressive heritage of Regency buildings. We are concerned that there may be too many shops, and some of us regret that there has been no attempt to incorporate at least some aspect of the old Odeon Cinema into the design.

Architects Panel (5th July 2013)

1. Is the information sufficient to understand the application?

We viewed this application at pre application stage as part of the wider development for the former Odeon Cinema site. It is now submitted as a separate application and our comments are based on this assumption. The information provided is sufficient to understand the application.

2. Context

We had previously questioned the chosen aesthetic especially with the change to contemporary to Gloucester Road. The scheme has now been refined with the removal of one floor to Albion Street which is an improvement and Gloucester Road changed to a more regency type aesthetic. This then ties in much better with the retained buildings to the North of Gloucester Place and we believe the change in aesthetics to Fairview Road is quite successful.

3. Massing and Scale

The general massing and scale are acceptable but we do question the additional floor to the southern end of Gloucester Place. These buildings will be quite high against the rest of the original street. The loss of a floor from Albion Street also improves the overall proportions and aesthetic. Other things to be applauded are the general design and scale of the northern houses and the set back of the building line to provide front gardens to Gloucester Place.

4. External appearance

The overall appearance is much improved over the pre application scheme and we feel the change in aesthetic along Fairview Road is particularly successful. We do have concerns over the perceived length of the regency elevation to Albion Street and feel the scheme could respond better to the change in levels along the street and break up the perceived length of terrace. Gloucester Place and Fairview Road are then acceptable, assuming Gloucester Place could be limited to 3 storeys? However, our main concerns come from the internal elevations which are very poor. There are a number of elements we find unacceptable including the top floor projecting bays to the rear of Gloucester Place but generally they do not appear to have the level of thought of the principal elevations. This needs real consideration as the central courtyard will be the principal access for many residents.

5. Detailing and Materials

Assuming the regency aesthetic is deemed suitable the rendered finish is suitable. The detailing to the principal elevations is moving in the right direction but should be defined in more detail either by supplemental drawings or a planning condition. The internal elevations need working up with the robustness and level of thought the principal elevations have received. Issues such as the staircase to the East of Albion Place also still do not appear to have been resolved which leaves questions in our minds about the rest of the detailing?

6. Environmental design

No apparent consideration towards sustainable design.

7. Summary

The principle of the development is acceptable but we question the overall aesthetic style. However if it is the preferred route the internal elevations need a complete rethink to make them acceptable as a design.

8. Recommendation

Refuse.

Environmental Health (30th May 2013)

I have reviewed the two applications for these sites, which form one redevelopment proposal, and offer the following recommended conditions in respect of both applications:

Condition 1:

A plan for the control of noise, dust and other nuisances from the site(s) shall be submitted to the Local Planning Authority for approval before such works commence.

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Reason: To control loss of amenity affecting nearby properties due to noise, dust etc.

Condition 2:

The retail premises proposed on Albion Street in application 13/00827/OUT shall be limited to A1/2 use only.

Reason: Use for A3/4/5 purposes has potential to cause loss of amenity to residential properties constructed as part of this development, due to noise and odour from kitchen extraction plant.

Condition 3:

The applicant must provide an acoustic report to establish the levels of road traffic noise affecting residential property fronting Albion Street and Winchcombe Street. This report must then be used to identify suitable fenestration and/or ventilation to prevent and adverse effect on residents of these properties.

Reason: Residential property fronting to Albion Street and Winchcombe Street will be affected by noise from high levels of road traffic using these roads, which may lead to disruption of sleep etc.

Crime Prevention Design Advisor (19th June 2013)

In my capacity as Crime Prevention Design Advisor for Gloucestershire Constabulary I would like to comment on the planning application at the former Haines and Strange, Albion Street, Cheltenham with reference number 13/00827/OUT. I would like to draw your attention to the PDF document attached to the carrying e-mail which should be read in conjunction with the following crime generating subjects.

Crime and Disorder Act

Gloucestershire Constabulary would like to remind the planning committee of their obligations under the Crime and Disorder Act 1998, Section 17 and their "Duty to consider crime and disorder implications

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

Design and Access Statement

This application's Design and Access Statement has not mentioned any consideration for crime prevention, designing out crime techniques or site security, but further information should have been included to address the concerns listed below and any future Secured by Design application.

The Communities and Local Government (CLG) "Guidance on information requirements and validation" which describes under Paragraph 132 that "new developments should create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design and access statements for outline and detailed applications should therefore demonstrate how crime prevention measures have been considered in the design of the proposal and how the design reflects the attributes of safe, sustainable places set out in Safer Places- the Planning System and Crime Prevention."

"Security and personal safety are matters that are generally taken for granted, but crime and the fear of crime has a significant impact on the way we live.

Careful design of the built environment can reduce opportunities for crime and improve feelings of safety."

Cheltenham Supplementary Planning Guidance - Security and Crime prevention

Planning Policy

Cheltenham Borough Council's Local Plan which contains Policy CP 4:

"Development will be permitted only where it would:

(c) make adequate provision for security and the prevention of crime and disorder; and
(b) not, by nature of its size, location, layout or design to give rise to crime or the significant fear of crime or endanger public safety."

Carbon Footprint of Crime

The carbon cost of crime is based on a formula created by Prof Ken Pease for converting the financial costs of crime into the energy expenditure of the emergency services and criminal justice service as they respond to criminal events. In Gloucestershire this roughly equates to 257,012 tonnes of CO₂ generated in 2012, with Cheltenham responsible for 27% a total of 65680 tonnes of CO₂. Over the past 12 months 2265 crimes occurred in Cheltenham Town Centre, generating 10666 tonnes of CO₂.

Secured by Design

Secured by Design focuses on crime prevention of homes and commercial premises; promoting the use of security standards for a wide range of applications and products. The design principles can reduce crime by 60%; create a positive community interaction; work to reduce the opportunities exploited by potential offenders; remove the various elements that contribute and encourage situational crime; and ensure the long term management and maintenance of communal areas.

To assist in achieving these security levels the door sets and windows installed in this development should comply with BS PAS 24:2012. Laminated glazing should also be used on glazed door panels, windows adjacent to doors and any additional glazing which is easily accessible to provide additional security and resilience to attack.

Permeability

The permeability of the development should offer places with well-defined routes, spaces and entrances that provide for convenient movement of residents and visitors without compromising safety or security.

Management and maintenance

"Management and maintenance needs to be part of the design and delivery process across a large scheme." (Design Council CABE Case Studies 5, 2012) The public facilities and the landscaping scheme will need to be continually managed by either the council or an external company under contract to demonstrate a level of ownership and instil community respect in an effort to preserve the finish, reduce the anti social behaviour, and create safe, friendly public spaces.

The access gates into this development should be maintained to ensure their continual operation and long-term security of the small court parking area.

Anonymity

This development needs to consider removing potential hiding places and circular route which will create anonymity for offenders, increasing the visitor's vulnerability to crime and anti social behaviour. Additionally the layout needs to consider its affects on the surrounding areas and existing issues; the new access will provide further opportunities potential hiding places and circular route which will create anonymity for offenders, increasing the visitor's vulnerability to crime and anti social behaviour.

Surveillance

Secluded and shaded areas naturally instil a fear of crime as residents anticipate the opportunities for ambush, assault or robbery; homes are also at risk as recessed doorways provide burglars with a concealed means to enter a building. These issues will be reduced

by providing each dwelling with sufficient lighting and fenestration to allow natural surveillance from high occupancy rooms.

Soft landscaping

The planting scheme and hard landscaping plan in the public areas and private gardens needs to assist with surveillance, this can be achieved by keeping the ground level plants below 1m in height, while removing epicormic growth and lower branches to a height of 2 metres. 30/5/13

Ground level planting's vertical growth should be maintained to provide natural surveillance, with any horizontal growth trimmed to ensure the footpaths remain open and parking spaces are unobstructed.

Lighting

The lighting plan should be designed to encompass an effective and efficient coverage of the development and allow for seasonal variations within the planting scheme; while preventing light pollution into the environment and any residential rooms facing this area. Dusk till dawn lighting on the front of each dwelling should compliment the overall plan, provide additional lighting to each front garden and assist in the recognition of visitors.

These provisions will remove areas of deep shadow, thereby reducing the fear of crime and addressing crime and ASB.

"We all like to feel safe, most of us would particularly like to be able to see that we are safe"

Lighting against crime - A Guide for Crime Reduction Professionals, Secured by Design 2011

Apartments

The communal entrance to each apartment block should form the first line of security by controlling and restricting access into the building; various security features should be provided before reaching the lockable individual apartments. Each apartment should be supplied with separate utility meters stored outside of the building, also provision for a safe mail drop which would not compromise the building security.

CTSA requirements for undercroft parking

The vehicular access under the Albion Street apartments should be designed to address accidental damage or a specific threat from criminal or terrorist activity, to this end the Counter Terrorism Security Advisors (CTSA) require the structure of the building should be enhanced to withstand a 100kg explosive device. (Vehicle Based Improvised Explosive Device - VBIED) 19/6/13

Shops - CCTV

To assist with the security of each shop should offer a fused spur, wiring loom and camera points to provide suitable internal and external coverage of the retail spaces.

These cameras should be positioned at a suitable height to prevent damage, abuse or tampering; and located to allow for any seasonal variations within the planting scheme and the specifications defined in the lighting plan.

Cash/ valuables handling

Each shop should have a safe and secure area; covered by CCTV and included within an intruder alarm security system dedicated to the storage of monies or other valuables left on site over night.

Out buildings and communal storage buildings

The Refuse storage should be set away from the building to prevent arson, housed in a purpose built structure that includes lockable doors or gates, appropriate security lighting, have clear signage, subject to natural surveillance from the surrounding area and easily accessible during refuse collection by the council.

The cycle store for any apartments should be housed in a purpose built structure with a BS PAS 24: 2012 external door and fitted with lighting that will provide a 15 Lux average. The cycle rack for any apartment or private dwelling should either be a Sold Secure anchor or a galvanised steel 'Sheffield Hoop' to provide a means of locking both wheels and the crossbar securely.

Footpaths

The designs of public footpaths will be influenced by the principles described in 'Manual for Street'; therefore any footpaths exceeding 1.5m wide should have vehicle mitigation designed into the entry/ exit points to restrict motor vehicles from entering, using them as a thoroughfare or as an ad hoc parking area.

"Good design will minimise the risk of ad hoc parking that might compromise designed spaces." (Guidance Note: Residential Parking - The Chartered Institution of Highways and Transportation Institute of Highway Engineers, 2012)

Boundary treatment and garden fencing

The use of long fenced alleyways between the rear gardens should be avoided as they raise serious issues in terms of safety and security. Home Office statistics and research identifies the greatest vulnerability to any development concerns the rear access footpaths as 2/3 of all burglaries are executed via the rear and sides of premises. As a result the residents will live in fear of crime and left vulnerable to any criminal event as proven through the research of Poyner, (2005); Johnson and Bowers (2009). As the problems escalate the residents will remedy the problem by retro fitting security features which in turn increases to 'fear of crime' through the area

Any rear garden access from the front of the property should be installed in line with the front façade of the dwelling, made of durable materials, lockable and where possible illuminated by the street lighting scheme. Street scenes which offer terraced properties should incorporate a gated 'ginnel' or tunnelled alleyway between plots that would provide secure access into two rear gardens. These features will encourage security, create easier movement with bins and garden waste and offer direct links with parking spaces. 4/6/13

Any internal divisions to create private garden spaces should not exceed 1.5m in height; this will provide natural surveillance from the dwellings, views across the surrounding landscape, encourage neighbour interaction and security for the car park. 25/4/13

Car parking

Any undercroft parking and garages should be designed and constructed to accommodate the average family car and allow for the increased average dimensions, failure to provide sufficient space will encourage the owners to use the garage for storage which will increase risk of burglary.

"Some schemes had garages in unusual locations such as at the rear of properties accessed via side lanes or rear access. These appeared to have a high burglary risk so should be considered very carefully."

Design Council CABE Case Studies website 2012 13/6/13

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The parking area should be well lit and landscaped to encourage natural surveillance from pedestrian movement through the area and from within each dwelling, which in turn will help reduce any 'fear of crime' experienced by residents or visitors.

Specific attention should be made to where visitors are likely to park - visitors seem particularly unwilling to park in areas away from the public carriageway and will tend to park up on kerbs nearest the dwelling they are visiting. Design Council CABE Case Studies website 2012

Public Space

Creating an interesting and welcoming series of parks should meet the needs of the local community, who should be included from the off-set to ensure the long term future of these resources. Once complete these facilities should be managed by either the council, an external management company under contract or by a voluntary residents group with a vested interest in the long term future of the park.

"The level of investment in the public spaces and the quality of its management does rely on there being sufficient resources from residents and a competent organisation overseeing the scheme to maintain this quality approach."

Design Council CABE Case Studies 1, 2012 15/2/13

Forensic Marking

Personal or business property kept, stored or used within any of these buildings should be marked with a forensic property marker, identifiable and traceable through a recognised database. The use of these products should be displayed on the entrance signage, along with stickers on external windows and door.

Conclusion

Gloucestershire Constabulary's Crime Prevention Design Advisors are more than happy to work with the Council and assist the developers with further advice to create a safe and secure development, and when required assist with the Secured By Design accreditation. Please feel free to contact me should you have any queries or wish to discuss these issues further.

Trees Officer (13th June 2013)

As the same Landscape Proposal (Drawing No 1079-002-2) has been submitted for both this application and 13/00777/FUL Former Odeon Cinema, Winchcombe Street, my comments are duplicated for both application:

In respect of the demolition and construction the Tree Section has no objections but comments will be in reference to the Landscaping Proposal.

Overall this is well considered with good choices of fruit or ornamental fruit trees which will be in-keeping with the size of the gardens and shared areas within the development. However, the proposed sizes of 25-30cm girth are very large (semi-mature) and, although they will have an instant impact, are likely to struggle to establish and the maintenance for such large trees is costly and time consuming. Therefore I recommend that the largest size of 12-14cm girth be planted and to use container grown trees (the 10-12cm should also be container grown), as these are sufficient in respect of impact, but will also establish far quicker and will require the normal maintenance for newly planted trees.

The only other concern is regarding the four Quercus ilex to the front of the 6 town houses in the inner courtyard. This species of tree will become very large, cast dense shade and more than likely, will be seen as a nuisance in the future to the residents. There are many constraints to this area (low natural light levels, paved areas, near to buildings, poor soil

conditions etc) therefore I have three other suggestions for this space that I feel will be more suitable long-term:

- *Carpinus betulus Fastigiata Fran Fontaine*-this tree is suitable for very poor soil, good where space is restricted, hardy once established and will tolerate shade.
- *Acer campestre Elegant*-good for restricted spaces due to tight, upright habit and hardy once established. Good autumn colour.
- *Ginkgo biloba* (or varieties of)-hardy once established, remains relatively narrow, tolerates paved areas and is deep rooted. Good autumn colour and attractively shaped foliage.

The above information needs to be considered and the necessary amendments made to the Landscaping Proposal. Also further details are required to be submitted prior to a decision being issued:

- planting pit details, aftercare and maintenance
- service runs

Both are to ensure that the Landscape Proposals can take place as detailed and to ensure the long-term successful establishment to help soften this new development within the central conservation area.

Once the amendments have been made to the landscape proposal and further details have been submitted I will be happy to recommend conditions.

Strategic Land Use Team (25th June 2013)

These comments address the principle of proposed land uses but not the detailed design of the scheme or potential impact on nearby heritage assets.

Site and context

The site comprises 2 parcels of land: (i) the Baylis Haines and Strange site, and (ii) a parade of shops on Albion Street. The retail units, which are currently occupied, are located within the Central Shopping Area. The larger Haines and Strange parcel has been vacant for some time, with the bulk of the site being allocated for mixed use development by the 2006 Local Plan (policy PR2). The whole application site is located within the Core Commercial Area and Central Conservation Area.

The proposal involves redevelopment of the Albion Road retail parade to provide 6 new retail units with residential accommodation above. The Haines and Strange parcel would be redeveloped for an entirely residential scheme. The proposal would therefore result in no net increase in employment generating floorspace across the site.

In making a decision on this application it will be necessary therefore to carefully consider the balance between:

- the benefits of regenerating this key site in the Core Commercial Area,
- the significance of the lost opportunity to provide additional retail, leisure or other employment generating uses in a sustainable, central location, and
- the contribution of proposed housing to meeting local needs.

Regeneration in the Core Commercial Area

Local Plan policy CP1 requires that development gives priority to the use of previously developed land, while the NPPF (paragraph 111) promotes brownfield development. Policy CP1 also requires development to make the most efficient and effective use of land, while the emerging Joint Core Strategy includes a Strategic Objective (4.4) to 'maximise the efficient use of previously developed land'.

In land use terms, the proposal to replace the retail parade on Albion Street with shops with residential units above is supported. This opportunity was identified in the Council's Development Brief for Gloucester Place, Sherborne Place and Fairview Road (SPG adopted 2001). The site is located in the Central Shopping Area where retail is acceptable (policy RT1). The Local Plan also supports mixed use development (policy CP6) and higher densities of residential development (policy HS2) in the Core Commercial Area, while the NPPF recognises that residential development can play an important role in ensuring the vitality of centres (paragraph 23).

The regeneration benefits of redeveloping the vacant Haines and Strange land parcel are significant and it is recognised that the site requires remediation which will entail a financial cost to the developer and may have an impact on viability. Local Plan policy PR2 firmly establishes the principle of mixed use development on this part of the site. The Development Brief also highlights the potential for retail and leisure uses to the south of the site and the specific opportunity to extend the Albion Street commercial frontage to the corner of Gloucester Place. In designing a scheme, the applicant has combined the Haines and Strange land parcel with the Albion Street retail parade and the approach is supported due to potential benefits that are highlighted in the Development Brief. However the proposal does not take the opportunity to extend the retail frontage and also fails to provide any mix of uses in this allocated part of the site.

Based on this analysis, while it is clear that the development would regenerate brownfield land, some consideration needs to be given as to whether the scheme proposed would be the most efficient and effective use of this land.

Mixed use / employment space

Since the proposal includes only residential development on the allocated part of the site, it is necessary to consider the significance of the lost opportunity to provide additional retail, leisure or other employment generating uses in a sustainable, central location. The emerging Joint Core Strategy (Vision, 3.16) identifies provision of high quality, modern premises in the town centre as a means of addressing the ageing stock of employment sites in Cheltenham.

The Haines and Strange site has been allocated for mixed use since 2006 and has also achieved planning permission for mixed use (08/00372/FUL) that was not subsequently delivered. The NPPF (paragraph 22) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Although there may be a prospect of the site accommodating employment use, the viability and timescale for this is unclear given the current vacancy of the site and the need for remediation.

The Development Brief (paragraph 6.3.6) suggests that the site has potential to accommodate mixed uses but states that residential should be the predominant use. The previously approved mixed use proposal incorporated 161 residential units and a relatively small element of employment generating uses comprising 296 m² B1 floorspace and 736 m² A1/A2/A3 floorspace.

The applicant's Design and Access Statement points to the fact that the Council cannot currently demonstrate a five year supply of deliverable housing sites in Cheltenham, which gives added weight to the need to provide new housing in the borough.

Finally it is noted that an associated development proposal for the nearby Odeon site incorporates further new retail provision in the area.

Considered in combination, the factors above may make the loss of a mixed use allocation acceptable in this location, taking account of the benefits of regenerating this site. Further advice should be sought from the Council's Economic Development Officer.

Housing delivery

A total of 81 residential units are proposed across the site, equating to a density of around 141 dwellings per hectare (consistent with Local Plan policy HS2). The development would therefore make a significant contribution to housing supply in the borough. The proposal includes 48 apartments and 33 houses of a mix of types and sizes. However, there are no affordable units within this mix which reflects a failure to comply with Local Plan policy HS4. Since the proposal only includes market housing, further consideration should also be given to whether the proposed mix is sufficient to meet the requirements of policy HS5 in order to promote social inclusion.

The failure to provide any affordable units across the site is a very significant consideration. Given the acute need for affordable housing in Cheltenham, a minimum of 40% should be sought (Local Plan policy HS4), which equates to 32 of the 81 dwellings proposed across the site. The applicant's Design and Access Statement highlights NPPF paragraph 173, which aims to ensure that local obligations and policy burdens, including affordable housing, do not render a scheme unviable when taking account of the normal cost of development and mitigation. It will therefore be essential in determining this application that full account is taken of an independent assessment of the viability of the scheme, including the likely cost of remediating the site. Local Plan policy HS1 states that all residential development should 'make the most efficient and effective use of the site' and it is noted that this proposal incorporates considerably fewer dwellings than the previously consented scheme and that this could have an impact on the viability proposals.

HMO Division (7th June 2013)

Some of the proposed layouts have bedrooms which fail to meet the minimum floor areas. The minimum floor area for a single bedroom is 7sqm and a double bedroom is 10.5sqm. I would advise that space standards in residential accommodation are governed by both the Housing Act 1985 and Housing Act 2004. Undersized or overcrowded premises may be subject to enforcement action.

Contaminated Land Officer (3rd June 2013)

I also want to make a comment about the lack of consideration of air quality as a material planning consideration with this application. This development site lies adjacent to a road which is currently in breach of the EU/UK air quality limit for nitrogen dioxide and as such there are no proposals within the development brief which state what mitigation will be included to prevent potential harm to future occupiers. In addition an 'air quality assessment' has not been submitted to identify the impact of the development and address current breaches of air quality caused by vehicle emissions.

It is essential that this development includes additional proposals/funds for sustainable travel (e.g. better on/off site cycling infrastructure, vehicle charging points and reduced parking) that tie in with the emerging Air Quality Action Plan and principles of sustainable transport.

In its current form I cannot recommend approval of this application.

3rd June 2013 - Contaminated Land - this application will require the addition of the full contaminated land condition as included below to ensure that the proposed further site investigation and remedial works are completed to the satisfaction of this authority;

Standard Contaminated Land Planning Condition

Unless otherwise agreed by the Local Planning Authority, development shall not commence on site until the following condition has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site

affected by the unexpected contamination until section iv) has been complied with in relation to that contamination.

i) Site characterisation

A site investigation and risk assessment shall be carried out to assess the potential nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report must include;

a) a survey of the extent, scale and nature of contamination

b) an assessment of the potential risks to;

- human health*
- property (including buildings, crops, livestock, pets, woodland and service lines and pipes)*
- adjoining land*
- ecological systems*
- groundwaters and surface water*
- archaeological sites and ancient monuments*

c) an appraisal of remedial options to mitigate against any potentially significant risks identified from the risk assessment.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'

ii) Submission of a remediation scheme

Where remediation is required, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be produced and will be subject to the approval of the Local Planning Authority prior to implementation. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2a of the Environmental Protection Act (1990) in relation to the intended use of the land after remediation.

iii) Implementation of approved remediation scheme

Any approved remediation scheme must be carried out in accordance with its terms prior to the commencement of the development, other than that required to carry out remediation. Following completion of measures identified in any approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval of the Local Planning Authority.

iv) Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with section i) and a remediation scheme submitted in accordance with section ii). Following completion of measures identified in the approved remediation scheme, a verification report must be produced in accordance with section iii).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6. PUBLICITY AND REPRESENTATIONS

Odeon

Number of letters sent	209
Total comments received	4
Number of objections	1
Number of supporting	3
General comment	0

Haines & Strange

Number of letters sent	209
Total comments received	5
Number of objections	3
Number of supporting	2
General comment	0

6.1 Letters of representation are provided in full as an attachment to this report. In summary comments relate to:

- Support the generation of this site;
- Odeon has no real architectural merit and is beyond preservation;
- Redevelopment will be a benefit to Winchcombe Street
- Object to loss of Odeon – fine example of Art Deco;
- Not convinced proposals detail enough parking;
- Further congestion along a busy Street;
- Light pollution;
- Over-looking into Tebbit Mews;
- Concerns relating to where the existing businesses will be relocated and affordability;
- Site needs regeneration;
- Great improvement to area;

7. OFFICER COMMENTS

7.1 Determining Issues

7.1.1 The planning matters for consideration in the determination of this application relate to i) the principle of the redevelopment; ii) the loss of the Odeon & any impact the development would have on the conservation area and nearby listed buildings; iii) layout & design of the proposal; iv) the provision of housing in terms of strategic supply, mix, size, type and affordable provision; v) protection of adjoining land users amenity; vi) any access and highway matters arising from the development; vii) landscaping & trees viii) any existing and potential land and air contamination; ix) viability and planning obligations; and x) any other matters .

7.1.2 As with all planning applications statute requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for this administrative area is the Cheltenham Borough Local Plan (2006) and to some extent the emerging Joint Core Strategy (JCS). The emerging JCS is currently at the early stages of the formal local plan adoption process and has not yet been through public examination therefore only very limited weight can be

accorded to this document. As such, planning policy requirements are those set out within the Local Plan (2006) and national planning guidance in the National Planning Policy Framework (NPPF) is material to the consideration of this application.

- 7.1.3** The “golden thread” running through the NPPF, for both plan-making and decision-taking, is a “presumption in favour of sustainable development”. This means “approving development proposals that accords with the development plan without delay” (NPPF 2012).

The site and its context

- 7.1.4** The whole application(s) site comprises of the former Odeon cinema site, the former Haines and Strange (Baylis) site and Albion Street shops. The site as a whole has an extensive street frontage, which forms part of Winchcombe Street, Albion Street, Gloucester Place, Fairview Road and Fishers Lane.
- 7.1.5** The site area forms a key part of the Cheltenham town centre. The Albion shops are located within the Central Shopping Area and the site as a whole lies within the Core Commercial Area and Central Conservation Area. The Odeon is a locally indexed building and is identified as a ‘positive’ building in the Central Conservation Area: Old Town Conservation Area Appraisal & Management Statement.
- 7.1.6** The Odeon cinema closed in 2006 and has been vacant since. In 2007 permission was granted for a nightclub and restaurant. Prior to this permission lapsing the time period for development was extended in 2011. This permission remains extant but has never been implemented.
- 7.1.7** Last trading as Baylis, the Haines & Strange site ceased commercial operations in 2007 and has been vacant since. Permission was granted in 2009 for a mixed use redevelopment on this site to include 161 dwellings, 296 sqm of B1 office accommodation and 736 sqm of A1, A2 & A3 accommodation. The permission was never implemented and has now lapsed.
- 7.1.8** The Albion Street Shops are fully occupied for the first time in the past decade.
- 7.1.9** Whilst marketing of both the Odeon and Haines & Strange has been undertaken in intervening years, these sites remain vacant today. Without occupancy both sites have fallen into a state of disrepair and now visually detract from the appearance of the immediate locality and town centre as a whole. The lack of activity associated with vacant sites has resulted in this area being underutilised and detracting from the viability and vitality of the wider town centre. The NPPF requires local planning authorities (LPA) to “recognise town centres as the heart of their communities and pursue policies to support their viability and vitality”.

7.2 The principle of redevelopment

- 7.2.1** A response from the strategic land use team can be found in section 4 of this report.
- 7.2.2** Notwithstanding the loss of the Odeon (a matter that will be discussed elsewhere in this report), this response clearly sets out that the redevelopment of brown field sites (previously developed land) is supported by the local plan and national guidance.
- 7.2.3** Local Plan Policy PR2 allocates the Haines & Strange site for mixed use development to “improve facilities and employment opportunities in the borough, to make best use of land in a sustainable location, and to bring about visual improvements to the town centre and conservation area”.
- 7.2.4** Historically employment has narrowly been associated with the ‘B’ use class. The definition of ‘employment’ was broadened considerably in revisions to PPS4: Planning for Sustainable

Economic Growth. This definition is supported and further expanded by the NPPF that replaced PPS4. Employment can be defined as any economic generating activity.

- 7.2.5** The proposal details a mixed residential and retail redevelopment. 195 residential units of varying type and size and 12 'start-up' retail units are proposed over the whole redevelopment area. The level of 'employment' use is therefore relatively low. The applicant contends that due to the overall viability of redeveloping this site, the borough's lack of 5-year housing land supply, and the sites planning history where a previously approved scheme accepted a low level of B1 floor space (296m²), the predominant use should be residential.
- 7.2.6** National guidance set out in the NPPF (paragraph 22) supports this view "*planning policies should avoid long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities*".
- 7.2.7** Clearly evident on a national, European and Western economy scale is the fact that our economic markets are and continue to be in a period of financial recession. This in terms of our local economy has resulted in a raft of vacant and under occupied office buildings and a struggling housing market. These facts are no small consideration to the redevelopment proposal on this site.
- 7.2.8** Furthermore, the NPPF (paragraph 70) states that planning decisions should "*ensure an integrated approach to considering the location of housing, employment uses and community facilities and services*" and "*recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity*" (paragraph 23).
- 7.2.9** Officers consider that whilst the Haines & Strange site is allocated for mixed use development these requirements are not strictly echoed in national guidance. On this point Officers are satisfied that in accordance with the NPPF, and notwithstanding the loss of the Odeon (considered below) the benefits of the proposed redevelopment, namely the regeneration of this key town centre site with a mixed use redevelopment, would act not only to enhance this site but promote and support the viability and vitality of the town centre as a whole; and make a significant contribution to housing supply and mixed communities and should be supported for that reason.

7.3 Loss of the Odeon and impact on conservation area and nearby listed buildings

- 7.3.1** The whole redevelopment site area lies within the Central Conservation Area. There are a number of listed buildings nearby along Winchcombe Street and Albion Street.
- 7.3.2** The Odeon is a locally indexed building which, for the purposes of assessment against the NPPF is an un-designated heritage asset. The Odeon is identified within the Central Conservation Area: Old Town character area appraisal and management plan as a building that makes a positive contribution to the character and appearance of the area. A conservation area, again for the purposes of assessment against the NPPF, is a designated heritage asset.
- 7.3.3** The Conservation Officer has provided a formal consultation response which forms part of section 4 of this report. In addition comments from the Cheltenham Civic Society and Architects Panel are detailed in this section.

- 7.3.4** Firstly dealing solely with the loss of the Odeon, Local Plan Policy BE11 advises that *“the demolition of, or harmful alteration of a building on the Index of Buildings of Local Importance will be resisted”*. Policy note 3 states *“in cases where the demolition on the Index is sought, applicants will be required to submit a robust statement in justification. This statement should include an independent structural survey of the building, an analysis of the repair cost and market value of the building, evidence that the building has been marketed at a realistic price which reflects the condition of the building”*.
- 7.3.5** The NPPF (paragraph 126) states that local planning authorities should *“recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance”*. This paragraph then goes on to state that planning authorities should take into account *“the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and... the desirability of new development making a positive contribution to local character and distinctiveness”*.
- 7.3.6** Paragraph 128 of the NPPF advises that local planning authorities should require applicants to provide a level of detail *“proportionate to the assets”* importance and no more than is sufficient to understand the potential impact of the proposal on their significant”.
- 7.3.7** The starting point for any application involving the loss of a heritage asset would therefore be an assessment of significance.
- 7.3.8** An ‘Architectural and Historical Appraisal’, ‘Structural Appraisal’ and ‘Planning, Design and Access Statement (incorporating a Justification Statement in relation to the Demolition)’ accompany the planning application submission on the Odeon site.
- 7.3.9** The assessment of the Odeon’s significance is contained within the ‘Architectural and Historical Appraisal’. The assessment sources available evidence from written accounts and architectural, heritage and structural expertise.
- 7.3.10** The assessment considers that *“The Odeon building, though dominant and striking in its day was never a good example of Art Deco cinema architecture, nor a particularly good example of the work of its architect William Trent. As it stands today, in a dilapidated condition and having lost its historic interior, it is considered to have very little merit either of itself or within the wider street scape or Conservation Area”*. The assessment concludes that *“there is no reason why this building should be retained... subject to the quality of any proposals for a redevelopment of the site”*.
- 7.3.11** The view of the Conservation Officer, as set out in section 4, is contrary to this. She considers that the Odeon remains as a landmark building that increases the visual richness of the town and also helps in understanding the town’s historic evolution. It is also suggested that the applicant(s) have not yet demonstrated, under Local Plan Policy BE3, that this building cannot be retained in whole or part.
- 7.3.12** The applicant has rebutted this view stating that an independent structural survey has been undertaken which demonstrates that *“the retention of either the façade or the ‘front section’ of the property would not be structurally sound without significant, bulky and expensive engineering solutions which are difficult to install due to the confined nature of the site”* (Structural Appraisal Report, Dec 2012).
- 7.3.13** Local Plan Policy BE3 states that *“the demolition or substantial demolition of buildings or other significant structures in conservation areas will not be permitted, unless a) they make no positive contribution to the special character or appearance of the area; or, b) the retention of the building is structurally and financially impractical (taking into account all sources of financial, including associated development); or c) there is an essential need in the town for development which cannot be accommodated satisfactorily by a different form of development or in a different location; or d) the demolition serves to preserve or enhance*

the character or appearance of the conservation area, taking into account both the history and appearance of the building to be demolished and the contribution of any new buildings”.

- 7.3.14** Taking a pragmatic approach with the information available, we know that the NPPF requires LPA's to request a proportionate level of information dependant on the significance of the heritage asset. The Odeon is a locally indexed building that forms part of a wider Central Conservation Area in which it is identified as a positive building. The submitted level of detail - structural survey, historical significance assessment and financial viability can be reasonably considered a “proportionate “level of information. In this respect, the submission is compliant with the requirements of para 128 of the NPPF.
- 7.3.15** The concerns expressed by the Conservation Officer specifically relate to this information (structural survey and historic significance assessment) being “*flawed and in some respects seriously flawed*”. The applicant has been asked to comment on this response and Officers are awaiting this information; members will be updated on this point. What the conservation response does not do as successfully is articulate the merits of the Odeon building itself other than state that “it is a positive landmark building with architectural qualities which contribute to the character and appearance of the conservation area” as well as the comments set out at 7.3.11 above.
- 7.3.16** In light of the conflicting views being advocated by both the applicant and the Conservation Team, Officers have looked to the NPPF for some assistance in how to progress the application. It is quite apparent that the Conservation Officer considers that the proposed demolition of the Odeon (a non-designated heritage asset) would be harmful to the conservation area (a designated heritage asset) and this is a view that is understood by the wider planning team. When considering harm to a conservation area however, the NPPF provides quite a clear approach, and an approach which local plan policy BE3 and BE11 are not entirely consistent with.
- 7.3.17** Paragraph 133 of the NPPF states that “*where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss*”.
- 7.3.18** Paragraph 134 of the NPPF states “*where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against public benefits of the proposal, including securing its optimum viable use*”.
- 7.3.19** The question that therefore has to be asked is would the loss of the Odeon lead to substantial or less than substantial harm to the conservation area (the designated heritage asset)? The answer to this question directly influences how this aspect of the applications should be considered.
- 7.3.20** The Odeon has been vacant for the past 7 years. The building has been marketed during this period and benefited from a permission that has never been implemented. The lack of occupation and activity has naturally led to the deterioration of this buildings fabric and appearance. The openings on the front elevation are boarded up, fly posters are stuck to the façade and the facing tiles and entrance canopy are in a pitiful state of repair. There is no doubt due to its size and massing this building is striking, and this is firmly acknowledged in the Conservation Officer report, but at present it certainly does not make a positive contribution to the character and appearance of the wider conservation area. Officers are aware of the NPPF advice that the deteriorated state of a heritage asset should not be taken into account in any decision, but there is no evidence to suggest that the current state of the building is through “deliberate neglect or damage” (NPPF para 130) and therefore should be a material consideration in the determination of this application.

- 7.3.21** In light of the above, and with regard to the Conservation Officer comments, whatever way Officers consider the proposal, the demolition of the Odeon would not constitute *substantial harm to or total loss of significance of a designated heritage asset*. Its loss would certainly be regrettable and it would represent a significant change to the appearance to the conservation area. But, when forming a balanced and objective view on the loss of the Odeon, it is important to be mindful that the building is not listed; in this respect it is a non-designated heritage asset and its loss *cannot* constitute the substantial harm envisaged by the NPPF. If the harm is not substantial harm, it therefore follows that it is less than substantial harm which should be weighed against the public benefits of the application.
- 7.3.22** The NPPF advises that it is “*desirable to sustain or enhance heritage assets and put them to viable uses. Otherwise local planning authorities should consider new development that would make a positive contribution to sustainable communities and to the significance of the heritage asset*” which, in this case is the conservation area. The fundamental question in terms of weighing the proposal against public benefit is therefore would the redevelopment proposal promote and support sustainable communities and make a positive contribution to the character and appearance of the conservation area? (The former of which this report has already established - the redevelopment of the application(s) site area would regenerate this key town centre site making a positive contribution to the viability and vitality of the town centre as a whole).
- 7.3.23** The outstanding matter is therefore would the proposal represent an enhancement to the character and appearance of the locality? This matter is addressed in the following section.
- 7.3.24** Now turning to the Haines & Strange site, Conservation comments are awaited in respect of the demolition of the existing utilitarian buildings on this part of the site and any impact the redevelopment would have on the conservation area. For this reason, Conservation consultation comments shall form an update to this report.

7.4 Design and layout

- 7.4.1** The application is supported by a detailed analysis of the site and its surroundings and is based on a mock regency approach.
- 7.4.2** The NPPF states that “*design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*” (paragraph 59).
- 7.4.3** The NPPF then goes on to say that “*planning policy and decision should not attempt to impose architectural styles or particular tastes... it is, however, proper to seek and promote or reinforce local distinctiveness*”.
- 7.4.4** Officers are currently in on-going negotiations with the applicant so it would be premature to provide detailed comments at this stage. These comments will form an update to this report.

7.5 Housing

- 7.5.1** Officer comment will be provided in the form of an update when the results of the viability assessment are known and revised drawing/ documentation considered.

7.6 Protection of neighbouring amenity

- 7.6.1** The impact on adjoining land users/occupies may change with the submission of revised drawing therefore Officers consider it prudent to deal with this matter in full as an update to Members.

7.7 Access and highway issues

7.7.1 Officers await a formal consultation response from Gloucestershire Highways – Planning Liaison. Officers are aware that the applicant(s) are working together with Gloucestershire Highways and a formal consultation response is imminent. This response shall form an update to this report prior to Committee.

7.8 Landscaping & trees

7.8.1 Landscaping details have been provided in full on the Odeon application and in an indicative form on the outline Haines & Strange application.

7.8.2 The Tree Officer has formally responded to the application(s) in section 4 of the report.

7.8.3 The Tree Officer is broadly satisfied with the proposals and has made some suggestions in terms of species relative to specific locations. These suggestions have been reviewed by the applicant who has responded with the submission of a revised landscaping scheme. This revised scheme has been forwarded to the Tree Officer for further comment. These comments, once received, shall form an update to this report.

7.8.4 A response is awaited from the Landscape Officer and shall form an update to this report prior to Committee.

7.9 Contamination

7.9.1 The 'Planning, Design & Access Statement' states that the "application site is polluted and the buildings contain deleterious materials". An 'Asbestos Survey' was submitted to accompany the application along with a "Land Quality Assessment".

7.9.2 The Contaminated Land Officer has been formally consulted on the proposal and the response is detailed in section 4 of this report.

7.9.3 Following receipt of this response the applicant(s) have been request to submit additional information on 'air quality' as outlined in the Contaminated Land Officers comments.

7.9.4 This additional information and a revised consultation response commenting on this information shall be provided to Members in the form of an update to this report.

7.9.5 In terms of land contamination the Contaminated Land Officer is content with the level of information received and suggests conditions to monitor and secure the necessary improvements.

7.9.6 Notwithstanding the lack of air quality information, Officers consider that the 'cleaning-up' of the site through the removal of any land pollution and harmful materials such as asbestos would be an environmental benefit that accords with sustainable development principles.

7.10 Viability and planning obligations

7.10.1 Comments to follow as an update when outcome of independent viability assessment is known.

7.11 Other considerations

7.11.1 To follow

8. CONCLUSION AND RECOMMENDATION

8.1 To follow

9. CONDITIONS / INFORMATIVES / REFUSAL REASONS

9.1 To follow

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APPLICATION NO: 13/00777/FUL		OFFICER: Mrs Wendy Hopkins	
DATE REGISTERED: 16th May 2013		DATE OF EXPIRY : 15th August 2013	
WARD: All Saints		PARISH: NONE	
APPLICANT:	Meaujo (766) Ltd		
LOCATION:	Former Odeon Cinema, Winchcombe Street, Cheltenham		
PROPOSAL:	Construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of the existing building		

REPRESENTATIONS

Number of contributors	4
Number of objections	1
Number of representations	0
Number of supporting	3

92 Sheldons Court
Winchcombe Street
Cheltenham
Gloucestershire
GL52 2NR

Comments: 2nd June 2013

I wish to register my support for this development. Even the building site which will naturally precede completion of the work will not be any worse than the ruins of the Odeon, the Small Business Centre and the derelict car showroom it will replace. I see the plans as an element of regeneration for an area of town which has looked neglected for decades. I would even speculate that this development may have a positive effect on the value of my house. I would urge you to grant permission. Thank you.

Cheltenham Chamber Of Commerce
2 Trafalgar Street
Cheltenham
Gloucestershire
GL50 1UH

Comments: 21st June 2013

Letter attached.

Flat D
Frances Court
Priory Street Cheltenham
Gloucestershire
GL52 6DG

Comments: 24th June 2013

I wish to add my support for this development. Although the Odeon Cinema is an Art Deco building, it has no real architectural merit, other than the two graces that adorn its front. As the whole building is now beyond preservation, I view its demolition and the planned development as an addition to Winchcombe Street, worth praising.

However if possible, it would be a good public relations exercise for the developers to incorporate the two graces in the new development.

Flat 3
45 Pittville Lawn
Cheltenham
Gloucestershire
GL52 2BH

Comments: 24th June 2013

I wish to object in the strongest possible terms to the proposed demolition of the old Odeon Cinema on Winchcombe Street on the following grounds:

1) There is precious little Art Deco architecture in Cheltenham. By my reckoning there are five buildings that could be so called. To demolish this fine example would therefore be lay waste to 20% of Cheltenham's Art Deco architecture at a single stroke. To replace it with a mere pastiche of Regency is ill-advised and timid. Imagine if Rome were to erect Roman ruins. It would be in bad taste.

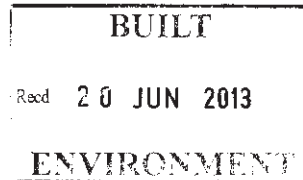
2) Those who support the application incline to the view that to preserve the building would cost more than to knock it down. But if one is to reduce to the matter to mere money, then consider the success of the Daffodil restaurant. Rather than get rid of this architectural gem, and replace it with mock Regency buildings, those behind it have transformed into a highly successful restaurant.

The Tobacco Factory in Bristol is another example of a fine building which been put to another purpose. It was saved from demolition by Bristol architect George Ferguson who has turned it into a model of urban regeneration. The developers are wrong to assume demolition is the only answer. The mock Regency idiom may be well-intentioned and is a distinct improvement on the usual sub-Corbusier offerings of provincial practices, but there is no reason to get rid of a building of real architectural merit in the name of money. It is a false economy.

3) Nor am I convinced that the current plans offer adequate parking and access. What is more, developing the site in this way may well lead to further congestion on an already busy road.



CHELTENHAM
CHAMBER OF COMMERCE



The Planning Department
Cheltenham Borough Council
Municipal Offices
The Promenade
Cheltenham
GL50 1PP

20 June 2013

Dear Sir/Madam

Re: Haines and Strange 13/00827/OUT – Odeon 13/00777/FUL

At the recent Executive Meeting of the Cheltenham Chamber of Commerce it was agreed that we would write to the Planning Department to confirm our support for the recent Planning Applications for the redevelopment of the former Odeon Cinema and the former Haines and Strange site.

Both have been vacant for a number of years and are becoming derelict eyesores. We feel that the proposal would improve and enhance this area and provide much better retail space together with needed residential units which will connect the Town centre with the proposals to the North on the former Black and White site. We do hope that this application will receive support from the Planning Committee.

Yours faithfully



Planning Executive
Cheltenham Chamber of Commerce

- WORKING FOR BUSINESS
- PROMOTING CHELTENHAM
- CREATING NETWORKING OPPORTUNITIES
- PROTECTING OUR ENVIRONMENT

President *Martin Quantock*

Secretary *Pauline Harris*

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APPLICATION NO: 13/00827/OUT	OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 24th May 2013	DATE OF EXPIRY : 23rd August 2013
WARD: All Saints	PARISH: NONE
APPLICANT:	
LOCATION:	Haines And Strange, Albion Street, Cheltenham
PROPOSAL:	Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings

REPRESENTATIONS

Number of contributors	5
Number of objections	3
Number of representations	0
Number of supporting	2

Flat 3
47 Winchcombe Street
Cheltenham
Gloucestershire
GL52 2NE

Comments: 30th May 2013

I welcome development of this neglected site. If anything, it's a shame that the Odeon (all apart from the front is an ugly derelict barn) isn't included.

- 1) Light pollution: Please could the planners and developers consider using best current practice lighting which will be energy efficient, provide pleasant lighting for the new residents, and reduce light pollution?
- 2) Parking: It's great to see bicycle storage included. Is there enough car parking included?
- 3) Over-looking: The 4-storey townhouses seem to be close to Tebbit Mews, and to 47 and 49 Winchcombe Street. Have the developers considered the problem of overlooking? While a barrier cannot stop overlooking, perhaps an attractive fence would help 47 still be able to use their garden?

Please accept these as constructive comments, not as reasons to object to the proposal.

23 Cromwell Road
Cheltenham
Gloucestershire
GL52 5DN

Comments: 18th June 2013

This is being hailed as a regeneration project but part of the proposed demolition includes 8 occupied retail units on Albion Street, run by small local independent businesses.

The rent is relatively cheap considering its proximity to the High Street and this is what has attracted a mix of diverse shops and trades as it's an area where they can survive. These are mentioned but only briefly in the documentation.

As a regeneration project I'm surprised that no planning is required to show there will be no detrimental impact to these tenants, and that by approving this proposal the council will not be harming small local businesses when town centres are already battling to fill empty retail spaces and need to be supporting current businesses.

Rumours are that the developer has said he will temporarily re-house the existing businesses and ensure they are given first choice of tenancy in the new retail spaces. There of course exists no legal document with this offer or any mention of time scales for demolition or development in the planning documents.

How are the businesses affected supposed to plan and invest in their future under this uncertainty. If these are the proposed plans then the developer should be required to run through time scales of their plans so that affected businesses can plan accordingly and ensure they incur the least amount of financial instability.

Logistically this seems implausible, especially since the new spaces are smaller - one ground floor space, where the current units have a ground and first floor - suggesting that the retail spaces on the new units are half the size. Many of the current businesses here chose this location based on the fact that a retail space can be used on the ground floor and more of a work or 'workshop' space upstairs.

Most importantly, will the rent in the new retail spaces be comparable to what is currently being paid per square metre in these units? Not to mention the financial strain it will have on these businesses to re-establish, re-home with regards to shop fitting, re-branding etc...

I think the council and the developers should use this planning proposal as an opportunity to set a precedent for future regeneration projects in the town of Cheltenham that adversely support small local businesses. How can you have a vision for the future of Cheltenham and its development if there is no planning for the smaller businesses and their future.

Rent on the High Street and surroundings is too expensive for small businesses. Albion Street and its retailers are a good mix of independent shops, in an area that looks run down but that's what small businesses have to cope with because they don't have access to funds to move closer to the High Street and in so doing increase their trade (rate relief doesn't work when the rentals are still expensive).

On the whole I think the site needs to be regenerated. I'm not sure houses and apartments are the best solution for Cheltenham on this site but what I am sure of is that any planning needs to include a thorough breakdown of how the small businesses will be affected and what will be done to help 're-house' these businesses; it seems ethically wrong not to and smacks of 'big business' not showing any consideration for its impact on small local businesses and the people of this town.

Flat D
Frances Court
Priory Street Cheltenham
Gloucestershire
GL52 6DG

Comments: 24th June 2013

I wish to add my support for this development.

The planned development of the Haines & Strange site will be a great improvement to this area of the town, enhancing the town's regency character as a whole. It was with disappointment that I

Page 79

read that the Cheltenham Civic Society is not supporting this application as they feel it should be contemporary in design.

I cannot speak for my late father, who was a former chairman and founder of the Society, but in my personal view there are enough contemporary buildings in this quarter of the town centre. I therefore feel that the balance now needs to be readdressed towards the regency style with acceptance of the submitted plans for the redevelopment of the Odeon/Haines & Strange Site.

34 Marsh Lane
Cheltenham
Gloucestershire
GL51 9JB

Comments: 11th June 2013

I am all for the regeneration of Cheltenham; however I do not feel that enough has been done for the several small, independently run businesses that operate on Albion Street.

The people who own and operate these businesses do so to support themselves and their families. They operate from premises that suit their needs and where they can afford the rent. The new proposed retail/shop units are not the same size as the existing shops. Offering the current shop owners first choice over the new retail units makes no difference if the new shops will not fit their current needs.

The rent in these shops is affordable and that is why these small businesses operate from there. There is no other comparable area or space where these shop owners could relocate and still get similar rents.

What good is developing the site if these people cannot be supported? Why aren't the council doing anything to either make sure this development accommodates the existing tenants, or helps develop more affordable retail space in an appropriate environment in Cheltenham?

Regeneration is no good if, in doing so, existing, viably economic businesses, who pay tax, work hard to support their families and make a contribution to Cheltenham are compromised.

Fairview Paint 'N' Panel
Rear of 13A Fairview Road
Cheltenham
Gloucestershire
GL52 2EG

Comments: 20th June 2013

Letter attached.



Fishers Lane
Off Fairview Road
Cheltenham
GL52 2EG

18th June 2013

Dear Sir



Ref. No: 13/00827/CAC & 13/00827/OUT

I am writing to you about the above planning applications relating to the old Haines & Strange site.

Yet again you have not advised me of planning applications that will affect Fisher's Lane. I was only aware of it when I saw the notice attached to the lamp post close by. The last application that was permitted was in relation to the student accommodation that was built which was not notified to me.

I notice on your web-site that you suggest that all businesses have been communicated with and even offered to attend an exhibition involving the plans. This opportunity I have not had because you have failed to notify me.

I must object to the plans in the strongest terms. Fisher's Lane is the only access to my business. In the plans you show that there will be 2 accesses off to the new development. I and my customers have been using Fisher's Lane for more than 20 years both as access and for parking for my customers. As a result of these plans parking will be severely limited and will no doubt have an adverse affect on my business.

In addition to this I am very concerned about when the development will be being built. When the student accommodation was being built I was advised that there would be no use of Fisher's Lane for vehicles involved in the development. Attached are some photos which prove this not to be the case. I am sure you will appreciate from these photos that access to my business was severely disrupted on numerous occasions.

I need to know what the provisions are going to be with regard to the use of Fisher's Lane to any vehicles associated with the development and would be happy to meet with the council to discuss this.

I look forward to your comments and reasoning as to why I have not been advised of this planning application.

Yours faithfully







APPLICATION NO: 13/00777/FUL & CAC And 13/00827/OUT & CAC		OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 13/00777/FUL & CAC 16th May 2013 13/00827/OUT & CAC 24 th May 2013		DATE OF EXPIRY: 13/00777/FUL & CAC 15th August 2013 13/00827/OUT & CAC 23 rd August 2013
WARD: All Saints		PARISH: None
APPLICANT:	Meaujo (766) Ltd & Leckhampton Estates (2012) Ltd	
AGENT:	Simon Firkins	
LOCATION:	Former Odeon Cinema (Winchcombe Street) and Haines & Strange (Albion Street, Gloucester Place, Fairview Road, Fishers Lane), Cheltenham	
PROPOSAL:	<p>13/00777/FUL & CAC: Construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of the existing building</p> <p>13/00827/OUT & CAC: Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings</p>	

Update to Officer Report

1. OFFICER COMMENTS

1.1. Independent assessment of viability from DVS

1.1.1. To follow.

1.2. Conservation Consultee Response – Haines & Strange

Application Nos- 13/00827/CAC, 13/00827/OUT

Site: Haines and Strange

Conservation Area: Yes, Central Conservation Area

Proposal: Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings

Further to: pre-application site visit and meetings, site visit and application information.

Analysis of Site: an extremely prominent site within the town centre.

Historic analysis of the site- On the historic maps, small scale semi-detached buildings with narrow plots facing on to Gloucester Place (probably housing) and a number of buildings with small footprints arranged around a courtyard facing on to Albion Street (probably stable yards or mews).

Comments:

1. The redevelopment of this site is welcomed and the fact that the area is in need to investment is recognised. However this is a big site and the quality of the design of the redevelopment must one of the primary aims. It is noted that the NPPF confirms

that the Government attaches great importance to the design of the built environment.

2. *I have already made comments about the application for the total demolition of the former Odeon building (see my comments 13/00777/CAC) and I do not support its total demolition.*
3. *If the Odeon were to be retained then the scheme for redevelopment of this site in particular with the new shops/ flats along Albion Street with the curved corner elevation feature will be physically and practically difficult, as well as looking quite odd. It is understood that there will be a legal agreement linking the development of the two sites.*
4. *The site already has permission for re-development with a contemporary style of architecture, and that extant consent has a site layout which is broadly similar to this application. The principle of the site layout and the general footprint of the buildings and their relationship to each other are acceptable, based on the extant scheme. However I do have detailed concerns about the site layout of this scheme and these are as follows:*
 - a. *Refuse bin arrangements for collection from courtyard area accessed from Gloucester Place. Confirmation is needed that the general approach is acceptable to Ubico and, if the proposal is that bins will be stored to the rear of the town houses facing Gloucester Place, will collection also take place from the rear?*
 - b. *There is bin store shown to the rear of the flats/shops facing Albion Street. This bin store may be acceptable for the flats, but it can not be accessed by the shops, where will the shops store their refuse?*
 - c. *The inner courtyard area is very tarmac and car dominated especially the space in front of the 2 storey town houses which are located running east to west across the site.*
5. *However notwithstanding the above comments about the layout of the scheme being acceptable; the form, layout and space around buildings do related to the style of architecture. This is relationship of space and buildings was particularly important in 19th century Cheltenham, where the whole "taking the spa water " experience, was about beautiful classical architecture set in landscaped grounds, with either generous private gardens or public parks and gardens being within close proximity or forming the setting for the elegant houses. These beautiful houses were for the wealthy and their servants and the trades' people of the town lived in small houses, generally located in the less noticeable positions in the town.*
6. *The applicant has submitted an interesting report by Robert Chitham which gives an analysis of the proposed architectural style but this only considers the principal facades, fails to consider the site layout, fails to consider the relationship of buildings to each other, fails to consider and fails to consider the rear elevations. In short it gives support for the pastiche nature of this development without attempting to recommend an accurate reproduction built form, which has any authentic values beyond pure facadism.*
7. *To enable the scheme to be better than a pastiche development, consideration needs to be given to the following:*

- a. *If the principal street frontage buildings are to be convincing replica buildings, then their relationship to other buildings and spaces also needs to be convincing. So the inner site buildings should not be so grand or so big if the street frontage buildings are being intended to give the appearance of being grand Regency terraced houses. Such inner site buildings to be in sympathetic form and mass to the large street buildings, should be small two storey artisan cottages or Mews type converted coach houses in appearance.*
 - b. *The space should be more generous around the large street frontage buildings especially those buildings without shops on Albion Street. Consideration should be given to small front gardens to these buildings, and certainly more external space around the building on the corner of Albion Street and Gloucester Place is required.*
8. *There are a number of detailed concerns about the proposed elevational treatment of the front elevations and I would strongly suggest that the a three dimensional drawing or sketch up is produced, viewed diagonally to towards the curved corner of the scheme from the other corner of Winchcombe Street (ie from the A plan insurance building).*
9. *Interestingly some of my detailed concerns have already been raised and comments on by the applicant's advisor Robert Chitham, in his report entitled Observations on the Design Proposals and dated May 2013. However in some respects, the applicant appears to have ignored Mr Chitham.*
10. *So not withstanding my previous comments about the loss of the Odeon building, the proposed pastiche architecture, the lack of space around the buildings and the lack of understanding about the hierarchy in the built form; my detailed comments are as follows:*
- a. *Generally the rear elevations are poor but I have concentrated my comments to the principal front and side elevations.*
 - b. *Street frontage block with shops to Albion Street- the front elevation for this building which is a block of flats, has been designed to have the appearance of terraced houses. Although as these "terraced houses" do not have front doors, the theme of architectural deceit has continued, so that ground floors of the houses have been converted to shops. This architectural make believe approach is acceptable as a principle, provided that it is historically accurate in all respects. Unfortunately the design of this development fails in a number of areas –*
 - i. *There is a duality problem with the Winchcombe Street elevation, and it lacks a central focus to balance that duality. Interestingly the agent's expert, Robert Chitham has recognised and analysed the duality problem with this elevation and then suggested treatments to decrease this problem. His suggestions include rustications and enriched second floor cornice. However the applicant has ignored their own experts advice and the duality problem remains on the Winchcombe Street elevation. Although I am not sure even with Mr Chitham's suggestions that the duality problem will have been removed.*
 - ii. *To allow for a consistent approach in the street elevations between Winchcombe Street and Albion Street, Mr Chitham's suggestions for*

the treatment of the front elevation above shop unit 1, also include rustications and an enriched second floor cornice. However again the applicant has ignored this advice.

- iii. In addition on page 10 of Mr Chitham's report there is an illustration of the shop unit number one. The projecting section of this shop-front has a pair of double pilasters but these are not shown on the scheme elevations.*
- iv. To the north of the site in Winchcombe Street there is a small terrace of three listed buildings, which has ground floor shops. These terrace buildings each has a typically raised ground floor which give these authentic historic buildings elegant vertical proportions. The proposed replica terrace fails to copy the elegant proportions of the listed buildings which are so nearby.*
- v. The adjacent listed buildings have projecting ground floor shop front which are typical of 19th century conversions. The proposed replica building has failed to copy that projection with the new shop fronts, which are so typical of Cheltenham shops.*
- vi. In addition the detailed shop fronts of the new development appear to have squat proportions and atypical gaps between the shop front pilasters. A problem partial solved by Mr Chitham's rejected suggestion of double pilasters.*
- vii. Mr Chitham has suggested that there should be more emphasis on chimney stacks. I agree with Mr Chitham. Chimney stacks are a fundamental part of a Regency building but again to be authentic there needs to be an understanding of the historic plan form., and chimney stacks placed on the roof in an appropriate location. In some of the drawings the stack is missing. For example Mr Chitham shows a stack in the illustration in his report on page 10, but this stack is omitted from the roof plan.*

c. Street frontage without shops to Albion Street:

- i. Notwithstanding my concerns about lack of space at the front of this building, this elevation is more successful, and whilst the steps up to the front doors are historically appropriate there may be disabled access issues to this building which need to be resolved.*
- ii. However again the applicant has ignored the advice from his own expert Mr Chitham. In particular –*
 - Chimney stacks are missing and in the wrong location to make sense.*
 - The dormer windows in the end unit still sit above the mansard roof change of angle line.*
 - More elaborate detail of the end unit as suggested but ignored.*
- iii. The courtyard elevation to the end unit, is very unsatisfactory. This elevation will be seen from the public realm and is very asymmetrical and unbalanced.*

d. Fairview Road frontage:

- i. *The form of the 2 storey “Regency” houses sits quite comfortably although their appearance is quite grand for “back edge of pavement” houses. For this wide frontage house in a period style, it would be appropriate to have a small front garden. Even the small historic houses in Gloucester Place have front gardens.*
- ii. *Again Mr Chitham’s advice has been ignored as the chimney stacks are missing on the “Regency” houses.*
- iii. *The relationship of a modern block of flats on the corner together with the mock Regency architecture quite a bizarre architectural mixture, especially as the modern town houses get a front garden whilst the mock Regency houses do not get a front garden.*

11. Planning policies

- a. *Local Plan policy CP7 – states – “Development will only be permitted where it: a) is of high standard of architectural design, b) adequately reflects principles of urban design, and c) complements and respects neighbouring development and the character of the locality and/or landscape.”*
- b. *From my assessment of the new development, the scheme is not sufficiently well designed as an accurate and convincing historic replica group of buildings. It is a pastiche design and has used some historic elements inaccurately or without due consideration, or omitted other historic elements such as chimney stacks. Consequently it does not have a sufficiently high standard of architectural design to comply with Local Plan policy CP7.*
- c. *The NNPPF has a presumption in favour of sustainable development, and explains that a sustainable development has economic, social and environmental considerations. The environmental consideration does include protecting and enhancing the built and historic environment (clause 7) and the core planning principles (clause 17) include that the planning system should -“always seek to secure high quality design...”. Clause 60 of the NPPF states that planning decisions should not impose architectural styles, but that it is proper to promote or reinforce local distinctiveness. Whilst Cheltenham has a wealth of fabulous Regency buildings, the proposed mock and in some areas poorly proportioned Regency architecture being proposed is not high quality design and fails to promote local distinctiveness, but instead de-values the town’s architectural heritage.*
- d. *Again in the NPPF clause 126 confirms the desirability of new developments making a positive contribution to local character and distinctiveness, and the opportunities to draw on the contribution made by the historic environment to the character of a place. However the applicants have failed to use the opportunity to understand, consider and copy the listed buildings immediately next to the Odeon application site.*
- e. *Clause 128 of the NPPF states that – “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted....”. However the applicant has failed to mention or consider the listed status of the buildings*

immediately next to the application site, in any of the following the submitted supporting documents - Heritage Impact Assessment, the Architectural and Historic Appraisal and its addendum, or the Cheltenham – Gloucester Place, Observations on the Design Proposals. The applicant has ignored the impact that the proposed development will have on the setting of these listed building and therefore these supporting documents have not fulfilled the required level of consideration under the NPPF clause 128.

- f. The PPS5 Planning for the Historic Environment (Historic Environment Planning Practice Guide) which remains as relevant national planning policy states that detailed guidance on design and the historic environment is available from English Heritage and CABE, and suggests Buildings in Context: New Development in Historic Areas (pub. 2001). Although this advice booklet was published in 2001, the design advice it gives and the architectural principles it explains remains a relevant consideration today. On page 5 – it is stated – “A word often describe to describe such projects ... is pastiche, which ... implies the assembly of stylistic elements from different sources.” On page 4 it is explained that “the principle of copying the architecture of existing buildings (but not as an authentic reconstruction) leads to superficial echoing of historic features in the new building, which erodes the character of the area rather than enriches it.” Consequently pastiche schemes erode the character and appearance of an area and this proposed development will certainly erode this part of Cheltenham.*

12. Summary

- a. Although this scheme has been submitted as an application not including the Odeon land, the two sites will be linked with a legal agreement. This approach is welcomed and the redevelopment of this site is welcomed as a principle.*
- b. I remain unconvinced that there has been a sufficiently robust justification submitted to persuade me that either the total demolition of the Odeon is acceptable.*
- c. However not withstanding the issues about the loss of the Odeon building, I also have concerns about the proposed replacement buildings.*
- d. Many of these concerns relate to the proposed architectural style which is to be a mock Regency style. Whilst I am not opposed to the principle of reproduction architecture, there are issues with the detailed design of this scheme which will mean that this is not reproduction architecture but a pastiche design.*
- e. Even if the principle of using a pastiche design for the street elevation were to be acceptable (which in my opinion it is not acceptable) then the proposed detailed design has then failed to follow the advice of the applicant' expert advisor in many areas of the elevational design.*

CONCLUSION – *My comments are such that I am unable to support this application for a new development of residential units and shops.*

Refusal reason:

The proposed new buildings due to the general design and proportions of both of these buildings, and in addition the proposed height of the town houses in the inner courtyard, will harm the character and appearance of the conservation area and harm the setting of the

adjacent listed buildings. Therefore this development will not be in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition this proposed development will not comply with the NPPF, PPS5 Historic Environment Planning Practice Guide, and the Local Plan policies CP3, CP7.

1.3. **Demolition of the Odeon**

1.3.1. A written from the applicants' heritage professional in response to Conservation Officers comments dated 28th June 2013 (detailed in section 4 of the main report) dated form an appendix to this update.

1.3.2. In respect of providing a robust justification for the demolition of the Odeon, the applicants structural surveyor has submitted further written comment (dated 3rd July 2013) :

In principle, the existing structural form comprises the very large masonry enclosure to the former auditorium at the rear, and a 'cellular' masonry construction housing the former entrance and ancillary accommodation, between the auditorium and the public highway, at the front.

The purpose of the cellular construction of the front part is to house offices, stores, machinery setting and the like at various floor levels up to the roof. This area also contains the main public entrance at ground floor level which by its very nature, requires large open space with the consequence that, over and around the rear part of the entrance, the general cellular construction of walls have to be supported over the entrance by large beam structures offset from some of the main support wall alignments -- this might give the impression that the structure of the entire building comprises three separate parts whereas, in our opinion, it comprises two.

Whilst I have described the basic structural form being two elements not, in my opinion, three, the front cellular element is extremely complicated structurally BECAUSE of the openings and laterally stepped structural supports. In addition, parts of the rear auditorium enclosure structures project into the front parts further worsening the vertical load paths down through the front area.

It is for these reasons that partial demolition will be very difficult for practical and Health and Safety reasons, let alone any financial viability grounds.

1.4. **Urban Design – Layout & Design**

1.4.1. To follow.

1.5. **Access and highway issues**

1.5.1. To follow.

1.6. **Contaminated Land – Air quality**

1.6.1. Following further discussion with the applicant on air quality the Contaminated Land Officer provides the following comment:

Subject to appropriate contaminated land and air quality assessment planning conditions being attached to any permission for the re-development of the former Haines & Strange garage site, I can support the planning applications (refs: 13/00827/OUT & 13/00827/CAC)

1.7. **Ubico – Waste Management & Refuse Storage**

1.7.1. To follow.

1.8. **Housing Enabling Officer comments**

Haines and Strange comprises of 81 dwellings and fails to be policy compliant as the planning application states zero affordable housing provision.

Former Odeon Cinema comprises of 14 dwellings which falls under the trigger for affordable housing.

It is disappointing to see Haines and Strange and the Former Odeon Cinema sites come in as separate applications when reference is made in terms of a 'master plan' for them together.

For solely the Haines and Strange site, this department recommends the following policy compliance. A total of 33 affordable dwellings to meet the required 40% with a 70:30 split of rented to intermediate tenure. The proposed mix is as follows:

*1-bed dwellings x 5 affordable rent
2-bed dwellings x 7 affordable rent
2-bed dwellings x 6 shared ownership
3-bed dwellings x 8 affordable rent
3-bed dwellings x 4 shared ownership
4-bed dwellings x 3 social rent*

Haines and Strange and the Former Odeon Cinema as a collated application would increase the affordable housing provision by 5 units. A total of 38 affordable dwellings on a joint development (95 dwellings) will meet the required 40% policy with a proposed mix as follows:

*1-bed dwellings x 6 affordable rent
2-bed dwellings x 8 affordable rent
2-bed dwellings x 6 shared ownership
3-bed dwellings x 9 affordable rent
3-bed dwellings x 5 shared ownership
4-bed dwellings x 4 social rent*

There is no discernible evidence of engagement with registered providers regarding the level of advice received on the affordable housing for not only Haines and Strange but also the sites as a joint application.

In addition, the location of these sites has the potential as not an important contribution to affordable provision for the town but also in other possible housing options for the sites which may enable viability of affordable housing i.e. extra care, and there is not evidence to that such potential for the site has been considered.

1.9. **Landscape & Trees**

1.9.1. To follow.

2. CONCLUSION AND RECOMMENDATION

2.1. To follow.

3. CONDITIONS/REFUSAL REASONS

3.1. To follow.


Architectural History & Conservation

Ms Wendy Hopkins
 Cheltenham Borough Council
 Municipal Offices
 Promenade
 Cheltenham
 Glos. GL50 9SA

Cheltenham Borough Council		5 July 2013	
Environment Group			
PASSED TO			
REC'D	- 8 JUL 2013		
Date of Response	Type of Response		
Initials of Responder	File Ref		

Dear Ms Hopkins

Re: Proposed redevelopment of the Odeon site, Winchcombe Street, Cheltenham
Application Number 13/00777/FUL.

As you will be aware comments have been made regarding the above application by your Conservation Officer, Karen Radford. The applicant's planning team has responded to most of these comments already. However there are a couple of additional matters, relating to the conservation aspects of the scheme, which will be put forward here. I would be grateful if you would include these in your report and in your consideration.


As raised by Ms Radford our original letter was to indicate our full support of the application in conservation terms. The detailed justification for the scheme has been amply supplied by the eminent Robert Chitham, who designed the scheme. My own PhD is in the architectural history of the neo-Palladian era (the classical style which pre-dates Neo-classicism and then Regency style) whereas Mr Chitham's expertise relates directly and specifically to the classical orders and he is respected for the expert he is in this field. For this reason he was considered by the team to be the best person to explain and justify his design for the site. Mr Chitham is one of Britain's leading classical architects.

I note that, in her comments, Ms Radford describes his design as having

'poor proportions', some of which are described as 'Particularly poor'. Other elevations are described as 'weak and unconvincing' as well as 'devaluing the adjacent listed buildings'.

Since the design has been very well explained and justified in Mr Chitham's report I am at a loss to understand how these conclusions have been drawn unless perhaps the conservation team has not read Mr Chitham's report? Certainly most of the questions which have been raised in the conservation team's comments, do indicate that it has not been applied in the decision-making process and this a concern.

More particular comments now follow:

 **AHC CONSULTANTS • 100 GREENWAYS • FLEET • HAMPSHIRE GU52 7XD**
 PHONE: +44 (0)1252 693420 • MOBILE: +44 (0)7941 459931
 EMAIL: cfryis@ntlworld.com

 Architectural History & Conservation

- 1) Facadism has been suggested by your conservation team as a way forward for the Odeon site. This should be considered an unacceptable solution for two reasons. Firstly

Para 3.15 of PPG15 states that

"The preservation of facades alone, and the gutting and reconstruction of interiors, is not normally an acceptable approach to the re-use of listed buildings: it can destroy much of a building's special interest and create problems for the long-term stability of the structure"

Of course PPG15 has since been superseded by PPS 5 and now by the NPPF but, as PPG15 was published in 1994, its advice has been in the conservation practitioner's 'consciousness' and part of best practice for coming up 20 years. Although this particular piece of guidance relates to listed buildings, the principle can equally apply to local listed buildings and facadism has not been considered to be a valid heritage solution for 20 years.

Secondly, in this case, facadism would be a pointless, maudlin piece of conservation sentimentality. The historic and architectural analysis submitted as part of the application to demolish the Odeon explains in detail that this particular cinema, sadly, is not a good example of Art Deco cinema architecture. For this reason alone there is no justification for retaining its façade. In fact its interior was of far more interest in my view, but this was removed in its entirety several years ago.

I am very surprised that facadism is being peddled as a suitable solution here.

- 2) Ms Radford has put much weight on the fact that the Regency style proposed for the new development does not replicate the precise style of the listed buildings adjacent to the site. It should be noted that the NPPF does not state that adjacent buildings must be used as a template for new development. Instead it states that LPAs should take into account the '*opportunities to draw on the contribution made by the historic environment to the character or place*' (NPPF para 126). This is very different. The comments made by Ms Radford and her team go well beyond the bounds of the guidance set out in the NPPF and I can only suppose that a personal view is being made here since it does not stem from the legislation.
- 3) Throughout the conservation response there are references made to how the style proposed is a pastiche (in the fullest, correct sense of the word) and how it selects various features but is not used in a consistent way to match surrounding Regency buildings. These comments reveal a lack of understanding of the Regency style. The Regency style, as with most classical styles which originated in the eighteenth century, was quite literally patched together as available information and classical sources allowed. Without going into great detail it is essential here to note how the 'original' Cheltenham Regency style came about since this provides important context here.

Intrepid travelling architects such as Robert Adam of the eighteenth century, visited ancient classical sites across Europe, such as ancient Greece, Rome, Palmyra, Sicily and Split over a number of years, drawing and recording classical features, styles and proportions where access allowed and ignoring those sites where access was not possible. From the mid-eighteenth century a relatively random collection of features was therefore extrapolated from these sites and then put together and presented to clients with many different, alternative options for the selection of features, dressings and emphases within their individual buildings. This gathering of sources and references continued into the Regency era with additions from Egypt and France. It is therefore quite within the spirit of true Regency architecture to apply different features where a particular architectural solution is required. True Regency architecture is itself a conglomeration of various ancient classical features and sources taken from several countries and over several centuries. There should be no requirement now, under true Regency architecture, to legalistically 'copy' another building and certainly there is no requirement under the NPPF.

In any case it should be noted that the adjacent listed buildings were carefully considered by Mr Chitham in his report hence these are not mentioned in my original supporting letter. It should also be noted that the current 1930's Odeon building was built with absolutely no stylistic respect for these listed buildings. A return to Regency architecture in this prominent corner plot would provide an eminently better setting for these buildings than the current monolithic structure. It makes no sense for the conservation team to be championing the retention of such an out of place building as the starkly modernist Odeon (in relation to the adjacent regency listed buildings) but rejecting a thoughtful Regency scheme which would be eminently more suitable for these listed buildings.

Please do not hesitate to contact me if you would like to discuss any of the above,

Yours sincerely


Dr Carole Fry
AHC Consultants

APPLICATION NO: 13/00777/FUL	OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 16th May 2013	DATE OF EXPIRY : 15th August 2013
WARD: All Saints	PARISH: NONE
APPLICANT:	Meaujo (766) Ltd
LOCATION:	Former Odeon Cinema Winchcombe Street Cheltenham
PROPOSAL:	Construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of the existing building

ADDITIONAL REPRESENTATION AND PETITIONS

18 Winchcombe Street
Cheltenham
Gloucestershire
GL52 2LX

Comments: 16th July 2013
Letter attached.

PETITIONS

1. From shop owners in Winchcombe Street
2. From Cheltenham residents in support of the Odeon and Axiom Centre

From The Proprietor
Dolce & Salato
18 Winchcombe Street
Cheltenham

14/07/13

Dear Madam/ Sir,

I am the owner of Dolce and Salato on 18 Winchcombe Street.

We really would like to see the development of the old cinema as we believe this would improve the area.

At the moment the abandoned building and ugly scaffolding discourage tourists from going upstreet as they do not know the area.

As businesses local to this area, we are in need of your support to keep the same level of upkeep found in the rest of the town. We pay taxes and business rates just like businesses in Montpellier.

We are not asking for the beautiful floral decor and monuments in Montpellier, we are just asking for improvements to be made.

Please can you take this request into consideration.

Many Thanks

Regards



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Cheltenham Council Environment			
PASSED TO			
REC'D	10 JUL 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

13/00777/FUL
& 13/00827/OUT

Audio T
38 Winchcombe Street
Cheltenham
GL52 2LZ

09 July 2013

Wendy Hopkins
Cheltenham Council Planning
Municipal Offices
Promenade
Cheltenham
Gloucestershire
GL50 9SA

Dear Mrs Hopkins

ODEON / GARAGE

Please find attached petition in favour of the scheme in Winchcombe Street and Albion Street. Most of the shop owners along here are tired of looking at a rundown building and are pleased that someone is finally doing something about it. The scheme looks great, it will be good for business and for Cheltenham.

Yours sincerely



g

Former Haines & Strange and The Odeon Sites

We confirm we would like to support the Haines & Strange and The Odeon planning application

Name :	Address :	Signature :
[Redacted]	38 WINCHCOMBE ST	[Redacted]
[Redacted]	"	[Redacted]
[Redacted]	41	[Redacted]
[Redacted]	"	[Redacted]
[Redacted]	Tebbit House Unit 3	[Redacted]
[Redacted]	Tebbit House Unit 1	[Redacted]
[Redacted]	Tebbit House Unit 2	[Redacted]
[Redacted]	63 Winchcombe Str.	[Redacted]
[Redacted]	GOLDEN MOUNTAIN	[Redacted]
[Redacted]	Cheltenham Cycles 61 Winchcombe St	[Redacted]
[Redacted]	//	[Redacted]
[Redacted]	CHELTEHAM CYCLES 61 WINCHCOMBE STREET	[Redacted]
[Redacted]	"	[Redacted]
[Redacted]	MUSICAL INSTRUMENTS (CHELTENHAM) LTD	[Redacted]
[Redacted]	" - "	[Redacted]
[Redacted]	47 Winchcombe St HARVEY & MARTIN	[Redacted]
[Redacted]	Thai family 49 Winchcombe St	[Redacted]
[Redacted]	off Licence	[Redacted]
[Redacted]	46 Winchcombe Str.	[Redacted]
[Redacted]	Twins hair studio	[Redacted]
[Redacted]	Twins Hair Studio	[Redacted]
[Redacted]	Twins Hair studios	[Redacted]
[Redacted]	Twins Hair Studios	[Redacted]

Former Haines & Strange and The Odeon Sites

We confirm we would like to support the Haines & Strange and The Odeon planning application

Name :	Address :	Signature :
	37-39 Winchcombe street.	
	77-79 Winchcombe Street	
	William Hill, Winchcombe St	
	" " "	
	AROMA CAFE-	
	ell. Nutrition Centre	
	Nutrition Centre	
	Fredrick Allen	
	Millennium Music	
	CELLPHONES 23 Winchcombe St	
	18 Winchcombe Str	
	SPENCERS 10 Winchcombe St	
	U	
	20 WINCHCOMBE ST	
	1A GLOUCESTER PLACE CHELT	
	1A GLOUCESTER PLACE CHELT.	

klara.sudbury@gloucestershire.gov.uk

Application to demolish the former Odeon Winchcombe St, Cheltenham

Dear Mrs Hopkins,

Please find attached a paper copy of an online petition relating to the former Axiom and Odeon Buildings. In the enclosed petition which you can view online at: <http://www.ipetitions.com/petition/save-the-axiom-and-odeon-buildings-cheltenham> you will see that there are Cheltenham residents who do care and do not wish to see the Odeon or indeed the Axiom demolished.

I wish this petition to be considered by the planning committee as part of their deliberations on the above planning application, some people have left comments as well as signatures which may be of interest to committee members. As a member of the planning committee I realise that as I have spoken for the retention of the Odeon in the past that I should withdraw when the item is discussed.

I would like to ask to address the committee however as a Borough Councillor in objection to the scheme. Whilst I am no longer County Councillor for All Saints Ward, as a member of Borough Council I recognise that all of us have a wider town-wide duty to do the right thing and wish to speak against the proposed application on that basis.

In general terms my objection relates to the loss of the Odeon, a building which is on the Index of locally important buildings and which is in the central conservation area. The Council's Conservation officer has made a strong case for the retention or part retention of the building and I will not repeat that but want to say that I welcome and endorse what Mrs Radford says.

The council must make a stronger stand on protecting our locally important buildings than it has in the past. Owners of locally important buildings should not be allowed to strip them of features of historic interest or allow them to fall into a ruinous state in order that the council and indeed the general public give them a round of applause when they put forward plans for demolition.

Through the sale of the Axiom in 2005 to a company which was being investigated by the Charities Commission for tax avoidance, to the granting of planning permission to the Brewery which included Cineworld, the Borough Council's actions have directly led to the effective running down of this part of Winchcombe Street.

My view is that deliberate actions taken by this council have led to this section of Winchcombe Street losing the vitality it once had – leading the way for the demolition of the Odeon and perhaps other buildings getting in the way of the total re-development of the area.

This is why last year I set up the online petition about the Axiom and the Odeon. I particularly felt the Cheltenham Development Taskforce was not acting in the best interests of the town by promoting the demolition of the Odeon and possibly the Axiom in a leaflet it produced which talked about the council considering the area to be a blank canvass.

Whilst there has been irritation on my part that this area has been deliberately run down to enable wholesale redevelopment, a recent radio 4 programme highlighted the dubious tax affairs of Haysport Properties and the associated Charity Delapage that bought the Axiom.

This building is also on the Index of locally Important Buildings but is literally falling down inside because of damage to the roof while the owners are unable/unwilling to do a thing with it. I do urge you to listen to the programme where a whistle blower categorically says they were being investigated (between 2004-06) when this council sold the Axiom to them

<http://www.bbc.co.uk/programmes/b036kbmc>

I would ask officers and members to remember that there is a rather large section of the general public who are extremely angry about the way that the Odeon and Axiom have been treated. This is not simply because of what this will mean for the future of those buildings but also because of the impact on trade for the remaining businesses in the area.

Replacing an authentic Art Deco building (which has the potential to provide a decent sized auditorium for live music and other uses in the daytime such as the Electric Ballroom in Camden provides) with some rather dubious faux Regency flats and shops is not the right decision.

The Odeon application is being submitted by a company called Meaujo 766 and the associated application submitted by Leckhampton Estates (2012) Ltd. Whilst the sites are seemingly not in the ownership of the same companies the directors of both companies are the same people. One explanation of this could be that the development as proposed would trigger a reduced number of affordable houses as part of the scheme. Details of the company's directors are available to view online at:

Meaujo 766: <http://companycheck.co.uk/company/07706507/MEAUJO-766-LIMITED/directors-shareholders>

Leckhampton Estates 2012: <http://companycheck.co.uk/company/07945966/LECKHAMPTON-ESTATES-INVESTMENTS-2012-LIMITED/directors-shareholders>

In my opinion it is a scandal that this council decided to sell the Axiom to a company under investigation for tax avoidance. Passing this application, would lead to the loss of a neighbouring locally important building but with nil affordable housing being generated will make a great deal more people wonder about how this council conducts its affairs.

This section of Winchcombe Street is particularly interesting because of the diverse mix of architectural styles; it provides a mini history of Cheltenham in one section between Albion Street and Fairview Road. The Odeon building is a very significant part of this and is actually very important to many local people too.

I wasn't born in Cheltenham, but brought up here from the age of four. I always feel it is my duty as a migrant to the town to look after the history of the real people that lived and worked here, not just the pretty boarding houses in Montpellier.

I hope colleagues will share this sense of responsibility to the people and heritage of the town and refuse this application.

Yours sincerely,



Klara Sudbury.
Borough Councillor for College Ward,
County Councillor for Charlton Park and College

Save the Axiom and Odeon buildings, Cheltenham

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Like 9 Send

Tweet 0

309

Goal: 250 signatures

The Petition

The former Axiom and Odeon buildings, Winchcombe Street Cheltenham are in Cheltenham's nationally important Central Conservation Area. They are also both included on Cheltenham Borough Council's Index of Buildings of Local Interest.

We believe the owners of these two locally important buildings should not be allowed to leave them to fall into disrepair. We urge Cheltenham Borough Council to use all of its powers and available resource to seek the owners of the buildings to make good the buildings and bring them back into use.

We particularly urge the council to ensure that the former Axiom building is made weather proof and pigeon proof to prevent its further physical deterioration.

Note: After signing the petition you are given the choice to donate to iPetition; this is totally optional and funds will not go to the Save Axiom and Odeon Campaign. Your name will be added to the petition regardless of whether or not you donate.

Sign petition

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Email:

Comments:

Display options

- Show my name in the online signature list
- Keep me informed on this and similar petitions

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Klara Sudbury

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<http://www.facebook.com/pages/Save-the-Axiom-and-Odeon-buildings/383371545017258>

<https://twitter.com/SaveAxiomOdeon>

Sponsored by

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Save the Axiom and Odeon buildings, Cheltenham

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Signatures

TOTAL

Page: 1, 2, 3, 4, ... 7 > >

1

Name: [redacted] on Apr 3, 2012
Comments:
Flag

2

Name: [redacted] on Apr 3, 2012
Comments: they should not have been allowed to decay for so long, although they are not Georgian in style they both contribute to the social history in cheltenham
Flag

3

Name: [redacted] on Apr 3, 2012
Comments: Both the Odeon and the Axiom were key parts of my childhood and adolescent development. I regard them as among the most significant cultural landmarks in Cheltenham.
Flag

4

Name: [redacted] on Apr 3, 2012
Comments:
Flag

5

Name: [redacted] on Apr 3, 2012
Comments:
Flag

6

Name: [redacted] on Apr 3, 2012
Comments: I agree they are mIn buildings in Cheltenham and i back this
Flag

7

Name: [redacted] on Apr 3, 2012
Comments: The Axiom building was given to the people of Cheltenham for public arts use. Firstly it is a disgrace that it was sold to a third party for profit in a town that prides itself on its commitment to the arts and its associated festivals, and secondly that it being allowed to fall into disrepair within a conservation area. CBC has allowed the owners of this building to act in an irresponsible way for a decade. As a resident of Cheltenham, I call for the Council to exercise whatever powers it has to prevent the owners allowing this decay to continue.
Flag

8

Name: [redacted] on Apr 3, 2012
Comments:
Flag

9

Name: [redacted] on Apr 3, 2012
Comments:
Flag

10
 Name: [REDACTED] on Apr 3, 2012
 Comments:
 Flag

11
 Name: [REDACTED] on Apr 3, 2012
 Comments: Cheltenham needs a community centre for the arts. Creating just another shopping centre or block of expensive flats on the grounds of the widespread supported and loved Axiom and Odeon building would be harmful for the reputation of Cheltenham and its role in creating the big society.
 Flag

12
 Name: [REDACTED] on Apr 3, 2012
 Comments: Criminal to allow historical building, to fall to the axe of developers, hoping to make a quick killing, with a characterless block of concrete.
 Flag

13
 Name: [REDACTED] on Apr 3, 2012
 Comments:
 Flag

14
 Name: Anonymous on Apr 4, 2012
 Comments: this is wasted space and should be brought alive again .
 Flag

15
 Name: [REDACTED] on Apr 4, 2012
 Comments:
 Flag

16
 Name: [REDACTED] on Apr 4, 2012
 Comments: A travesty to let a beautiful piece of history be destroyed because of money and greed
 Flag

17
 Name: [REDACTED] on Apr 4, 2012
 Comments: Part of Cheltenham's history!
 Flag

18
 Name: [REDACTED] on Apr 4, 2012
 Comments: Part of Cheltenham's history!
 Flag

19
 Name: [REDACTED] on Apr 4, 2012
 Comments:
 Flag

20
 Name: [REDACTED] on Apr 4, 2012
 Comments: I've played many times @Axiom and have attended many gig's there too, and enjoyed them all!! I've also been to the Odeon many times in the past as well!! Be a crying/criminal shame if these buildings were left to fall into even more disrepair,.....or worse?!?!
 Flag

21
 Name: [REDACTED] on Apr 4, 2012
 Comments:
 Flag

22
 Name: [REDACTED] on Apr 4, 2012
 Comments:
 Flag

23
Name: [redacted] on Apr 4, 2012
Comments:
Flag

24
Name: [redacted] on Apr 4, 2012
Comments:
Flag

25
Name: [redacted] on Apr 5, 2012
Comments: Axiom bridge the gap between the education system and developing yourself as an artist or performer. If we are to revive the economy these forums are essential. Lack of opportunity is grinding the economy down, if the Axiom came back people would be empowered to create social enterprise and help themselves. It can only be good from all points of view.
Flag

26
Name: [redacted] on Apr 6, 2012
Comments:
Flag

27
Name: [redacted] on Apr 6, 2012
Comments:
Flag

28
Name: [redacted] on Apr 6, 2012
Comments: Bring back the Axiom Centre!
Flag

29
Name: [redacted] on Apr 6, 2012
Comments:
Flag

30
Name: [redacted] on Apr 7, 2012
Comments:
Flag

31
Name: [redacted] on Apr 7, 2012
Comments:
Flag

32
Name: [redacted] on Apr 7, 2012
Comments:
Flag

33
Name: [redacted] on Apr 7, 2012
Comments: There is a lot of potential for those ornate and unique buildings. More should be done with them than just allowing them to rot.
Flag

34
Name: [redacted] on Apr 7, 2012
Comments:
Flag

35
Name: [redacted] on Apr 7, 2012
Comments:
Flag

36
Name: [REDACTED] on Apr 7, 2012
Comments:
Flag

37
Name: [REDACTED] on Apr 7, 2012
Comments:
Flag

38
Name: [REDACTED] on Apr 7, 2012
Comments:
Flag

39
Name: [REDACTED] on Apr 7, 2012
Comments: These buildings should not be allowed to fall into disrepair. Surely there is something that can be done to restore them and give them a purpose again?
Flag

40
Name: [REDACTED] on Apr 7, 2012
Comments:
Flag

41
Name: [REDACTED] on Apr 7, 2012
Comments: An excellent building, well worth saving
Flag

42
Name: [REDACTED] on Apr 7, 2012
Comments:
Flag

43
Name: [REDACTED] on Apr 7, 2012
Comments:
Flag

44
Name: [REDACTED] on Apr 7, 2012
Comments:
Flag

45
Name: [REDACTED] on Apr 7, 2012
Comments:
Flag

46
Name: [REDACTED] on Apr 8, 2012
Comments: its a scandal these buildings have been sold out of the county and then left to rot. they should be restored to their former glories not torn down and replaced by yet more ugly housing
Flag

47
Name: [REDACTED] on Apr 8, 2012
Comments:
Flag

48
Name: [REDACTED] on Apr 8, 2012
Comments:
Flag

49
Name: [REDACTED] on Apr 9, 2012
Comments: these are both unique buildings and deserve to be saved

Flag

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8/33

50

Name: [REDACTED] on Apr 9, 2012

Comments: these are both unique buildings and deserve to be saved

Flag

Page: 1 , 2 , 3 , 4 ,... 7 > »

Comments are moderated. Comments that are abusive, defamatory, obscene, or otherwise inappropriate will be removed. Comments that are off-topic or do not relate to the petition will be removed. Comments that are repeated or otherwise deemed to be spam will be removed. Comments that are deemed to be in violation of the law will be removed. Comments that are deemed to be in violation of the Terms of Use will be removed.

9/33

Save the Axiom and Odeon buildings, Cheltenham

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Signatures

TOTAL

Signatures

Page: « < 1, 2, 3, 4, 5, ... 7 > »

51 Name: [redacted] on Apr 9, 2012
Comments: we cannot let these buildings disappear
Flag

52 Name: [redacted] on Apr 9, 2012
Comments:
Flag

53 Name: [redacted] on Apr 9, 2012
Comments:
Flag

54 Name: [redacted] on Apr 9, 2012
Comments:
Flag

55 Name: [redacted] on Apr 9, 2012
Comments: an arts cinema, cafe, workshop area. look at the Broadway in Nottingham for inspiration and a success story!
Flag

56 Name: [redacted] on Apr 9, 2012
Comments:
Flag

57 Name: [redacted] on Apr 9, 2012
Comments:
Flag

58 Name: [redacted] on Apr 9, 2012
Comments:
Flag

59 Name: [redacted] on Apr 9, 2012
Comments: save them but they both need immediate renovation - they get more delapidated each day.
Flag

60 Name: [redacted] on Apr 9, 2012
Comments:
Flag

61

Name: [REDACTED] on Apr 9, 2012

Comments: please please preserve these buildings - recently in Tromso northern norway where their 1913 theatre, then cinema, has been beautifully restored and now houses town museum and education/art center.

Flag

62

Name: [REDACTED] on Apr 9, 2012

Comments: The Axiom used be a great venue and still is a wonderful building with lots of potential. Some new restaurants or art gallery would be great.

Flag

63

Name: [REDACTED] on Apr 9, 2012

Comments:

Flag

64

Name: [REDACTED] on Apr 9, 2012

Comments: The former Axiom building should be where culture is cultivated and promoted, and the cinema should also return to its original former glory.

Flag

65

Name: [REDACTED] on Apr 9, 2012

Comments:

Flag

66

Name: [REDACTED] on Apr 10, 2012

Comments:

Flag

67

Name: [REDACTED] on Apr 10, 2012

Comments:

Flag

68

Name: [REDACTED] on Apr 10, 2012

Comments:

Flag

69

Name: [REDACTED] on Apr 10, 2012

Comments:

Flag

70

Name: [REDACTED] on Apr 10, 2012

Comments: Cheltenham Borough Council this is a chance to put right your petty minded actions and thinking of the past that led to the demise of the Axiom Arts Centre.

Flag

71

Name: [REDACTED] on Apr 10, 2012

Comments:

Flag

72

Name: [REDACTED] on Apr 10, 2012

Comments: Why not turn them into swanky offices - they're well positioned in the town and would fit in with the current vogue of having interesting office building (like the Gloucester Docks for instance).

Flag

73
 Name: [REDACTED] on Apr 10, 2012
 Comments: Cheltenham really lacks a music venue like the Axiom used to be - it would be fantastic to see the building be established once again as an Arts Centre.
 Flag

74
 Name: [REDACTED] on Apr 10, 2012
 Comments: The Axiom and Odeon are important arts buildings and should be reopened in that capacity instead of being built over. We must not lose our heritage buildings to new housing.
 Flag

75
 Name: [REDACTED] on Apr 10, 2012
 Comments: The Axiom was a wonderful community centre and built up my love of live local music. Please bring it back, such a beautiful building too. For the Odeon, perhaps you could get Prince Charles to open up one of his alternative cinemas in the building as this would not be in direct competition with Cineworld and would provide the people of Gloucestershire with a fantastic quirky traditional cinema experience. I love both venues and both buildings are spectacular.
 Flag

76
 Name: [REDACTED] on Apr 10, 2012
 Comments: Both buildings should be purchased by the Town Council and restored to use as performance spaces.
 Flag

77
 Name: [REDACTED] on Apr 10, 2012
 Comments: Bring the Axiom back to life and let the community use it
 Flag

78
 Name: [REDACTED] on Apr 10, 2012
 Comments:
 Flag

79
 Name: [REDACTED] on Apr 10, 2012
 Comments:
 Flag

80
 Name: [REDACTED] on Apr 10, 2012
 Comments:
 Flag

81
 Name: [REDACTED] on Apr 10, 2012
 Comments:
 Flag

82
 Name: [REDACTED] on Apr 10, 2012
 Comments:
 Flag

83
 Name: [REDACTED] on Apr 10, 2012
 Comments:
 Flag

84
 Name: [REDACTED] on Apr 10, 2012
 Comments: we dont need any more night clubs! or restaraunts! there is a massive need for somewhere to put on live music and art other than the top end venues such as the centaur .
 Flag

85
 Name: Anonymous on Apr 10, 2012

12/33

Comments:
Flag

86

Name: [redacted] on Apr 10, 2012

Comments: The Axiom was a fantastic venue for live music and dancing! Please bring it back!
Flag

87

Name: [redacted] on Apr 10, 2012

Comments: Do something about it now, do not allow people to let these buildings fall into a state where they have to be demolished. If not now set a date where action will be taken.
Flag

88

Name: [redacted] on Apr 10, 2012

Comments:
Flag

89

Name: [redacted] on Apr 10, 2012

Comments:
Flag

90

Name: [redacted] on Apr 10, 2012

Comments:
Flag

91

Name: [redacted] on Apr 10, 2012

Comments:
Flag

92

Name: [redacted] on Apr 10, 2012

Comments:
Flag

93

Name: [redacted] on Apr 10, 2012

Comments: I believe the Axiom in particular has a part to play in offering the people of Cheltenham many services. Art galleries, music venues, bars and cafes. It should never have been allowed to close and fall into disrepair.
Flag

94

Name: [redacted] on Apr 10, 2012

Comments: Work to bring these buildings back into use
Flag

95

Name: [redacted] on Apr 10, 2012

Comments: Work to bring these buildings back into use
Flag

96

Name: [redacted] on Apr 10, 2012

Comments: Work to bring these buildings back into use
Flag

97

Name: [redacted] on Apr 10, 2012

Comments: I totally agree with the above especially The Axiom which should return as a building for performing arts and a art gallery
Flag

98

Name: [redacted] on Apr 10, 2012

Comments:

Flag

Page 113

13/33

99

Name: [redacted] on Apr 10, 2012

Comments: We really, really, need an arts centre... the Axiom was fantastic, and a real hub for music and art, as well as a great place to socialise.

Flag

100

Name: [redacted] on Apr 11, 2012

Comments: Two buildings which definitely should be saved. Part of them should be used as a venue for art, music, performance, comedy, independent films etc.

Flag

Page: « < 1 , 2 , 3 , 4 , 5 , ... 7 > »

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Save the Axiom and Odeon buildings, Cheltenham

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Signatures

TOTAL

Page: « < 1, 2, 3, 4, 5, 6, 7 > »

101

Name: [Redacted] on Apr 11, 2012

Comments:

Flag

102

Name: [Redacted] on Apr 12, 2012

Comments: Please save these buildings. It is an art deco building and should have historic value. It would be a great asset to Cheltenham if the cinema was reinstated, showing decent films and/or a concert venue. Although we do have two cinemas - Cineworld and the added on (also owned by Cineworld) highly expensive Screening Room - apart from showing the same films, one more expensive than the other, these are usually blockbusters aimed at the younger generation and mainly unwatchable by most of us!

Flag

103

Name: [Redacted] on Apr 13, 2012

Comments: A must for everyone in Cheltenham

Flag

104

Name: [Redacted] on Apr 13, 2012

Comments: Incredible old building with a lot of history. Keep it going!

Flag

105

Name: [Redacted] on Apr 13, 2012

Comments: there will soon be nothing left of old Cheltenham if this modernisation continues.

Flag

106

Name: [Redacted] on Apr 14, 2012

Comments:

Flag

107

Name: [Redacted] on Apr 15, 2012

Comments: Keep your filthy hands off my Odeon!

Flag

108

Name: [Redacted] on Apr 15, 2012

Comments:

Flag

109

Name: [Redacted] on Apr 15, 2012

Comments: There should be a market there again, and should be sponsored for the Arts

Flag

15/33

110
 Name: [REDACTED] on Apr 15, 2012
 Comments: I think it would make a great venue!
 Flag

111
 Name: [REDACTED] on Apr 15, 2012
 Comments: should be arts centre and could join the festivals and revive that side of town. it would make money in the long term. better than it becoming a nightclub and causing more problems in the area.
 Flag

112
 Name: [REDACTED] on Apr 16, 2012
 Comments:
 Flag

113
 Name: [REDACTED] on Apr 17, 2012
 Comments:
 Flag

114
 Name: [REDACTED] on Apr 18, 2012
 Comments:
 Flag

115
 Name: [REDACTED] on Apr 18, 2012
 Comments: Both these buildings reflect the history of Cheltenham and should be preserved, too many historical buildings have been demolished in the past
 Flag

116
 Name: [REDACTED] on Apr 18, 2012
 Comments: I remember wonderful pop concerts at the Gaumont (Odeon). Especially the Beatles on 1st November 1963. Special memories!
 Flag

117
 Name: [REDACTED] on Apr 19, 2012
 Comments:
 Flag

118
 Name: [REDACTED] on Apr 19, 2012
 Comments:
 Flag

119
 Name: [REDACTED] on Apr 20, 2012
 Comments: It would be a crime to lose either of these buildings.
 Flag

120
 Name: [REDACTED] on Apr 20, 2012
 Comments: The Axiom is a lovely period building and was a very successful coffee shop and music venue as well as the Arts Centre. A great loss, a little diversity needed in what is rather a bland town only enlivened by the various festivals.
 Flag

121
 Name: [REDACTED] Apr 22, 2012
 Comments:
 Flag

122

16/33

Name: [REDACTED] on Apr 22, 2012

Comments:

Flag

123

Name: [REDACTED] on Apr 23, 2012

Comments:

Flag

124

Name: [REDACTED] on Apr 23, 2012

Comments: The demands for the Axiom and Odeon to be returned to their early grandeur and use are redundant, they are no longer publicly owned and their fate lies with people outside the county. However, the council do have an opportunity to insist on the repair and upkeep of the buildings and can make suggestions for their use. Worth pointing out though that if there was a market for an arts centre and independent cinema then these buildings would never have fallen empty in the first place, and both are available in the town if you are willing to look for them... (e.g. Frog & Fiddle, Bacon Theatre, Slak, Montpellier Gallery etc)

Flag

125

Name: [REDACTED] on Apr 23, 2012

Comments:

Flag

126

Name: [REDACTED] on Apr 24, 2012

Comments: The odeon would make a great club, restaurant or both. How about showing old black and white films in one or two of the screens and hiring out rooms for conferences?

Flag

127

Name: [REDACTED] on Apr 26, 2012

Comments:

Flag

128

Name: [REDACTED] on Apr 29, 2012

Comments: I loved that building and am passionate about preserving the beautiful buildings of Cheltenham and Gloucester!

Flag

129

Name: [REDACTED] on Apr 29, 2012

Comments: My understanding is that the Axiom was donated to the people of Cheltenham to be used as a public Arts space and not to the CBC for disposal as it chooses. In any language the this building was pilfered! The neglect of this Public Arts Building is as shocking as it is deplorable and has been for years despite the views and opinions of the people of Cheltenham not taken seriously. Time for a radical change I think! and to restore it to its rightful guardians. The People of Cheltenham.

Flag

130

Name: [REDACTED] on May 3, 2012

Comments: The Axiom building(s) could and should become the dedicated arts centre that Cheltenham deserves as a permanent venue for all kinds of art/musical events, large and small, festival or otherwise. Other towns of similar size have these, why not ours?

Flag

131

Name: [REDACTED] on May 8, 2012

Comments:

Flag

132

Name: [REDACTED] on May 15, 2012

Comments:

Flag

133

17/33

Name: [REDACTED] on May 16, 2012

Comments: cheltenham hosts many cultural festivals and needs a large auditorium like the gaumont.

Flag

134

Name: [REDACTED] on May 16, 2012

Comments: double jeopardy since you lost the Coliseum

Flag

135

Name: [REDACTED] on May 16, 2012

Comments:

Flag

136

Name: [REDACTED] on May 16, 2012

Comments:

Flag

137

Name: [REDACTED] on May 16, 2012

Comments:

Flag

138

Name: [REDACTED] on May 16, 2012

Comments:

Flag

139

Name: [REDACTED] on May 17, 2012

Comments:

Flag

140

Name: [REDACTED] on May 17, 2012

Comments: What a shame that this local centre for the arts was sold in the first place! Now the owners are biding their time to demolish it and turn it into flats for a profit. SUCH A SHAME!

Flag

141

Name: [REDACTED] on May 17, 2012

Comments:

Flag

142

Name: [REDACTED] on May 17, 2012

Comments: I believe both building contribute to Cheltenham's history, citing: the Odeon/Gaumont on architectural art deco grounds and the Axiom by reason of its industrial heritage.

Flag

143

Name: [REDACTED] on May 17, 2012

Comments: lets invest in some architectural history instead of building more boring residential blocks

Flag

144

Name: [REDACTED] on May 17, 2012

Comments:

Flag

145

Name: [REDACTED] on May 17, 2012

Comments:

Flag

146

Name: [REDACTED] on May 17, 2012

18/33

Comments:

Flag

147

Name: [Redacted] on May 17, 2012

Comments:

Flag

148

Name: [Redacted] on May 17, 2012

Comments:

Flag

149

Name: [Redacted] on May 17, 2012

Comments: two great buildings, get 'em saved

Flag

150

Name: [Redacted] on May 18, 2012

Comments:

Flag

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151

Name: [redacted] on May 18, 2012

Comments:

Flag

152

Name: [redacted] on May 18, 2012

Comments:

Flag

153

Name: [redacted] on May 18, 2012

Comments: Cheltenham needs another Music Venue, we are off the map for Gigs, people are spending there money in Bristol etc out of the County, as we have only one real venue left. and these places would be ideal.

Flag

154

Name: [redacted] on May 18, 2012

Comments: I remember these buildings as an important resource for the community, especially younger people, something that's sorely lacking. It is essential to build community, not just homes and shops.

Flag

155

Name: [redacted] on May 18, 2012

Comments:

Flag

156

Name: [redacted] on May 18, 2012

Comments:

Flag

157

Name: [redacted] on May 18, 2012

Comments: Lets keep these architecturally interesting buildings and do something constructively with them

Flag

158

Name: [redacted] on May 18, 2012

Comments:

Flag

159

Name: [redacted] on May 18, 2012

Comments:

Flag

160

Name: [redacted] on May 18, 2012

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Comments:
Flag

161

Name: [REDACTED] on May 18, 2012

Comments: The town needs more music venues
Flag

162

Name: [REDACTED] on May 18, 2012

Comments:
Flag

163

Name: [REDACTED] on May 18, 2012

Comments: Both the Axiom and the Odeon have provided valuable venues to the the community of Cheltenham for music and cultural purposes over the years, as well as film. It is a travesty to see these buildings fall into disrepair and for them not to be used again for the purposes that once served the community so well. Cheltenham has very little now in the way of decent music venues for local and regional artists or musicians to perform. Long may these building survive and hopefully be restored to serve the community once more. Thanks John Aitken - local musician.
Flag

164

Name: [REDACTED] on May 18, 2012

Comments:
Flag

165

Name: [REDACTED] on May 18, 2012

Comments:
Flag

166

Name: [REDACTED] on May 18, 2012

Comments: There's been enough decimation of our lovely old buildings as it is. Is there to be nothing left? All people want to do is knock these places down, and build eyesores so they can make money!
Flag

167

Name: [REDACTED] on May 18, 2012

Comments:
Flag

168

Name: [REDACTED] on May 18, 2012

Comments: Buildings of this type are very important to the history of town and should not be allowed to deteriorate.
Flag

169

Name: [REDACTED] on May 18, 2012

Comments: there is always a future for our past - neglect should not be one of them.
Flag

170

Name: [REDACTED] on May 18, 2012

Comments:
Flag

171

Name: [REDACTED] on May 18, 2012

Comments:
Flag

172

Name: [REDACTED] on May 18, 2012

Comments: Cheltenham is home to wonderful internationally acclaimed festivals - which are held in tents!?! Surely it makes sense to keep and maintain these important buildings with the view that

21/33

they will hopefully become performance spaces.
Flag

173

Name: [REDACTED] on May 18, 2012

Comments: Cheltenham is home to wonderful internationally acclaimed festivals - which are held in tents!?! Surely it makes sense to keep and maintain these important buildings with the view that they will hopefully become performance spaces.

Flag

174

Name: [REDACTED] on May 18, 2012

Comments: Disrepair strengthens the owners' argument for demolition. Please don't let it happen. ANYBODY can make an application to English Heritage to get these two buildings listed and afforded statutory protection - that way the owners have to look after them or risk enforcement action from the local authority.

Flag

175

Name: [REDACTED] on May 18, 2012

Comments:

Flag

176

Name: [REDACTED] on May 18, 2012

Comments:

Flag

177

Name: [REDACTED] on May 18, 2012

Comments:

Flag

178

Name: [REDACTED] on May 18, 2012

Comments:

Flag

179

Name: [REDACTED] on May 19, 2012

Comments:

Flag

180

Name: [REDACTED] on May 19, 2012

Comments: cheltenham is sorely lacking in good live music venues

Flag

181

Name: [REDACTED] on May 19, 2012

Comments:

Flag

182

Name: [REDACTED] on May 19, 2012

Comments:

Flag

183

Name: [REDACTED] on May 19, 2012

Comments:

Flag

184

Name: [REDACTED] on May 19, 2012

Comments:

Flag

185

Name: [REDACTED] on May 19, 2012

Comments: I believe these important buildings should be saved from falling further into disrepair
Flag

22/33

186

Name: [REDACTED] on May 19, 2012

Comments: Cheltenham's heritage needs to be utilised not destroyed!
Flag

187

Name: [REDACTED] May 20, 2012

Comments:
Flag

188

Name: [REDACTED] on May 20, 2012

Comments: A despicable strategy in the name of greed. Please demonstrate that money, and the interests of the few, does not hold sway over civic pride, and the interests of the many.
Flag

189

Name: [REDACTED] on May 21, 2012

Comments:
Flag

190

Name: [REDACTED] on May 21, 2012

Comments: Good luck with this Klara, and good on yer for getting it together!
Flag

191

Name: [REDACTED] on May 21, 2012

Comments: iconic local structures that give cheltenham it's (rapidly diminishing) character
Flag

192

Name: [REDACTED] on May 21, 2012

Comments: The Axiom and Odeon are both iconic buildings with rich local histories and it would be a tragedy if either were lost. We need imaginative, sensitive development of some kind - ideally filling the gap in the town's live arts scene.
Flag

193

Name: [REDACTED] on May 23, 2012

Comments: save them both!
Flag

194

Name: [REDACTED] on May 25, 2012

Comments:
Flag

195

Name: [REDACTED] on May 28, 2012

Comments: I came across the Odeon building by accident. A beautiful example of a cinema building that deserves new life. Give it one!
Flag

196

Name: [REDACTED] on May 28, 2012

Comments: The Axiom is Cheltenham's last bastion for the community of Cheltenham, it's unique, it's a footprint in Cheltenham's history that the public have the right to enjoy it for posterity.
Flag

197

Name: [REDACTED] on May 29, 2012

Comments: We need to bring back a proper arts and venue centre- Gloucester has the Guildhall, we need the Axiom.
Flag

198

23/33

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Name: [REDACTED] on May 31, 2012

Comments: Once these buildings are gone, they are gone for ever.
Flag

199

Name: [REDACTED] on Jun 1, 2012

Comments:
Flag

200

Name: [REDACTED] on Jun 1, 2012

Comments: Bring them back!
Flag

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Save the Axiom and Odeon buildings, Cheltenham

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201
Name: [redacted] on Jun 2, 2012
Comments:
Flag

202
Name: [redacted] on Jun 2, 2012
Comments: I remember art exhibitions, music venue, cafe and taking part in plays there. Needs to be like the Stroud Valleys Artspace set up or something similar.
Flag

203
Name: [redacted] on Jun 3, 2012
Comments: There's been a big hole in Cheltenham ever since The Axiom closed!
Flag

204
Name: [redacted] on Jun 13, 2012
Comments: its a travesty to allow such a beautiful historic bilding to decay into dust
Flag

205
Name: [redacted] on Jun 13, 2012
Comments: its a travesty to allow such a beautiful historic bilding to decay into dust
Flag

206
Name: [redacted] on Jun 25, 2012
Comments:
Flag

207
Name: [redacted] on Jun 25, 2012
Comments:
Flag

208
Name: [redacted] on Jun 25, 2012
Comments:
Flag

209
Name: [redacted] on Jun 25, 2012
Comments:
Flag

210
Name: [redacted] on Jun 25, 2012
Comments:
Flag

25/33

211
Name: [redacted] on Jun 26, 2012
Comments:
Flag

212
Name: [redacted] on Jun 26, 2012
Comments:
Flag

213
Name: [redacted] on Jun 26, 2012
Comments:
Flag

214
Name: [redacted] on Jun 26, 2012
Comments:
Flag

215
Name: [redacted] on Jun 26, 2012
Comments:
Flag

216
Name: [redacted] on Jun 27, 2012
Comments:
Flag

217
Name: [redacted] on Jun 27, 2012
Comments:
Flag

218
Name: [redacted] on on Jun 27, 2012
Comments:
Flag

219
Name: [redacted] on Jun 27, 2012
Comments: Why have they been left to rot?
Flag

220
Name: [redacted] on Jul 1, 2012
Comments:
Flag

221
Name: [redacted] Jul 3, 2012
Comments: Its about time those buildings are restored and made use of. I hope the owners are found and agree to help.
Flag

222
Name: [redacted] Facebook user on Jul 10, 2012
Comments:
Flag

223
Name: [redacted] on Jul 11, 2012
Comments:
Flag

224
Name: [redacted] on Jul 11, 2012
Comments:
Flag

26/33

225

Name: [REDACTED] on Jul 11, 2012

Comments: I used to play gigs at the Axiom when I was younger! brilliant place, great memories!
Flag

226

Name: [REDACTED] on Jul 11, 2012

Comments: Axiom - a long lamented loss. We really need the Arts Centre re-opened. It could be so important for Cheltenham and would breathe new vibrant Art-life into the town. The talent is right here but Artists always eventually leave for want of a focal point. I can't believe such an important 1930's building like the old Odeon has been left crumbling into ruin. Its really shocking that such assets to our town are left this way.
Flag

227

Name: [REDACTED] on Jul 11, 2012

Comments: Axiom - a long lamented loss. We really need the Arts Centre re-opened. It could be so important for Cheltenham and would breathe new vibrant Art-life into the town. The talent is right here but Artists always eventually leave for want of a focal point. I can't believe such an important 1930's building like the old Odeon has been left crumbling into ruin. Its really shocking that such assets to our town are left this way.
Flag

228

Name: [REDACTED] on Jul 14, 2012

Comments:
Flag

229

Name: [REDACTED] on Jul 14, 2012

Comments:
Flag

230

Name: [REDACTED] on Jul 14, 2012

Comments:
Flag

231

Name: [REDACTED] on Jul 16, 2012

Comments:
Flag

232

Name: [REDACTED] on Jul 22, 2012

Comments: They've been allowed to stand & decay for far too long. They are beautiful buildings that I have been to on many occasions (when they were both functional) & I want to be able to do that again.
Flag

233

Name: [REDACTED] on Jul 22, 2012

Comments: Both these buildings (particularly the Axiom) have been such fine community resources in the past, and with the right investment and vision, they could be again. Cheltenham NEEDS locations such as these.
Flag

234

Name: [REDACTED] on Jul 22, 2012

Comments: Many a happy evening spent at the Axiom and we desperately need avenue like this in Cheltenham. Keep Music LIVE.....
Flag

235

Name: [REDACTED] on Jul 22, 2012

Comments:
Flag

236

27/33

Name: [redacted] on Jul 22, 2012
Comments:
Flag

237
Name: [redacted] on Jul 23, 2012
Comments: Cheltenham is in need of a proper Arts Centre. Meanwhile, an ex-arts centre & cinema stand empty-Strange!!
Flag

238
Name: [redacted] on Jul 23, 2012
Comments: I live close to Winchcombe and am particularly fond of the Axiom Building. It would be great to get it back into use somehow - but preferably not as more flats!
Flag

239
Name: [redacted] on Jul 23, 2012
Comments: So many great nights at the Axiom, Cheltenham has lost many live music venues
Flag

240
Name: [redacted] on Aug 8, 2012
Comments:
Flag

241
Name: [redacted] on Aug 27, 2012
Comments:
Flag

242
Name: [redacted] on Aug 30, 2012
Comments:
Flag

243
Name: [redacted] on Sep 15, 2012
Comments: This needs to change...
Flag

244
Name: [redacted] on Sep 15, 2012
Comments:
Flag

245
Name: [redacted] on Oct 27, 2012
Comments: Cheltenham needs an independent music and arts venue the axiom
Flag

246
Name: [redacted] on Oct 27, 2012
Comments: The demand for the buildings there just obviously not someone with the cash. gr
Flag

247
Name: [redacted] on Oct 29, 2012
Comments:
Flag

248
Name: [redacted] on Nov 13, 2012
Comments:
Flag

249

28/33



Name: [Redacted] on Dec 2, 2012

Comments:

Flag

250

Name: Sera Pickering Pick on Dec 15, 2012

Comments: Makes me really angry that these two beautiful buildings have been sold by the council to a property company that has no intention of doing anything with them, besides waiting until they're beyond repair so they can knock them down. Such a waste.

Flag

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251

Name: [redacted] on Dec 15, 2012

Comments:

Flag

252

Name: [redacted] on Jan 16, 2013

Comments: Cheltenham needs these buildings restored to their former glory. I used to frequent the Axiom often in the late 90's and it was a fantastic place to see artwork and music. It is totally selfish of the current owner to let these buildings fall down in the city centre while they wait for planning permission to turn them into a car park or luxury flats.

Flag

253

Name: [redacted] on Feb 20, 2013

Comments:

Flag

254

Name: [redacted] on May 10, 2013

Comments:

Flag

255

Name: [redacted] on Jun 26, 2013

Comments:

Flag

256

Name: [redacted] on Jun 26, 2013

Comments:

Flag

257

Name: [redacted] on Jun 26, 2013

Comments: This building is an important part of Cheltenham's heritage. Cheltenham's history should not be seen to stop at the Regency period. It is a vibrant town which acknowledges and celebrates culture. This building is part of Cheltenham's cultural history which should be preserved and celebrated to be enjoyed by visitors and residents in the future.

Flag

258

Name: [redacted] on Jun 26, 2013

Comments: have seen the drawings of what has been proposed to replace them and they are totally inappropriate. Obviously the buildings have been allowed to disintergrate in order for them to be replaced.

Flag

259

Name: [redacted] on Jun 26, 2013

Comments:

Flag

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260

Name: [REDACTED] on Jun 28, 2013

Comments: At least save the facade

Flag

261

Name: [REDACTED] on Jun 28, 2013

Comments:

Flag

262

Name: [REDACTED] on Jun 29, 2013

Comments: To many of Cheltenham's historic buildings have been torn down to make way for monstrosities, like the lower high street. I can't even believe that historic buildings like these would even be considered for demolition. It shouldn't be allowed.

Flag

263

Name: [REDACTED] on Jun 29, 2013

Comments: The Axiom and the Odeon are the two most culturally significant buildings in my memory of growing up in Cheltenham, as well as being quite lovely buildings in their own right. It would be greatly to the detriment of the town to demolish them.

Flag

264

Name: [REDACTED] on Jun 29, 2013

Comments:

Flag

265

Name: [REDACTED] on Jun 29, 2013

Comments: The Axiom could still serve Cheltenham well as a centre for the creative arts, and a hub for artists, musicians, writers, drama groups, photographers and models, etc etc...It is criminal that it is being allowed to rot. The Odeon building could likewise be used much, much better than the proposed development. It is an iconic, historic building and part of the fabric of that area of Cheltenham.

Flag

266

Name: [REDACTED] on Jun 29, 2013

Comments:

Flag

267

Name: [REDACTED] on Jun 29, 2013

Comments: selling the axiom building to the current owners was a huge mistake don't compound it now

Flag

268

Name: [REDACTED] on Jun 29, 2013

Comments:

Flag

269

Name: [REDACTED] on Jun 29, 2013

Comments:

Flag

270

Name: [REDACTED] on Jun 29, 2013

Comments: 2 of the most iconic buildings in the town should not be demolished for private gain

Flag

271

Name: [REDACTED] on Jun 29, 2013

Comments:

31/33

Flag

272
Name: [REDACTED] on Jun 29, 2013
Comments:
Flag

273
Name: [REDACTED] on Jun 29, 2013
Comments: Just NO!! Please don't!!
Flag

274
Name: [REDACTED] on Jun 29, 2013
Comments: Regeneration would create employment and the Axiom has never been replaced as a music venue, a generation has lost that delight.
Flag

275
Name: [REDACTED] on Jun 29, 2013
Comments:
Flag

276
Name: [REDACTED] on Jun 29, 2013
Comments:
Flag

277
Name: [REDACTED] on Jun 29, 2013
Comments: Save these amazing buildings, I have so many good memories of these places, and they need to be back in public use. Not left to rot
Flag

278
[REDACTED]
Name: [REDACTED] on Jun 29, 2013
Comments:
Flag

279
Name: [REDACTED] on Jun 29, 2013
Comments: Preserve the unique architecture and heritage of this area
Flag

280
Name: [REDACTED] on Jun 29, 2013
Comments:
Flag

281
Name: [REDACTED] on Jun 29, 2013
Comments:
Flag

282
Name: [REDACTED] on Jun 29, 2013
Comments:
Flag

283
Name: [REDACTED] on Jun 30, 2013
Comments:
Flag

284
Name: [REDACTED] on Jun 30, 2013
Comments:

32/33

Flag

285
Name: [REDACTED] on Jun 30, 2013

Comments: i grew up pretty much in the axiom, i loved it in there, we havent got a decent music venue in cheltenham anymore i think we should bring it back!!!

Flag

286



Name: [REDACTED] on Jun 30, 2013

Comments: i grew up pretty much in the axiom, i loved it in there, we havent got a decent music venue in cheltenham anymore i think we should bring it back!!!

Flag

287

Name: [REDACTED] on Jun 30, 2013

Comments:

Flag

288

Name: [REDACTED] on Jun 30, 2013

Comments:

Flag

289

Name: [REDACTED] on Jun 30, 2013

Comments: bring back the Axiom

Flag

290

Name: [REDACTED] on Jun 30, 2013

Comments:

Flag

291

Name: [REDACTED] on Jun 30, 2013

Comments:

Flag

292

Name: [REDACTED] on Jul 1, 2013

Comments:

Flag

293

Name: [REDACTED] on Jul 1, 2013

Comments:

Flag

294

Name: [REDACTED] on Jul 1, 2013

Comments:

Flag

295

Name: [REDACTED] on Jul 1, 2013

Comments:

Flag

296

Name: [REDACTED] on Jul 2, 2013

Comments:

Flag

297

Name: [REDACTED] on Jul 3, 2013

Comments:

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Save the Axiom and Odeon buildings, Cheltenham

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301 Name: [redacted] on Jul 3, 2013
Comments:
Flag

302 Name: [redacted] on Jul 3, 2013
Comments: I loved the Odeon. Thinking of it brings back so many memories of childhood and Cheltenham. I hope it can be saved.
Flag

303 Name: [redacted] on Jul 4, 2013
Comments:
Flag

304 Name: [redacted] on Jul 4, 2013
Comments:
Flag

305 Name: [redacted] on Jul 4, 2013
Comments:
Flag

306 Name: [redacted] on Jul 4, 2013
Comments:
Flag

307 Name: [redacted] on Jul 9, 2013
Comments: Just heard the whole scandal described on BBC Radio 4!
Flag

308 Name: [redacted] on Jul 11, 2013
Comments:
Flag

309 Name: [redacted] on Jul 12, 2013
Comments:
Flag

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APPLICATION NO: 13/00777/FUL & CAC and 13/00827/OUT & CAC		OFFICER: Mrs Wendy Hopkins
DATE REGISTERED: 13/00777/FUL&CAC 16th May 2013 13/00827/OUT&CAC 24 th May 2013		DATE OF EXPIRY: 13/00777/FUL&CAC 15th August 2013 13/00827/OUT&CAC 23 rd August 2013
WARD: All Saints		PARISH: None
APPLICANT:	Meaujo (766) Ltd & Leckhampton Estates (2012) Ltd	
AGENT:	Simon Firkins	
LOCATION:	Former Odeon Cinema (Winchcombe Street) and Haines & Strange (Albion Street, Gloucester Place, Fairview Road, Fishers Lane), Cheltenham	
PROPOSAL:	<p>13/00777/FUL&CAC Construction of 6 no. townhouses, 8 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of the existing building</p> <p>13/00827/OUT&CAC Regeneration incorporating construction of 33 no. houses, 48 no. apartments, 6 no. retail units, new vehicular access and associated works; following demolition of all of the existing buildings</p>	

Update to Officer Report

1. OFFICER COMMENTS

1.1. Planning obligations and financial viability

- 1.1.1. Local Plan Policy HS4 requires that *“in residential developments of 15 or more dwellings or residential sites of 0.5 hectare or greater a minimum of 40% of the total dwellings proposed (note 1) will be sought for the provision of affordable housing”*. Note 2 goes on to state *“this proportion may vary to take account of the exceptional circumstances relating to a site”*.
- 1.1.2. Paragraph 173 of the NPPF states that *“pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the cost of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be delivered”*.
- 1.1.3. In light of Policy HS4 and the advice set out within the NPPF, where proposals can demonstrate exceptional circumstance or the deliverability of the site is threatened through the level of contributions sought, it is accepted that these matters can outweigh, in whole or part, the requirement of planning obligations.

- 1.1.4. A confidential viability assessment has been submitted to accompany the Haines & Strange application and following officer request, an addendum to this submission detailing the viability of the Odeon, was received by the LPA.
- 1.1.5. The applicant contends that should a policy compliant level of obligation be sought on these applications then the redevelopment would be unviable and therefore undeliverable.
- 1.1.6. For clarity, the contributions relevant to this proposal would be 40% affordable housing and education, library and play space contributions.
- 1.1.7. An independent review of the viability assessment submitted by the application has been undertaken by the District Valuation Service (DVS). The DVS is the property arm of the Valuation Office Agency (VOA) and provides professional property advice across the public sector.
- 1.1.8. On Officers instruction, the DVS have reviewed the viability assessment submitted using 2 scenarios. The first uses the current market value of the site(s) as a development cost and then the second, the actual purchase price of the site(s) as a development cost.
- 1.1.9. The DVS have confirmed in writing that in the case of scenario 1: '*current market value*' should the LPA seek to secure a policy compliant level of contributions (detailed above in para. 1.1.6.) the redevelopment **would be viable**.
- 1.1.10. In respect of scenario 2 '*purchase price*' the DVS have concluded that should a policy compliant level of obligations be sought by the LPA (detailed above in para.1.1.6.) this would render the redevelopment scheme **unviable** (and therefore undeliverable).
- 1.1.11. The market and purchase site values are substantially different. The current market value of the site is 50% lower than the agreed purchase price of the site(s) which obviously affects the viability of the scheme. For this reason, the assessment has not resulted in any margin to seek a partial contribution to relevant obligations.
- 1.1.12. Whilst it is extremely disappointing that a zero level of contribution would result from this redevelopment Officers advise Members that when considering the financial viability of this site(s) the second scenario reflecting a more '*realistic*' approach is appropriate. This matter has been investigated further by the Council's legal advisors and case law is support of this approach. With the Governments agenda for growth in mind and a strong emphasis placed on sustainable development and the deliverability of viable sites this approach accords with guidance set out within the NPPF. For that reason Officers consider, the purchase price is an acceptable basis for the review of this assessment, and on this basis the proposals would be unviable.
- 1.1.13. Furthermore, and specifically in respect of Local Plan Policy HS4 Officers consider that this redevelopment does bring with it significant benefits which could be regards as exceptional circumstances that are unique to this site(s). These are i) the redevelopment of a key town centre site that has been vacant and neglected for a considerable number of years; it is a corporate ambition to see this site redeveloped and as such has been promoted through the Cheltenham Development Task Force; ii) delivery of housing against the 5-year housing land supply (of which we currently have a shortfall); iii) provide an up-lift in terms of urban design quality to this part of the town centre especially Albion Street and iv) the contribution of additional retail units enhancing vitality within the central shopping area.

1.1.14. To summarise, officers recognise the importance of local plan policy HS4 and do stress that the provision of affordable housing is something that is taken extremely seriously by this Authority. Having given significant consideration to the matter of viability though, including references to recent case law, it is apparent that using the purchase price of the land is an appropriate way to proceed regarding the viability of the development proposals. In light of this, and as concluded by the DVS, such an approach does make a policy compliant scheme unviable, to the extent that there is also no room for negotiation (i.e to secure a lower provision of affordable housing).

1.1.15. What members therefore need to consider is whether, in light of the findings of the viability assessment, the redevelopment of the application site does constitute the exceptional circumstances as envisaged by local plan policy. The benefits that the redevelopment will bring have already been set out above and officers advise that in this instance, these do constitute exceptional circumstances, particularly in light of the guidance set out within the NPPF. It is for this reason that officers are supporting a scheme with no affordable housing.

1.2. **English Heritage**

1.2.1. At the time of writing this report the consultation response from English Heritage is awaited. English Heritage is a statutory consultee for proposed demolition in a conservation area where the building(s) and/ or site is over a certain volume or area.

1.3. **Economic Development**

1.3.1. Formal consultee comments have been received from the Economic Development Officer which are reproduced below:

Overall in support of the proposed development, however the following concerns need to be taken in to consideration;

i) The existing traders are consulted with during each phase of the development to allow for contingency planning.

ii) As I understand the 8 businesses located on Albion Street have been offered first refusal on proposed retail units, in respect of this I have concern over the size of the proposed units as two of the existing shops require two floors or two rooms in order to trade effectively. There are no two story offerings, so would like to see alternative solutions.

iii) I also have concern regarding the potential re housing of businesses into suitable temporary accommodation whilst the development takes place. Not only in relation to a change of location (a couple of the businesses have been trading on Albion Street in excess of 30 years) which will require extensive marketing, but also in terms of affordability of potential rent increases.

iv) Implications of retail premises being in close proximity to residential dwellings, potential impacts from business delivery times, delivery vehicles, potential noise disruption, trading hours, etc. Businesses need to be able to trade effectively.

v) Parking and access requirements for the retail units.

vi) *Rental prices of retail units - take into consideration an opportunity to encourage small independent businesses to start, survive and grow in the town.*

1.4. **Demolition of the Odeon**

- 1.4.1. Following receipt of comments from the applicant's structural surveyor which formed part of the previous update the case officer accompanied by a building control officer undertook a site inspection to assess the building and the practical requirements in pursuing the retention of the front element.
- 1.4.2. Officers are now satisfied that the building is constructed in 2 parts which, if seeking to retain the front section, would require extensive and costly works. Building control comments:

I refer to our visit to the above premises on Wednesday 10th July.

At this visit it was noted that the depth of the front section of this building was significantly wider at ground and first floor than at second and third floor levels. The first floor area has a large beam supporting the upper floors and this beam is restrained by the tiered seating.

Removal of the auditorium and the tiered structures will significantly affect the integrity of the first floor beam and, while technically possible, the structure needed to stabilise this beam on removal of the tiered structure would be extensive.

- 1.4.3. In light of these comments and the overall viability of the redevelopment, which is detailed in para 1.1 of this report, it is reasonable to conclude that should the retention of the front element be a planning requirement this would preclude the redevelopment of this site and the resulting loss of the Odeon should be balanced against public benefits.

1.5. **Urban Design – Layout & Design**

- 1.5.1. Comments in have been received from the Urban Design Manager which are reproduced below:

1.5.2. Conclusion

This is an important set of sites to the north of the town centre. The current state of the Odeon and Haines and Strange sites are a cause for concern; the shops function but are unattractive. The proposal has the ability to contribute to the enhancement and regeneration of the neighbourhood and surrounding streets – including improvements to Albion Street which will also benefit from the traffic management alterations being introduced under the Cheltenham Transport Plan. The loss of the cinema is regrettable, but it should be possible for new uses to effectively contribute to the success of this part of Winchcombe Street There are some detailed concerns, but the proposal should provide a decent place to live for its residents. However, there are concerns about the “Regency” architectural style adopted – which seems more about “set-piece” place-making than repairing some of the fractured streets in which the sites sit. It is considered that this approach is contextually inappropriate, under-ambitious and that there could well be greater regeneration and enhancement benefits if a less rigid and formal approach had been taken to architectural styling.

1.5.3. Context

The sites consists of three elements – former Odeon Cinema fronting Winchcombe Street which is on the local index, a row of small shops fronting Albion Street and a former car sales and repair garage which itself occupies half an urban block, fronting Albion Street Gloucester Place, Fairview Road and, in part, Fisher Lane.

They sit within the Central Conservation Area on the edge of the town's commercial core, in a zone of transition between primarily commercial uses to the south and west and primarily residential uses to the north and east.

These are important sites for this part of the town. The shop units are let, but sit in an area marginal to the main retail focus. The former cinema and garage have both been vacant for five or six years and are now much neglected in appearance. The character of Albion Street in particular is poor (discussed below) but the presence of these two neglected sites has an additional negative impact, which is noticeable in the area.

The sites are set between the two elements of the ring road. The inner ring on Albion Street in the south is currently one-way (east bound) with two wide lanes. Under the Cheltenham Transport Plan (CTP) - currently out to consultation - it will become one-way (all vehicles eastbound) with bus contra-flow buses between North Street and Gloucester Place; and will become a two-way (all vehicles) between Gloucester Place and St John's Avenue.

The Northern Relief Road in the north on Fairview Road is two-way, single lanes broadening to filter lanes for the Winchcombe Street junction at this point.

Winchcombe Street is an important radial approach from the north-west of the town – and at this point links Albion Street and Fairview Road. In the context of the town's historic street plan it goes on to join the High Street. In the past it has been an important commercial street, and while it continues to perform an important function, north of Albion Street it lacks the vitality it once had.

Albion Street is a much degraded street. There is little quality in terms of positive street scene – little planting along its length, no public spaces, no views out. Buildings vary greatly. A listed regency terrace lies just east of the proposal site where the street layout widens and there are some historic buildings and buildings with active frontages scattered along its length. However the service yards of some of the larger High Street stores front the street and for much of its length it is a fractured street with no cohesion and the character of a neglected place.

Fairview Road is comparatively wide. Opposite the site is a residential development, but it has no active frontage onto the street here, where there is a high brick wall as a boundary. The character of the street is mixed and there are attractive terraces to the east, although they are faced by a builders' merchant. Immediately west of the site, across Fisher Lane, fronting Fairview Road is a recent student accommodation development rising to five storeys.

On the east, the sites main frontage is to Gloucester Place. Here a terrace of predominantly 2-storey modest Victorian terraces faces the site, rising to three storeys at the southern end. A residual terrace of 4 regency houses is wrapped by the site towards the north of the Gloucester Place frontage.

On the west, the former garage site flanks Fisher Lane and the rear of properties fronting Winchcombe Street, the former Odeon cinema among them. These are of

mixed quality, with some listed buildings – predominantly in some sort of retail or commercial use. The Odeon adjoins a short listed terrace and lies opposite a row of retail/commercial buildings

Cheltenham Transport Plan

Although other streets surrounding the site will remain largely unaltered in terms of traffic management, the character of Albion Street is likely to alter considerably with the implementation of the CTP. There is predicted a considerable reduction in traffic flow (to between 50 and 60 percent of current levels); this is likely to improve conditions in terms traffic noise, vehicle emissions and road safety and offer an opportunity to improve the visual quality of the street – potentially avenue tree planting, pavement widening etc. These design opportunities are currently under investigation by the Townscape Team, through the work of the Cheltenham Development Task Force. There will be works at Albion Street's junctions with Winchcombe Street and Gloucester Place – the extent of which are as yet unclear - but traffic management arrangements in the two joining streets are not proposed for alteration.

Fairview Road carries the Northern Relief Road at this point and is heavily trafficked at peak times, when traffic volumes are predicted to increase by about 27% post-completion of the CTP, though again, there is no proposed alteration to traffic management arrangements.

However, the redevelopment of this site, together with the implementation of the CTP offers significant opportunities, particularly for Albion Street.

Extant Planning Permission

There is an extant planning permission (08/00372/FUL) on the former garage site for residential, retail/commercial. This permission is relevant in the urban design considerations of the current application in setting a basis for consideration of some elements of the current proposals.

The layout is not dissimilar - fronting up to the surrounding streets; and adopting an internal built form backing-on to the rear of Winchcombe Street and fronting an internal (pedestrian) street – though the form is a series of blocks rather than a terrace. The architectural style is contemporary throughout. Buildings are proposed with active frontages - accesses on to the street on the frontage elements.

Permitted building heights in parts of the site are up to 5-storeys with 6 storeys on the Gloucester Place/Albion Street junction. Parking is predominantly underground.

Proposal

The current proposal is for the demolition of all buildings on the site and redevelopment predominantly as residential with an element of retail wrapping the ground floor on Winchcombe Street and Albion Street. Buildings front either the main street frontages or the three internal gated courtyards (one designed as a street).

Buildings are predominantly 3 to 4-storeys, with some 2-storey elements and 5-storey apartment corner units on Albion Street/Gloucester Place and Fairview Road/Fisher Lane. The building style is predominantly a "Regency" based approach, with two groups (corner of Fisher Lane/Fairview Road & rear block in the Odeon site courtyard) in a contemporary style.

Analysis

The main urban design issues are:

- a) *The impact of the proposal on the area in terms of regeneration*
- b) *The impact of the proposal on the enclosing streets and neighbours.*
- c) *The ability of the proposal to make a decent place to live and work.*

Regeneration

The proposals seem likely to have considerable regeneration benefits – particularly in terms of revitalisation of this area and improvement of its environment.

The enhancement of these neglected sites will have beneficial impacts on the sites themselves; their neighbourhood; and streets which have an important function within both the town's transport network and street plan. By bringing them back into beneficial uses, consistent with the function of the area, there is a real opportunity to revitalise this quarter of the town. Coupled with the traffic management proposals in the Cheltenham Transport Plan and the potential for public realm works associated with the CTP, there are particular grounds for optimism in respect of the future of Albion Street. It seems likely that construction work will require remaking of footways around the site and in their reinstatement there may be opportunities to seek contributions to or implementation of the Council's enhancement ambitions for Albion Street as part of the CTP work.

The loss of the cinema building is regrettable; however, its ability to provide vitality in this part of Winchcombe Street sprang both from its built-form and from its function as an important place of entertainment for the town. The Heritage Manager will address heritage issues related to the loss of the building. In terms of function, the closure of the cinema had a negative effect on this part of Winchcombe Street, as it did on the building; it is unclear whether new uses within the existing building (or part) could begin to recapture that functional vitality.

Notwithstanding this uncertainty, the new uses proposed for the site should have positive impacts. The success of the retail element will be important in restoring vitality to the street; the incorporation of existing Albion Street retailers into the new retail units may help here, and the opportunity to tie retail on Albion Street into Winchcombe Street is a positive move.

The introduction of beneficial uses to the remainder of the sites will have positive regeneration impacts in respect of the reuse of the site and the surrounding area. Nevertheless, any positive beneficial reuse of the unattractive area would have such benefits and, as discussed below, there remains a question as to whether the benefits are sufficient or can be improved upon.

Impact on Neighbourhood

The sites as a whole have a neglected appearance – in the case of the cinema and garage, the levels of neglect are a real concern which needs to be addressed. The proposals should have a positive impact on their neighbourhoods simply by addressing that sense of neglect. As previously indicated, Albion Street stands to improve significantly; providing an activate frontage along Fairview Road will also be beneficial.

However, whilst the use of a Regency design approach, adopted on the majority of the site, is an acceptable principle, there remains a question as to whether it is contextually the correct approach to adopt and whether it adequately addresses ambitions to raise the character of the area. The Heritage Officer gives a critique of the approach. However, the style can be considered in broader urban design context.

Albion Street is a fractured street in need of a lift; whilst Fairview Road and Winchcombe Street are not as degraded as Albion Street, in and around the sites

they lack a strong sense of cohesion; and Gloucester Place (apart from the site) is a street of modest, predominantly 2-storey terraces.

None of these streets could be considered “grand” in terms of their setting in the vicinity of the sites; and to the north, Fairview is a neighbourhood which is by-and-large modest in its form. There is a Regency terrace further to the east and other period buildings on the Albion Street and the other streets nearby. However, they are very much of their time and settled in their place and, in the case of the Albion Street terrace, it is located where the street broadens. The “Regency” style adopted for this proposal appears better suited to a grander set-piece setting – for example overlooking a park (indeed this approach has worked successfully at Montpellier Spa Road and Imperial Gardens); its use in Albion Street is open to question.

The concern is that in this location, this approach maybe overbearing and at the same time under-ambitious. Whilst the development is almost certain to improve the neighbourhood, this approach seems uninspiring, a missed opportunity and contextually inappropriate.

Furthermore, a more contemporary approach to style might have allowed a less rigid approach to form and layout; eased the design process; and settled the proposal in its place. Certainly where it is used on Fairview Road it sits well. The Civic Society has suggested that the “Regency” approach runs the risk of undermining the town’s heritage. This criticism considered entirely in line with the NPPF’s guidance on delivering design quality which is contextually sensitive (para 58); it is consistent with para 60’s approach which points at substantiating advice on style and reinforcing local distinctiveness.

The 4 or 5-storey heights achieved are challenging, particularly within the site, but need to be set within the context of the extant proposal on the Haines and Strange site. Within the site these permitted high buildings are broken into blocks, rather than a terrace as proposed here, which perhaps reduces impact, nevertheless they frequently exceed the height of those now proposed.

There remain some detailed areas of uncertainty in terms of impact on streets.

There is no open space within the site and on the garage site landscape is reserved. A landscape strategy within the site is beginning to emerge through adjustments to the layout. However, there is no street planting around the site and Albion Street in particular is a harsh environment. It would be beneficial to occupants of the proposal and the neighbourhood generally if, during reinstatement of footways etc following construction, a street tree avenue-planting could be implemented – linking with public realm work being coordinated through the Cheltenham Development Task Force.

The developer needs to put in train adjustments to ensure that disposal of rubbish is convenient and does not impact on street scene. Currently there are areas where the rubbish disposal for residents of flats and retailers is neither straightforward nor clear - particularly some of the flats and retail units on Albion Street. Whilst there may be sufficient quantity of bin storage space available, it is not always conveniently accessible. Design needs to be adjusted to introduce this element of convenience and help to ensure rubbish or bins are left on-street.

The access to flats fronting Winchcombe Street would have a more beneficial impact if it addressed the street, rather than the rear courtyard as proposed. This alternative arrangement would activate the street throughout the day and evening, introducing more passive surveillance and easing access for visitors.

A Decent Place to Live

Despite the concerns over style and the impact that this may or may not have on the area in general, the layout is beginning to work. Issues regarding access to bin storage are raised above.

There have been adjustments to some of the internal courtyard layouts, in particular the main linear internal street, adopting the Borough's landscape architect's advice. There is a discussion above about the need for street trees around the site.

This is a town centre site and some compromises in terms of "normal" suburban standards are both inevitable and, in this case, acceptable. Concerns about back-to-back distances in the centre of the site have been addressed and are satisfactory – although in order to address issues in the "Odeon" courtyard a contemporary building approach had to be adopted in order to give the flexibility of style necessary to address problems within the courtyard around lack of overlooking and loss of landscape; it also helped with issues of height.

Garden spaces will work appropriately and parking courtyard spaces have been improved.

1.6. **Access and highway issues**

1.6.1. Following the receipt of revised drawing dated 12th July 2013 the following comments have been provided by Gloucestershire County Highway – Planning Liaison:

1.6.2. **Odeon**

The proposal is a regeneration scheme, to include demolition of the former Odeon Cinema, and the erection of 14 residential units, and 6 ground floor retail units. The existing use was a cinema, and would not have generated much vehicular traffic, but would have generated significant pedestrian flows. The development is proposed to be accessed by a single, shared surface; access located on Winchcombe Street, the units will be served by a courtyard with all parking located off the courtyard.

ACCESS

The access is located at a point on Winchcombe Street, where visibility is reduced. As part of the consultation period, a speed survey was carried out in accordance with national guidance by a independent, traffic consultant. The recorded 85th percentile wet weather speeds were 18pmph, albeit decelerating, approaching both the proposed access location, and the signalled controlled junction, with Albion Street.

Using this data, this equates to a required visibility splay of 22m, as set out in Manual for Streets, Sight Stopping Distances. As part of the proposed access a dropped kerb will be required, to compliment the shared surface access, and as part of the dropped kerb, a minor realignment of the carriageway edge, will enable the 2.0 m x 22.0 m visibility splay required.

Forward visibility has been assessed again using the speed data, but also the tracking plots and declaration of vehicles approaching the junction, and the forward approach visibility is considered acceptable.

PARKING

Each residential unit has 1 on plot parking space, as outside spaces or integral garages, which is considered acceptable given the predicted levels of car

ownership, and the sustainable location of the development. The garages have and internal widths of 2.5m x 5.6m which is acceptable.

REFUSE/EMERGENCY ACCESS

Refuse and recycle collection will be carried out from the kerbside, from Winchcombe Street, and I understand that CBC's term refuse collection contractor has confirmed this. The site is accessible to emergency vehicles, in accordance with national guidance, which we have confirmed with Gloucestershire Fire and Rescue Service.

CONSTRUCTION TRAFFIC

Given its location any demolition and construction must be properly planned and phased, if permission is granted, particular attention to this must be given. Therefore I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-

CONDITIONS

1. The proposed dwellings shall not be occupied until the access from Winchcombe Street has been constructed in accordance with the approved layout, and shall be maintained available for use at all times thereafter.

REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

2. The proposed dwellings shall not be occupied until full details of the access construction has been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

3. The proposed dwellings shall not be occupied until car parking has been provided in accordance with the submitted details and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure that adequate off-road parking is provided in the interests of highway safety.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the demolition and construction period. The Construction Method Statement shall provide full details of:

- i. the parking of vehicles of ALL site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel washing facilities
- v. measures to control the emission of dust and dirt during construction

REASON: In the interests of highway safety.

INFORMATIVE

The new access will require works in the existing footway, and vehicle crossing license from the Highway Authority, therefore before any work commences on the highway (including the footway/pavement), the Highway Authority must be contacted on 08000 514 514.

Haines & Strange

The proposal is a regeneration scheme, to include demolition of the former Haines and Strange garage and showroom, with the erection of 81 residential units, (48 apartments and 33 open market houses).

Vehicular access will be taken via a new access from Gloucester Place, and also a secondary access provided off Fishers Lane. A total of 68 on plot car parking spaces are proposed, with some semi-basement and undercroft parking areas.

ACCESS

The main entrance and gate will be 4.8m in width with 4m radii. The gate will be set back 7.5m from the edge of Gloucester Place, enabling vehicles to wait off-road whilst the gate opens. Internally, the road will remain at 4.8m wide but with additional 1.2m strips either side in front of the parking space, which will enable drivers to enter and exit parking spaces with ease. Vehicles and pedestrians will be segregated, with footways being provided through the site, but the slow speeds within the site will enable pedestrians to cross the internal road safely.

PARKING

A total of 68 car parking spaces is proposed for the development. It is proposed to provide 37 spaces at ground level, adjacent to dwellings. In addition, basement car parking will be provided for up to 21 cars, and a second basement for another ten cars is proposed from Fishers Lane.

Whilst parking is not provided on a 1:1 basis, given the location, and the recent decisions at Brewery, North Place, and Sherborne Arms, (all extremely close), and the future car ownership levels for the ward, I consider the parking proposed is acceptable.

REFUSE/EMERGENCY ACCESS

Refuse and recycle collection will be carried out from the kerbside, from Gloucester Place, in refuse storage areas, and Fisher Lane, I understand that CBC's term refuse collection contractor has confirmed this. The site is accessible to emergency vehicles, in accordance with national guidance, which we have confirmed with Gloucestershire Fire and Rescue Service, and by an AutoTracking drawing.

CONSTRUCTION TRAFFIC

Given its location any demolition and construction must be properly planned and phased, if permission is granted, particular attention to this must be given.

Therefore I recommend that no highway objection be raised subject to the following conditions being attached to any permission granted:-

CONDITIONS

1. The proposed dwellings shall not be occupied until the accesses from Gloucester Place and Fisher Place have been constructed in accordance with the approved layout, and shall be maintained available for use at all times thereafter.

REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

2. The proposed dwellings shall not be occupied until full construction details of the new accesses to the development has been submitted to, and approved in writing by, the local planning authority.

REASON: To ensure a satisfactory means of access is provided and maintained in the interests of highway safety.

3. The proposed dwellings shall not be occupied until car parking has been provided in accordance with the submitted details and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: To ensure that adequate off-road parking is provided in the interests of highway safety.

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Construction Method Statement shall be adhered to throughout the demolition and construction period. The Construction Method Statement shall provide full details of:

- i. the parking of vehicles of ALL site operatives and visitors*
- ii. loading and unloading of plant and materials*
- iii. storage of plant and materials used in constructing the development*
- iv. wheel washing facilities*
- v. measures to control the emission of dust and dirt during construction*

REASON: In the interests of highway safety.

INFORMATIVE

The new access will require works in the existing footway, and vehicle crossing license from the Highway Authority, therefore before any work commences on the highway (including the footway/pavement), the Highway Authority must be contacted on 08000 514 514.

1.7. Ubico – Waste Management & Refuse Storage

1.7.1. Discussions resulting from the receipt of revised drawings dated 12th July 2013 remain on-going between Ubico and Officers to ensure that the location, size and operational management of refuse provision creates a satisfactorily form of development.

1.8. Landscape & Trees

1.8.1. Revised consultee comments have been received from the Landscape Architect and Tree Officer following the submission of a revised landscaping scheme. Members are reminded that landscaping on the Haines & Strange site is a reserved matter therefore although detailed comments have kindly been received from the Landscape Architect the drawings should only be considered as indicative and therefore detailed matters would be pick up at the reserve matters stage. For clarity, the Odeon is a full application and therefore landscaping should be fully considered at this stage.

1.8.2. Landscape Architect

Haines & Strange

There are discrepancies between the planting shown on the Landscape Proposals drawing (No. 1079-002-2) and the Proposed Site Plan drawing (No. 32). The Landscape Proposals drawing should be amended to agree with the Proposed Site Plan as follows:

- i. 4 no. trees are to be added in the planting beds in front of the 3 storey townhouses (see attached scan).*
- ii. 1 no. tree is to be added in the corner planting bed (see attached scan).*

- iii. *4 no. trees along the rear of the townhouses fronting Gloucester Place should be repositioned to match locations shown on Proposed Site Plan. As currently shown some garage entrances would be blocked.*
- iv. *Rear gardens of the 5 no. 3 storey and 6 no. 4 storey townhouses fronting into the courtyard - why are there no trees planted in these rear gardens, whereas there are trees planted in the back gardens of the townhouses on the former Odeon site?*
- v. *Rear gardens of townhouses fronting Fairview Road - there is insufficient space here for apple trees. Consider instead planting evergreen or deciduous shrubs.*
- vi. *Parking Area Accessed from Fishers Lane - remove central planting area from all plans. I think this is probably a drawing error resulting from a misplaced CAD symbol. If constructed this way, access to parking bays would be blocked.*
- vii. *Townhouses Fronting Fairview Road - drawing No. 45, Ground Floor Plan: it looks as if one of the windows overlooks a neighbouring garden (see attached scan). Should this be obscured glass?*
- viii. *Buildings Fronting Albion Street - drawing No. 33 shows the bin and cycle stores accessed from the courtyard of the former Odeon site. Will this require addressing land ownership issues?*

Former Odeon Cinema Site

Tree Planting

Back gardens of townhouses - as shown some of the trees are planted on the boundary and others in the alleyway. The symbols should be moved so that it is clear in which gardens the trees are planted (see attached scan).

Planting apple trees in this location should be reconsidered, as there is insufficient space to allow for growth to maturity on anything other than dwarfing rootstock. Even with dwarfing rootstock, which would limit the eventual height, the spread might still be too great for these small gardens. Limiting the height would also result in a loss of amenity greening along the boundary between the back gardens. Although it is an attractive idea to plant fruit trees in this urban location, unfortunately the space is too limited. Consider instead planting small ornamental trees e.g. Sorbus cahmiriana or Amelanchier arborea 'Robin Hill'.

Bin and Cycle Storage

A detail drawing is required of the bin store at the entrance to the site. Consider a green roof or a pergola with climbing plants to screen it when viewed from the adjacent apartments.

1.8.3. Tree Officer

Following the updated information the Tree Section has no objections to this application providing that the submitted landscaping plans can be conditioned and maintained for 5 years after planting, so should they be removed, die etc within that time they have to be replaced.

Service runs also need to be explored to ensure the landscaping scheme can be implemented.

1.9. Applicant response to Conservation comments

1.9.1. The applicant's heritage expert has provided a response to Conservation comments dated 28th June and 2nd July 2013. This response forms an attachment to this report.

2. CONCLUSION AND RECOMMENDATION

- 2.1. Officers consider the recommendation for this scheme to be finely balanced. The proposals will bring with them public benefit in terms of the redevelopment of a key town centre site, the resulting enhancement to this part of the town centre both in terms of visual and economic revitalization, and the delivery of housing against the 5-year supply. Regrettably though, the proposal is perhaps not the imaginative or innovative solution that officers have envisaged for the site. The mock-Regency approach has been met with a mixed response during consultation but officers recognise that to refuse planning permission in relation to this would be a difficult argument to sustain at appeal.
- 2.2. It is also unfortunate that the proposal does not allow for the provision of affordable housing and other contributions that would be usually expected for a scheme of this nature although this matter and the viability of the proposal has been thoroughly discussed in an earlier section of this report.
- 2.3. The fundamental question in determining the application is therefore; is the loss of the Odeon, the limited ambition within the design of development proposals and the lack of affordable housing (and education, library and playspace contributions) outweighed by the benefits that this redevelopment will bring to the town (including to the five year housing supply)?
- 2.4. After much deliberation and with guidance sought from the NPPF, Officers consider that the balance does in fact lie with the regeneration of this key town centre site. The proposals would bring about a significant up-lift to not only this site but the wider town centre and make a substantial contribution to the recognised 5-year housing land supply shortfall. Importantly, the development will act to encourage and support the local economy in uncertain times.
- 2.5. The NPPF requires applications to be determined in light of the "*presumption in favour of sustainable development*". Having considered the applications in some detail, officers are satisfied that the proposal does represent a sustainable form of development and therefore it is one that should be supported.
- 2.6. Members will note from this report there are some matters that remain outstanding. Specifically, this relates to the location, size and operational management of the refuse facilities and certain design considerations. Furthermore, the consultation response from English Heritage is outstanding. Officers are therefore recommending that members resolve to support the proposals that are before them but delegate authority back to officers to ensure that these outstanding matters are adequately resolved before the relevant planning permissions and conservation area consents are issued. These matters would of course be discussed with the Chairman and Vice Chairman before final decisions made.

3. CONDITIONS

- 3.1. To be finalised by Officers and agreed with Chair and Vice Chair should Members resolve to hand delegated permission to Officers.

REVISED COMMENTS
Conservation & Heritage Consultation Response

Application No- 13/00777/FUL

Site: Odeon Cinema site, Winchcombe Street

Further to: pre-application site visit, pre-application meeting and application information, revised drawings submitted 12th July 2013.

Comments:

My comments relate separately to the two applications for this site and these revised comments on the planning permission need to be read in conjunction with the revised comments for the conservation area consent for the total demolition of the Odeon cinema (ie application no. 13/00777/CAC).

My detailed revised comments -

Notwithstanding my concern about the proposed total demolition of the whole of the former cinema my revised comments on the proposed replacement buildings are as follows-

1. Application Site layout –The refuse bin storage arrangements have been revised and appear to be much improved.
2. Height and mass of the town house block – the proposed architectural style of these town houses has now changed to a contemporary modern style and these town houses are now acceptable.
3. My previous critical comments about the street frontage block remain valid with the following comment about the revised rear elevation –
 - a. I have noted that the applicant has made minor revisions to the rear elevation (ie east elevation from courtyard) of the street frontage block of flats and retail units, as shown on the revised drawings submitted on 12th July 2013. These revisions are an improvement however they are very minor and do not overcome my previous critical concerns.

CONCLUSION – My revised comments are such that I am unable to support this application for a new development of residential units and shops.

Refusal reason:

The proposed new buildings due to the general design and proportions of both of these buildings, and in addition the proposed height of the town houses, will harm the character and appearance of the conservation area and harm the setting of the adjacent listed buildings. Therefore this development will not be in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition this proposed development will not comply with the NPPF, PPS5 Historic Environment Planning Practice Guide, and the Local Plan policies CP3, CP7.

Karen Radford
Conservation & Heritage Manager

Date – 17th July 2013

REVISED REVISED COMMENTS
Conservation & Heritage Consultation Response

Application Nos-13/00777/CAC

Site: Odeon Cinema site, Winchcombe Street

Further to: pre-application site visit, pre-application meeting and application information, revised drawings submitted on 12th July 2013, an email from Building Control Surveyor colleague dated 11th July 2013 and subsequent discussion.

Comments:

My revised comments relate separately to the two applications for this site and my comments for the total demolition of the Odeon building are set out below.

Application 13/00777/CAC-

1. The email from Mr David Burrows (Buildings Control Surveyor) following his second site visit and our subsequent conversation confirms that –

‘the Odeon building is constructed as a series of separate but linked structural elements, and it would be technically possible to remove the auditorium tiered seating structure whilst retaining the front section of the building, albeit requiring additional extensive structural support to stabilise the front section of building.’

The applicant appears not to have considered a proposal scheme for retaining any portion or the former cinema, and consequently no costings have been considered for the retention of any element of the former cinema. Therefore my previous comments remain extant.

CONCLUSION – My comments are such that I am unable to support this application for total demolition of a positive building in the conservation area which is also on the Index of Buildings of Local Interest.

Refusal reason:

The total demolition of this historic 1930s Art Deco former cinema building (known as the Odeon) which has been included on the Council’s Index of Buildings of Local Interest will harm the character and appearance of the conservation area and therefore will not be in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition the total demolition of this former cinema building will not comply with the NPPF and Local Plan Policies CP3(c), BE3, and BE11.

Karen Radford
Conservation & Heritage Manager

Date 17th July 2013

REVISED COMMENTS
Conservation & Heritage Consultation Response

Application Nos- 13/00827/CAC, 13/00827/OUT

Site: Haines and Strange

Further to: pre-application site visit and meetings, site visit and application information, revised drawings submitted on 12th July 2013, further revised drawings submitted on 17th July 2013, email from Building Control Surveyor colleague and subsequent discussion with Building Control Surveyor colleague.

Comments:

1. Despite revised drawings being submitted, I do still have detailed concerns about the site layout of this scheme. Some of these comments and concerns I have raised previously. Although revised drawings have been submitted the majority of my concerns remained unresolved. In addition there are extra comments and concerns. These are as follows-
 - a. Refuse bin arrangements for collection from courtyard area accessed from Gloucester Place. Confirmation is needed that the general approach is acceptable to Ubico and if the proposal is that bins will be stored to the rear of the town houses facing Gloucester Place, will collection also take place from the rear?
 - b. There is bin store shown to the rear of the flats/shops facing Albion Street. This bin store may be acceptable for the flats, but it can not be accessed by the shops, where will the shops store their refuse?
 - c. There are 3 town house apartment which face Albion Street (on the east end of the site), and the location and access of their refuse storage remains unclear.
 - d. The inner courtyard area is very tarmac and car dominated. Although the revised site plan drawings now show some planting in front of the 2 storey town houses which are located running east to west across the site; these same revised site plan drawings have reduced the area of planting and landscaped space in front of the houses which run north to south. It is possible that the reason for this reduced planting area is to allow space for the turning of a fire engine, which is of course an essential requirement, but equally important is opportunity and space for landscaping. Generally this inner courtyard space is very over developed, hard landscaped and tarmaced, and car dominated.
2. My previous comments relating to the style of architecture having relevance to the proposed relationships and size of buildings, especially the size and style of the inner courtyard buildings remain valid. The site layout read in conjunction with the proposed size and proposed architectural style of the buildings, does continue to make this a pastiche development.
3. My previous comments and suggestions in relation to the inner courtyard buildings remain, however it is noted that revisions have been made to the elevational

treatment and form of the rear (ie west elevation). Generally these are considered to be improvements although there are errors and inconsistencies which remain between proposed floor plans, and elevations. The fenestration pattern on the rear (north) elevation of the 3 storey town houses which run east to west across the site is particularly irregular, weak and unconvincing.

4. It is also noted that despite the applicant's expert on classical architecture suggesting that all the Regency style houses must have chimney stacks, the houses on Fairview Road do not have chimney stacks and this omission has failed to be rectified on the submitted revised drawings.
5. To enable the scheme to be better than a pastiche development, I have made some suggestions in my previous comments in relation to space around buildings and relationship of buildings. The revised drawings have not addressed my previous concerns in relation to these previous points.
6. I have previously suggested that a three dimensional drawing or sketch up is produced, viewed diagonally to towards the curved corner of the scheme from the other corner of Winchcombe Street (ie from the A plan insurance building). This has not been done and the visual impact of the proposed curved corner building in particular the roof of this section of building, remains of concern.
7. Generally the rear elevations are poor although I accept the rear elevation of one of the town house blocks has improved slightly with the revised drawings.
8. My previous comments related principally to the main front and side elevations and in many respects my previous comments and the applicant's expert advice have continued to be ignored. However it is noted that the mansard roof has been amended so that the dormer windows in the end unit (ie corner apartment block to Albion Street/Gloucester Place) now still sit below the mansard roof change of angle line, however the total height of the roof on this block has been increased.

CONCLUSION – My comments are such that whilst the re-development of this important site is welcomed in principle, I am unable to support this application for a new development of residential units and shops. It is unfortunate that this application has been somewhat rushed and the applicants failed to engage in a meaningful pre-application process. From my experience the pre-application process can be so helpful in developing a quality scheme.

Refusal reason:

The proposed new buildings due to the general design and proportions of the buildings, and in addition the proposed height of the town houses in the inner courtyard, will harm the character and appearance of the conservation area and harm the setting of the adjacent listed buildings. Therefore this development will not be in accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition this proposed development will not comply with the NPPF, PPS5 Historic Environment Planning Practice Guide, and the Local Plan policies CP3, CP7.

**Karen Radford-
Conservation & Heritage Manager-**

Date – 17th July 2013

GLOUCESTER PLACE, CHELTENHAM.

Demolition of the cinema has been debated at length.

Three facts are paramount:

1. It is not one of the major works by its architect, and hence it is not included in the statutory list of buildings of special architectural or historic interest. Its significance is thus focused upon the contribution it makes to the area as a whole.
2. Its size and form make it very difficult to adapt to other uses. Even in the instance where planning permission has been granted the approved proposals have not been carried through. Almost six years of marketing have failed to find a user. At some point this reality must be faced.
3. Apart from the physical difficulty of adaptation, the main reason for its continued neglect is the massive cost involved, both in repair and adaptation.
4. The question whether it makes a contribution to the character of the area is in the end subjective. It can be argued that despite its largely c19 character this part of the conservation area is very diverse with a mix of buildings of different ages, uses and scale - its character derives from diversity. It is however truer to say that the character of the area is dominated by its c19 buildings, but there have been numerous newer buildings introduced which on the whole tend to undermine this. The cinema is a radical example - it is massively out of scale with its surroundings, and architecturally discordant. The opportunity to replace it with something more appropriate in mass, scale and treatment should not be missed.

The design of the proposals for the three sites has been examined most thoroughly by Council officers, and as a result of the dialogue with them numerous adjustments have been made to details of the scheme. For example

- amendments to plan and elevations of the town houses in the cinema site, and reduction in their height to make them more subsidiary to the perimeter terrace.
- realignment of these houses to increase the opportunity for landscaping.
- redesign of the terrace return elevations.
- arrangements for the storage and collection of refuse.

There are other matters raised, for example the detail of chimney stacks, downpipes and the precise design of the shopfronts on the Albion Street frontage which have been reviewed. Such items are normally controlled by condition to include large scale detail.

In considering the **neo-classical design of the street frontage terraces**, and their relationship with the interior of the site, the principles of the proposals have however not been properly recognised by officers.

- In referring to the need for the houses to be set in a landscaped garden context, the concept of the terraced town house and the villa has been confused. In the domestic hierarchy which the design echoes, this kind of architecture was neither for the rich and leisured nor for the servants who waited on them, but for the emerging middle class of professionals and entrepreneurs who made a living from the leisured.
- Insistence on a greater disparity of scale between the perimeter buildings and those in the heart of the site seems to be based on a vision of street blocks with parallel central mews, but whilst these are very common in London developments of the period they are much less common in Cheltenham. In this instance the street block width is rather greater than a typical mews configuration would warrant.

The design critique includes a number of *generalities* which have been taken as *rules* governing classical design in Cheltenham:

- *Duality*. A design consists of two equal, mirrored halves with no focus for the eye to rest on is said to exhibit duality. Mathematically, all terraces composed of houses two window bays wide (and all three-windows –wide terraces of an even number of units) exhibit duality, and it can either be accepted or mitigated by detailing. The (mutilated) c19 terrace north of the cinema in Winchcombe Street is a humble example, whilst Royal Parade is a much grander case where no attempt has been made, or indeed is needed, to mitigate this characteristic. Duality is not normally an issue in terrace design where the elevation can usually only be seen obliquely, along the street. In revising the scheme, the flanking units have been emphasized to counter the problem.
- *Window spacing*. Whilst in the majority of cases, the fenestration of terraces is such that the spacing of windows is regular along the length of the terrace, this is by no means universal; there are several examples in the centre of Cheltenham where the spacing is greater at the party walls. This is often for reasons of internal planning, but sometimes for architectural effect, and establishes a different and entirely satisfactory rhythm to the façade.
- *Shop fronts project beyond the plane of the building above*. In central Cheltenham, some shopfronts extend greatly in front of their parent building, some project slightly, some do not project at all. There is no dominant pattern.

As well as these generalities, the proportions, especially of the terrace replacing the cinema, have been criticized as atypical and inelegant. If, however, the configuration of these units is overlaid on that of the existing neighbouring terrace, the proportions can be seen to match very closely. The difference is in the height of the ground floor shopfronts. This is not of course of any great moment – the town centre shows countless instances of separate adjoining blocks which do not align in storey levels or proportions.

Underlying these criticisms is a suggestion that the design is unworthy because it falls between the two stools of pastiche and replication. Pastiche may be considered a term best avoided; strictly speaking it is a musical term for a piece making references to past works, but with regard to architecture it has come to be used pejoratively.

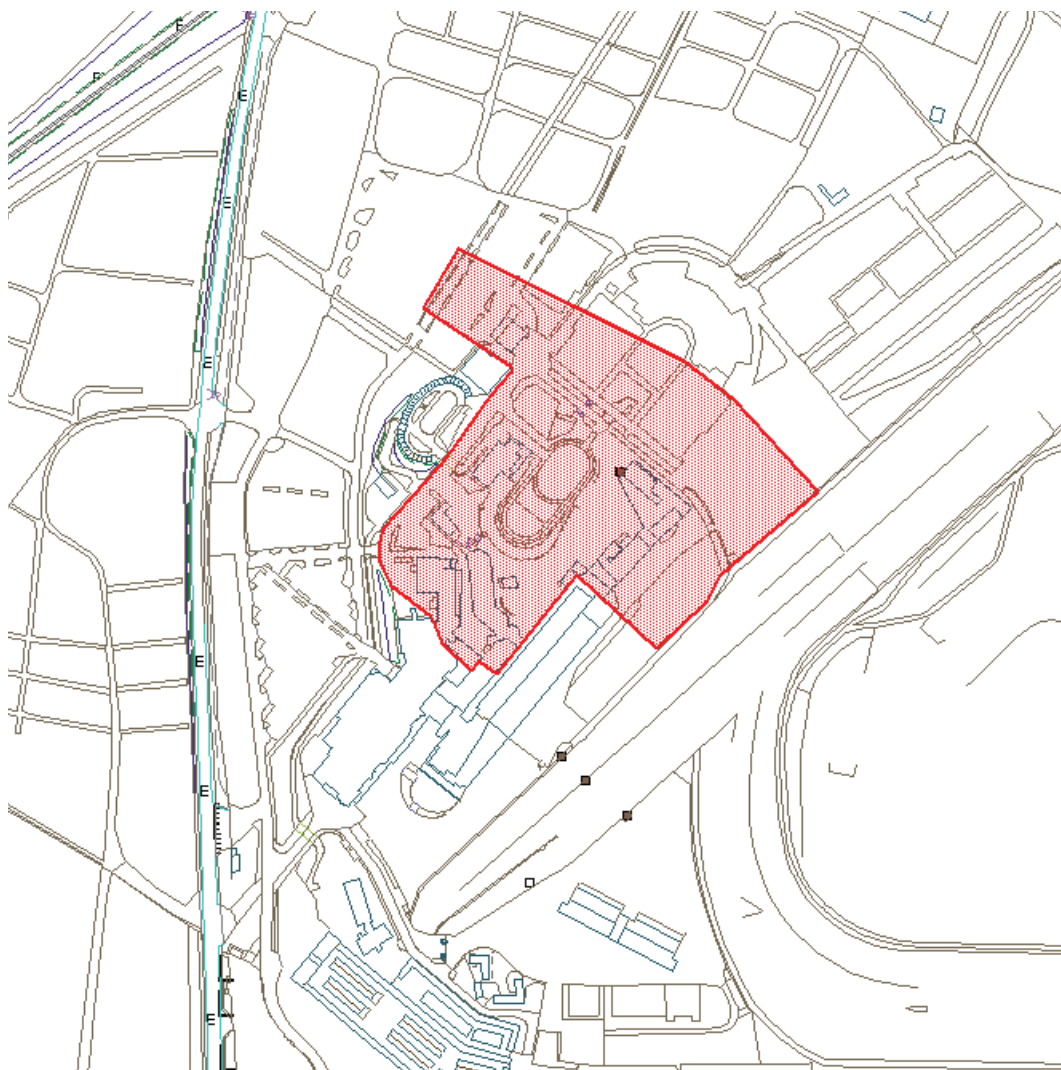
This scheme is not intended as a replica of early c19 work. Its intention is to reflect that work by complying with basic tenets of classical architecture, namely symmetry, repetition of elements and the concentration of architectural emphases, within a decorative scheme adopting elements of early c19 design such as cornices, window surrounds etc. The design of rows of town houses has since its early c18 inception been primarily a matter of street architecture. John Wood in Queen Square Bath showed how a row of houses could pretend to be a grand urban palazzo, and terrace design to a greater or lesser extent has adopted this deceit and followed this pattern ever since. This scheme aims to reflect this tradition, enhancing the dominant classical character of the conservation area without slavishly copying one or another example of the genre.

Robert Chitham.
16th July 2013.

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APPLICATION NO: 13/00661/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 27th April 2013	DATE OF EXPIRY: 27th July 2013
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Jockey Club Racecourses Ltd
AGENT:	Mr N J Surtees
LOCATION:	Cheltenham Racecourse, Evesham Road, Cheltenham
PROPOSAL:	Erection of a new Grandstand, extension of raised walkway deck viewing area, and realigned horse walkway and raised pedestrian walkway/bridge (over realigned horse walkway). Extension to North Entrance building, extension to and refurbishment of Weighing Room, construction of a garden terrace with a new betting shop beneath, extension of the un-saddling lawn and hard landscaping to north of Weighing Room. New steps and adjustments to landscaping strip between tented village and end of Parade Ring, adjustments to levels and resurfacing within the built complex and resurfacing to the course side in front of the new Grandstand up to the running rail. Other associated infrastructure work (including underground ducts and services), landscaping works, and relocation of spoil material to a remodelled site.

RECOMMENDATION: Recommendation at Committee



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application proposes the erection of a new grandstand at Cheltenham Racecourse. The application also includes a number of other works, including; improvements around the parade ring; a realigned horse walk (including pedestrian bridge); a raised walkway; extension to the weighing room; extension and refurbishments to the See You Then Bar and creation of a garden terrace; and extension of the north entrance. It is envisaged that the development will increase the capacity of the course by 1500.
- 1.2 The application is accompanied by a large number of supporting documents, statements and drawings. Of particular interest are the detailed design and access statement and the planning statement which helpfully and clearly convey this large project. Members will be aware that these documents can be located on the council website and are encouraged to read them.
- 1.3 Within these supporting documents the applicant has advised what the overriding principle behind the application is; *to maintain Cheltenham racecourse as the premier national hunt course in the UK and protect and enhance the important revenue generated for local business and the local economy in general.*
- 1.4 Members will no doubt be familiar with the application site. It is proposed to demolish the existing A&R stand, royal box and tote terrace to make way for the replacement stand located in the same position and comprising of six floors of accommodation;
 - Level – 1 (below ground); plant room, Tote, WCs, cellar and storage (including refuse;
 - Level 0 (ground floor level); Club enclosure bar, Tote, coffee bar and balcony;
 - Level 1; Members facilities, steppings for 2,700, balcony and tote;
 - Level 2; Owners and trainers facilities, A&R club bar and balcony with stepped views;
 - Level 3; new Royal Box with private lobby, cloakroom and toilets, private boxes, Tote and balcony with stepped views;
 - Level 4; Premium Superclub facilities, Tote and balcony with stepped viewing;
- 1.5 The racecourse is located within the green belt to the north of the town. This is of course a key constraint that will be fully assessed later on in this report.
- 1.6 The application is before committee at the request of Prestbury parish council. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Greenbelt

Relevant Planning History:

02/00113/FUL 18th January 2007 PER

Construction of new arena, (Use Class D2); re-routed Horse Walk and over-bridge; new viewing mound with stand and related facilities; low, grassed mound; new means of enclosure and entrances; other associated alterations within Racecourse

03/00316/FUL 1st May 2003 OBL106

Demolition of buildings with Courage Enclosure; construction of new viewing stand and related facilities within Courage Enclosure

07/00896/FUL 24th August 2007 PER

Demolition of existing weighing room and provision of a new weighing room and media centre

08/00650/FUL 24th June 2008 PER

Erection of a twin masted PVC Canopy over the festival bowl to provide cover with alterations to bowl to provide viewing areas (terraced and seating)

10/01401/TIME 18th October 2010 PER

Application to extend the time limit for the implementation of planning permission 07/00896/FUL. Demolition of existing weighing room and provision of a new weighing room and media centre

10/01936/FUL 4th February 2011 PER

Formation of private access link between fields of Ellenborough Park Hotel and Cheltenham Racecourse

12/00634/FUL 20th June 2012 PER

Infilling a 118m2 first floor courtyard in existing office building with extended open-plan office space

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

- CP 1 Sustainable development
- CP 2 Sequential approach to location of development
- CP 4 Safe and sustainable living
- CP 7 Design
- CO 1 Landscape character
- CO 5 Definition of green belt
- CO 6 Development in the green belt
- CO 9 Development at Cheltenham racecourse
- UI 3 Sustainable Drainage Systems
- TP 1 Development and highway safety
- TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Architects Panel

Is the information sufficient to understand the application?

Yes, the visualisations help significantly.

Context

The visualisations detail the existing buildings at the site well.

Massing and Scale

The proposed building is obviously large but we presume it has been design to accord with the client's requirements. However we are not entirely convinced by the proportions of the proposed building.

External Appearance

The external appearance is quite difficult to assess, there is plenty of information but the varying materials and building forms make it quite difficult to assess.

We do have some queries with regards the relationship between the proposed building, the existing building and the parade ring.

Detailing and Materials

See comments under 5 above

Environmental Design

We would welcome a greater explanation of the proposed environmental aspects of the scheme i.e. will it be seeking to achieve a particular level of bream accreditation.

Summary

The proposal is a significant scheme for the town and we would like the chance to meet with the architects to better understand the proposal prior to providing a full set of comments. There may be specific parameters that the client has which have guided the way the scheme has developed.

Recommendation

We would like a better understanding of the scheme before submitting a formal comment.

Environmental Health 4th June 2013

I have reviewed this application and offer the following comments:

Noise from piling operations

A development of this size and scale is likely to require piled foundations to be used. Use of such a system has the potential to cause loss of amenity for nearby properties due to noise from the piling operation. I must therefore recommend a condition on the following lines is applied to any permission for this development:

Condition: Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall then only be undertaken in the approved method.

Reason: To protect nearby residential property from loss of amenity due to noise from piling operations.

Condition: A scheme for the control of noise and dust from all works of demolition and construction shall be submitted to and approved by the Local Planning Authority before such works commence on site.

Reason: To protect local residential property from loss of amenity during works of demolition and construction.

If you have further queries, please let me know.

Cheltenham Civic Society 20th June 2013

We are in favour of this proposal. In our view it is a good scheme which gives unity to the currently disparate group of buildings at the Racecourse.

Trees Officer 23rd May 2013

The Tree Section has no objection to this application. Trees to be removed are, in the main, trees of lesser quality and the replacement trees are of a good size as well as being from an interesting and varied pallet of appropriate species.

As the proposed *Alnus cordata* are traditionally shallow rooted species, I recommend they have a root director inserted into the planting pit at the time of planting. This will encourage their roots to go down into the soil and therefore not disturb adjacent surfaces.

On drawing 21108/16, Spoil Deposition Plan-various proposed native tree + shrub plantings are to take place. Could details of species, size etc be supplied and agreed via a planning condition as a part of any permission granted.

Please also use conditions:
TRE01B Existing Trees to be retained
TRE03B Protective fencing

Parish Council 14th May 2013

The Prestbury Parish Council Planning committee supports in principle the application, but would ask that the application be considered by the Cheltenham Borough Council Full Planning Committee, in view of the following reservations:

1. An imposing building which does not sit well in the landscape.
2. There is a loss of vista of the Cotswold escarpment. (Policies CO1 and CP3)
3. A sympathetic less angular design might be more appropriate.

Landscape Architect 10th June 2013

Please attach landscaping condition LAN 02B to any permission granted.

Landscape and Visual Impact Assessment

The viewpoints selected for the LVIA are acceptable, having been agreed beforehand with CBC.

Assessment of the visual effects of the proposed new grandstand varies between moderate adverse and minor neutral. As the landscape setting of Cheltenham Racecourse is one of its notable features, any proposed redevelopment should seek to enhance the relationship of built form to landscape. A building design of less height and mass should be considered in order for it to relate better to its surrounding landscape.

Planting

Drawing 21108/13 Rev. P2: The trees, shrubs and herbaceous perennials specified are acceptable. (Note: - smaller species include both shrubs and herbaceous perennials. The heading of this table should be amended).

Drawing 21108/13 Rev. P2: As above. The General Planting Specification is acceptable.

Drawing 21108/16 Rev. P3: Proposed trees, shrubs and wildflowers: Plant specifications, including species, size, form, quantity and source are required.

Proposed swale:

Construction and planting details of the swale are required.

Proposed re-contouring of the ground:

A timetable is required for completion of the re-contouring of the ground and planting as per the drawing.

The Council's Drainage Engineer should be consulted regarding any potential effect on adjacent land resulting from re-contouring of the ground.

Hard Landscape

Drawing 21108/09 Rev. P5: The proposed new plaza and the adjacent landscaped areas have a pleasing design. The indicative paving materials are appropriate. Details of the proposed paving materials will be required.

Drawings 21108/10 Rev P6, 21108/11 Rev P6, 21108/12 Rev P7, 21108/15 Rev P2 :
As above, the proposed materials are acceptable, but specification details are required.

Other Comments

Drawing 7081 PL56 Rev A:

Roof Plan: Suggest a green roof for the whole or part of the roof. This would help to:

- Attenuate rainfall run-off;
- Reduce the visual impact of the proposed new building when viewed from Cleeve Hill.

Land Drainage Officer 21st May 2013

I have reviewed the Flood Risk Assessment submitted with the application and concur with its conclusions.

Strategic Land Use Team 13th June 2013

The relevant policy document for consideration in regard to this application is the Cheltenham Borough Local Plan Second Review 2006; Material Considerations include National Planning Policy Framework and the Tewkesbury, Cheltenham and Gloucester Joint Core Strategy Developing the Preferred Option Consultation Document of December 2011.

In the Local Plan relevant policies include: CO6, CO9, RC 11(b).

CO6 - This policy sets out a presumption against the construction of new buildings in the Green Belt unless the development meets one of the exception tests laid out from (a) - (e).

CO9 - This policy permits development at Cheltenham Racecourse so long as it: is principally horse racing related and does not extend beyond the confines of the built up area.

RC11 (b) - this policy requires that the use of the countryside for recreation and sport will only be permitted where it would not conflict with an open character in the Green Belt.

In the NPPF the most relevant policies include: The core planning Principles (paragraph 17) of:

- Proactively driving and supporting sustainable economic development
- Protecting the Green Belt
- Encouraging multiple benefits from the use of land

Supporting these core principles are the following paragraphs in the NPPF:

Paragraph 19, "Planning should operate to encourage and not act as an impediment to sustainable growth".

Paragraph 70, "policies and decisions should...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship).

Paragraph 81 "Plan positively to enhance the beneficial use of the Green Belt"

Summary comments for application

The proposal significantly meets the requirements of Local Plan policies CO6 and CO9. CO6 allows development which is permissible under policy C09 as identified in (note 5) of the policy. C09 permits development which is principally horse racing related where it does not extend beyond the confines of the built up area. The applicant states the proposed development will be principally for horse racing related use and buildings should be developed, refurbished and extended with the needs of race goers principally in mind.

The bulk of the proposed development is felt to meet both tests in Local Plan Policy C09. The key Grandstand building is within the built up area policy designation. Despite elements of the scheme being located outside the defined built up area, those elements which are outside this designation are necessary for the design proposed and in some cases are extensions or improvements to structures already outside this boundary. In any case these elements of the scheme are mostly very near or adjacent to existing racecourse buildings and the designated built up area of the racecourse.

Because of this close spatial relationship to existing buildings and because of the scale and form of the development as a whole, particularly the relatively small scale of structures outside the built up area (some of these buildings will, it appears, be largely surrounded by the tented village) the proposal will not conflict with an open character in the Green Belt and is therefore deemed to be in conformity with Local Plan policy RC 11 (b)

The Planning Policy team is therefore of the view that the principle of redevelopment of the site as proposed is generally in accordance with the Development Plan given that the scheme is principally for horse racing related use and could not easily be positioned in a radically different location on the racecourse as a whole due to the constraints of providing appropriate views and replacing existing facilities in a way which facilitates pedestrian movement through the site.

The development is also likely to contribute towards building a strong responsive and competitive economy in the town, create a high quality built environment and will not substantially diminish protection of the greenbelt in this location.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	110
Total comments received	3
Number of objections	3
Number of supporting	0
General comment	0

- 5.1 In response to the publicity of the application, three letters of objection have been received. Two letters raise concerns regarding the potential increase in noise that may come about as a result of this application; parking provision is also raised as a concern and one letter criticises the appearance of the new stand. Loss of a view is also raised as a concern but members will be aware that this is not a planning consideration.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key constraint relating to this application is the site's location within the Green Belt. This will be fully discussed in the following section of this report but it is also important to consider the design merit of the proposed application as well as its impact on neighbouring amenity. Finally, highway safety is an important consideration in the determination of this proposal.

6.2 Green Belt and the policy context

6.2.1 Local Plan policy CO9 recognises the importance of the racecourse to the town, stating that redevelopment or the construction of new buildings at the racecourse will need to be assessed in relation to the national significance of the venue as well as green belt policy. The actual text of the policy reads as follows:

6.2.2 *Development at Cheltenham Racecourse, including extensions, will only be permitted where it:*

- a) is principally horse racing related; and*
- b) does not extend beyond the confines of the built up area.*

6.2.3 The application has been reviewed by the Council's policy team and it has been met with a positive response. The policy team state that;

6.2.4 *The bulk of the proposed development is felt to meet both tests in Local Plan Policy CO9. The key grandstand building within the built up area policy designation. Despite elements of the scheme being located outside the defined built up area, those elements which are outside this designation are necessary for the design proposed and in some cases are extensions or improvements to structures already outside this boundary. In any case these elements of the scheme are mostly very near or adjacent to existing racecourse buildings and the designated built up area of the racecourse.*

6.2.5 Notwithstanding this position, the proposal is of course for a very large structure located within the green belt and therefore policy CO9 is not the only policy consideration. Local Plan policy CO6 (Development in the Green Belt) is of distinct relevance and officers are satisfied that this policy remains consistent with the advice set out within the NPPF when identifying inappropriate development.

6.2.6 The NPPF states quite clearly that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

6.2.7 It is the view of officers that this proposal would have to be considered inappropriate unless very special circumstances can be demonstrated and this is effectively the rationale behind local plan policy CO9 which recognises the importance of the racecourse to the town and therefore promotes a more permissive approach to development in this location. This does not mean, however, that all forms of development within the confines of the built up area are acceptable; the scheme still has to stand on its merits as an appropriate form of development in what is accepted to be a special case.

6.2.8 Members will be aware that land is allocated as green belt serves five purposes;

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;

- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.2.9 The racecourse already represents a significant encroachment into the countryside and therefore proposals that seek to perpetuate this have to be handled sensitively. This report will go on to discuss the merits of the scheme in the following section, but it is quite apparent that without very special circumstances being demonstrated, a development of this scale in the green belt would be considered inappropriate.

6.2.10 Our own policy, CO9, recognises the importance of the racecourse to the town but the question to ask here, is whether or not this importance represents the 'very special circumstances' envisaged within the NPPF to enable this authority to support an application of this nature? To help answer this question, the application is supplemented by an economic statement prepared by the Jockey Club. Within this, it is confirmed that the Jockey Club employs 90 full-time staff at the racecourse. Beyond that, it is confirmed that for each race meeting, over 1000 jobs are created. In festival week this number rises to over 5,500.

6.2.11 The proposed development will create over 200 new jobs, rising to over 300 for The Festival. In addition to this, it is estimated that the value of The Festival to local economy exceeds £50 million.

6.2.12 Members will be well aware of the value that the government currently places on building a strong and competitive economy and the emphasis placed on approving sustainable development without delay. The NPPF advises that there are three strands to sustainable development; economic, social and environmental. Based on the figures provided as part of the application, it is quite apparent that the racecourse is a fundamental component of the local economy and officers consider that this is a material consideration of significant weight. Indeed, it is considered that the importance of the racecourse to the town does represent very special circumstances in the assessment of this application. Notwithstanding this position, the scheme has to be acceptable in its own right and therefore this report will now consider the wider merits of the proposal.

Matters in relation to the design, layout, impact on neighbouring amenity, and access and highways will follow by way of an update. The update will also include a conclusion and recommendation.

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APPLICATION NO: 13/00661/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 27th April 2013	DATE OF EXPIRY : 27th July 2013
WARD: Prestbury	PARISH: PREST
APPLICANT:	Jockey Club Racecourses Ltd
LOCATION:	Cheltenham Racecourse, Evesham Road, Cheltenham
PROPOSAL:	Erection of a new Grandstand, extension of raised walkway deck viewing area, and realigned horse walkway and raised pedestrian walkway/bridge (over realigned horse walkway). Extension to North Entrance building, extension to and refurbishment of Weighing Room, construction of a garden terrace with a new betting shop beneath, extension of the un-saddling lawn and hard landscaping to north of Weighing Room. New steps and adjustments to landscaping strip between tented village and end of Parade Ring, adjustments to levels and resurfacing within the built complex and resurfacing to the course side in front of the new Grandstand up to the running rail. Other associated infrastructure work (including underground ducts and services), landscaping works, and relocation of spoil material to a remodelled site.

REPRESENTATIONS

Number of contributors	3
Number of objections	3
Number of representations	0
Number of supporting	0

3 Chase View
Cheltenham
Gloucestershire
GL52 3AL

Comments: 13th May 2013

Having just moved to my new home at Chase View, I am concerned about the effect this will have on my view of the course. Currently I can view the Malverns from my property, which will no longer be the case if this application goes ahead.

Due to this inconvenience, I was wondering if you would permit me VIP tickets x 4 in the new stand on completion. Slightly cheeky to ask, but I am losing my Malverns Hill View!!!!

Could I also ask you at this time to come and trim the trees you own at the side of my property as they are overhanging out land and I do not have the machinery necessary or man power to carry out such a task.

I would welcome you to visit my property for you to see my situation.

Comments: 14th May 2013

My object is based on not understanding where the increase footfall into the course is coming from to warrant this new development of the course.

I believe to cover the cost of such a development there must have been a team of market researchers involved in how to utilise such facilities to the capacity. What you are not however sharing with the public is how you intend to generate this income and what effect it will have on the residents. My concerns would be from a noise level issue. The obvious way to increase monies in to the course would be to increase summer concerts/festivals/events, which would infringe on the residents should they run into the evening.

The beauty of the Cheltenham Festival is there is a shut off time due to the daylight hours at the time of year this event is held. However already there are two festivals in the summer, Greenbelt and Wychwood.

As a new resident I do not know how these will affect me directly and should there be an increase in these sorts of events, I would need to know more information.

I therefore would be interested in the results of your market research and planned ideas for generation of events to cover costs for such a huge increase in size of the venue.

8 Apple Close
Prestbury
Cheltenham
Gloucestershire
GL52 3EJ

Comments: 29th May 2013

We object if this will in anyway exacerbate the noise from the tannoy systems which at present already often reaches an intrusive level. The opportunity should be taken to reduce present levels of noise nuisance through design improvements e.g. positioning and direction of loudspeakers.

Evidence suggests that existing car parking is inadequate for the current numbers attending events which results in cars being parked irresponsibly and illegally causing hazards, particularly at road junctions in the surrounding residential areas. The development will exacerbate this situation unless additional and adequate provision is made (including managing and policing).

70 Swindon Lane
Cheltenham
Gloucestershire
GL50 4PA

Comments: 20th May 2013

Letter attached.

Planning Application No. 13/00661/FUL

- Prestbury Park deserves and should have a better looking building than the proposed new Grandstand.
- The fact that it will be amongst a collection of prefabricated white roofed, white clad, white panelled, white railed structures should not be allowed to dictate its form.
- The current collection of buildings give the appearance of some vast industrial site, devoid of soul.
- A new structure of quality and distinction could set a trend for future innovations and create a centre worthy of the Sport of Kings.

- The proposed building shows no use of any natural materials such as stone, slate, wood or even brick and tiles.
- All the advantages of better viewing, better gambling, better drinking, better eating etc can be achieved with a more memorable structure, worthy of its location and place in history.
- I would have thought the Jockey Club would be proud to honour its spiritual home with a building of distinction.
- Those visiting the course see and use the buildings for hours and care much more for utility than aesthetics but some have to live with it, many for the rest of their lives.



70 Swindon Lane
Cheltenham
GL50 4PA

APPLICATION NO: 13/00661/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 27th April 2013	DATE OF EXPIRY: 27th July 2013
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Jockey Club Racecourses Ltd
AGENT:	Mr N J Surtees
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Update to Officer Report

1. OFFICER COMMENTS

1.1.1. Members will note that the initial officer report identified what the determining issues are with this application and proceeded to comment on the green belt considerations and wider policy context. This update will focus on the remaining issues.

1.2. Design and layout

1.2.1. Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development.

1.2.2. As identified in the main body of the report, this application comprises a number of different components albeit that the most obvious aspect is the proposed new grandstand. The proposal is supplemented by a number of drawings but also detailed photo-montages which provide a very clear understanding of the proposal. Within the applicant's design and access statement is suggested that:

1.2.3. *The drawings and images clearly demonstrate how the proposals will create an integrated arrangement of built structures linked by the new Level 2 deck. Viewing balconies and steppings are integrated within the building plans to provide hugely improved circulation and exceptional views of the Parade Ring and the Racecourse.*

1.2.4. *The massing of the proposals effectively completes the architectural composition at the northern end of the Racecourse and maintains the focus upon the Parade Ring through the radial linking decks.*

1.2.5. The statement goes on to suggest:

1.2.6. *The new grandstand is a respectful, statement building and an elegant stop end to the main run of Grandstand development fronting onto the Racecourse, starting at the Tattersalls Grandstand at the southern end of the development.*

- 1.2.7. *In order to articulate the north western corner of the new Grandstand, the building takes on a rotunda-like form. This glazed rotunda rises out of the solid base from Level 2. The over-sailing roof edge also takes on a circular format to cap the rotunda at this important visual corner. On the other corner to the northern end of the building, there are curved balconies at the upper levels, further creating interest and drama.*
- 1.2.8. It is proposed that the materials for the new grandstand will tie in with those used for the Centaur development, thereby *'reinforcing the language of materials that connect the more developments at the Racecourse'*.
- 1.2.9. Members will note that the Civic Society are supportive of the scheme but the comments received from the Architects Panel are slightly reticent, asking for a better understanding of the scheme before submitting more formal comments. In light of this, the applicant has tried to arrange a meeting with the Architects Panel but at the time of writing this report, this had not been achieved. Should such a meeting take place, and further feedback is given to officers, members will of course be updated.
- 1.2.10. It is the view of officers that the proposed development, and particularly the grandstand, is a well conceived scheme that will enhance this section of the racecourse. It is apparent that the applicant has identified a need to improve circulation within the racecourse and also the facilities that it has to offer; the proposed development responds to these needs in a successful way.
- 1.2.11. Members will note that the consultation responses provided from the parish council and the landscape architect both comment on the visual impact of the proposed development; the report will now consider this aspect of the scheme.

1.3. Landscape and Visual Impact

- 1.3.1. The nature of the racecourse site is such that there are many public vantage points of it, both over short and long distances. With this in mind, the application has been accompanied by a Landscape and Visual Impact Assessment (LVIA) which has identified, in discussion with officers, five important view points of the racecourse. These are:
- a) Racecourse station;
 - b) Footpath adjacent Park Lane (to the east boundary of the site);
 - c) The Paddocks (accessed from Swindon Lane);
 - d) Footpath adjacent Southam Lane;
 - e) Distant view from Cleeve Hill;
- 1.3.2. The applicant has provided photographs of these viewpoints, and has also provided 'before and after' scenarios for views 'a', 'b' and 'e'. These photographs are available for inspection both in the Council Offices and on the Council's website. They will also be available at the committee meeting.
- 1.3.3. The applicant's LVIA provides the following summary of the impact that the proposed development will have:
- 1.3.4. *The site has been assessed in terms of its landscape character and visibility within the landscape, with reference to national, county and local level character assessments, to identify the key landscape elements within the site, and the visual impact of the site on the surrounding landscape.*

- 1.3.5. *Cheltenham Racecourse sits between an area of undulating and open farmland and the edge of Cheltenham. The site has its own specific character arising from its use as a racecourse, but by its nature is not incompatible with the greater landscape beyond, and is an important buffer restricted outward development of the town. The adjacent land uses, topography and existing vegetation mean that views of the site as a whole are restricted to specific viewpoints immediately adjacent to the site, or are from a distance where the buildings and course form part of a much wider panorama. Despite the scale of the buildings proposed, the visual impact of this on the Green Belt, AONB and local view points have generally been assessed as being minor. Therefore as a whole, it is considered that the proposal should be considered acceptable within the parameters set both nationally and by the local plan.*
- 1.3.6. The LVIA has been assessed by the Council's Landscape Architect who advises that; *Assessment of the visual effects of the proposed new grandstand varies between moderate adverse and minor neutral. As the landscape setting of Cheltenham Racecourse is one of its notable features, any proposed redevelopment should seek to enhance the relationship of built form to landscape. A building design of less height and mass should be considered in order for it to relate better to its surrounding landscape.*
- 1.3.7. Having reflected on this response from the Landscape Architect, officers consider that it is an overly cautious approach. The initial officer report has already identified that the racecourse is acknowledged as a special case to Cheltenham and the relevant local plan policy promotes a positive approach to the consideration of development in this location. The applicant has also responded to this comments will the following thoughts:
- 1.3.8. *To significantly reduce the impact of the building you would have to significantly reduce the size of the building which would make the building economically unviable. The new building is a large building set in a large landscape with large existing buildings surrounding it and we feel that slightly reducing the height and mass from that assessed would not alter the impact currently stated.*
- 1.3.9. Officers consider that the viability argument is an important consideration here. Members are well aware why the application has come about and therefore the application has to be judged on its merits; it is either acceptable or it is not.
- 1.3.10. Given the approach advocated within the local plan and emphasis on sustainable development promoted within the NPPF, officers do consider that the proposal is an acceptable form of development within the green belt that will not overly compromise the wider landscape. The racecourse does represent a significant incursion in to the green belt but this proposal, particularly from the more sensitive long views will form part of this wider complex of buildings and therefore the impact on these views will be negligible. When viewed in close proximity, the new grandstand will be viewed in the context of a number of large buildings; whilst these views will change, it is difficult to argue that these changes will be unacceptably harmful and it is certainly very difficult to argue that any harm brought about by these changes would outweigh the benefits that the proposal brings with it.
- 1.3.11. Members will note that the Landscape Architect has also made a number of detailed comments relating to the landscaping proposals and has also made reference to utilising a green roof for the grandstand. In response to this the applicant has stated that:
- 1.3.12. *The JCR resists the suggestion that a green roof should be included in the design on the new grandstand. A green roof would add significantly to the weight of*

1.3.13. Again, officers are sympathetic to the views of the applicant here. The nature of the roof is such it is only visible from long distance views where the impact on these views is already very minor. A green roof would not bring any significant benefits to these long views, but would come at considerable expense and, in light of the positive approach advocated by the NPPF, officers have not asked the applicant to pursue this matter.

1.3.14. In summary, it is accepted that the proposed grandstand will have a visual impact on the landscape but that this is not so significant as to warrant the refusal of planning permission. The level of impact has been thoroughly assessed and the 'before and after' submissions have helped officers make an informed judgement; the Council's Landscape Architect also considers that the level of impact is not significant (suggesting instead that it varies between 'moderate adverse' and 'minor neutral'). Given that the level of harm has not been judged to be significant, when weighed against the benefits that the development will bring to the town, and in light of the approach advocated by local plan policy CO9, officers are satisfied that the proposal represents an acceptable form of development in this location. It is an architecturally well-considered proposal that has been thoroughly analysed and will represent an improvement to the built form of the racecourse.

1.4. Impact on neighbouring property

1.4.1. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality. The application has generated just three letters of representation with noise and parking provision being the two main issues.

1.4.2. In relation to noise, the proposal does not seek a more intensive use of the racecourse, but instead to improve race day facilities; in this respect the proposal is principally horse racing related as required by policy CO9. Members will be well aware that the racecourse currently hosts festivals and does generate noise, but given the nature of the proposals, it would be very difficult to argue that this application will make the existing situation any worse. The limited response to the application would appear to be a reasonable barometer of this situation as well.

1.4.3. Turning to parking provision, again the proposal does not seek to significantly exceed the existing capacity. The applicant envisages that should this project proceed, the attendance on Gold Cup day could return to the level experienced in 2012 (70,000). All Cheltenham residents are aware of the congestion associated with Festival week but this is managed by the racecourse; to judge this application against the unique circumstances of race week would be doing the application a disservice.

1.4.4. Loss of views has also been cited as an objection to this application but members will be aware that this is not a material planning consideration.

1.4.5. Officers consider that the proposal is fully compliant with the provisions of local plan policy CP4.

1.5. Access and highway issues

- 1.5.1. The applicant has been in direct discussions with the County Council regarding the impact the proposed development may have on highways safety. At the time of writing this report, the County's final comments had not been received by the case officer but it is understood that no major issues have been raised.
- 1.5.2. It is understood that the County are discussing the following matters with the applicant, all of which would form part of a legal agreement between the applicant and the County Council as highways authority:
- a) Proposed widening of footways at the A435 Evesham Road / B4075 New Barn Lane / B4075 Swindon Lane roundabout; and a footway link into the Racecourse from the roundabout.
 - b) New signage (including flashing warning lights) and road markings (i.e. colour contrasting crossing points) on the A435 Evesham Road. All works described above are to be undertaken by the Applicants contractor at the Applicants expense (Total cost: £40,000 approx.) with all works being carried out in accordance with the said Agreement.
 - c) Travel Plan costs
- 1.5.3. The applicant understands the rationale and need for these items and discussions are progressing smoothly. Upon receipt of the County Council's final comments, members will be updated.

2. CONCLUSION AND RECOMMENDATION

- 2.1. It is apparent that this application represents a significant investment into Cheltenham Racecourse and this should be welcomed. The proposals seek to improve the facilities currently provided by the course and in some instances, introduce new facilities to appeal to race-goers. The Cheltenham Borough Local Plan recognises the importance of the racecourse to the town, socially in terms of reputation, but also economically. It is for this reason that policy CO9 promotes a positive approach to the consideration of development at the racecourse.
- 2.2. Notwithstanding the above, the site is prominently located within the green belt and therefore development still has to be appropriate to this context, despite the positive approach identified within the local plan. With this in mind, this report has identified that the proposal is a well-considered scheme that will represent an enhancement to the built form of the racecourse. The report does however also acknowledge that the proposals will have a visual impact on the wider locality. Importantly though, from the more sensitive long distance views, this impact will be minor.
- 2.3. In light of this less than significant impact to the landscape character, when considered against the benefits that the proposal will bring to the town, officers are of the view that the proposal is one that should be supported. The importance of the racecourse to the town and the economic benefits that it brings does represent 'very special circumstances' (as acknowledged by the approach taken by the local plan) and therefore it is considered that the scheme does comply with the provisions of the NPPF.
- 2.4. It is a sustainable form of development and it is therefore recommended that members resolve to grant planning permission for the proposals subject to the satisfactory resolution of the highway matters, including the necessary legal agreement.
- 2.5. A full list of conditions will follow by way of an update.

APPLICATION NO: 13/00661/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 27th April 2013	DATE OF EXPIRY: 27th July 2013
WARD: Prestbury	PARISH: Prestbury
APPLICANT:	Jockey Club Racecourses Ltd
AGENT:	Mr N J Surtees
LOCATION:	Cheltenham Racecourse, Evesham Road, Cheltenham
PROPOSAL:	Erection of a new Grandstand, extension of raised walkway deck viewing area, and realigned horse walkway and raised pedestrian walkway/bridge (over realigned horse walkway). Extension to North Entrance building, extension to and refurbishment of Weighing Room, construction of a garden terrace with a new betting shop beneath, extension of the un-saddling lawn and hard landscaping to north of Weighing Room. New steps and adjustments to landscaping strip between tented village and end of Parade Ring, adjustments to levels and resurfacing within the built complex and resurfacing to the course side in front of the new Grandstand up to the running rail. Other associated infrastructure work (including underground ducts and services), landscaping works, and relocation of spoil material to a remodelled site.

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Please see below for the final comments from the County Council on this application. No objection is raised. A full set of suggested conditions are also attached, for ease of reference these relate to; site levels, materials, landscaping, tree protection, drainage, environmental health matters and highway safety.
- 1.2. The recommendation remains to **permit this application subject to the legal agreement being satisfactorily resolved.**

County Council response

Introduction

The proposal is to redevelop the existing A&R stand with a new Grandstand, fit for the future. The applicant has submitted a comprehensive Transport Assessment (TA), to evaluate both existing and future transport condition. However the unique operation of large sporting stadia, means that the peaks of travel, coincide with the event rather, than normal peak or inter-peak patterns, associated with daily commute. The intention of this new stand is not to attract spectators over and above the attendance at the Gold Cup Festival, but to improve attendance at meetings, during the rest of the national hunt calendar. A Transport Assessment normally establishes the increase in daily traffic, however this assessment merely informs how close to the capacity the other days will achieve.

Policy

The National Planning Policy Framework is clear as part of its core principles to:

“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”

Therefore it is policy compliant, to seek to ensure that the routes to the racecourse can be made more sustainable, in respect to public transport, walking and cycling.

Improvements

As part of the application, the applicant has proposed improvements to pedestrian routes, both internally and off site. The application proposes off site highway improvements to the existing walking routes to the entrance, which will improve highway safety and encourage modal shift.

The TA has alluded to committed development in Bishops Cleeve, (Homelands 2 and Cleevelands), as a part of that decision contributions were placed on the permission, to improve the cycle infrastructure along the Cheltenham to Bishops Cleeve corridor. Local businesses in Bishops Cleeve are keen to build on this desire to improve the cycling infrastructure along this corridor. There is therefore a strong need to collaborate strategically with the district, the highway authority and local stakeholders to deliver comprehensive solutions to make developments more sustainable. The NPPF suggests that Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated. Cycle routes from Bishops Cleeve are not at an advanced enough level to incorporate within this application, although opportunities were explored during the consultation period.

Traffic Assessments

The TA identifies the deficiency of the existing network and the impact that large capacity race days have on the network, however these impacts are normally outside normal road commute peaks and managed by local forward traffic planning and enforcement. Therefore I do not consider that the residual cumulative impacts of development will be severe.

Travel Plan

The application has submitted a Travel Plan Framework, and agreed to the financial obligations as laid out in the GCC Travel Plan guidance, £30,000 deposit/bond towards travel plan measures and £10,000 as a monitoring fee. The deposit/bond will be triggered if modal shift targets are not achieved within the Travel Plan period, and the monitoring fee is to enable GCC to monitor the Travel Plan modal shift targets.

Therefore I recommend that no highway objection be raised subject to a Travel Plan secured with a legal agreement and financial cash/bond deposit, and the following condition being attached to any permission granted:-

Before the grandstand is open for public use, details of the highway pedestrian improvements shall have been submitted to and approved by the Local Planning Authority. The pedestrian improvements shall then be completed in all respects in accordance with those details before the development is brought into use. REASON: In the interests of highway safety and sustainable development.

2. CONDITIONS/REFUSAL REASONS

- 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 numbers 7081 PL01 Rev A, 7081 PL29 Rev A, 7081 PL30 Rev A, 7081 PL31 Rev A, 7081 PL32 Rev A, 7081 PL33 Rev A, 7081 PL34 Rev A, 7081 PL35 Rev A, 7081 PL40 Rev A, 7081 PL41 Rev A, 7081 PL5o0 Rev A, 7081 PL51 Rev A, 7081 PL52 Rev A, 7081 PL53 Rev A, 7081 PL54 Rev A, 7081 PL55 Rev A, 7081 PL56 Rev A, 7081 PL57 Rev A, 7081 PL59 Rev A, 7081 PL60 Rev A, 7081 PL61 Rev A, 7081 PL65 Rev A,

7081 PL66 Rev A, 7081 PL67 Rev A, 7081 PL70 Rev A, 7081 PL75 Rev A, 7081 PL76 Rev A, 7081 PL85 Rev A, 7081 PL90, 21108/01 P2, 21108/02 P3, 21108/030P4, 21108/03 P4, 21108/04 P5, 21108/05 P3, 21108/06 P5, 21108/07 P5, 21108/08 P5, 21108/09 P5, 21108/10 P6, 21108/11 P6, 21108/12 P7, 21108/13 P2, 21108/14 P2, 21108/15 P2, 21108/16 P3, and 21108/17 P3 received on 26 April 2013.

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

- 3 Prior to commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Local Planning Authority:

(i) a full site survey showing:

- a) the datum used to calibrate the site levels
- b) levels along all site boundaries at regular intervals
- c) levels across the site at regular intervals
- d) finished floor levels or other datum of adjacent buildings
- e) cross section drawings clearly showing existing ground levels in relationship with the finished floor and eaves levels at adjacent buildings

(ii) full details showing:

- a) the proposed finished floor level of all buildings and ground levels including hard surfaces
- b) cross section drawings showing the proposed finished floor and eaves levels of all buildings and ground levels including hard surfaces

The development shall be implemented in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: It is important to clarify the height of the development in relation to existing levels and structures both on and off site. The information is necessary to allow the impact of the development to be accurately assessed.

- 4 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.

- 5 Before the grandstand is open for public use, details of the highway pedestrian improvements shall have been submitted to and approved by the Local Planning Authority. The pedestrian improvements shall then be completed in all respects in accordance with those details before the development is brought into use.

Reason: In the interests of highway safety and sustainable development.

- 6 Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall then only be undertaken in the approved method.

Reason: To protect nearby residential property from loss of amenity due to noise from piling operations.

- 7 A scheme for the control of noise and dust from all works of demolition and construction shall be submitted to and approved by the Local Planning Authority before such works commence on site.

Reason: To protect local residential property from loss of amenity during works of demolition and construction.

- 8 All trees within the site shall be retained unless shown on the approved drawings as being removed. In the event that any of these trees become damaged, dangerous, diseased or are dying throughout the course of development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action, to be agreed in writing, shall be implemented no later than the next available planting season. (October - March).

Where trees are to be retained but pruning is required, details of such intended pruning shall be submitted to and agreed in writing by the Local Planning Authority. All works must be in accordance with BS 3998:2010 or as amended.

Reason: To preserve the visual amenities of the locality in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.

- 9 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. 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.

- 10 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.

Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.

- 11 Prior to the commencement of development, the surface water drainage system shall be designed in accordance with the principles of Sustainable Drainage Systems (SUDS). This shall include a maintenance strategy and full details (including calculations) shall be submitted to and approved by the Local Planning Authority. Prior to the first occupation of any part of the development, the surface water drainage system shall be completed in all respects in accordance with the details approved and shall be retained as such thereafter.

Reason: To ensure the surface water drainage system does not contribute to flooding or pollution of the watercourse in accordance with Local Plan Policy UI3 relating to sustainable drainage systems.

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.

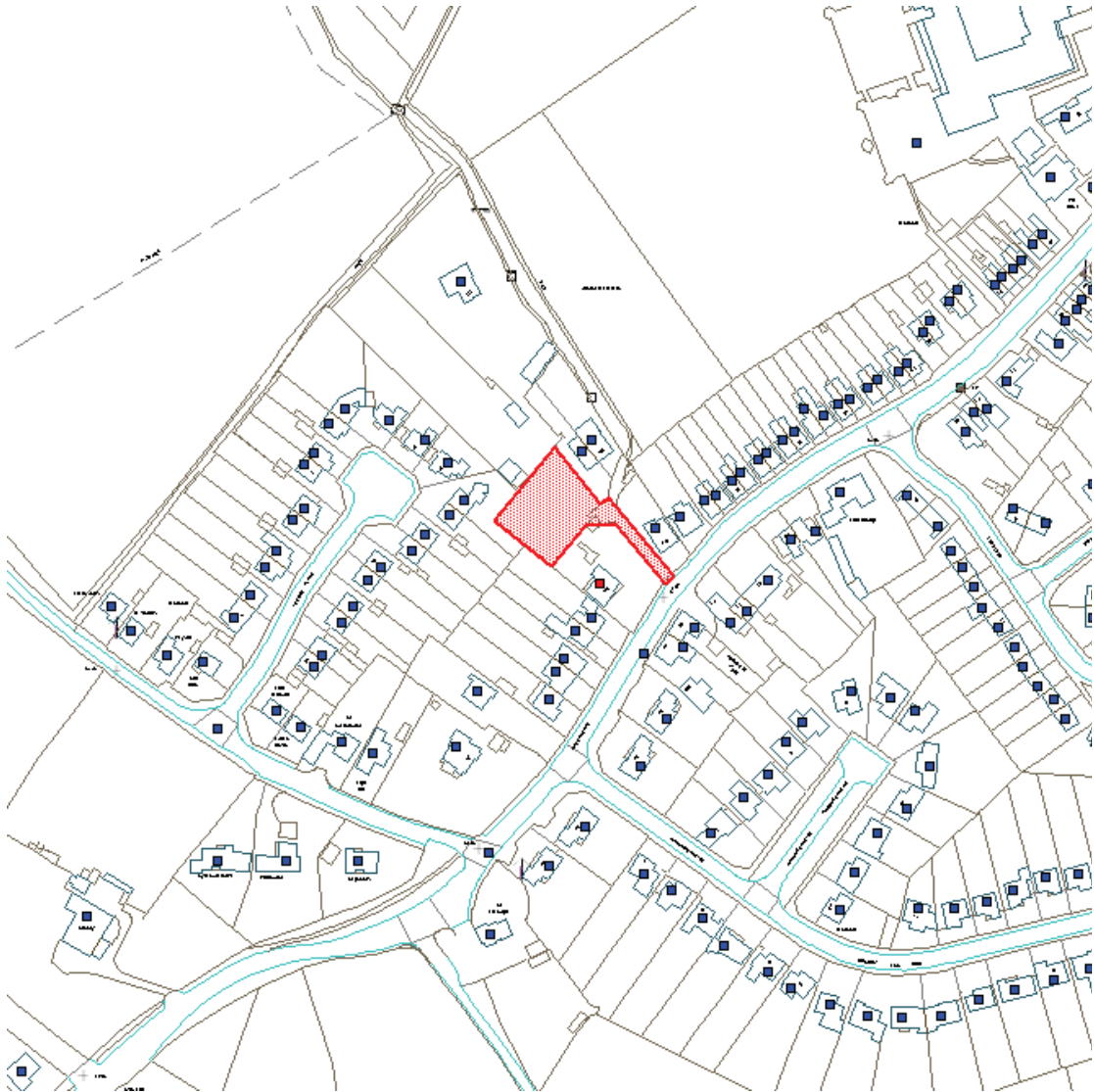
In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The Local Highway Authority will require the developer to enter into a legally binding agreement to secure the proper implementation of the proposed highway works including an appropriate bond.

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APPLICATION NO: 11/00735/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 2nd June 2011	DATE OF EXPIRY: 28th July 2011
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT: Mr Mark Sheldon	
AGENT: Russell Overs Architects	
LOCATION: 113 Church Road, Leckhampton, Cheltenham	
PROPOSAL: Erection of a storey dwelling to the rear (revised drawings to those previously consulted upon)	

RECOMMENDATION: Recommendation at Committee



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application proposes the erection of a new dwelling on land to the rear of 113 Church Road. Members will note from the reference number, the application has been with the Authority for a number of months now. During this time the scheme has been substantially changed – the proposal was initially for two storey accommodation and the proposal is now for a single storey dwelling.
- 1.2 Both iterations of the scheme have been fully consulted on and this will be fully detailed within this report.
- 1.3 The application site comprises a detached dwelling which fronts on to Church Road. The dwelling itself has been placed on the Council's Index of Buildings of Local Interest and has been given the following description:

Cottage ornée, c1930: Two-bay with a central front door and an attic dormer directly above. To the left, a gabled projecting wing with rectangular bay window under a single pitch roof; to the right a simple oriel window. Steep slate roof. Exposed rafter ends to the main eaves and the bay window. Attractive veranda formed by the overhanging eaves supported on cast iron supports of geometric openwork design. Domestic; early 20C. An unusual building type in Cheltenham.

- 1.4 The application site currently benefits from an existing access located on the north east boundary of the site. This access serves two properties as well as a parking space and garage for the application site. Members will note on planning view that an additional access has also been constructed (with the benefit of planning permission). It is proposed that the new dwelling would use the newly created access.
- 1.5 The proposed dwelling is overtly contemporary in appearance. The palette of materials consists of white render, Cotswold stone wall, cedar cladding and a zinc roof.
- 1.6 The application is before planning committee due to an objection from the Parish Council. Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Local Listing

Relevant Planning History:

99/50410/OUT 27th January 2000 REF

Outline planning permission for a single dwelling

00/00438/OUT 31st May 2000 REF

Construction of 3 no. detached houses with garages following demolition of existing dwelling. Construction of new vehicular access

01/00897/FUL 30th July 2001 PER

Extension to dining room and kitchen on ground floor, the addition of a first floor bedroom with en-suite plus family bathroom and the creation of a dormer window to the rear in existing bedroom

09/01517/FUL 4th December 2009 PER
New vehicular access, boundary wall and entrance gate

12/01803/TIME 9th January 2013 PER
Application to extend the time limit for implementation of planning permission 09/01517/FUL for new vehicular access, boundary wall and entrance gate

12/01963/AMEND 20th February 2013 PAMEND
Non-material amendment to planning approval 12/01803/TIME - Revision to location of dropped kerb and part retention of existing hedging.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
BE 11 Buildings of local importance
GE 6 Trees and development
HS 1 Housing development
TP 1 Development and highway safety
TP 6 Parking provision in development

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

The first set of comments relate to the application in its initial form.

Parish Council 20th June 2011

The Council objects to the application, for the reasons noted below.

Reasons/Observations

Special character of Homeland: With respect to paragraph 4.12 of the planning statement, the size of the garden is a key part of the special character of Homeland. Building on this garden as proposed would substantially detract from Homeland as a local visual amenity.

Unreasonable intrusion on privacy of neighbouring properties: The first floor windows of the proposed dwelling look out across the back gardens of many houses to the south-west in Vineries Close and in Church Road.

Parking on Church Road: Church Road is at its narrowest outside Homeland and in rush hour cars back up at this point to and beyond the Kidnappers Lane junction. There are often one or more vehicles parked outside Homeland that contribute to this congestion and also block the pavement for pedestrians, notably children walking to Leckhampton Primary School. Neighbours also complain that cars

parked outside Homeland impair car access to and from their driveways. The proposed new dwelling would make this problem worse. Even if residents of the proposed dwelling parked at the dwelling, visitors cannot park on the access drive and would necessarily park on Church Road as currently happens for Homeland.

Garden grabbing: The Council is opposed to any building in gardens in the vicinity of Church Road. Paragraph 4.3 of the planning statement cites the decision to allow building on the land off Thompson Drive as a precedent for allowing building at Homeland. The Council believes the decision regarding Thompson Drive was a poor one. It was a development that both Parish and Borough Councils fought against. Two wrongs do not make a right, and the Thompson Drive decision should not serve as a justification for allowing building at Homeland.

Design of the proposed building: Although the plans include a number of drawings of the proposed dwelling itself, they do not show how it looks against Homeland or other surrounding houses. This makes it very difficult to judge how it would look in its proposed setting. Among local residents there is a lot of opposition to modern architectural styles of the type proposed. So this is an issue that should be treated with much more care than it has been given in the current plans.

Difficult driveway access to Church Road: The access of the driveway on to Church Road is difficult because of the high traffic density and the fact that parked cars obstruct the view. Fortunately at present this exit is only used by the residents of 106 and lightly by the residents of 107 and 109. But the usage could become heavier if/when there is a change of residence at 107 and/or 109. The Council does not believe that usage of this driveway exit should be allowed to increase further. In fact the current residents of Homeland tend to park on Church Road, presumably because of the difficulty of using the access drive. The access drive also serves as a public footpath that is heavily used.

HMO Division *8th June 2011*

No fundamental objection to this proposal.

GCC Highways Planning Liaison *20th June 2011*

I refer to the above planning application received on 06/06/2011 with drawing numbers 1012-20 and 1012-22.

There has been a previous permission (09/01517) on this property for a new vehicular access, boundary wall and entrance gates off Church Road. The visibility from the proposed access catered for the appropriate visibility of a 30mph speed limit and proposed a turning facility within the site to allow vehicles to leave the access in forward gear.

The site is located off a private access road via Church Road and this is also a public right of way that serves five properties. The access road is proposed to serve a new dwelling in the garden of 113 Church Road. The width of private road is 2.5 metres with no passing places for approximately 63 metres where there is an area of garages. This width does not allow for two vehicles to pass each other for the first 63 metres.

The visibility from the junction with Church Road the visibility is restricted in one direction and based on the guidance in Manual for Streets, the appropriate visibility

for a 30mph limit is 43 metres whereas the existing visibility to the south-west is less than half the appropriate standard.

A similar application in Gloucester (10/00219/OUT) went to appeal which was dismissed on three issues and one was highway safety. The development proposed was the erection of five detached dwellings off an existing driveway via Stroud Road. The Highway Authority recommended no objection to this scheme.

With regards to highway safety, the Planning Inspectorate recognised at the point of entry onto the main road there was restricted visibility. The Inspector also observed the access width was about 4.3 metre and the driveway length 67 metre long and as a result only one vehicle could travel at any one time. The Inspector disagreed with HA's views and found the narrowness of the access combined with its length means that conflict is bound to occur when two or more vehicles attempt to enter or leave the site at the same time. This would result in vehicles having to reverse onto a busy road at a point where visibility is restricted and this would be hazardous to road safety.

I recommend that this application be refused on highway grounds for the following reason:

The vehicular access intended to serve the proposed development is substandard and would have restricted visibility, and the increased vehicular turning movements likely to be created at this location by the development proposed would be likely to increase highway dangers, to the detriment of highway safety.

Tree Officer *17th June 2011*

Currently there is insufficient information for the tree section to be able to comment on this application. Please can the following information be submitted in order for the tree section to comment further:

- Updated plans showing the robinia tree in the rear garden plotted correctly (on existing and proposed plans)
- Tree Protection Plan (TPP) and Arboricultural Method Statement; the latter to support the TPP and to include any pruning requirements, proposed service runs, siting of storage materials during construction etc. (both to BS5837:2005)

Cheltenham Civic Society *21st July 2011*

We do regard this as an appropriate site for development and accept that the style of the houses in the area is very varied. An innovative design is not therefore necessarily out of place, but - in our view - this design is not only unconventional but also unattractive. There are too many materials and the design is over-complicated. We particularly dislike the mock Cotswold stone wall - especially around the garage. The proximity of the countryside is not a justification for importing grotesque mock-rural features

Architects Panel *18th July 2011*

Observations on Presentation

Good level of detail and well presented. What we would like to see on all applications!!

Principle of Development

The site appears suitable for a development of this size and design.

Quality of Design

We believe this is a very well laid out design with a good mix of materials and considered massing to provide a series of interesting internal spaces and external views.

Summary

This is a very competent scheme with a good level of detail and design skill and in our opinion should set the standard for aesthetics and submission documentation the Council should expect for all schemes.

Recommendation

We would strongly support this application.

Comments in relation to the revised scheme

Parish Council 27th June 2013

The Parish Council OBJECTS to this application on the following grounds:

Over development of site: The boundary of Homelands forms the wall to new property.

Parking on Church Road: Church Road is at its narrowest outside Homelands and in rush hour cars back up at this point to and beyond the Kidnappers Lane junction. There are often one or more vehicles parked outside Homelands and adjoining properties that contribute to this congestion and also block the pavement for pedestrians, notably children walking to Leckhampton Primary School. Neighbours also complain that cars parked outside Homelands impair car access to and from their driveways. The proposed new dwelling would make this problem worse. Even if residents of the proposed dwelling parked at the dwelling, visitors cannot park on the access drive and would necessarily park on Church Road as currently happens for Homelands.

Garden grabbing: The Council is opposed to any building in gardens in the vicinity of Church Road. The planning statement cites the decision to allow building on the land off Thompson Drive as a precedent for allowing building at Homelands. The Council believes the decision regarding Thompson Drive was a poor one. It was a development that both Parish and Borough Councils fought against. Two wrongs do not make a right, and the Thompson Drive decision should not serve as a justification for allowing building at Homelands.

Design of the proposed building: Although the plans include a number of drawings of the proposed dwelling itself, they do not show how it looks against Homelands a 'Locally Important Building'. This makes it very difficult to judge how it would look in its proposed setting. Among local residents there is a lot of opposition to modern architectural styles of the type proposed. So this is an issue that should be treated with much more care than it has been given in the current plans.

Difficult driveway access to Church Road: The newly created access of the driveway on to Church Road is difficult because of the high traffic density and the fact that parked cars obstruct the view. An additional property making use of this

narrow driveway will create a further hazard for traffic negotiating Church Road at its narrowest part. The access drive to the side of the proposed development site also serves as a public footpath to Burrows field and adjoining allotments and is heavily used.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	26
Total comments received	17
Number of objections	15
Number of supporting	0
General comment	2

5.1 Comments Received

5.2 As advised earlier in this report, the application has now had two rounds of consultation, one in 2011 and one in 2013. The comments received have broadly been similar although the 2011 consultation certainly brought with it a higher level of objection. The concerns relating to the scheme are summarised below;

- a) Inappropriate development on garden land;
- b) Proposed design out of keeping with locality;
- c) Highway safety concerns relating to the proposed access;
- d) Development of the site is not necessary;
- e) Loss of light;
- f) Loss of privacy;
- g) Loss of view;
- h) Flooding and drainage concerns;

5.3 Members should also be aware that there have been two letters raising no particular concerns with the scheme, with one suggesting that the architectural variety within the area lends itself to contemporary architecture.

5.4 Other than the loss of a view, all of the matters set out above are material considerations and will be taken into account in the following section of the report.

6. OFFICER COMMENTS

6.1 Officer comments will follow by way of an update to this report.

APPLICATION NO: 11/00735/FUL		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 2nd June 2011		DATE OF EXPIRY : 28th July 2011	
WARD: Leckhampton		PARISH: LECKH	
APPLICANT:	Mr Mark Sheldon		
LOCATION:	113 Church Road, Leckhampton, Cheltenham		
PROPOSAL:	Erection of a storey dwelling to the rear (Revised drawings to those previously consulted upon)		

REPRESENTATIONS

Number of contributors	17
Number of objections	15
Number of representations	1
Number of supporting	1

109 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0PE

Comments: 21st June 2011
Letter attached.

Comments: 17th June 2013
Letter attached.

14 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 16th June 2011
Letter attached.

Comments: 25th June 2013
Letter attached.

17 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 14th June 2011
Letter attached.

Comments: 17th June 2013
Letter attached.

115 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0NY

Comments: 23rd June 2011

My husband and I have looked at the plans for the two storey dwelling and feel that due position of the dwelling in number 113 Church Road and the direction it is facing, towards our house and garden we will suffer a great loss of privacy when using our garden. Due to the contemporary design of the building the six large landscape windows will all face towards our property and we will be able to see directly into all ground floor and first floor windows from floor to ceiling. From our first floor rear windows we will be able to see into the first floor bedrooms and vice versa. Therefore we object to this proposal.

Comments: 1st July 2013

I would like to object to the proposed dwelling development at 113 Church Road, Leckhampton for the following reasons:

1) In answer to the question A1 'Is the proposal likely to cause harm to the enjoyment of neighbouring properties either internally or externally and the locality due to its layout, scale or massing' - I would have to answer yes.

I live in the neighbouring property No. 115 and my garden is adjacent to the proposed building plot, due to the orientation of the property the large full length windows are all facing directly into my garden. I would therefore lose privacy in my garden, and may be affected by noise, I would also be able to see quite clearly into the living areas of the property.

2) In answer to question C6- 'Does the layout of the proposed development in back gardens respect existing development patterns in the street and block, and does it create its own identity which is complementary to the existing character'- I would argue that the contemporary design is not in keeping with the surrounding properties, or complement them in any way. The large expanse of flat zinc roof will be clearly visible from my garden and the first floor of my house. And although it is being proposed as a bungalow, the front elevation is in fact almost 2 stories high, and therefore not in character with a normal bungalow.

Therefore I object on the grounds of loss of privacy and loss of amenity.

However, if the orientation of the building had changed from the original planning application so that the rear facade with the large windows faced the garage block at the end of the garden, and if the design was more in keeping the local character then I would not have been so inclined.

105 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0PF

Comments: 28th June 2013

No objections based on plans seen if sensitive building takes place.

88 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0PD

Comments: 13th June 2011
Letter attached.

16 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 17th June 2011
Letter attached.

121 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0NY

Comments: 20th June 2011

My husband and I have had a good look at the proposed plans for this application and object to this proposal being granted for the following reasons:

- We believe the access to this property will cause problems on an already busy road. The access is on the narrowest part of Church Road and with cars parking either side of this access it will be a dangerous manoeuvre to enter and exit the access to this property. The access is also a public right of way which is used by adults and children to gain access to the allotments and the playing field. I do not believe the access can be part of the property as shown in the plans as it is designated a public right of way. The road is used by school children to get to the local School and vehicles coming out of this access would not be seen until you were at the access.
- We also object on the grounds of visual impact. The proposed property will not be in alignment with any others and will stand out as a single property in visual view of all the back gardens along Church Road and Vineries Close. Those properties nearest to this proposed property will be overlooked by the upper story and suffer a loss of privacy when using their gardens. The line of gardens at the back of properties in Church Road and Vineries Close have a lot of natural light coming to all the properties and allowing this proposal to go ahead would diminish the amount of natural light our properties experience now.
- We object to the idea of building in the grounds of this residential property as it will detract from the local area and being a modern building will not fit in with the local housing.
- We thank the planning department for this opportunity to comment on this proposal and hope our reasons for the objection to this planning application will be taken in to account.

117 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0NY

Comments: 21st June 2011
Letter attached.

18 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 21st June 2011

(1) The rear gardens of properties are not planning "brownfield sites", they are amenity areas within the curtilage of the dwelling and this proposal will result in a "loss of amenity" for future owners of the existing property - this proposal is a clear case of garden grabbing

(2) The visual impact of the new dwelling , particularly its south-west elevation, is totally out of character and keeping with the surrounding properties - it is a "blot on the landscape" - it is not compatible or in sympathy with the existing built environment.

(3) Loss of privacy will affect neighbours in Vineries Close and Church Road who will be overlooked from the first floor level of the of the proposed dwelling.

(4) Although it seems council policy to ignore disturbances etc. during the construction stage entry of construction lorries etc. from Church Road into the very narrow access lane will cause chaos in Church road (effectively part of Cheltenham's notorious "eastern bypass") and grossly multiplying the chaotic traffic conditions constantly experienced at that point.

(5) Deliveries and visitors to the new dwelling particularly on completion and during construction will have to park in Church road which is already a parking "disaster" area with frequent vehicles parking at random on the footpath in front of 113 Church Road - people with prams or push-chairs cannot proceed along the footpath now and often have to cross to the other side of the road - regrettably the authorities completely ignore the current problems which will be further magnified on completion of this proposed dwelling.

(6) With residential proposals already in being for 91 dwellings at the close by Delancey Hospital site along with many more proposals in the area what is the driving force for a single illogical development in a private garden?

We urge Cheltenham Borough Council to reject this proposal.

15 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 15th June 2011

My husband and I have reviewed the plans submitted for a dwelling in the garden of 113 Church Road and have had discussions with Mark and Tracy Sheldon prior to them being submitted. We therefore base our comments on the on-line documents and the discussions we have had with our neighbours at 113 Church Road.

We have perused the documents submitted with this application and note that our property and gardens have not been included on the drawings of the site. We would be grateful if the application could be amended to include drawings to a smaller scale which clearly show the location of our property in respect to the proposed new residence, and which show exactly how close to our boundaries with 113 Church Road the property is proposed to be located.

From our understanding of where the proposed property would be located, and from estimating the height of the upstairs windows from the building heights provided in the plans, we are concerned that residents of the proposed development would be able to see into our bedroom windows from the first floor bedroom windows (particularly bedroom 3). We have viewed the plot from the upstairs of our property and believe that we would be able to look into the bedrooms of the proposed property and vice versa which would result in a loss of our privacy. We would also lose privacy in our garden, which we have recently had landscaped, at no small cost, to include a patio area that would be directly overlooked by this proposed development.

Our property is located to the proposed north-west elevation of the property. From perusing the plans it is unclear to us what will happen to the existing trees and shrubs which partly shield our property from 113 Church Road. They do not appear to feature on the site map and we would be concerned if they were removed since we would lose privacy in the ground floor rooms of our house as well as in further parts of our garden. It also needs to be considered by the Council whether their removal could also cause subsidence to our property and our garden buildings. Supporting Information Sketch 2 of 3 seems to suggest that at least some of the plants (particularly a high hedge which shields our property) would be removed. We would object to this on the grounds of loss of privacy, due to our concerns about subsidence, and since these are established plants and trees which support wildlife in our gardens.

The height of the proposed property means that it would be visible from our ground floor rooms (lounge/dining room) and first floor bedrooms (even if shrubs/trees were not removed). Contrary to what is implied in the submitted plans, this building is not in keeping with the surrounding properties. Nowhere in the local vicinity is there such a modern design of house. This proposed development will therefore have a negative visual impact for our property as well as surrounding properties on Vineries Close and Church Road.

My husband and I both cycle to work each day and Church Road is part of our route. It is a very busy road at peak times; we believe, like many others in this area, that it simply cannot cope with further development which would feed on to it. Further, to protect the character of Leckhampton, we agree with our local MP Martin Horwood, that new residences should not be built in the gardens of existing properties.

Initially, our neighbours of 113 Church Road submitted a planning application for a garage and to change vehicular access to the site with accompanying landscaping of the existing garden. From talking to Mark and Tracy we understood their views that they wanted to make better use of their garden and so we supported this application and put our support in writing to the Council. This application was subsequently approved. We were quite shocked when we were informed that a new application would be put in to build a two-storey house on the plot rather than a garage. Whilst we were happy to support a change to the garden, we do not support an application for a new dwelling on the plot for the reasons outlined above.

This progression from a garage to a house in itself is concerning to us as it causes us to question what the future for this plot would be if this planning application were granted. Further, we understand from talking to Mark and Tracy that they will not be managing the building of the dwelling if this application were granted. This raises further concerns for us that if permission to build was granted, what is actually erected would not necessarily reflect the designs that have been submitted. There are already examples of developments to existing houses on Church Road which do not reflect the plans that were submitted to the Council.

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We thank the Council for giving us the opportunity to comment on this application and hope that our concerns about loss of privacy, negative visual impact, potential subsidence, increased traffic on Church Road, and potential "design creep" in the plans for this site, will be taken into account in any decision making.

119 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0NY

Comments: 24th June 2011

I have lived with my family at my current address for over 10 years and the rear garden was the main selling point which made us buy the property. The proposed construction will be unsightly, over bearing, and will reduce privacy which will evidently have a negative impact on the potential re sale of my property.

I have monitored the parking and traffic flow in the area and have identified with photographic evidence that there is a constant risk of road traffic collisions not to mention serious injury to pedestrian with the current parking contraventions which if the proposed planning is agreed will be exacerbated.

This is a particular problem with the constant parking of vehicles on the pavement outside 113 Church Road which has been a regular occurrence for several years. Visitors also park their vehicles on the pavement prior to the 'SLOW' road markings warning motorists of a hazardous staggered junction prior to Kidnappers Lane.

It is inevitable that a collision will occur with vehicles entering Church Road from the narrow lane which is the only access to the proposed building. Visibility is already limited due to the constant illegal parking of vehicles outside 113 Church Road. I have photographic evidence of pedestrians having to walk in the road with prams etc as the pavement is often completely obstructed. This illegal parking and the nature of the narrow lane combined with the excess speed of traffic and a blind bend on the apex of the lane is a blatant major hazard.

Those that will be most at risk will be the young children using the lane to gain access to the play area and playing field, and pedestrians walking along Church Road.

I consider this written objection as a formal statement of my concerns to the welfare of those using Church Road as both drivers and more importantly pedestrians will be at a greater risk with the increased use of the lane for vehicular access. I have brought my concerns to the attention of the highways agency last year and this was prior to any proposed development.

The photographic evidence that I have recently recorded along with this written statement will I'm sure be of use should any injury collisions occur in the future following approval of this development.

This building will provide financial gain for those involved but Cleary is not of any benefit to those of us that will have to suffer the construction process and resulting eyesore.

I was only made aware of this proposed development last week and I am surprised that I was not given more time to consider the application by way of either direct contact, a formal letter in the post or the usual planning proposal notices placed near to the land in question. I wonder how many others may not have had an opportunity to voice their concerns.

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I feel that this proposed planning application and the process that follows needs to be very transparent as I cannot imagine why any serious consideration would be given to this project.

107 Church Road
Leckhampton
Cheltenham
Gloucestershire
GL53 0PE

Comments: 27th June 2011
Letter attached.

Comments: 25th June 2013
Whilst this amended application does address many of the issues that the neighbouring properties might have had about height/impact and access, it still leaves a number of problems:-

Flooding

By simply putting all the accommodation on one level, the risk of flooding is actually increased because the footprint of this building is considerably larger. The application is very non-committal on flood prevention/drainage. The properties that suffer the most from this issue are beyond 113 Church Road, i.e. 107 and 109 Church Road and The Vineries (as was demonstrated in July 2007).

Access

I'm concerned that the previous (successful) application for the new driveway/access at 113 Church Road makes reference to the garage to the side of the property being used in the future. The only way to achieve this would be via the existing access lane which is a PROW. This would enable the new property to be accessed by two driveways. The use of the original driveway/lane for this purpose would be incredibly dangerous for both pedestrian and vehicular users. Please can I ask that the council make it a condition of planning that the original lane is not used to access the new property (this to include ALL construction traffic, which will be particularly hazardous to pedestrians)?

14 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 21st June 2011
Letter attached.

14 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 16th June 2011
Letter attached.

15 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 23rd June 2013

I am writing to you to object to the planning application submitted by our neighbours at 113 Church Road for a single storey dwelling in their garden. I have viewed most of the documents regarding this application, however at the time of writing this I had intended to consult them further in writing my response. The documents are no longer on the Councils planning portal despite there being two days left for me to comment. I insist that the deadline for making comments be extended since this lack of access to the documents is affecting my ability and the ability of my neighbours to comment on this proposal as is our right. I write this objection based on what I have seen of the application so far but I would like the opportunity to add to/amend this letter once the documents are available to view again.

I object on the following grounds:

Loss of privacy: One of my primary concerns with the original proposal for a two-storey house was that my husband and I would lose privacy in our home since the residents would be able to look into our home from their windows. Despite the revised plans now referring to a single storey dwelling, the orientation of the building in its plot will still allow the residents to look from the main windows running along the garden side of the house into our home (and garden) which represents a loss of privacy for us. This situation will be even worse if the mature shrubs/trees along our border with 113 Church Road are removed. It is not clear what is happening with these shrubs/trees from the parts of the application we viewed. Even if they remain, we will still lose privacy in our home with this development. Equally, I do not wish to be looking from my home straight into the home of someone else. The arrangement of houses in this area at present prevents this since there are two garden lengths between houses whereas this is not the case with this proposed development.

Subsidence: It also needs to be considered by the Council whether the removal of any mature trees and shrubs could cause subsidence to my property and my garden buildings.

Design: The proposals for this home suggest that the design of the house is in keeping with the local area because there is an eclectic mix of housing on and surrounding Church Road. There is, however, no other house that is so modern in design and this design is not in keeping with the local area. If permitted this development would have a negative visual impact on my property since it would be clearly visible from the upper and ground floor rooms of my house.

Density of building: I believe the home is too large for the plot size it would be located within.

Flooding: The large garden at present absorbs rainwater yet with development I am concerned about the result of increased run-off for the surrounding area and for my own home. I am not sure that the proposed soak away is sufficient for worse-case scenarios bearing in mind the heavy rain we have experienced recently.

Nature conservation: The garden at 113 Church Road provides a habitat for local wildlife. Building on this plot will remove this habitat for local animals and birds.

Further to the grounds on which I object, I would like to raise two other issues:

When the previous plans were submitted, I highlighted to the Council that the drawings neglected to show the position of my home. I was told that amended drawings would be requested from the applicants that would show our home however, our home is still not represented on a number of the drawings and I bring this to your attention so that you may give full consideration to the implications of this proposed development for my own home (e.g., my loss of privacy).

Finally, I am concerned that were this application granted, we could see design creep. Previously, my husband and I supported our neighbours in their request to alter the access to their property, boundary wall and entrance gate because we were under the impression that they wished to install a garage on the part of their plot now proposed for the building of this house because they do not have a garage and they wanted to make better use of the garden. (You will see our support for this proposal on the on-line portal within the history for this property). However, the next thing we heard was that rather than landscape the garden they were seeking to put a new property in the plot. We were very shocked by this and my concern is that once there is a foot in the door, the designs will change yet again, as has been my experience so far. I appreciate that my concerns about design-creep are not grounds for an objection therefore please refer to my points above in justifying my objection.

Thank you for giving me the opportunity to comment on this proposal.

15 Vineries Close
Cheltenham
Gloucestershire
GL53 0NU

Comments: 23rd June 2013

I am writing to you to object to the planning application submitted by our neighbours at 113 Church Road for a single storey dwelling in their garden. I believe my wife has also commented on the fact that the documents are not viewable at the time of writing this letter. If we cant see the documents it's difficult to list all of our objections.

My objections in the absence of having the documents available for further reference are as follows:

Density of building: The proposed development is too big for the plot and appears to be very close to the boundary with our property.

Design: I don't believe that this property will fit with those in the surrounding area due to its contemporary design. This will spoil the view from our home.

Loss of privacy: Despite the reduction in the number of floors since the last application by our neighbours, I am concerned that we will still lose privacy in our home. At present, its not clear whether there will be removal of trees and mature shrubs from the boundary of our properties, however either way the positioning of the house in the plot (and the placement of the large windows) means we will be able to look into this dwelling from our residence and vice-versa.

Flooding: The large garden at present absorbs rainwater- remove this and it increases the risk of flooding.

Our property is not included in a number of the drawings and this is misleading since it does not give an accurate picture of the impact of this proposed development on my property.

Thank you for giving me the opportunity to comment on this proposal.

POSTAL
M 17 JUN 2011 O
SERVICES

11-6-2011

Your Ref 11/00735/FUL

Dear Sir,

AG 3799 2614 5GB SIGNED FOR



Re Proposal for the Erection of a two
storey dwelling to the rear of 113 Church Road
Leckhampton

I have considered the application from Mr & Mrs Mark Sheldon in respect of the above development very carefully and would like to make the following points in objecting to it:

(1) Prior to the purchase of 'Homelands' by Mr & Mrs Sheldon the previous owners i.e. the Executors of the Estate of the late Jean Bendall applied for permission to demolish 'Homelands' and erect three dwellings on the site. This proposal was rejected by the Borough Council and the rejection was upheld by H.M. Inspector on appeal who stated that in his opinion "the volume of traffic in Church Road had reached saturation point and could not accommodate even one more car". The fact that it is proposed to make an entrance directly into Church Road for cars belonging to the owners of 'Homelands' and therefore leave the access lane for the use of the owners of the new building will not reduce the level of traffic in Church Road.

Since the H.M. Inspector's statement the traffic levels in Church Road certainly have

not decreased and at certain peak times it is very difficult to get access into Church Road from the lane. This is not helped by cars being parked close to the lane's entrance

(2) Since Mark & Tracy Sheldon purchased 'Homelands' they have made a wonderful job in clearing the large overgrown area at the rear of the garden and laid out a nice lawn and flower beds. This open space which is of benefit not only to them but also to the surrounding area will be lost should the development take place. Whilst the proposal may not quite fall within the term 'garden grabbing' which the Borough Council oppose it is very close to it. I also feel that they and any future owners of 'Homelands' will feel blocked in should this proposal go ahead and this valuable open space will be lost forever.

(3) From the plans I have seen of the proposed new building I find it hard too understand how this modern design will fit into the area and not become an eyesore

(4) On a personal basis I am extremely reluctant to register my objection to this planning application as I have been good friends as well as a neighbour of Mr & Mrs Sheldon since they purchased 'Homelands' but I would

ask the council to very carefully consider the points I have raised and I hope that then they will decide to reject the application.

(5) I feel that vehicles leaving the proposed new building could present a serious danger to vehicles driving up or down the existing access lane as they will not be apparent until both the vehicles are in very close proximity and I cannot see how this danger can be eliminated.

Yours faithfully



Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	17 JUN 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Your Reference 11/00735/FUL

12-6-2013

Cheltenham Borough Council Environment Group			
PASSED on 17/06/2013			
REC'D	17 JUN 2013		
Date of Response	Type of Response		
Initials of Respondent	File Ref.		

Re Extension of a Storey dwelling
at the rear of 113 Church Rd.
Leckhampton

Thank you for your letter

of the 4th June notifying me of the revised plans for the above, I wish to make the following objections & comments:

(1) The proposed building is too large for the size of the plot of land. The proposed design is of a very modern nature & will not fit in well with the neighbourhood.

(2) The construction of this building will result in the loss of further valuable open space which benefits both humans & wildlife. This is particularly important in view of the new building which is proposed for the area.

(3) The provision of this dwelling will create more traffic entering Church Rd at the point of a dangerous bend in the road.

(4) The change in the weather pattern has resulted in longer periods of heavy rain and building on this open space will result in the loss of natural drainage. I understand that the plans take this into account but I have no expert knowledge and cannot say they will be adequate in the worst conditions. Should this not be the case

flood water will overflow into the paddocks and subsequently into part of my garden and the gardens of Valerie Lodge which back onto the paddocks

- (5) Mark & Tracey Sheldon have made a number of improvements to Homeland since they moved in and the property is one of the most desirable in the area in its present condition I feel that if the proposed development goes ahead it will have a detrimental effect on the value of properties in the immediate area and particularly on the value of 'Homeland'. It also appears contrary to the Council's policy against garden grabbing.
- (6) The previous application contained provision for the Builders Lorry, the driver of the new building and visitors to it to gain access via the narrow lane to the side of Homeland and this concerned me greatly. I understand that under new plans that these will use the new driveway which has been constructed inside the boundary of Homeland and if the Council do grant planning permission for this development that would be an explicit condition of the planning permission

Yours faithfully



Enviro: Page 205			
PASSED			
REC'D	13 JUN 2011		
Date of Response		Type of Response	
Initials of Rec'd		File Ref.	

14 Vineries Close
 Leckhampton
 Cheltenham
 Glos.
 GL53 GNU
 8th June 2011

Mr Martin Chandler
 Cheltenham Borough Council
 Municipal Offices
 Cheltenham

Dear Mr Chandler,

Proposed construction of house at 113 Church Road Leckhampton
Ref.11/00735/FUL

I am writing to express my deep concern and dismay at the proposed development as outlined above. I have seen the plans and feel I am in a position to comment on these in detail.

The property would overlook and shadow our property to such an extent as to completely spoil our enjoyment of our home. We have lived here extremely happily for over eighteen years and considered that this would be our family home for life. Indeed, at the mere mention of moving house our daughter becomes extremely distressed. The nature of this development would have such an extreme impact on our lives as to make our continued residence intolerable.

Because the proposed property would lie south of our home our light and sunlight would be drastically reduced, our beautiful view of Leckhampton Hill would be obliterated and our garden would become totally unviable. We would lose our privacy in both our house and our garden, as there would be windows over looking our home.

The land, by nature of its size and position is totally unsuited to this proposal. The present dwelling is single storey and the garden is of pleasant size. The proposed development would mean that the residents would have limited space and little or no parking for visitors. As a frequent pedestrian and motorist using Church Road I can say with absolute authority that the access would be in the very worst place from the point of view of safety. At present any cars parked outside 115 and 117 cause an unacceptable hazard but if vehicles were to park outside the proposed development the carriageway would be entirely blocked, leaving drivers unable to overtake safely because of the curve in the road.

Access to and from these properties would be extremely hazardous because traffic travelling fast along Church Road towards the school is, at this point, entirely focused on overtaking the legitimately parked cars on the left whilst avoiding oncoming traffic. The bend in the road reduces visibility to such an extent that any further hazard of vehicles entering or exiting this development would create an unacceptable degree of danger.

As a parent who has accompanied young children along the pavement to and from the local primary school I am extremely fearful of the hazards such a development would create. The road is very narrow at this point and the pavement only permits single-file movement. The danger to pedestrians would be exacerbated enormously by visiting motorists parking illegally on the pavement rather than obstructing the highway. At present when this happens pedestrians are forced to walk out into the road as crossing is made impossible by the nature of the narrow bend. The proposed development would mean that this would become a frequent occurrence and lives would be at risk.

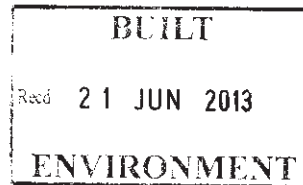
One of the main routes to this the playing field will be along the footpath, which the property would use for vehicular access. At a time when parents would like to feel it safe to allow their children to use this footpath to access these facilities they will feel unable to do so because of the

unacceptable increase in traffic unused to negotiating pedestrians. The pedestrian route in question is also the main access route to the allotments, with people constantly using wheelbarrows laden with tools. The lane is too narrow to accommodate both parties.

Please visit the site to see for yourself the unsuitability of such a development and allow the residents who are so deeply affected to see that there is justice for the ordinary person.

Yours sincerely,





14 Vineries Close
Leckhampton
Cheltenham
Glos
GL53 0NU

20th June 2013

Mr Martin Chandler
Built Environment
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham
Glos
GL50 1PP

Re Your Ref 11/00735 FUL
Erection of a dwelling to the rear of 113 Church Road Leckhampton

Dear Sir

I object to this planning application on the grounds that it is unsuitable development in the context of the property character and positioning in the immediate vicinity, that it overlooks other properties, and that it will bring extra traffic onto Church road at a potentially dangerous position.

I reference my detailed comments supporting this view to points in "Planning statement – revised May 2013"

3.0 Planning history (see also 4.25 Q AP1) The vehicular access was granted solely for access to 'Homeland' at 113 Church Road, therefore the existence of this cannot be used as a precedent for determining the suitability with regard to any future traffic movements or safe operation.

3.3 Thompson Drive is on the other side of Church Road and some way from this development; it has different characteristics, not all of which are comparable to this case

3.6 (see also 4.25 Q AP4) The lack of "personal injury accidents" cited is a complacent viewpoint rather than a sensible risk assessment of, in my opinion, an increasingly likely risk based on my observations of this road for the last 25 years. That part of Church Road is a special case where a slight kink in the road combined with parked traffic causes a blind spot and pedestrians may be in close proximity either side. This concern therefore applies to 3.8 where it states "1 additional dwelling will have no..." with a 4 bedroom property there is every possibility this could be 2 to 3 cars and therefore will have an adverse effect.

4.15 Vineries Close is a mid-1960s housing estate and other housing in the vicinity is earlier but of similar style and construction; there seems to be an implication throughout this document that much development is rampant and "unordered" - the variety of forms and styles do exist but they are built and, if applicable, extended in similar architectural styles.

4.20 Out-of-character materials are proposed including a metal roof

4.21 Cramming a 4 bedroomed property into this garden this is precisely an example of inappropriate development (see also 4.25 Q W1 – This does represent an increased flood risk in the ever-increasing concreting over of gardens.

4.25 It may be hidden from majority public view – but will impinge on our view of Leckhampton Hill which we have enjoyed for over 20 years.

(Q C2) I contend that the remaining garden for this house looks small.

(Q C3) The “frontage access” has no relevance as it is stated it will “not now intended to serve the proposed dwelling”.

(Q C6) This property does not complement the existing character of the immediate vicinity; the fact that it is garden infill and of a totally different design to any existing property exemplifies that.

(Q C7) It will affect the vibrancy, there have been no extra houses built on the vehicle access to the east for many years.

(Q C13) Great variety does exist “with buildings of different heights, ages and styles” but none is one and a half height and of futuristic design and construction (largely wood panelling with a metal roof covering). All buildings within the vicinity are of a traditional construction. (see also 4.30 Where it states that “the proposed dwelling will sit comfortably in this setting” I totally disagree for obvious reasons just stated.)

(Q C14) This may be single storey but it is one and a half height and will indeed overlook neighbouring properties.

6.2 I cannot see in what way “the highways issue is overcome” it is surely made worse.

Yours Faithfully



Built Environment
 Planning Department
 Cheltenham Borough
 PO Box 12
 Municipal Offices
 Promenade
 Cheltenham
 GL50 1PP

13 JUN 2011			
Date of Response		Type of Response	
Initials of Responder		File Ref.	

17 Vineries Close
 Leckhampton
 Cheltenham
 GL53 0NU

10 June 2011

Ref: 11/00735/FUL (113 Church Road)

Dear Sirs

We would like to register the following comments and to express our concerns and protests about the development proposal at 113 Church Road.

- 1) Our property would be overlooked from the upper parts of this proposed dwelling. This is an unacceptable change in amenity value.
- 2) Perhaps more importantly, we would be able to see the ugly and utterly inappropriate upper storey and roof structures. Both the above observations are in contrast to the erroneous answer to question A1 in the Planning statement. Also see comments in point 8 below.
- 3) Much play is made of the need for more housing in the region in the Planning Statement. This proposal would be of little help since it is in an expensive part of Cheltenham (Leckhampton) and would not fall in to the 'affordable' housing category that is needed. This makes most of the justifications attempted in sections 4.1 to 4.8 of the Planning Statement irrelevant.
- 4) Whereas we agree that that there is variety in the architectural styles in Church Road, they exist for sound historical reasons. The various styles co-exist in a sort of happy harmony. This proposal is totally and unnecessarily out of keeping. The answer to question C6 in the Planning Statement is quite wrong, and the answer to C10 in the Planning Statement is ludicrous in that the development makes no attempt to 'respect existing development in the area.'
- 5) Referring to the answer to question W1 in the Planning Statement, in June 2007 that part of Church Road was flooded and impassable. This dwelling will make this problem even worse by adding another area where rain water must be diverted – probably to a soakaway which will not be able to cater for heavy downpours.
- 6) We are unclear what the Council's Policy is on Garden Development, but it should, we feel, be to prevent it unless there is a very special and compelling reason. This Planning Application attempts to justify itself by saying in section 3.8 that there may be a development 'to the south of Cheltenham that will put far greater pressure on Church Road than the level of traffic associated with this scheme'. The logical extension of this

statement is that there is no need for this development since housing needs will be met by a more substantial scheme in the future.

- 7) Another illogical argument put forward is that an earlier development allowed in Thompson Drive should make this development more probable. Exactly the opposite is the case. The Thompson Drive development pushed traffic closer to the capacity limit. Every system reaches a limit before breaking. All users of Church Road know that it has reached its capacity limit in the morning rush. This scheme would only make matters worse.
- 8) The answer in 4.9 of the Planning Statement states that 'the application site is effectively hidden from public view'. This is untrue and illustrates the insincerity of the Design & Access Statement (section 11) implying it is an ecologically orientated design. The access road is a public footpath as can be seen on Gloucester County Council Public Right of Way (PROW) map. So although it may not be visible to car drivers who damage the environment as they pollute the air, and who are foolish enough to be looking at the development rather than concentrating on the dangers of Church Road, for those boring old fashioned people using their legs as a means of transport it most certain is highly visible and is as mentioned above totally out of character with the listed buildings just over the road and out of kilter with every other dwelling for a considerable distance.

We hope these points will be taken into consideration when this application is considered.

Yours faithfully



17 Vineries Close
Cheltenham
GL53 ONU

12 June 2013

Ref: 11/00735/FUL 113 Church Road, Leckhampton.

Dear Sirs

We would like to object to the revised development plan.

Looking at the Superseded Planning Statement in detail:

Visual impact

- 1) The statement in section 2.6 (Page 7) is misleading, in saying that *"The site is not readily apparent from the Public Realm in Church Road"*. The access road is a public footpath as can be seen on Gloucester County Council Public Right of Way (PROW) map. So although it may not be visible to road users in Church Road, it most certainly is visible to those of us using our legs as a means of transport.
- 2) With regard to the answers to questions C6 (Page 14) & C13, C14 (Pages 15,16):- *"There is a large variation to the architectural style locally....."* In our view, the design is entirely out of keeping with existing neighbouring structures both in orientation and choice of materials. There are no other similar designs in the area, other perhaps, for the odd garage roof and wooden garden shed. Whilst there is some variety in materials, most buildings nearby are brick or render and tile. The few wattle and daub thatched roofed buildings are unobtrusive and visually delightful. If this development is allowed, are we to expect log cabins with corrugated roofs opposite the municipal buildings (there's quite a bit of grab-able land there!) or wigwams in Landsdown Road?

Design

- 3) The answer to question C2 (Page 13) states that *"The proposal would have no impact on landscape settings..... There is no adverse impact on character or amenity, with both remaining gardens being spacious, and therefore no need to mitigate against such impacts"*. On the contrary, 113 Church Road seems in need of an extra driveway, replacing garden area, and the new proposal's garden is very small.

Amenity Value

- 4) The answer to question C3 (Page 13) states that *"There are no key local views or vistas through the site"* Leckhampton Hill is an area of outstanding natural beauty, the view of which will be restricted to some of our neighbours in Vineries Close.
- 5) The answer to question C5 (Page 14) dismisses the fact that the proposed building is rotated by 90 degrees relative to every other property in the area. (This, of course, removes the problem of overlooking other properties away from the existing building at 113 Church

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	17 JUN 2013 1/2		
Date of Response		Type of Response	
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Road, and ensures the reduction in value to neighbours' properties is not shared by the owner of 113 Church Road.)

- 6) The impressions given by the answers to questions A1, A2 (Page 16) "*..... There will not be any undue overlooking of neighbouring property from rear facing windows*", and "*There is no clear pattern of garden to dwelling relationship that should be followed*" are arguable. There is a clear relationship; the gardens generally are arranged in a way that puts 2 garden lengths between the rear aspects of each dwelling. This proposal, due to its orientation, puts the garden facing sideways seriously overlooking the house adjacent to 113 Church Road and allows lack of amenity to a number of gardens, including to an extent, ours.

Traffic

- 7) In Sections 3.3 – 3.8 (pages 9,10), the essence of the argument is that a previous increase in traffic due to a development in Thompson Drive was permitted and that fact should support this additional cause of traffic increase. This is an illogical argument and implies we can keep putting 'straws on the camel's back' until it breaks. The Thompson Drive development pushed traffic closer to the capacity limit. Every system reaches a limit before breaking. All morning rush users of Church Road know that it has reached its capacity limit. This scheme would only make matters worse.

Flood Risk

- 8) We disagree with the impression being given by the answer to question W1 (Page 17 of the revised planning document). In June 2007 that part of Church Road was flooded and impassable. This dwelling will make this problem even worse by adding another area where rain water must be diverted seemingly to a soak-away which will not be able to cater for heavy downpours.

We hope these points will be taken into consideration when this application is re-considered.

Yours faithfully



Cheltenham Borough Council Environment Group		Collum End Farm 88 Church Road Leckhampton Cheltenham Gloucestershire G153 0PD	
PASSED TO			
REC'D	10 JUN 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Mr R Lindsey
Development Manager
Cheltenham Borough Council
PO Box 12 Municipal Offices
Promenade
Cheltenham GL50 1PP

9th June 2011

**Proposal: Erection of a two storey dwelling to the rear at 113 Church Road
Leckhampton, Cheltenham**
Your Ref: 11/00735/FUL

Dear Mr Lindsey,

Thank you for your letter telling me of this possible development.

I have seen the proposed plans and I have no objection for the following reasons:-

1. There will be no need for parking in the road.
2. The planned house will be unseen from my property, and in fact will hardly be seen from the road.
3. This road has houses from many different centuries, so a modern house will add to this collection of property
4. Mr & Mrs Sheldon have kept me informed of what they propose, and I think they will be very particular in implementing this building.

Yours sincerely



16, Vineries Close
Leckhampton
CHELTENHAM
GL53 0NU

10th June, 2011

The Development Manager
Cheltenham Borough Council
P.O. Box 12
Municipal Offices
Promenade
Cheltenham. GL50 1PP

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	16 JUN 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Dear Sir

Planning Application – Ref. No. 11/00735/FUL

I refer to your letter of the 3rd June regarding the above-mentioned planning application and wish to register my objection to the proposal.

The proposed plan shows a large and substantial building with the front elevation facing south. It is, therefore, at right angles to the existing houses in Vineries Close and Church Road and would mean that occupants of the proposed dwelling would overlook and have a view particularly into the bedrooms of the houses very nearby in Vineries Close.

The present boundary between the proposed house and No. 15, Vineries Close is a high hedge and some trees but if any of these were removed or reduced in height it would seriously further affect the privacy of those in No. 15 Vineries Close and ourselves in No. 16.

The lane providing access to the site is very narrow and is frequently used by adult and child pedestrians and any extra traffic using this would create a further hazard. Similarly, the access to and egress from that lane is particularly difficult because it meets Church Road at its narrowest point and where visibility in either direction is very restricted by reason of the bend in the road at this 'pinchpoint' and by vehicles parked along the road to the left and often to the right of the lane.

Although the 30 mph limit on Church Road was extended to beyond Crippetts crossroads, this has had little effect on the general speed of traffic using Church Road and, whilst there have apparently been no injury accidents where the lane meets the road, tyre marks resulting from severe braking and indeed tyre squeal from such braking are regular occurrences indicating that it is more by luck than judgement that a serious accident has not occurred. Furthermore, some vehicles have to mount the pavement in order to pass each other.

2.

Your records will show that two previous applications to develop this site have been refused and I cannot think of any change which might improve conditions, especially since traffic flow has increased with more and more drivers using Church Road as a 'rat-run' and, although attitudes to planning applications may have changed over recent times, the comments of a Planning Inspector in refusing a local appeal that 'Church Road cannot take another single vehicle' must still obtain.

I therefore wish to confirm my objection to the proposal on the grounds of excessive traffic, the visual impact of such a building and particularly the loss of my privacy.

Yours faithfully



Cheltenham Borough Council			
Environment Group			
Page 216			
PASSED TO			
REC'D	20 JUN 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

117 Church Road
Leckhampton
Cheltenham
GL53 0NY

Mr Mike Redman
Director – Built Environment
Cheltenham Borough Council
PO Box 12
Municipal Offices
Promenade
Cheltenham GL50 1PP

Dear Sir

Proposed Development at 113 Church Road, Leckhampton
Reference: 11/00735/FUL

We, as near residents of the above property, wish to object to the application to build a 2 storey dwelling to the rear of 113 Church Road. The reasons for this objection are:

- The ingress and egress of the proposed dwelling is far too close to the narrowest part of Church Road. We have in excess of 7000 vehicles per day using this road and at this point we have many near accidents and several minor shunts on a regular basis (we know personally of five such incidents in the past few months). It is appreciated that only accidents involving injury to persons or animals have to be reported to the Police and therefore I believe only two such incidents have occurred within the past 5 years. However, there are near misses here each and every day of the year.
- There is a school nearby and many children walk (as the Government requests) to avoid congestion - at the moment it is perfectly safe for those children to do so as there are no roads on the Western side of Church Road after Kidnappers Lane to cross. The proposed new vehicular access in what is presently a private drive with obscured access (used by 2 cars only and by people who have lived in their properties for very many years and know the dangers) would be detrimental to the children's safety.
- There is also the serious problem of visitors to adjacent houses parking on the pavement forcing pedestrians to walk in the road, and another property will only exacerbate this issue.
- A new play area has been established in Burrows Field and this has resulted in an increase in the amount of pedestrian traffic using the private lane that leads to the rear of no. 113, families with small children will be using the lane at all times of the day and in the summer months during the evenings as well. I believe a serious accident (possibly a fatality) will happen sooner rather than later if this proposal is allowed to go ahead.
- A new dwelling would mean at least a further 2/3 cars using this small area. It is a dangerous road and the residents have been campaigning for years for traffic calming measures which now seem to be in the pipeline. These proposals, which would add to the existing hazards seem to be extremely unhelpful.
- I understand the Government's need to build low cost housing but believe that this house would definitely NOT be classed as such, it is likely to be an expensive property of which this area has more than enough and we do not need more.
- When the original planning application was turned down by Cheltenham Borough Council, the reasons given included the sheer volume of traffic using the road and indeed a recent planning appeal relating to Church Farm Dairy was also refused as the inspector concluded that Church Road is operating beyond its physical and environmental capacity, and is sub-standard for the amount of development it currently serves.

- As for the proposed plans we believe that the structure would look totally out of keeping with the area, and yes we accept that there are varying styles of homes along Church Road, but they are all built with traditional materials as per adjacent recent builds and extensions. The proposed building may look fine set within a large 1-2 acre plot but certainly not on a small suburban site closely surrounded by traditionally built homes where it would only 'take over' the area, due to size, height and build materials, and it would also stick out like the proverbial architectural 'sore thumb'.
- The large upstairs rear facing windows could also seriously compromise the privacy of the surrounding gardens.

I trust the above points of objection will merit due consideration.

Yours sincerely

A large black rectangular redaction box covers the signature and any accompanying text or contact information.

[REDACTED]
The Paddocks
107 Church Road
Leckhampton
Cheltenham
Gloucestershire GL53 0PE

Robert Lindsey Esq.
Development Manager
Cheltenham Borough Council
P O Box 12, Municipal Offices
Promenade
Cheltenham GL50 1PP

Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	24 JUN 2011		
Date of Response		Type of Response	
Initials of Responder	BUI	File Ref.	
27 JUN 2011			
ENVIRONMENT			

22nd June 2011

Dear Mr Lindsey

Planning application; your ref. no. 11/00735/FUL

I refer to your letter dated 3rd June 2011 regarding the planning application detailed above. I wish to object to this proposal for the following reasons:-

Design/impact of proposed property

As the proposal is quite clearly a back garden development, it needs to demonstrate that it respects the surrounding area and does not compromise the amenity of adjacent buildings and residents. I do not feel that it has achieved this. The existing property at 113 Church Road is on the Council's index of locally important buildings. It is an unusual 1930s cottage that has been restored and redeveloped to an exceptional level and stands in a beautifully landscaped garden. The ultra-modern proposal severely undermines this property, not only due to the incongruity of the design vis-à-vis the existing property, but also the sheer size and the orientation of the building. In terms of the impact on my own property, it will certainly reduce the light quality I currently enjoy and is likely to throw a large shadow over my thriving orangery at certain times of the day. I am also likely to suffer from some loss of privacy and noise pollution because the proposed parking spaces and vehicle turning (gravel) drive is directly adjacent to my property. This is a semi-rural location that is characterised by wide open spaces and this proposal would impact dramatically on this.

Also, I notice that the artist's impressions contained in the Design & Access Statement would indicate that there is a substantial hedge between this plot and my property running alongside the drive, thus minimising the impact on my privacy. This is not an accurate representation of the existing hedge – it is around five foot high and would not be capable of growing much higher. The drawings are suggesting something far taller than this. Furthermore, in dealing with the impact of the building upon the immediate neighbourhood, the planning statement implies that this is not really necessary because *"the application is effectively hidden from public view such that there is no conflict here."* This is completely disingenuous and factually incorrect. I accept that the proposed development is not visible from the public highway but it is clearly visible from the public footpath and from the properties surrounding it in Church Road and The Vineries. In summary, this proposal is overbearing, intrusive and entirely out of keeping with the surrounding area.

Highway safety

I believe that any contribution to further traffic volume in this particular part of Church Road is to the detriment of local residents and the safety of both drivers and pedestrians. As a public right of way, the private driveway is a heavily used pedestrian resource by a wide variety of people in the locality (particularly young children with the proximity of the local primary school, kindergarten and playing fields). It is not wide enough for a pedestrian to pass any vehicle between Church Road and the gate to 107 adjacent to the proposed site. The planning statement submitted with this proposal attaches great significance to the development allowed in Thompson Drive. Although this has undeniably added to the overall traffic in the area, the access to Thompson Drive enjoys a very wide and highly visible access on to Church Road which the proposed site just does not have. Church Road "pinches" and is at its narrowest where it meets the driveway and visibility for vehicles joining the public highway is extremely poor in both directions. As I will explain in the next section, I believe that if the application was successful, then there would be considerably more instances of traffic joining Church Road from the lane than there is at present and this would exacerbate the existing problems that exist in this area of Church Road.

Driveway safety

An application was made by the owners of 113 in 2009 for a new access to their property which was successful (09/01517/FUL). This, on the face of it, would have improved some of the safety issues highlighted here, and elsewhere. GCC Highways Planning Liaison commented:-

"Ideally in such circumstances where a new access is being provided I would normally recommend that the existing access be stopped up or modified to allow for pedestrian access only, however, this access road that is also a PROW, serves additional properties and therefore I consider it unreasonable to do so in this instance".

I think the conclusion that could be drawn from this is that it would be entirely unreasonable for this same access to then be used in the way that is planned by this proposal.

Furthermore, the planning statement attached to this application contends that there is "no change to ... the existing drive" and "the use of the access drive is a one for one replacement". This is simply not the case; the existing use by 113 Church Road is vehicular access to a garage/car parking space. This access would rarely be used, for example, by visitors to 113. The proposed use would change to all forms of access to the new property. This would lead to greater vehicular use of the driveway and therefore additional movement to and from Church Road using the driveway. Also, the access to the proposed site is partially hidden especially to vehicles travelling towards Church Road from properties 107 and 109 and pedestrians walking from the allotments/Burrows Field. The existing parking spaces serving 105 and 113 are clearly visible to both pedestrian and vehicular users as they are at right-angles to the drive. The proposed access is at an entirely different angle (particularly from the parking space that runs parallel to the boundary hedge with 107) and is concealed by this hedge. In conclusion then, I believe that this proposed development would increase the danger to both pedestrian (particularly) and vehicle users in the driveway and would add to the existing traffic congestion at the junction with Church Road.

The increased risk of flooding

This particular area of Church Road has a history of not being able to cope with severe rainfall. The entrance to the drive is at a low point in Church Road and if there is surface water on the road this is forced down the driveway. The floods in July 2007 swamped the drive with water cascading down it. The proposed development is part way down a steady drop from Church Road to the properties further down the drive (107 and 109) and the allotments and public footpath to the north of 107. A development here would reduce the drainage capacity of the garden of 113 leading to a greater problem further down the drive when surface water is present. From my own experience in 2007, a

soakaway (the only flood prevention mechanism mentioned in the planning application) is an entirely inadequate device to control surface water of the type that can be experienced in this area. In fact, one of the objections to the 1999 proposals to build three houses on this plot cited that "surface water drainage requirements are not met". In my opinion, a detailed and comprehensive flood prevention scheme for both the plot and the access drive should be a prerequisite of any planned development here.

For the reasons detailed above, I urge you to reject this planning application.

Yours faithfully



Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	20 JUN 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

14 Vineries Close
Leckhampton
Cheltenham
Glos
GL53 ONU
16th June 2011

Dear Sir,

I have been told by my parents that there has been a planning application to build a house in the back garden of the property behind our house.

I am really worried to hear about this for two main reasons:

Firstly, I think it will be very detrimental to our enjoyment of our own home as it will take away our light, the view from my bedroom and our privacy. This doesn't seem at all fair to me, as when my parents wanted to add a small extension to our home to provide me with a larger bedroom, we were told by the planning authorities that we could not have a window overlooking the garden where the proposed dwelling would be built, even though there is currently a window in the existing bedroom.

Secondly, I am very concerned about my own safety and that of the babies and children I child-mind. I walk along Church Road every day, often with a pushchair and even now, I have to walk into the road frequently when I arrive at 113 Church Road. This is the most dangerous place I can imagine to have another property as, although the proposal may include allocated parking for the dwelling, there will still be visitors and delivery vehicles as there are for the current property. There is no room for a single extra vehicle on this narrow stretch of road. I would like you to come and see this site for yourself and see the danger I have to put myself, and the children I look after, in on a daily basis. I am sure you will appreciate that this added danger would be totally unacceptable.

I ask you to refuse this planning application. Thankyou.

Yours faithfully,



Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	13 JUN 2011		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

14 Vineries Close
Leckhampton
Cheltenham
Gloucester
GL53 0NU
9th June 2011

Dear Mr Lindsey,

Proposal: Erection of two storey dwelling to the rear at 113 Church Road Leckhampton Cheltenham

I write with regard to the recent planning proposal to build a two storey dwelling to the rear of 113 Church Road Leckhampton.

This proposal would seriously damage my enjoyment of my property due to loss of privacy, noise created so close to my boundary and light reduction due to the height of this building.

Recently we have had a new home built in a neighbour's garden and we did not object to this on the grounds that it would be unreasonable to do so.

This proposal is wholly unreasonable due to its size and proximity to our border.

A few years ago a planning application was submitted for this same garden and the planning officer's statement was that Church Road could not tolerate one more building because of the unacceptable congestion that even one more car would cause.

Church Road is very narrow and already far too congested at the point at which cars would enter and exit. The current dwelling at 113 already causes dangerous problems when visitors park on the pavement. Our daughter walks along this road every day and regularly reports that she has to encounter much risk by walking into the busy road to pass by parked vehicles. The added danger of more traffic and parked vehicles would be totally unacceptable. A large dwelling such as the one proposed could generate a number of vehicles.

My family has lived in our property very happily for 20 years and feel that if this planning proposal is approved we would no longer be able to enjoy our property and feel that we would be unable to continue to live here.

I ask you please to reject this application .

Yours sincerely



APPLICATION NO: 11/00735/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 2nd June 2011	DATE OF EXPIRY: 28th July 2011
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr Mark Sheldon
AGENT:	Russell Overs Architects
LOCATION:	113 Church Road, Leckhampton, Cheltenham
PROPOSAL:	Erection of a storey dwelling to the rear (Revised drawings to those previously consulted upon)

Update to Officer Report

1. OFFICER COMMENTS

1.1. Determining Issues

1.1.1. The key considerations relating to this application are the principle of development in this backland location, the design and layout of the proposal, potential impact on neighbouring amenity and highway safety considerations.

1.2. Principle of development

1.2.1. Members will be aware that the NPPF has removed private residential gardens from the definition of previously developed land. Members will also be aware that local plan policy HS1 (Housing development) advises that;

Housing development will be permitted on;

a) *Land allocated for residential development; and*

b) *Previously-developed land, subject to policies BE2, BE9, GE2 and HS3.*

In all cases, development should make the most efficient and effective use of the site

1.2.2. It is important to stress that policy HS1 is a permissive policy; the absence of the word 'only' ensures that the policy does not rule out other types of housing development. In this respect, development of the application site for an additional dwelling would not be contrary to policy HS1 and members should note that this argument has been thoroughly tested at appeal; they will also be aware that since the introduction of the NPPF, numerous examples of development within garden land have been approved by this Authority.

1.2.3. At the heart of the NPPF is a '*presumption in favour of sustainable development*' and paragraph 49 of this document advises that housing applications should be considered in this context. Paragraph 53 of the NPPF advises that;
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.

1.2.4. In adopting the SPD relating to Garden Land and Infill Development, this Authority have already carried out the above and the SPD clearly and usefully sets out the Council's approach to determining applications of this nature.

1.2.5. In light of the guidance set out within the NPPF, officers are satisfied that development of this site will constitute a sustainable form of development subject to the merits of the development proposed, and it is this the report will now focus on.

1.3. Design and layout

1.3.1. Local Plan Policy CP7 requires development to be of a high standard of architectural design and to complement and respect neighbouring development. The proposal has been amended since its original submission in 2011 and now proposes a single storey dwelling, but retains its overtly contemporary architectural approach.

1.3.2. As advised in the initial officer report, the materials proposed comprise white render, Cotswold stone wall, cedar cladding, powder coated aluminium doors and windows and a zinc roof. The applicant contends that given the variety of architecture within the locality, the site can sustain a building that is very much of its time; a point that many local residents disagree with.

1.3.3. The design approach has also divided opinion between the Architects Panel and the Civic Society (officer note - the comments relate to the initial scheme as neither bodies have reviewed the recent submission) but members should note that the Civic Society do endorse the argument relating to the variety of architecture within the immediate locality. Having visited the site and having thoroughly assessed the application, officers do consider that the architecture for the new dwelling is entirely appropriate and that the contemporary and bold approach will generate an interesting relationship with the indexed building which fronts on to Church Road.

1.3.4. Notwithstanding the comments relating to the external appearance of the dwelling, it was the massing of the building that officers were initially concerned with when assessing the 2011 proposal. That submission proposed a large, two storey property that, in the view of officers, failed to pay sufficient respect to the hierarchy of the built form in the locality, specifically in relation to the indexed building. Officers were broadly comfortable with the footprint of the structure, but in terms of the bulk of the building, the relationship was uncomfortable. Members will no doubt be aware that the Garden Land SPD places a significant emphasis on development understanding and respecting context and officers considered that the initial proposal failed to do this.

1.3.5. Following amendments to the scheme, it is now considered that the proposal does achieve a suitable relationship with the indexed building to the front. Members will note on planning view that the site is large; they will also note that in terms of the urban grain, there are anomalies to the defined frontage of Church Road. There are a number of buildings set behind this built form and notably, the properties that form Vineries Close are readily appreciated within the application site. Officers consider that placing an additional, well designed building into this context will not compromise the character of the locality.

1.3.6. The proposal is provided with a suitable level of private amenity space and retains a commensurate amount of garden for 113 Church Road. The proposal also includes a suitable level of off-road parking as well as an integral garage.

1.3.7. Officers are content that, as a well designed and well considered proposal, the scheme is compliant with the aspirations of the Council's SPD as well as the provisions of local plan policy CP7.

1.4. Impact on neighbouring property

- 1.4.1. Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality. The initial proposal was met with a large level of resistance in relation to potential loss of privacy due to some large, first floor, picture windows in close proximity to the south west boundary of the application site and this was a concern that officers shared.
- 1.4.2. The scheme has been revised such that it now proposes single storey accommodation with all openings at ground floor level. The revised proposal will therefore not give rise to an unacceptable loss of privacy to adjacent or adjoining properties as views will be contained by existing boundary enclosures.
- 1.4.3. In terms of loss of light, the proposal is considered to be acceptable. The proposal sits in space on the site and will not compromise the levels of light received by neighbouring properties.
- 1.4.4. Members will note that some residents have suggested that the proposal will result in the loss of a view towards Leckhampton Hill but this is not a planning consideration. It is of note though that the single storey proposal (albeit a generous single storey) will improve this relationship. The proposal could in no way be classed as an overbearing form of development given the proximity from adjacent properties.
- 1.4.5. Officers consider that the revised proposal complies with the requirements of local plan policy CP4.

1.5. Access and highway issues

- 1.5.1. Members will note from the initial consultation response that the County Council, as highways authority, objected to the proposal due to the substandard quality of the proposed access road and the limited visibility.
- 1.5.2. Since this consultation response, the applicant has constructed a new access point into the site (with the benefit of planning permission and the endorsement of the County Council) and the revised application now proposes this as the access point. In response to this alteration, the County Council have now provided the following comments;
- 1.5.3. *This application for a new dwelling adjacent to Homeland 113 Church Road will utilise an existing vehicular access which was granted approval as a result of application 09/0517/FUL. This access runs adjacent to a lane which was previously proposed to serve this development, under this application, which the Highway Authority commented in June 2011 as being substandard due to restricted visibility and width. It is now agreed that these problems have been overcome by the introduction of the new approach into site, details of which are specified in the aforementioned vehicular access application.*
- 1.5.4. *The parking provision proposed is suitable for the scale and location of the development therefore no Highway objection is raised.*
- 1.5.5. In light of this change in circumstances, and the highways objection being removed, officers are satisfied that there is no highway safety reason to withhold planning permission. Officers have taken the neighbouring residents' comments into account but the County Council have provided clear advice on the matter.

1.6. Trees

- 1.6.1. The Council's tree officer has provided a response asking for a greater level of information in relation to the *Robinia* tree that members will see on the site. The drawings show this tree to be retained and the applicant's own Design and Access Statement advises that the tree is to stay.
- 1.6.2. The tree has been accurately plotted on the site plan and officers see no reason why it should not be retained and comfortably protected throughout the construction process (should members resolve to grant planning permission). The retention and protection of the tree can adequately be controlled by way of condition.

2. CONCLUSION AND RECOMMENDATION

- 2.1. In conclusion, it is considered that the proposed application will generate a dwelling of genuine architectural quality. The proposal has been amended to pay greater respect to the context in which it sits and it is considered that these revisions have resulted in a proposal that should be supported.
- 2.2. The proposal will not compromise the integrity of the locally indexed property, will not compromise neighbouring amenity and will not represent a highway safety concern.
- 2.3. It is recommended that members grant planning permission for the proposed dwelling; a full set of conditions will follow as an update to this report.

APPLICATION NO: 11/00735/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 2nd June 2011	DATE OF EXPIRY: 28th July 2011
WARD: Leckhampton	PARISH: Leckhampton With Warden Hill
APPLICANT:	Mr Mark Sheldon
AGENT:	Russell Overs Architects
LOCATION:	113 Church Road, Leckhampton, Cheltenham
PROPOSAL:	Erection of a storey dwelling to the rear (Revised drawings to those previously consulted upon)

Update to Officer Report

1. 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 numbers 10122 (20A; 21A; 22B; 23B; 25A; 26B; 27B; 28B received 31st May 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 Prior to the commencement of development, a detailed scheme for landscaping, tree and/or shrub planting and associated hard surfacing (which should be permeable or drain to a permeable area) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify species, density, planting size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner.
Reason: To ensure that the development is completed in a manner that is sympathetic to the site and its surroundings in accordance with Local Plan Policies CP1 and CP7 relating to sustainable development and design.
- 5 Prior to the commencement of development, plans showing the existing and proposed ground levels and slab levels of the proposed and adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented strictly in accordance with the agreed details.
Reason: To ensure a satisfactory relationship of the proposed building with the adjoining properties and land in accordance with Local Plan Policies CP4 and CP7 relating to safe and sustainable living, and design.

- 6 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2005 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.
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 Tree protective fencing shall be installed in accordance with the specifications set out within BS 5837:2012. 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.
- 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 occupation of the proposed dwellings, the car parking and manoeuvring facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
Reason: To enable vehicles to enter and leave the highway in forward gear in the interests of highway safety.
- 10 No siteworks shall commence until such time as a temporary construction car parking area for site operatives and construction traffic has been laid out and constructed within the site in accordance with details to be submitted to and agreed in writing with the Local Planning Authority and that area shall be retained available for that purpose for the duration of building operations.
Reason: To ensure that the access roads in the vicinity of the site are kept free from construction traffic in the interests of highway safety.
- 11 Prior to the commencement of development, wheel washing facilities shall be provided within the curtilage of the site to the satisfaction of the Local Planning Authority. The wheel washing facilities shall be used and maintained in good working condition through out the construction works and for as long afterwards as considered necessary by the Local Planning Authority.
Reason: To prevent the development works resulting in mud on the road, in accordance with Local Plan Policy TP1 relating to development and highway safety.

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.

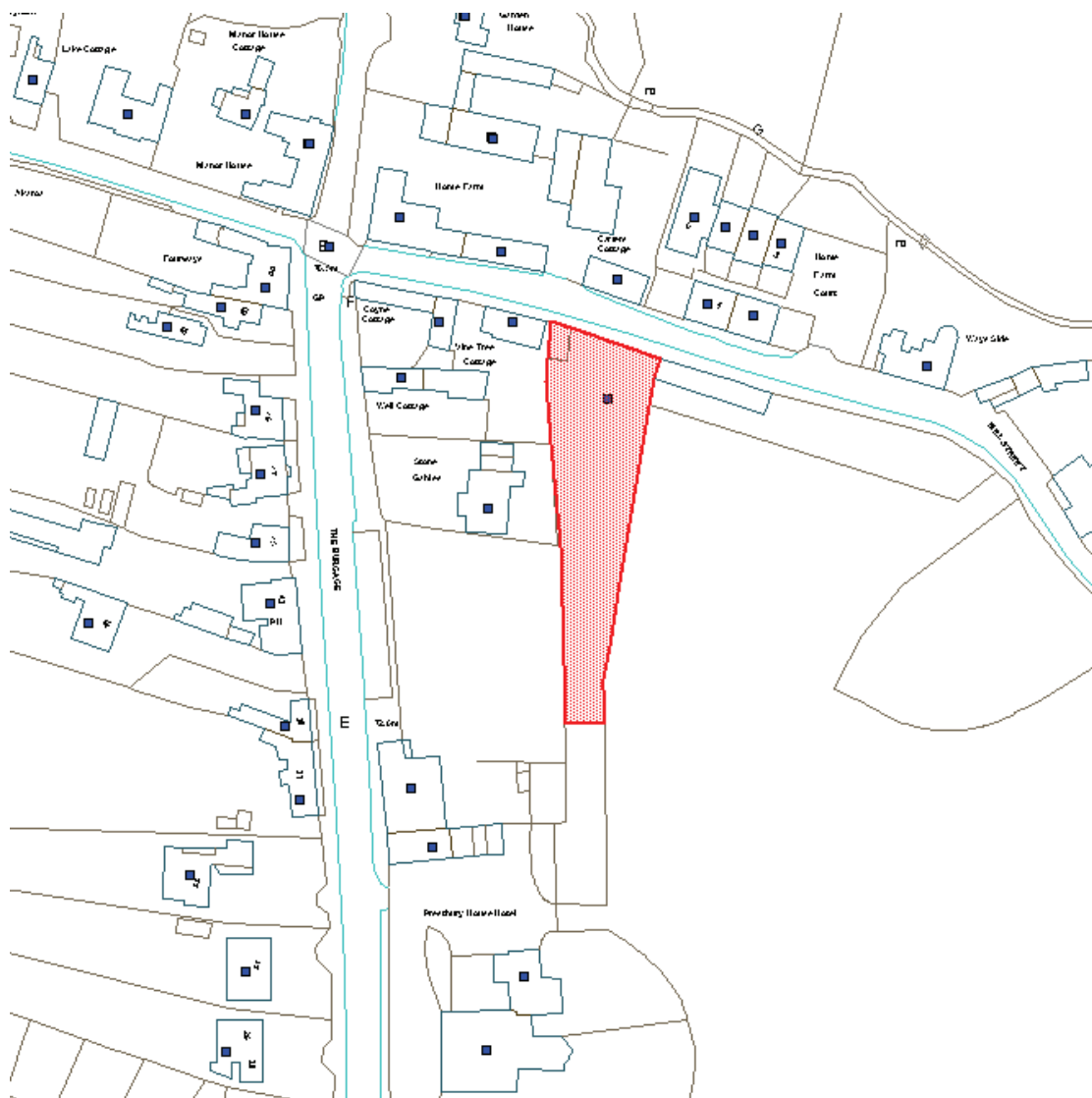
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

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Page 230

APPLICATION NO: 13/00189/FUL & CAC	OFFICER: Mr Martin Chandler
DATE REGISTERED: 12th February 2013	DATE OF EXPIRY: 9th April 2013
WARD: Prestbury	PARISH: Prestbury
APPLICANT: Mr S Whitbourne	
AGENT: Roger Ford Surveyors	
LOCATION: Land to rear of Well Cottage, The Burgage, Prestbury	
PROPOSAL: New vehicular access from Mill Street including the demolition of stone boundary wall and rebuild using reclaimed natural stone	

RECOMMENDATION: Permit / Grant



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application is seeking planning permission and conservation area consent for the creation of a new vehicular access from Mill Street to include the demolition and rebuilding of the existing stone boundary wall.
- 1.2 The application site is located on the south side of Mill Street, close to the junction with The Burgage, and within the Prestbury Conservation Area.
- 1.3 The applicant requires the new entrance to ensure future access to the field in which he keeps his sheep and goats. In a letter to neighbours, in which he explains his reason for the application, he states *“the access to my field/paddock is currently granted by grace and favour from the owners of Capel House next to Prestbury House. In order to reach my sheep and goats (at least twice a day) I have to cross through my neighbour’s rear garden. The granting of this access will shortly finish. My alternative access is via the field adjoining this paddock which belongs to the Church of England. This field I currently rent. When that rental period ends I will have no access to either the paddock or the stables which is why I have applied for access from Mill Street.”*
- 1.4 The application is before planning committee following an objection by the parish council who state *“the proposed vehicular access is inappropriate in the conservation area. It contravenes Policy BE5. The proposal is opposed by the local residents.”*

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Conservation Area

Relevant Planning History:

None

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

BE 5 Boundary enclosures in conservation areas

TP 1 Development and highway safety

Supplementary Planning Guidance/Documents

Prestbury conservation area character appraisal and management plan (2009)

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

GCC Highways Planning Liaison

26th February 2013

I refer to the above planning application received on 12th February 2013 with Plan(s) Nos: MSP.01.

I recommend that no highway objection be raised subject to the following condition(s) being attached to any permission granted:-

Prior to the use of the new vehicular access the vehicular access shall be laid out and constructed such that any entrance gates are set back a minimum distance of 5m from the edge of the carriageway and hung so as to not open outwards towards the public highway with splay lines provided from a point 5m back from the carriageway on either side of the driveway extending at 45 degrees to the highway boundary. The width of the access driveway shall not be less than 4.8m and the area in advance of the gate position/splay lines shall be kept free from obstruction and surfaced in a bound material or other approved material and thereafter similarly maintained.

REASON: To ensure a satisfactory means of access is provided in the interests of highway safety.

Parish Council

27th February 2013

Strongly object to the application on the following grounds:

1. The construction of such a large entrance will have a detrimental effect on the established appearance on this historic street, in the conservation area.
2. If we are to take the drawing at face value, there seems little logic in causing so much disruption to provide a single car parking space. Given the applicant lives in a house over a hundred metres that has adequate off-street parking.
3. Mill Street is subject to periodic congestion due to people parking when attending functions held in the Royal Oak, and at races, this new entrance will only add to the congestion.
4. There is strong local opposition.

13th June 2013

The Prestbury Parish Council reaffirms its objection to this application.

- The proposed vehicular access is inappropriate in the conservation area.
- It contravenes Policy BE5.
- The proposal is opposed by the local residents.

Heritage and Conservation

19th April 2013

1. The principle of creating an opening in this wall is acceptable, subject to the detailed design of this opening and proposed gate.
2. This is a semi-rural location and in a typical semi-rural location there are many gateway openings in walls which give access to the land beyond.
3. However the proposed splay to the wall, and extremely wide opening and solid gates all combine to create a suburban appearance. The entrance way being proposed does not look like a field gateway but an entrance to a large residential property and will be alien and modern features.

4. The proposed design of the entrance will be a feature which will not be visually compatible with the semi-rural appearance and character of this part of the conservation area.
5. It is noted in the Conservation Area Appraisal that this Cotswold stone wall has been identified as a key unlisted feature.
6. It is also noted that Local Plan policy BE5 states that boundary enclosures in conservation areas - a) should be preserved in their original form, b) new enclosures should be in an historically appropriate form.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to eight neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, objection has been raised by the neighbour at 1 Home Farm Court, Mill Street.
- 5.2 The objection relates to:
 - impact on streetscene and historic character
 - increase in traffic
 - possible future intentions of the applicant

6. OFFICER COMMENTS

- 6.1 The main considerations when determining this application are impact on the conservation area and highway safety.
- 6.2 Local plan policy BE5 reads:

In conservation areas:
(a) boundary enclosures should be preserved in their original form; and
(b) new enclosures should be in a historically appropriate form.
- 6.3 The text which precedes the policy reads:

Boundary walls and railings are important to the character of the conservation areas. Original walls and railings should be retained or, where new enclosures are proposed, erected in suitable and authentic materials, height and form with appropriate piers, kerbs, finials, copings, etc, subject to retaining reasonable access to the land or buildings so enclosed.
- 6.4 The Heritage and Conservation Officer accepts the principle of creating an opening in the existing boundary wall subject to its detailed design.
- 6.5 As originally submitted, the application proposed a 6 metre wide, recessed entrance with 2 metre high, vertically boarded timber gates which would have been suburban in appearance, thereby appearing as an incongruous feature in this semi-rural location within the Prestbury Conservation Area.
- 6.6 In response to officer comments, the proposed entrance has now been re-designed to look like a typical field gateway which is a common feature in such a semi-rural location. The opening has been reduced in width to approximately 4.5 metres and would have a 3 metre wide, inward opening, 5 Bar gate for vehicular access and a 900mm wide, 5 Bar pedestrian gate alongside.

- 6.7 Any dressing/repairs to the existing boundary wall would be undertaken using the existing Cotswold stone.
- 6.8 Although formal comments have not been received from the Heritage and Conservation Manager in respect of the revised plans, having viewed them, she has verbally confirmed her full support.
- 6.9 The revised proposal is therefore considered to be in accordance with the aims and objectives of policy BE5.
- 6.10 Local plan policy TP1 reads:

Development will not be permitted where it would endanger highway safety, directly or indirectly, by:

- (a) creating a new access, altering an access or increasing the use of an existing access on to the main highway network, or at other points where it would be hazardous to highway users, unless a satisfactory improvement has been carried out; or***
- (b) generating high turnover on-street parking.***

- 6.11 The initial plans proposed entrance gates set back 5 metres from the carriageway in response to pre-application advice from Gloucestershire Highways; indeed, a condition was also suggested to ensure that any entrance gates were set back a minimum distance of 5m from the edge of the carriageway.
- 6.12 However in order to achieve a typical field gateway, it is necessary to locate the gateway at the back edge of pavement. In response to this Claire Tyson, Highways Development Co-ordinator at GCC has stated in an email that *“the standard access condition would recommend that any gates are set back 5m. However, in this instance since the access is off a Class 4 (unclassified) highway and there are unlikely to be any highway safety issues created from cars being unable to pull off the highway to open the gates, then I don’t think the gates need to be set back 5m. As long as the gates are located at the back of the footway (which is the limit of the adopted highway) and are hung so as not to open outwards over the footway then I would have no problem with that.”*
- 6.13 The revised entrance therefore accords with the requirements of policy TP1 and would not endanger highway safety.
- 6.14 Finally, the objector has questioned the applicant’s motives but Members will be aware that the possible future intentions of the applicant should not be borne in mind when considering this application.
- 6.15 The recommendation is to permit the application.

7. SUGGESTED 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. MSP.01 C received by the Local Planning Authority on 7th June 2013.
Reason: To ensure the development is carried out in strict accordance with the revised drawing, where it differs from that originally submitted.

- 3 The proposed entrance gates shall be hung so that they open inwards into the site, and shall be maintained as such thereafter.
Reason: To ensure a satisfactory means of access is provided and maintained in accordance with Local Plan Policy TP1 relating to development and highway safety.

INFORMATIVE

- 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.

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

APPLICATION NO: 13/00189/FUL		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 12th February 2013		DATE OF EXPIRY : 9th April 2013	
WARD: Prestbury		PARISH: PREST	
APPLICANT:	Mr S Whitbourne		
LOCATION:	Land to rear of Well Cottage, The Burgage, Prestbury		
PROPOSAL:	New vehicular access from Mill Street including the demolition of stone boundary wall and rebuild using reclaimed natural stone		

REPRESENTATIONS

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

1 Home Farm Court
 Mill Street
 Cheltenham
 Gloucestershire
 GL52 3BG

Comments: 23rd February 2013

I have today received letter from Daniel Lewis regarding this application - ref 13/00189/FUL - and studied the documents on line.

Apparently, the environment dept have no objections, having visited the site after snowfall when the place was deserted. I am attaching a photo, taken this afternoon, of Mill Street, and would like to say that the parking situation is very typical whenever there is an event at either of the public houses or the church. It is often impossible for any large vehicle to pass along the road. Could you please pass this on to the environment agency and to Highways. I fail to comprehend why the applicants wish to have access to narrow Mill Street when they have excellent access to The Burgage. I will be forwarding my further comments shortly

Photo attached.

Comments: 25th February 2013

I note that on your website it states that no comments regarding this application have been received. This is most confusing.

However, further to my comments emailed to you on 14th February, I would like to register my strong objection to the above proposal.

Firstly, it would completely destroy the roadscape, altering the whole character of Mill Street, at the same time destroying an ancient wall and historic raised footpath.

Secondly, the proposal would seriously worsen the traffic in Mill Street, where there is very often solid parking forcing vehicles to mount (and damage) the verges. The letter from the Highways dept. on your website shows that their inspection was made at a very untypical time.

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Thirdly, the whole scale of the proposed gateway - one can only conclude that this would be the first stage in an attempt, by the back door, to gain permission to build a property on the site, a proposal which I would certainly oppose.

Comments: 20th June 2013
Letter attached.



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[REDACTED]

From: [REDACTED]
Sent: 20 June 2013 12:00
To: Internet - Planning Comments
Subject: Application 13/00189/FUL For the attention of Daniel Lewis

Good morning Mr. Lewis,

I have been unable to access your website this morning, so emailing you instead.

Regarding the above application, my objections are the same as for the previous one in February. I have received a letter from the applicant, lobbying for my support, and I attach a copy of same.

This is a conservation area and the proposal will alter the streetscape, ruin the iconic raised pavement and cause a hazard to pedestrians. When cars are parked in this narrow road, it would not be possible for an agricultural vehicle to swing into the proposed gateway.

You will see from the letter that the applicant already has access to this plot and the stable (which, I am advised is not his) via the existing double gates 20 yards along the road.

The addition of hard standing within the plot does not link up with the scenario in the letter and I cannot but be suspicious of the applicant's motives. I sincerely hope that the application will be refused.

Yours sincerely

[REDACTED]
1, Home Farm Court
Mill Street
Prestbury
GL52 3BG

Page 241
The Coach House
30, The Burgage
Prestbury
Cheltenham.
Gloucestershire.
GL52 3DN.

29th May, 2013. 

1 Home Farm Court,
Mill Street,
Prestbury, Cheltenham. GL52 3BG.

Dear Sir / Madam (I apologise I do not know your name(s)).

Planning Ref : 13/00189/Ful

I write concerning my planning application for a gateway and access into my field from Mill street.

I would like this opportunity to explain my reasons.

The access to my field / paddock is currently granted by grace and favour from the owners of Capel House next to Prestbury House.

In order to reach my sheep and goats (at least twice a day) I have to cross through my-neighbours rear garden - The granting of this access will shortly finish.

My alternative access is via the field adjoining this paddock which belongs to the Church of England. This field I currently rent.

When that rental period ends I will have no access to either the paddock or the stables which is why I have applied for access from Mill Street.

The original application was for double gates. This was to make entrance with farm implements that much easier (delivery of hay , straw etc). I have now amended the application to a single gate.


The reason for originally requesting a solid gate was for security. A normal five bar gate would give easy access to trespass , it would mean that members of the public would be able to have physical contact with the animals across a gate and a normal gate is less secure for keeping the animals in.

If access permission were granted, the use of this gate for vehicular traffic would be minimal. I need daily pedestrian access for the care and maintenance of the animals I keep.

With regards to the stone wall itself ; this is badly in need of repair any way. The undertaking would be to totally repair the length of wall concerned and retain it at it's original height.

Should you wish to discuss this further then please contact me on 07774642021.

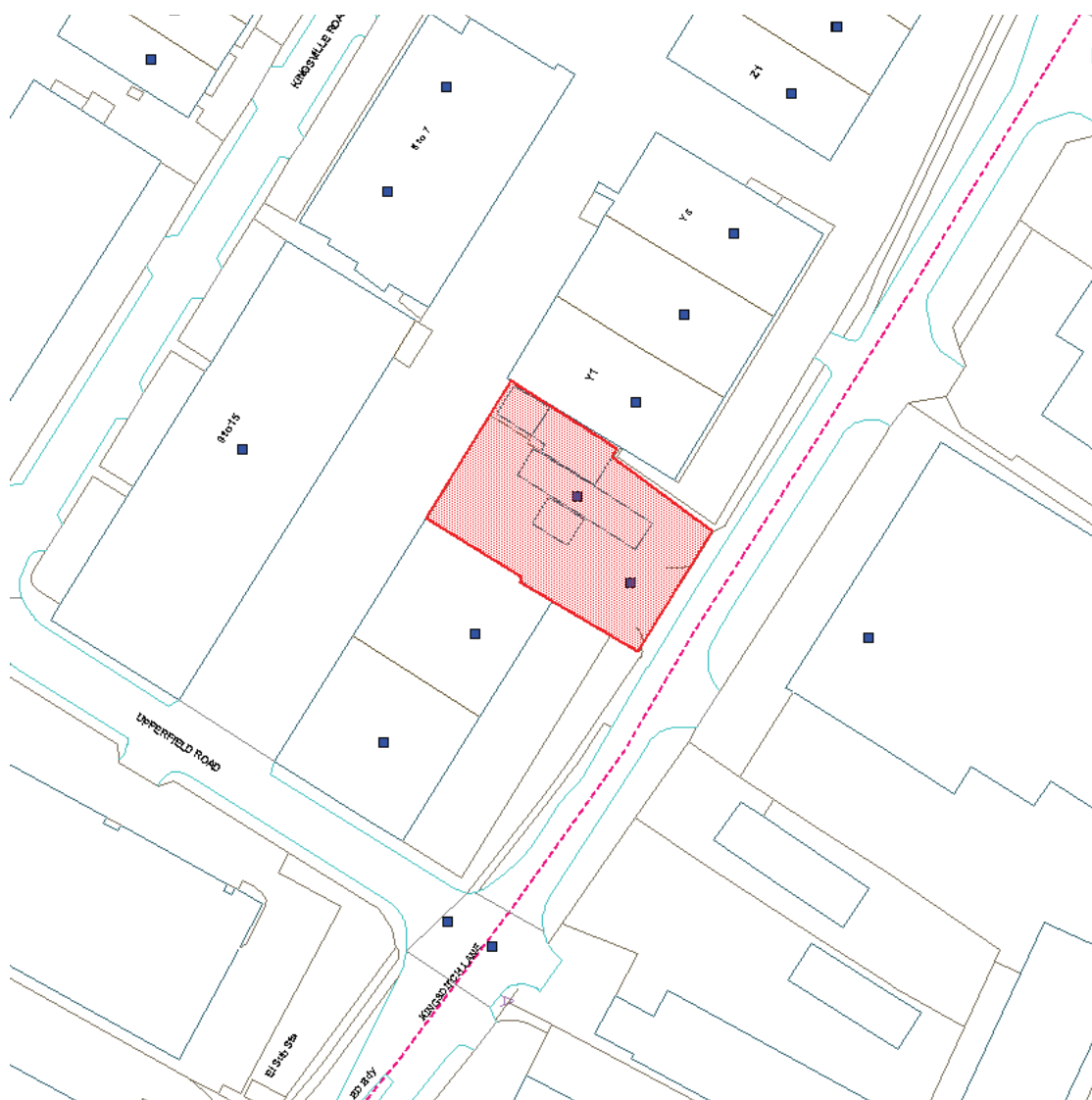
Thank you.
Kind regards,



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APPLICATION NO: 13/00220/FUL		OFFICER: Mr Ian Crohill	
DATE REGISTERED: 14th February 2013		DATE OF EXPIRY: 11th April 2013	
WARD: Swindon Village		PARISH: Swindon	
APPLICANT:	The Car Wash Centre		
AGENT:	Architecnics Ltd		
LOCATION:	Cheltenham Car Wash, Kingsditch Lane, Cheltenham		
PROPOSAL:	Alterations and extensions to automated car wash, to provide a coffee shop (including the re-erection of the valeting and jet wash bays)		

RECOMMENDATION: Permit



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application is to extend the existing building at this established car wash facility to create a coffee house, principally for use by customer of the car wash/car valeting business.
- 1.2 The current use of the site centres around an automated car wash along with jet wash facilities. The proposal would see the automated car wash tunnel removed and the jet wash facilities relocated within the site. The proposal would introduce a coffee shop at ground floor which would be available to customers whilst they were having their cars washed/valeted and also for other people within the industrial estate. The accommodation at first floor would be for staff.
- 1.3 The development proposed is relatively minor in nature but the application is brought before Members for determination because of objections received from Swindon Parish Council.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Landfill Sites boundary

Relevant Planning History:

01/00278/FUL	Removal of temporary buildings and erection of new showroom and office Approved 30.03.01
02/00500/FUL	Removal of temporary buildings and erection of new showroom and office Approved 23.05.02
04/00733/ADV	Display of double sided illuminated freestanding sign Refused 27.10.04
05/00160/FUL	Renewal of permission 02/00500/FUL above Granted 23.03.05
05/00856/COU	Proposed erection of car wash and valeting centre Granted 21.07.05

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 1 Sustainable development
CP 4 Safe and sustainable living
CP 5 Sustainable transport
CP 6 Mixed use development
CP 7 Design
EM 1 Employment uses
EM 2 Safeguarding of employment land
TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Building Control

20th February 2013

No comment.

Parish Council

7th March 2013

Swindon Parish Council asks that the Borough Council consider the following points in relation to the above application.

(1) The site was designed with public access from its frontage in Kingsditch Lane and with a service road at the rear to be used solely for the servicing of the units and not by members of the public. We object to this application as it proposes that members of the public should use the service road to egress the washing facilities and to access and manoeuvre into the parking spaces along the service roads. This is not in accordance with the approved design and criteria for the site. It also creates potential issues of access, usability, safety and security for other service road users.

(2) Users of the car wash will frequently stop after exiting the facilities to re-attach aerials, push back reversing mirrors and to wipe down windscreens. Such activities block and hinder passage through the service road.

(3) Not permitting use of the service road was an objection raised when the original application was submitted for this facility which also proposed making use of the service road. The application was revised to ensure that public egress and access was into Kingsditch Lane. We consider that the objections raised then are still valid.

(4) Change of Use. This application should be accompanied with a change of use application for A3 use. We do not presume that A3 use is included in the same planning classification as a car wash facility.

(5) It is uncertain as to whether the applicant is intending that there should be a take away facility. Due to the nature of the site allowing members of the public either with or without vehicles to access or drive through the site to purchase food would be unsafe for members of the public wishing to use it and for people using the car wash facility. We would not support A5 planning class use.

(6) We cannot see the need for refreshment facilities and are concerned that this may encourage car wash customers to extend their visit which could impact on the efficiency and effectiveness of the car wash if cars stay in the car wash bays whilst drivers make use of the dining facilities or leave their vehicles while they purchase food to take away.

(7) This application lacks sufficient information to be able to consider the proposed use. There are no details regarding hours of operation or what will be sold at the coffee shop, nor details of how the facility will be staffed. It would be totally unacceptable for the same staff who wash car to then serve in the coffee shop. The issues of hygiene are considerable.

(8) There is no label for the first floor area. This should be identified as being for staff use only and should be the staff dining and changing room to ensure that they are completely separate. No such facilities are identified for the staff.

(9) There must be a shower room for the staff. Due to the dirty nature of the jobs undertaken by the staff hygiene is important for a number of reasons. Staff should be able to change in to and out of dirty work clothes, have somewhere to keep their clean and dirty clothes. Staff should be able to shower after they have completed their work. Staff should have a rest room facility. If the intention is to introduce a coffee bar for public use staff and their facilities should be separate from the public.

(10) We recognise that in order to make the planning process more efficient that some documentation is deemed unnecessary for certain applications. However the documentation supporting this application is lacking in considerable detail and we would welcome a Design and Access statement to support this application which may provide us with a greater understanding of the clients intent and considerations for this facility.

(11) We are concerned for the safety of people accessing the proposed coffee shop through the site. There are no identified safe pedestrian routes to the coffee shop that is away from the car wash wet areas.

(12) The proposed bin and recycling area appears to be inadequate and there does not appear to be anything to separate the, presumably clean, cars parked in the proposed bays from the refuse area.

(13) A new sign is indicated on the application but no details have been provided. We object to any new signs without being provided with full details for consideration. Should details be submitted to the planning department for consideration we request that these are sent out for consultation prior to a decision being made.

(14) We support the idea of increasing floor area by adding a second storey however much as been done in recent years to improve the appearance of the buildings along Kingsditch Lane and we feel that more consideration should be given to the appearance of this building.

GCC Highways Planning Liaison

26th February 2013

I refer to the above planning application received here on 13th February 2013 with Plan No: 359-PL 01.

The proposal should not have any additional significant or severe highway safety implications. 15 car parking spaces are being proposed which is more than is currently available, the number of car parking spaces being provided for both the coffee shop and car wash is considered suitable for purpose. I note that no cycle parking has been proposed, in line with the minimum standards recommended in the Cheltenham Borough Local Plan a minimum of 4 secure, covered cycle parking spaces should be provided for the coffee shop element, sufficient space is available within the site for this to be provided and maintained.

Thus, it is for these reasons that I recommend no highway objection be raised subject to the following conditions being attached to any permission granted:-

1) Prior to beneficial use of the proposed development the car parking and manoeuvring facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.

REASON: To ensure adequate parking and manoeuvring space is provided, in the interests of highway safety.

2) Prior to beneficial use of the proposed development, secured and covered cycle storage and parking facilities for a minimum of 4 bicycles shall be provided within the curtilage of the site and such provision shall be permanently retained and maintained thereafter.

REASON: To ensure that adequate cycle storage facilities are provided in line with the Governments declared aims towards sustainable modes of travel.

INFORMATIVE:

The proposed development may require the modification/extension of a footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Gloucestershire Highways on 08000 514 514 before commencing ANY works on the highway.

5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters were sent out to the occupiers of neighbouring premises. No letters of representation were received.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The application site is located within a major commercial/ industrial development to the north of Cheltenham and is accessed off Tewkesbury Road. The existing automated car wash at this site has been in operation for approximately 5 years. Prior to that, the site was used for the purpose of the sale of used cars. Over the years planning applications have repeatedly been the subject of objection by the Parish Council.

6.1.2 In spite of the opposition currently expressed by the Parish Council, it is considered that the proposal is for a use that is well suited to an industrial estate. The building proposed is a simple one with clean simple lines and will not detract from the appearance of Kingsditch Lane.

6.1.3 The majority of the points raised by the Parish Council (see list above) cannot be considered to be planning issues and are thus not relevant to the determination of this application. The use in combination with a car wash could well benefit the employees in the Kingsditch Trading estate; it is not considered that it would be necessary to restrict the hours of operations bearing in mind the location of the site surrounded by commercial units and furthermore the availability or otherwise of changing facilities/ showers does not amount to a planning consideration.

6.1.4 The Parish Council, however, do raise the issue about use of the rear service road to provide for a means of leaving the site. It is important to realise that the Highway Authority consider that the access, egress and customer parking arrangements shown in the application are all acceptable as they comply with adopted standards and indeed it could be argued that they could amount to an improvement over and above the existing situation on site. Without support from the Highway Authority objections on the grounds of access/egress would have been given

very little weight. The Highway Authority, however, do suggest that cycle parking should be provided on site and a condition to secure that has been included below.

7. CONCLUSION AND RECOMMENDATION

- 7.1 That, despite the objections raised by the Swindon PC, planning permission be granted subject to the following conditions.

8. CONDITIONS / INFORMATIVES

- 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 exterior of the approved development shall be rendered to match the existing building and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 3 Prior to beneficial use of the proposed development the car parking and manoeuvring facilities shall be completed in all respects in accordance with the submitted details and shall be similarly maintained thereafter for that purpose.
Reason: To ensure adequate parking and manoeuvring space is provided, in the interests of highway safety.
- 4 Prior to beneficial use of the proposed development, secured and covered cycle storage and parking facilities for a minimum of 4 bicycles shall be provided within the curtilage of the site and such provision shall be permanently retained and maintained thereafter.
Reason: To ensure that adequate cycle storage facilities are provided in line with the Governments declared aims towards sustainable modes of travel.

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.

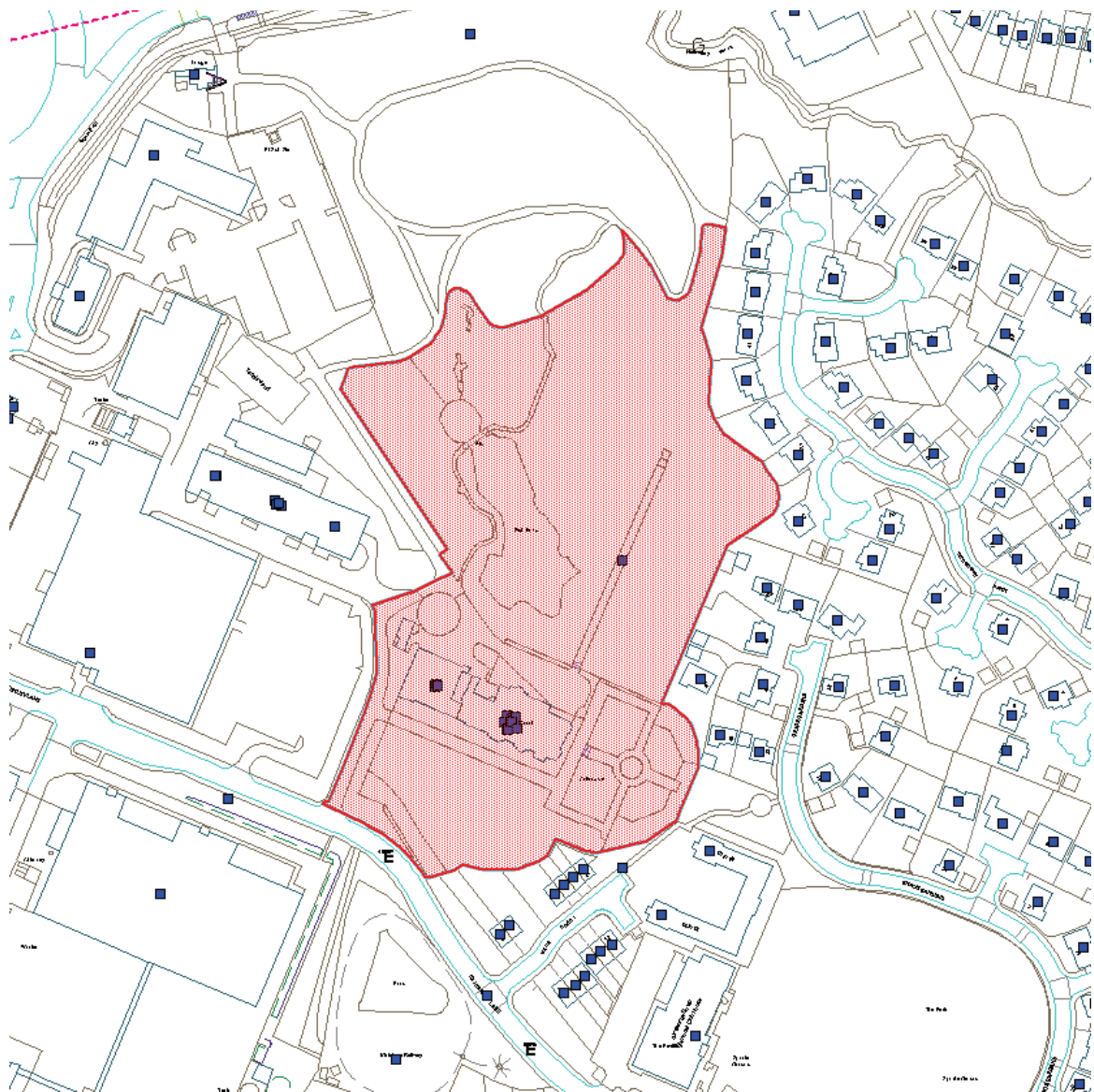
At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in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

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APPLICATION NO: 13/00383/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 8th March 2013	DATE OF EXPIRY: 3rd May 2013
WARD: Benhall/The Reddings	PARISH: None
APPLICANT: Manor By The Lake Ltd	
AGENT: David Scott	
LOCATION: The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane	
PROPOSAL: Erection of pavilion and gazebo within grounds.	

RECOMMENDATION: Recommendation at Committee



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Members will recall that this application was deferred from the May Committee meeting. The applicant has now resolved the matters in relation to land ownership to enable the application to proceed.
- 1.2 The application proposes the erection of a gazebo and pavilion structure within the grounds of Manor by the Lake to be used for wedding ceremonies. Members will be aware that another application on this month's agenda seeks to formalise the use of the building as a wedding venue.
- 1.3 The two structures sit in quite separate locations on the site and members will visit the site on planning view.
- 1.4 The application is before committee at the request of Cllrs Fletcher and Britter to allow the committee to consider the impact of noise on neighbouring amenity.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Listed Buildings Grade 2

Relevant Planning History:

13/00691/COU PDE

Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house

13/00691/LBC PCO

Internal and external alterations to facilitate change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis)

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living
CP 7 Design
GE 3 Development within extensive grounds
GE 5 Protection and replacement of trees
GE 6 Trees and development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Environmental Health

24th April 2013 - I have reviewed the application and offer the following comments:

The application states that the structures will be used for "wedding ceremonies and as outside gathering points". In my discussion with the applicant's agent he agreed this would

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include use as a smoking shelter for guests. The application also states that there will be no "amplified sound" from either installation, and I would recommend that this is made enforceable by including a condition on the following lines:

Condition 1:

No amplified sound of any type, including amplified voices and amplified live or recorded music shall be played either in the Pavilion or Gazebo, or externally during use of either the Pavilion or Gazebo.

Reason: To protect the residents of neighbouring property from loss of amenity due to noise from amplified sound either in or accompanied with the use of these structures.

I am concerned that unrestricted use of the structures by guests, in particular the gazebo will lead to loss of amenity for the residents of neighbouring properties, particularly in their own garden areas. I therefore recommend a condition on the following lines:

Condition 2:

The pavilion and gazebo shall only be used for the conducting of wedding services, and only between 9AM and 6:00PM, daily.

Reason: To protect residents of neighbouring property from loss of amenity due to noise from unrestricted use of these structures.

If you have queries, let me know.

Revised comments - 10th May 2013

In the light of my visit to the site last week I would like to revise my comments on use of the pavilion and gazebo structures:

I am happy that the use of low-key background music and a small PA system to ensure that all guests can hear the ceremony is appropriate for this use of the site, but that there should be some restrictions to ensure that use is not excessive. I would therefore recommend that a condition on the following lines is applied to any permission granted for this application:

Condition:

Use of the gazebo and pavilion shall be limited to conducting weddings, civil ceremonies, blessings and similar events. Use of these structures shall be limited to the hours of 8AM - 9PM, and for a maximum duration of 1 hour each day.

Reason: To protect the amenity of residents of nearby property.

If you have any further queries, please let me know.

Tree Officer

27th March 2013 - 13/00383/FUL Manor by the Lake, Hatherley lane

The Tree Section does not object to this application in principal however there only seems to be one drawing- the gazebo or Pavilion-there are 2 pictures but there is only one structure shown!

However in that the area is surrounded by TPO'd trees, please could a Tree Protection Plan be submitted and agreed prior to the determination of the application. This TPP should show the exact location of any proposed protection as well as the type of protection intended. It should also include any details of any ground protection.

Cheltenham Civic Society

4th April 2013 - No comment

Heritage And Conservation

13th March 2013 - Comments:

1. The principle of the erection of these two structures is acceptable, subject to their detailed design and proposed materials.

2. Their proposed locations within the gardens are acceptable, subject to the tree officer's report.

3. The Design and Access Statement appears to contain an error. The title under the photograph of the proposed location of the gazebo is labelled "site of proposed bandstand". I suggest that this is corrected to avoid any future misunderstandings.

4. Again the Design and Access Statement states that the base of the bandstand will be natural stone but the drawings as proposed indicate a concrete base. Which is correct and what is being proposed?

5. However I have concerns about the design of the proposed bandstand and whilst I recognise it is a "kit/pre-fabricated" building and that in itself is not an issue, my comments about the detailed design are as follows-

a. The proposal to have a reproduction style bandstand is acceptable provided that the shape form and overall design is acceptable.

b. However in my opinion the proportions of this bandstand are poor. The roof shape lacks height and consequently the structure has a strong horizontal emphasis, appears squat and inelegant. Each side section is as wide as it is high, again making the whole structure appear inelegant.

c. Frequently historic bandstands are raised on a podium and therefore have a more vertical proportion. Whilst the proposal to not have a podium is acceptable, it does accentuate the squatness of the proposed design.

d. In addition the side panels relate poorly to the base of the columns and the lack of roof over hang is visually mean.

e. The materials are also a potential problem. Notwithstanding the above comments about the shape and form of the roof, a GRP roof is not acceptable. I also remain to be convinced that the cast aluminium structure is acceptable. I would need a small sample of the proposed casting to help convince me that the end result would not appear as a "Disney like" facsimile of a Victorian band stand.

6. I also have concerns about the proposed gazebo and my detailed comments are as follows –

a. GRP roof is not acceptable.

b. What type of stone is proposed for the base?

c. What type of metal is the frame made out of and how is the frame to be made (ie cast metal or wrought)?

d. The detailed proposals for the framework need to be provided now in order to understand the design.

7. Whilst the principle of the proposals is acceptable the detailed design of both structures is not acceptable.

RECOMMENDATION: PLEASE ASK THE APPLICANT TO PROVIDE REVISED DESIGN AND ADDITIONAL INFORMATION OR REFUSE

Heritage and Conservation revised comments (received 17 June 2013)

1. The principle of the erection of these two structures is acceptable, subject to their detailed design and proposed materials.
2. The proposed design of the pavilion in the grounds has improved sufficiently for me to be able to support this application subject to conditions.
3. I remain concerned about the gazebo especially because it will be in closer proximity to the listed building. In particular the aluminium roof will look “Disney” like and I suggest that this roof is conditioned to be in zinc.
4. The stone base to both structures can also be conditioned.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	24
Total comments received	26
Number of objections	26
Number of supporting	0
General comment	0

- 5.1 In response to the publication, 26 letters of objection have been received. The majority of these objections relate to the potential noise generated by the two structures in terms of music, outside guests, fireworks and just a general increase in outdoor activity. Residents have also raised concerns relating to traffic implications.
- 5.2 These matters are material planning considerations and will be considered in the main body of the report.

6. OFFICER COMMENTS

6.1 Determining Issues

6.1.1 The key considerations relating to this application are the design of the proposed structures, how they impact on the integrity of the listed building and their potential impact on neighbouring amenity.

6.2 Design and layout

6.2.1 The application proposes a gazebo adjacent to the eastern boundary of the site and a pavilion structure adjacent to the fish pond. The gazebo is proposed to sit on a 3m x 3m natural stone base. The structure measures 2.6 metres to eaves height and 4.2 metres to the top of the swept roof.

6.2.2 The pavilion is a larger ‘bandstand’ type structure. It has a hexagonal base which is 6.2 metres in width at its widest point. The eaves height is again 2.6 metres, rising to 5.4 metres at its highest point.

6.2.3 Members will note that the conservation officer initially provided quite detailed comments on these two structures, setting out a number of issues that needed to be addressed before she could support the scheme. The applicant subsequently amended the proposals in light of these comments and members will note that the conservation officer is now satisfied with the scheme subject to conditions relating to the roofing material and the stone base. These conditions are suggested accordingly.

6.3 Impact on neighbouring property

- 6.3.1 Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.3.2 The proposed structures have generated a significant level of objection from neighbouring properties in relation to the potential for increased noise as a result of their use. It is intended that the structures would be used for wedding ceremonies and other similar events and therefore the impact on neighbouring amenity is a significant material consideration.
- 6.3.3 The Environmental Health team have thoroughly assessed the application and members will note from the initial officer response that they have provided two sets of comments, the second set coming after a visit to the site.
- 6.3.4 It was initially suggested that the use of the structures be limited to 1800hrs and that no amplified sound be permitted. Having discussed the proposals with the applicant, Environmental Health have revised these comments and have suggested that the structures only be used for *weddings, civil ceremonies, blessings and similar events* between the hours of 8am and 9pm, and only for a maximum duration of one hour each day; the applicant has raised no objection to this restriction.
- 6.3.5 Importantly, the suggested condition prevents the use of the structures as smoking shelters; use for this purpose late into the evening could well result in a loss of amenity to adjoining properties and is not something that would be supported.
- 6.3.6 Officers are satisfied that subject to the restriction suggested by the Environmental Health team, the proposal is fully compliant with the aspirations of local plan policy CP4.

6.4 Trees

- 6.4.1 Members will note that the tree officer has advised that tree protection information should be submitted in relation to the pavilion structure given its proximity to the protected trees. The applicant has provided additional information in relation to this and having reviewed it, the tree officers concerns have not been entirely resolved. It is anticipated that the matter can be overcome and members will be updated in advance of the committee meeting.

7. CONCLUSION AND RECOMMENDATION

- 7.1 The application is now supported by the Environmental Health Team and the Conservation Officers, subject to conditions. In light of this, officers are satisfied that the scheme is compliant with the provisions of policies CP4 and CP7.
- 7.2 It is anticipated that the concerns from the tree officer will be overcome in advance of the committee meeting and members will be updated accordingly.
- 7.3 Subject to the tree protection matters being resolved, it is recommended that planning permission be granted for the two structures.

APPLICATION NO: 13/00383/FUL		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 8th March 2013		DATE OF EXPIRY : 3rd May 2013	
WARD: Benhall/The Reddings		PARISH: NONE	
APPLICANT:	Manor By The Lake Ltd		
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane		
PROPOSAL:	Erection of pavilion and gazebo within grounds		

REPRESENTATIONS

Number of contributors	26
Number of objections	26
Number of representations	0
Number of supporting	0

27 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 27th March 2013

Despite living next to this proposed development we have not been notified.

My primary objection is on noise grounds. Events at the Manor currently cause disturbance with music and fireworks late into the night. This proposal, if allowed, will make this situation far worse and intolerable for anyone living close by.

It is inappropriate for such a facility to be created in the midst of a residential area given the noise it will regularly create.

Traffic on Hatherley Lane has already seen a significant increase with the opening of ASDA, B&Q and the new office developments. This proposal will bring a further increase.

15B Wade Court
Cheltenham
Gloucestershire
GL51 6NL

Comments: 22nd March 2013

I object to the proposed developments due to noise and traffic related concerns.

My property is very close to the area of the proposed gazebo. It is highly likely that guests will be congregating in this area of the grounds during functions, probably with live or piped music being played during elements of wedding services involving the gazebo. The plans contain no information regarding measures to control noise pollution and are therefore unacceptable given the proximity to my property.

Residents are already effected by noise from The Manor on the Lake from guests, music and fireworks sometimes very late into the night. If the venue is developed as proposed with a larger

capacity and increased frequency of use the level of noise pollution increase beyond tolerable levels.

39 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 31st March 2013

I object to this planning application on the basis of the potential noise which will be created through the use of both structures. There is a very high probability of regular disturbance during the day and at night, to residents in Grace Gardens, Wade Court and Redgrove Park from both loud music and large numbers of people congregating.

Noise from Manor by the Lake has been a problem in the past. My house is approx 40 metres from the formal garden and on occasions external music has been so loud that I have not been able to hear the television in my house, even with all the (double glazed) windows closed.

Whilst this may be tolerated on very rare occasions, it is likely that the frequency of outside noise will greatly increase, both from the need to make the business successful and from the fact that these outside structures will exist for such use. This would be an unacceptable level of disturbance.

50 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 31st March 2013

We are writing with regard to the planning application 13/00383/FUL submitted by Manor By The Lake Ltd for the erection of a Bandstand and Gazebo' on their land.

Our house and garden is situated adjacent to the Manor on the Lake land and in close proximity to the area where the proposed structure is to be located. Consequently the use to which it will be put and the frequency of use is of some concern to us, particularly as this is not made clear in the application.

In the Oxford English Dictionary, 'bandstand' is defined as being a covered outdoor platform for a band to play on, typically in a park. A gazebo is defined as being a small building, especially one in the garden of a house, that gives a wide view of the surrounding area.

As the structure has been specifically described but the use not stated at all it is possible that it could, or will, be used for live or pre-recorded music events associated with their intended increase in wedding events.

We wish to register our objection to the application until the use that the structure will be put to has been made clear and request that any decision on the application is deferred until this has been clarified and conveyed to the interested parties, such as ourselves, and that they be given further time to consider the matter and respond accordingly. We would strongly object to loud and regular music being played so close to our residence.

43 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 27th March 2013

We have had problems in the past with various weddings, and other events. Noise is the main concern and on one occasion we had so much debris on both front and back lawns as a result of firework displays that it took several hours for my husband, son and son-in-law to clear the rubbish away and make it safe for our grandchildren to play safely in the garden. A bandstand will certainly result in loud music and more noise. My house backs onto Arle Court gardens. I object strongly to the proposed development.

42 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 15th March 2013

My objection is the build of the bandstand pavilion.

The proposal is to build a bandstand that is very close to my home and I am concerned about noise from both the music and the audience.

The application is incomplete:

- no hours are given (Section No.20) when the bandstand music will operate?
- will the bandstand include electrics for amplified music and the use of a microphone?

6 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 23rd March 2013

I am not keen and therefore object to the proposed development due to noise and traffic related concerns.

- more traffic on Hatherley Lane which has already seen a considerable increase as a result of B & Q and more recently ASDA.
- the proposed development is surrounded by residential areas. A wedding venue will inevitably include music and outside celebration, which is no bad thing on the odd occasion, but for us living around the area, when we experience the noise on a weekly basis, is not acceptable. We all assume that this will include late night noise. In the summer, celebrations are likely to be held outside.
- we have been already affected by noise from Manor on the Lake from both party goers and fireworks which can be very late at night.

11 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 21st March 2013

I object on the grounds of noise pollution. If the people making the decision to allow this proposal through lived near this venue, they would reject it. A busy wedding venue with an outdoor bandstand will make it impossible to enjoy our gardens in peace or to 'sleep' (sleep being the operative word) with windows open.

42 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 29th March 2013

It is difficult to gauge the number of late night weekly events that could take place, but I imagine for the business to be successful they would be looking to fill as many nights as possible. With the potential facilities it is possible this will be weddings and functions such as birthdays, prom events and I guess corporate events through the day.

The noise through the event and late into the night is a great concern, which will be made worse if it happens 4 or 5 nights week - week after week.

Another concern is the increase in traffic, both for those working at the venue including setting up and clearing away at the end, as well as the guests. If the car parking facilities are not sufficient (for the 30 potential jobs plus guests), cars will be parking in the surrounding roads where there is very limited safe parking available. This could be a problem both during the day and late into the night.

Bringing new jobs into an area is always welcome, but this venue is far too close to a residential area.

40 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 15th March 2013

My objection is also to the build of the bandstand pavilion.

The proposal is to build a bandstand that is close to my home and I am concerned about noise from both the music and the audience particularly as I have a young family.

The application is incomplete:

- no hours are given (Section No.20) when the bandstand music will operate?
- will the bandstand include electrics for amplified music and the use of a microphone?

29 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 3rd April 2013
Letter attached.

25 Century Court
Montpellier Grove
Cheltenham
Gloucestershire
GL50 2XR

Comments: 19th March 2013

This application is likely, by its very nature, to generate even more traffic on Hatherley Lane which has already seen a considerable increase as a result of other nearby developments eg ASDA and office units. I am objecting on behalf of my mother who lives at Wade Court and already finds getting in and out of Wade Court by car increasingly difficult. Weekdays are worst but this new application is likely to increase traffic volumes at the weekends as well.

The proposed development is surrounded by residential areas. A wedding venue will inevitably include provision for music and outside celebration. This will include late night noise which, even if controlled to some extent by licence arrangements, will still mean that local residents could experience noise and music for much of every weekend. In the summer, celebrations will be held outside and the noise will carry. The nearby Dowty Social Club recently became a church which has meant that the open space has been preserved but is used by the church as a way of generating income by letting it out. This means that residents at Wade Court experience almost non stop use of the open space all year round for sports activities for children and adults. These activities are also noisy, with residents feel almost permanently subjected to shouting and shrieking. As residents, they accept that the open space should be used and enjoyed but the prospect of yet more noise being generated by the proposed wedding venue means that they will literally be surrounded by noise, comings and goings and activity. Surely the residents who already live in the area are entitled to some peace and quiet?

37 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 24th March 2013

Whilst I appreciate the potential commercial benefit from such a project I do however believe that the negative impact in terms of noise and general disturbance to the residents far outweigh the benefits.

55 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 20th March 2013

Firstly, as a resident of Redgrove Park, why were we not informed of this application? If this was done I know many of the residents would instantly object and without being advised of this

Page 262

application their views are not going to be taken into consideration. The only reason I am aware of this is because we have a friend living on Grace Gardens who has been made aware.

I would like to object to the application for the following reasons.

1. This application will generate even more traffic on Hatherley Lane which has already seen a considerable increase as a result of other nearby developments eg ASDA and office units.
2. We are already affected by noise from Manor on the Lake from both revellers and fireworks which in some cases can be very late at night. If the venue was to become a corporate events/wedding venue with a larger capacity the level of noise pollution would only increase.
3. The additional request for having more outside facilities, primarily a bandstand is just unacceptable. If we are already affected by excessive noise pollution from Manor on the Lake the introduction of an outside music venue would make the level of noise a living nightmare. It would certainly be impossible to sit peacefully in your own garden of an evening or try to sleep with your windows open.

43 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 19th March 2013

Depends on usage which is not detailed.

Manor on the Lake already impacts in terms of noise (both revellers and fireworks), very late at night.

Having more outside facilities and a larger capacity will increase both noise pollution and compound the traffic flow issues on Hatherley lane especially as it moves to hosting corporate events/weddings with increased frequency.

43 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 21st March 2013

There does not seem to be sufficient detail in the application, but I have assumed that they are being created to be utilised, so I have used the following article for context.

<http://www.thisisgloucestershire.co.uk/Manor-Lake-Cheltenham-set-revamp-exclusive/story-18381387-detail/story.html#axzz2NvJOdydy>

Given this scenario I have to object on the following:-

- traffic flow on Hatherley Lane Parking overspill
- noise
- pollution
http://www.cheltenham.gov.uk/info/200040/environmental_health/895/noise_nuisance/8
- degree of consultation with neighbours so potentially more people would object if they knew about it.

56 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 27th March 2013
Letter attached.

45 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 27th March 2013
Letter attached.

46 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 30th March 2013

We have just moved to 46 Grace Gardens with very young family .Our house is close to the main entrance of the Manor .We are very concerned with the plan as it is likely going to increase the noise from guests and music in the late night which will disturb sleeping time for our kids. We also worried about safety of our children playing in the Garden. Therefore we are strongly object the plan.

47 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 23rd March 2013

We have lived at 47 Grace Gardens since the house was built over 11 years ago. Whilst there has always been an occasional wedding in the garden or jazz evenings inside the house, we rarely suffered problems with noise until the last couple of years, when the number of weddings, evening parties etc has increased dramatically. We are the closest house to the main entrance to the Manor, and the main problem we have had is with guests (usually smokers) congregating outside that entrance and talking loudly. Often they are shouting and using offensive language well into the early hours of the morning. We have complained on numerous occasions about the noise, to no avail. There is supposedly an area round the other side of the house which smokers are told to use, but the staff do not seem able to enforce this.

Our concern with these permanent structures is that there will be an increase in outside activity, accessed via our side of the house, in particular late at night. We are close to the proposed sites of both structures, and are concerned that they could mean music outside until very late, or that they could be used as areas for guests to congregate. Just after Christmas we did query with the council the number of TENS being granted to the Manor, and the number was less than the number of parties beyond their normal licensing hours that we had been aware of. In addition, we have had issues in the past with noise and proximity of large firework displays (which we have complained to the council about), just over the fence from our house, which have sent sparks over to our driveway and cars. These outside structures seem likely to also encourage these sorts of "add-on" events.

We therefore object to this planning application on the grounds that it is likely to increase noise and anti-social behaviour in what is a quiet residential area. We would urge the planning committee to visit the site before any applications are granted, so that they can understand just how close the Manor is to private houses. Committee members would be very welcome to visit us to appreciate just how close the main entrance to the building is to our home.

12 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 13th March 2013

The issue I would raise is one related to NOISE. This venue has become less sociable and acceptable in our view in the 14 years that we have resided at the above address. Fireworks accompanied with loud music on occasion are tolerated, but with an anticipated increase in frequency in a highly residential and otherwise peaceful location can not be acceptable on grounds of noise pollution, which will usually operate late into the night!!

8 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 1st April 2013

I live in Redgrove Park with my garden bordering gardens and properties in Grace Gardens and therefore very close to Manor by the Lake. I am concerned about the potential noise levels and the timings of such noise levels, should permission for a bandstand in the grounds be approved.

If Manor by the Lake is turned into a fully fledged wedding venue and approval given for a gazebo and bandstand in the grounds, it would be fair to assume that it would be fully booked throughout the summer months. Neighbours including myself, would be subjected to loud live music over a number of hours every weekend during fine weather. It is fair to assume that this music would continue the best part of the day and late into the evening. I strongly object to this application on the grounds of noise nuisance.

1 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 26th March 2013

We object to the proposals on the grounds of noise pollution.

The prevailing wind direction is from the west and we can easily hear noise from the direction of the former Dowty Sports Club and the Manor on the Lake, and the fireworks seem particularly close. Whilst we are prepared to tolerate occasional events, the prospect of outside musical and social events on a regular basis, perhaps every summer weekend late into the evening is unacceptable and inappropriate for a residential area.

The Boundary
36 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 31st March 2013

Firstly, I would like to say that we were not informed of this planning application. I understand that the Council did inform a few residents but the problems we have had from previous functions at the Manor impact on more than just the immediate neighbours. Noise travels, especially at night.

I offer no comment about the appearance of the Gazebo and Bandstand but I do object on the grounds of implied noise from both.

The proposed place for the Gazebo is only a few metres from housing. As well as 'planned' noise from functions causing a disturbance, I suspect that even if it were not part of an event it would become a party-goers meeting point and exacerbate noise at unsociable hours.

The proposed place for the Bandstand too, is close to housing and again the implied usage will mean that loud music will have a permanent stage with no noise containment.

8 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 22nd April 2013

I would like to object strongly to the proposal to erect a pavilion/bandstand and gazebo within the grounds of The Manor by the Lake. The Cheltenham Borough Council Licensing Act 2003 - Licensing Policy Statement - approved by the Council on 10 February 2012, clearly states under section 4:

4. Licensing objectives

4.1 The Council will carry out its licensing functions under the Act with a view to promoting the four licensing objectives, which are:-

- (a) The prevention of crime and disorder;*
- (b) Public safety;*
- (c) The prevention of public nuisance; and*
- (d) The protection of children from harm.*

4.2 The aim of the licensing process is to regulate licensable activities so as to promote the licensing objectives.

4.3 In determining a licensing application, the overriding principle adopted by the Council will be that each application is determined on its merits. Licence conditions will be tailored to the individual application and only those necessary to promote the licensing objectives will be imposed.

4.4 The Council will also have regard to wider considerations affecting the residential population and the amenity of the area. These include littering, noise, street crime and the capacity of the infrastructure.

4.5 Each of the four objectives is of equal importance and will be considered in relation to matters centred on the premises or within the control of the licensee and the effect which the operation of that business has on the vicinity.

The applicant states that the proposed structures will be used for wedding ceremonies and as outside gathering points. I have also been informed by Martin Chandler, during a telephone conversation, that the pavilion/bandstand will make use of orchestral instruments. Such instruments do not need to be amplified to be heard from a great distance. Likewise, groups of people gathering together outside make a lot of noise, especially when celebrating and drinking alcohol. These types of wedding ceremonies/events, which use outside space, are normally held in remote locations so that they do not impact on the lives of people living in residential areas.

Weddings are not restricted to Saturdays; they can take place at any time on any day of the week, as can any corporate events. This could result in nuisance noise to local residents at any time. I believe this application falls foul of the Council's own Licensing objectives and should be refused.

29 Redgrove Park, Cheltenham
Glos., GL51 6QY



The Planning Officer
CBC

25 3 2013

Planning Application 13/00383/FUL
The Manor by the Lake, Hatherley Lane

Dear Sir;

I wish to register a strong objection to this planning application.

The Manor by the Lake is welcome to organise functions within its buildings, but when they spill out into the open air, the grounds of the Manor, they cause a public nuisance.

We have suffered social noise, loud music and massive late-night fireworks displays from this source before, even finding spent fireworks in our gardens or on the road.

Recently residents had cause to draw the attention of CBC to thick, repeated bonfires from this source, right next to the gardens of some Redgrove Park residences. CBC officers kindly took the matter up with Arle Court.

A bandstand and a gazebo would only add to an already unacceptable problem.

Yours faithfully,



Cheltenham Borough Council Environment Group			
PASSED TO			
REC'D	28 MAR 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

56 Redgrove Park
Cheltenham
GL51 6QY

24th March, 2013

Cheltenham Borough Environment Group			
PASSED TO			
REC'D	26 MAR 2013		
Date of Response		Type of Response	
Initials of Responder		File Ref.	

Daniel Lewis,
Planning Department,
Municipal Offices,
The Promenade,
Cheltenham.
GL50 9SA

Dear Mr Lewis,

MANOR BY THE LAKE

Ref: 13/00383/FUL

I understand that, among other changes to The Manor by the Lake, planning permission has been applied for a Bandstand in the grounds. I am appealing against this idea as it will create a lot of noise in a residential area.

Redgrove Park is a quiet and peaceful place to live and the thought of loud music disturbing this tranquility is not one to be taken lightly. The sound of unwanted music is very distressing whether from bands, radios or television sets.

In the past we have been able to hear fireworks and loud speakers being used in the Manor grounds so I have no doubt that music from a bandstand would be heard in Redgrove Park.

I hope you will take my appeal seriously against a bandstand being erected at the Manor by the Lake.

Yours sincerely,



Copies to:-
Councillor Mrs J.A. Fletcher
Councillor Nigel Britter

25/3/2013.

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45 GLACE GARDENS

CHELTENHAM G.L51 6QE.

YOUR REF. 13/00383/FUL @ CHELTENHAM BOROUGH COUNCIL.

DEAR MR. WINDSEY,

RE PROPOSAL: ERECTION OF PAVILION & GAZEBO AT THE MANOR
BY THE LAKE, HATHERLEY LANE.

WE THANK YOU FOR YOUR LETTER OF MARCH 11TH 2013., AND HAVING CONSIDERED THE APPLICATION CAREFULLY FOR SEVERAL DAYS, WE HAVE NO OBJECTION TO THE ERECTION OF A GAZEBO, BUT DO OBJECT STRONGLY TO THAT OF A PAVILION/BANDSTAND.

WHATEVER THE PROPOSER SAYS THAT A BANDSTAND WOULD BE USED FOR, AND GIVES NO KNOWLEDGE OF THE USAGE TIMES IN AN OTHERWISE PRECISE APPLICATION, A BANDSTAND'S PURPOSE IN LIFE IS FOR THE PLAYING AND BROADCASTING OF MUSIC.

BEARING IN MIND THE CLOSENESS OF THE SITE TO OUR SMALL GARDEN, AND THE FACT THAT SAY A BAND OR DISCO MUSIC / BEAT IS OFTEN AMPLIFIED TO SEVERAL TIMES ITS NATURAL LEVEL, WE FEEL THAT OUR ENJOYMENT OF OUR GARDEN COULD BE IMPAIRED BY ITS NOISE AND DISTURBANCE.

WE THEREFORE ASK FOR REJECTION OF THIS APPLICATION.

YOURS SINCERELY,

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APPLICATION NO: 13/00383/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 8th March 2013	DATE OF EXPIRY : 3rd May 2013
WARD: Benhall/The Reddings	PARISH: NONE
APPLICANT:	Manor By The Lake Ltd
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane
PROPOSAL:	Erection of pavilion and gazebo within grounds.

ADDITIONAL REPRESENTATIONS

8 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 16th July 2013

Following a letter dated 24.6.13 from CBC, we have been invited to view the revised proposal and submit comments. My objection would be the noise nuisance levels and frequency, regardless of the constraints made. In addition, voices outside day and night of both smokers and non smokers are inevitable and unavoidable. I believe the impact to neighbours would be detrimental.

Grace Gardens Residents Association
Grace Gardens
Cheltenham
GL51 6QE

Comments: 16th July 2013

Letter attached.

13/00383/FUL
13/00691/COU

GRACE GARDENS RESIDENTS ASSOCIATION

Grace Gardens, Cheltenham. GL51 6QE

Mr Martin Chandler

Planning Department

Cheltenham Borough Council

Municipal Offices

Promenade

Cheltenham GL50 1PP

15th July 2013

Dear Mr Chandler

Re: Planning Applications 13/00383/FUL and 13/00691/COU

I am writing on behalf of Grace Gardens Residents Association to object to the above planning applications. As an association, we wish to object to both applications on behalf of all residents in Grace Gardens and Wade Court who have been and might in future be disturbed by activities at Manor by the Lake.

13/00383/FUL

We are deeply concerned about continuing and additional noise which is likely to be created by the two proposed structures. The use of amplified noise would be quite unacceptable in any outside area and has already been a serious problem to residents over the last few years. However, there is also serious concern about the possibility that these structures would be used by smokers and drinkers gathering during the day or in the evening with the additional loud noise that this creates. Up to now, staff at Manor by the Lake have been unable to control wedding guests sufficiently to ensure they use the designated smoking area, which, although a little further away from the houses in Grace Gardens, is not actually far enough away itself to prevent noise disturbance.

We understand that Environmental Health have suggested that weddings and other similar events could take place in either of these structures between 8am and 9pm, but this could mean music, singing and applause well after small children are likely to be in bed and would not be acceptable to the residents. We have also noted that Environmental Health have not specified anything about the use of amplified noise in their latest recommendations. We would want to be completely sure that amplified noise is never allowed in these outside structures and that any time restrictions apply equally to wedding ceremonies etc and to other usage, such as smoking.

The proposed site of the gazebo is only approximately 20 metres from the nearest house. It is clear that the gazebo could be situated elsewhere in the grounds; apart from a minor aesthetic justification, there seems to us to be no other reason why it should be placed in the proposed site. There is plenty of room for it on the Hatherley Lane side of the Manor, much further away from both Grace Gardens and Wade Court.

Having gatherings of approximately 150 people at the Pavilion and 50 at the gazebo would generate enough noise (applause, singing etc) to disturb the nearest residents and this could be happening at least once every single weekend during the summer.

Manor by the Lake is very close to neighbouring houses and it cannot therefore expect to function as a country estate might do in terms of the way it hosts weddings.

Amenity will definitely be impacted if there is regular noise which can be heard by residents either in their houses or in their gardens.

13/00691/COU

There are a number of concerns here, should the application be granted:

- Traffic and parking. There is very little parking available at Manor by the Lake and if there is a wedding for, say, 200 people, the guests will be forced to park on Hatherley Lane (already very congested) or on Wade Court with its numerous driveways or possibly come into Grace Gardens. All these options raise the possibility of a serious accident occurring, as none of those roads were designed with on-road parking in mind.
- The entrance/exit of guests. This has been a serious problem in the past with loud noise late at night as guests are leaving. We would want to be sure that guests do not leave via the current main entrance and that taxis/cars are not allowed into the main car park at night, as that is the area of Manor by the Lake nearest to the Grace Gardens houses.
- The proposed doors to the ballroom. We understand that there will be a restriction on these being opened during events and we would like to see this clearly stated and enforced, otherwise noise levels are likely to be as high as when there is external amplified music.
- With food being prepared on site, we would want to see sufficient controls over food smells and waste (including quiet disposal of empty bottles).

Yours sincerely



Treasurer, GGRA

39 Grace Gardens

Cheltenham GL51 6QE

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Page 274

APPLICATION NO: 13/00383/FUL	OFFICER: Mr Martin Chandler
DATE REGISTERED: 8th March 2013	DATE OF EXPIRY: 3rd May 2013
WARD: Benhall/The Reddings	PARISH: None
APPLICANT:	Manor By The Lake Ltd
AGENT:	David Scott
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane
PROPOSAL:	Erection of pavillion and gazebo within grounds.

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. The initial officer report did not include a full list of conditions. These are set out below.
- 1.2. The recommendation is to permit this application.

2. 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 numbers 383.03A received on 24 June 2013, 383.02 S13/736/101 Rev A received on 26 March 2013 and 0383.01A received on 20 March 2013.
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Notwithstanding the submitted information the proposed materials shall be as follows-
 1. Roofing material of the proposed gazebo shall be zinc.
 2. Natural stone base of both gazebo and the pavilion shall be either York stone or Forest of Dean sandstone.

Prior to the commencement of development, samples of the proposed stone floor base 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 Use of the gazebo and pavilion shall be limited to conducting weddings, civil ceremonies, blessings and similar events. Use of these structures shall be limited to the hours of 8AM - 9PM, and for a maximum duration of 1 hour each day.
Reason: To protect the amenity of residents of nearby property.

- 5 Prior to the commencement of any works on site (including demolition and site clearance) a Tree Protection Plan (TPP) to BS5837:2005 shall be submitted to and approved in writing by the Local Planning Authority. The TPP shall detail the methods of tree/hedge protection and clearly detail the positioning and specifications for the erection of tree protective fencing. The development shall be implemented strictly in accordance with the details so approved.

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.

INFORMATIVES:-

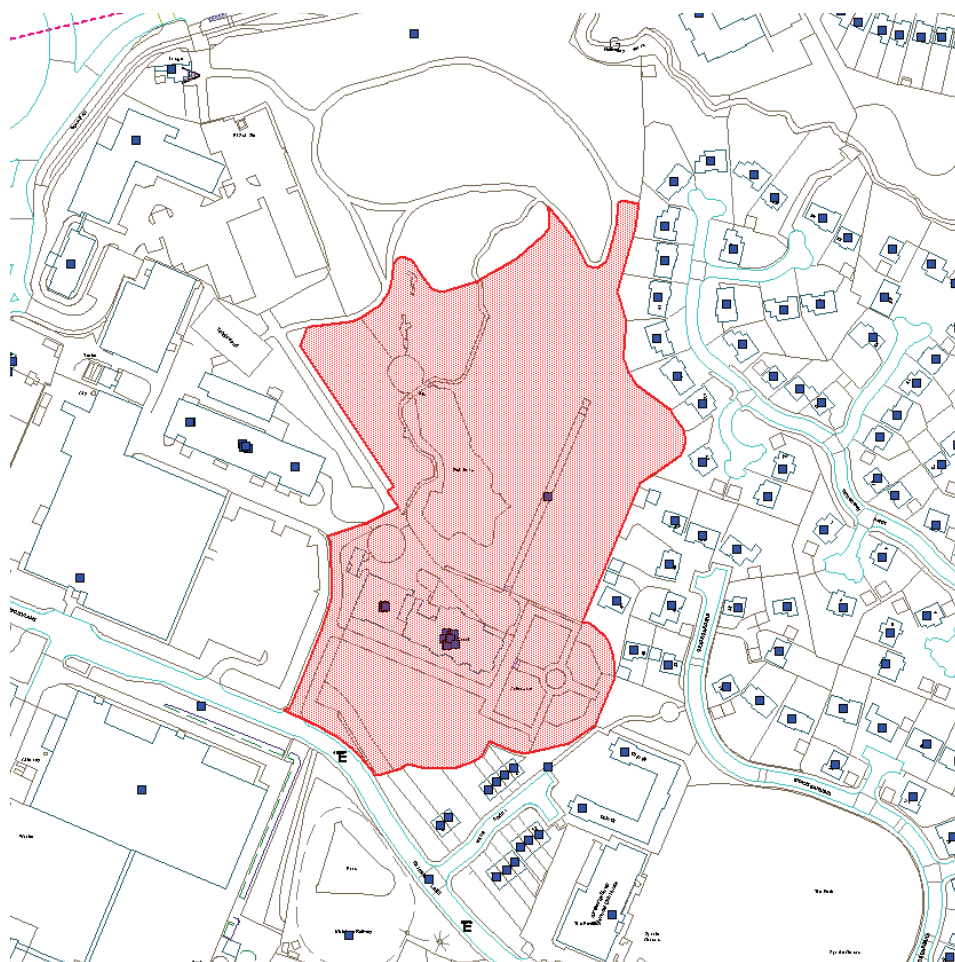
- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, 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.

APPLICATION NO: 13/00691/COU and LBC		OFFICER: Mr Martin Chandler
DATE REGISTERED: 2nd May 2013		DATE OF EXPIRY: 27th June 2013
WARD: Benhall/The Reddings		PARISH: None
APPLICANT:	Manor By The Lake	
AGENT:	Mr David Scott	
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane	
PROPOSAL:	Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house	

RECOMMENDATION: Recommendation at Committee



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1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 Members will recall that these applications were deferred from the May Committee meeting. The applicant has now resolved the matters in relation to land ownership to enable the application to proceed.
- 1.2 The applications seek to convert the application site from the current lawful use of film studios and associated conference centre (use class B1) to a wedding and function venue with overnight accommodation (use class Sui Generis). This includes the creation of some studio accommodation within the existing gate house.
- 1.3 Members will no doubt be aware that part of the established use of this site has been to host weddings and other functions; these applications seek to formalise this arrangement.
- 1.4 The applications are before planning committee at the request of Cllrs Fletcher and Britter. There is also a separate application at the same meeting for the erection of a pavilion and gazebo within the grounds of the site.
- 1.5 Members will visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Listed Buildings Grade 2

Relevant Planning History:

13/00348/PREAPP PCO

Change of use to wedding venue, including internal alterations and extension, listed building consent also required

13/00383/FUL PDE

Erection of pavilion and gazebo within grounds.

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

BE 9 Alteration of listed buildings

GE 6 Trees and development

TP 1 Development and highway safety

TP 6 Parking provision in development

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Tree Officer – 3 June 2013

No tree related information has been submitted as a part of this application.

It is not apparent how/where prospective guests are to park vehicles within the grounds of Manor by the Lake. Whilst there is some limited parking in front of the Manor itself, it is

anticipated that there will be many more cars than is accounted for here. During an on-site meeting with a representative from Manor by the Lake (Brian Selby) on 8th May, I pointed out that all trees within the grounds are protected by a Tree preservation Order and that I considered such a driveway through the woodland to the car park within the ownership of MBL unlikely due to damage to protected trees. A No-dig Construction method was suggested by Mr Welby, however I recommended that it may be worth formally engaging an arboricultural consultant to investigate and if possible, to submit detailed plans for such a road through the woodland demonstrating insignificant/acceptable tree damage/loss. Mitigating anticipated tree/shrub losses with generous detailed landscaping proposals to accompany a proposed management plan for the woodland would be welcome as a part of any such proposals

Without such submitted details, the Tree Section objects to these applications. Parking for such a conference centre/wedding and function venue is critical and currently, only very limited parking is available. Such problems need to be resolved as during the application, not subsequent to it.

Conservation and Heritage Manager – 17 June 2013

Analysis of Site

This is a prominent site within the area, albeit much of the site and the listed buildings/structures are hidden from public view when looking at the site from Hatherley Lane and also from Gloucester Road.

Historic analysis of the site

This group of listed buildings and listed boundary walls and gates, together with the formally landscaped gardens and further wooded part of the site all combine to form the remains of what was originally a much larger 19th century country house estate. However despite much of the outer areas of the original site having been developed during the mid and late 20th century with housing and industrial uses, the current site and listed building has still remained its character as a very fine 19th century country house with an important setting of formal gardens and wider informally landscaped grounds.

Comments

This site has had the benefit of very full pre-application discussions and many of the issues of concern were identified as part of that pre-application process. It is therefore disappointing to see that a number of fundamental issues have yet to be resolved or sufficient information been submitted to although a proper assessment to be made of these issues.

So my detailed comments are as follows and many of these comments were also made at pre-application stage:

CHANGE OF USE

1. This site has been used as a wedding venue for a number of years, although it appears that previous owners had never formally applied for planning permission for a change of use to a wedding venue.
2. The principle of the change of use to a wedding venue is welcomed. The proposed new use for which planning permission is now being formally sought, will enable –
 - a. The buildings and all the grounds to be used in their entirety without the need for substantial subdivisions either within the buildings or the grounds
 - b. The historic buildings to have a future, with a use which generates an income and contributes to their physical upkeep.
3. However whilst this principle may be acceptable, this is subject to detailed issues, some of which are yet to be confirmed by the applicants, and although some of

these detailed issues can be conditioned, many do need consideration now. These detailed issues are as follows –

- a. Kitchen flue for commercial kitchen- size (height and diameter), location and appearance (i.e. cladding, colour, material). Flues are often a real problem and it is strongly advised that the commercial kitchen and type of food to be cooked and the need for a flue is considered as soon as possible. A commercial flue can not be conditioned as part of a listed building consent and this information must be provided as part of the detailed scheme. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- b. Car parking – quantity of car parking, location of parking, impact of parking on existing trees, impact on setting of listed buildings and listed gates/walls and impact on landscaped grounds. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- c. Deliveries – anticipated type, quantity and location of deliveries. **This information has yet to be provided, although it could be conditioned.**
- d. Signs, external lighting/floodlighting – signs attached to the buildings, gates and walls, and free standing signs in the grounds and any lighting associated with signs and external lighting and floodlighting of the buildings or grounds. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- e. Disabled access - ramps and platform lifts. **This information has yet to be provided, although it could be conditioned.**
- f. Bins - refuse collection points and re-cycling provision, and any proposed refuse strategy. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- g. Air conditioning units - size (height and diameter), location and appearance (i.e. cladding, colour, material) and any necessary noise attenuation need to be considered. **This information has yet to be provided, although it could be conditioned.**
- h. Marquees- any desire to have marquees erected in the grounds for in excess of 28 days per year would require planning permission and would be of serious concern. **This information has yet to be provided, and I suggest that this added as an informative.**
- i. Any events associated with weddings (i.e. Stag or Hen parties or Wedding Fair) may also generate additional concerns not included in the above. Should these events be included within the change of use?
- j. The existing fencing (both metal security fencing and the timber panel fencing) which demarks the site and which has been erected without the benefit of planning permission. **This information has yet to be provided, and I suggest that this added as an informative and this opportunity is taken to condition the change of this existing fence as part of this application.**
- k. Gate house -The application form states that the gate house is to be converted to studio accommodation however the only drawing of this building is the existing plan and elevations. How will this building be

changed? **This information has yet to be provided and needs to be provided now and should not be left to a condition.**

- i. External elevations yet to be provided– there are a number of new external doors and door openings being proposed but not all of the elevations as proposed have been submitted. In particular the missing elevations are-
 - i. North-west elevation new external door by new staircase in former stable building.
 - ii. North-east elevation new external door to former office.**This information has yet to be provided and needs to be provided now and should not be left to a condition.**
- m. External elevations yet to be provided and drawing inconsistencies – the plans as proposed have been annotated with notes to say – “*remove timber cladding and finish wall with lime coloured render*”. Whilst the removal of the timber cladding is welcomed, the proposed elevations of this change have not been submitted.
- n. Existing training suite –
 - i. Currently the first floor accommodation in the former stables is used as a training suite. On the plans as proposed this area has not been shown to be used. Confirmation of how this area will be used is required now.
 - ii. Currently this first floor training suite accommodation is accessed via a 19th century timber staircase, which currently rises from the ground floor area adjacent to the conference suite. At the pre-application discussions it was suggested that this staircase could be removed (this is not acceptable from a listed building consideration) and the upper floor level be accessed from the new external door. However if the stair is retained in its current form will the fire escape be adequate from the first floor? However if the stair is changed to be accessed via a new external door, what changes will be required in the first floor rooms to allow access to this new staircase?

This information has yet to be provided and needs to be provided now and should not be left to a condition.

LISTED BUILDING ALTERATIONS

1. The applicants have submitted an historic appraisal prepared and it is adequate.
2. The submitted drawings do not have all the rooms either numbered or named or intended uses shown (see comments above in relation to training suite), and if the applicants are submitting revised drawings it is suggested that all rooms are numbered.
3. GROUND FLOOR
 - a. The small scale plan as proposed has not shown the proposed boiler room. Is the position of the boiler being changed? The flue from a boiler can be visually intrusive and this needs confirming. **This information has yet to be provided and needs to be provided now and should not be left to a condition.**
 - b. Bar area- the proposal to create a double door opening between the bar and the adjacent anti-room, is acceptable subject to the detailed design of the opening architrave etc and the proposed height of the opening. **This needs an internal elevation drawing as proposed.**

- c. Kitchen – the opening between the existing kitchen and the adjacent room is acceptable subject to the detailed design of the opening architrave etc and the proposed height of the opening.
- d. New extension to provide stage- in principle this seems acceptable subject to detailed design and proposed materials of extension. However this enclosed yard area is currently used for refuse and bin storage and so the proposed location of the refuse bins do need to be confirmed. In addition because of the small remaining area left over after this stage extension is built, if the bins are to be retained here in this area, then there may be a problem with the fire escape being in such close proximity to the bins.
- e. Large Dance Hall and associated rooms –
 - i. The proposed changes to the existing room are acceptable in principle but how will this room be ventilated? I have noted that Environment Health have requested that the new French doors be kept shut during live music, which is of course when people are dancing and getting hot. Will this room be air conditioned? If so where will the air con units be located? If not how will the room be ventilated in such a way to avoid sound leakage from the dance hall?
This information has yet to be provided and needs to be provided now and should not be left to a condition.
 - ii. The proposal to form new door openings (to garden area) to the existing window openings is acceptable, subject to the detailed design of the new doors and how alterations to stone reveals will be adapted. No information has been submitted on how the stone reveals will be adapted, but this can be conditioned.
 - iii. Entrance to hall – the proposed alteration to the existing entrance lobby is acceptable subject to the detailed design. The detailed design as a glass screen is acceptable although it should be more recessed to allow the stone arch to be visually dominant.
 - iv. Smaller associated rooms – the proposed changes to the ancillary rooms to create a bar, bar storage, cloak room and toilets are all acceptable subject to the detailed design especially of how the new cloaks wall meets the stone mullioned window. This can be conditioned.
 - v. Staircase- the proposed change to the staircase is of concern and without any additional information or justification being submitted, its removal or proposed change to it would be resisted. In addition see comments above 3n. **The information for the justification for the proposed removal of the staircase has yet to be provided and needs to be provided now and should not be left to a condition. However the small scale plan as submitted and the large scale plan as submitted of this area, are inconsistent in whether a new external door is being proposed. Which is correct?**

4. FIRST FLOOR

- a. The small scale plan as proposed has shown the stairs to the caretaker's attic rooms to be removed. This loss is not acceptable.
- b. Again an historic appraisal should be able to confirm which of the small first floor rooms were originally designed to be dressing rooms to larger principal bedrooms, or whether the smaller rooms may have been servants' accommodation. Unfortunately the historic appraisal provided has failed to give this information.
- c. Whilst the introduction of new suite bathrooms may or may not be acceptable, the proposed drainage from these bathrooms and any new soil and vent pipes must be submitted as part of the application for listed building consent. The drainage runs and S&VP positions can not be conditioned.

- d. The following small rooms may have been dressing rooms and their subdivision and conversion into bathrooms are acceptable in principle subject to detailed design issues (such as how the corridor doors are fixed shut, and doors to principal rooms being designed to be jib doors)-
 - i. Room between bedroom 1 and 4,
 - ii. Room between bedroom 2 and 3 (however one of these new bathrooms seems to not have an access door).
 - iii. I have concerns about the principle of the subdivision of a number of the smaller rooms to create an en-suite bathroom, and in addition how in these subdivision wall are frequently located against a chimney breast. In particular I have concerns about the subdivisions to bedroom 5 and bedroom 6 and bedroom 10.
5. EXTERNAL ALTERATIONS (to be read in conjunction with comments about the change of use) -
- a. The proposed stage extension is acceptable (see comment above) subject to the proposed external walling materials. However the suggestion is that the extension will mean that the fire escape access will go across the new flat roof and terminate with a new fire escape staircase. **Therefore this fire escape staircase will become more visually prominent and this is of serious concern. I strongly suggest that an alternative fire escape stair is provided which is internal to the building.**
 - b. The principle of removing the timber cladding to bedroom 8, and re-cladding this external wall is acceptable, subject to the detailed design and suitable materials being proposed. However render is not acceptable and the external wall should be stone to match the remaining walls.

RECOMMENDATION: Clearly there are a significant number of issues which have previously been raised but as yet remain unresolved. Please ask the applicants to submit additional or revised drawings to address the concerns above or refuse.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	36
Total comments received	2
Number of objections	1
Number of supporting	0
General comment	1

- 5.1 Two letters of representation have been received in response to this application. Both comments make reference to the noise generated by the use of site for weddings and other functions. This is a material consideration and will be taken fully into account in the officer comments.

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.1.1 The key considerations in relation to these applications are the acceptability of the proposed use, including its potential impact on neighbouring amenity, the impact the proposals will have on the listed building and how the proposal may affect the protected trees on the site.

6.2 The site and its context

- 6.2.1** The application site is a grade II listed building set in spacious grounds. The site was previously used as film studios but this has also evolved into a venue for weddings and conferences. This use has never been formalised and with the building now in new ownership, this application seeks to establish the use.
- 6.2.2** The trees on the site are covered by a blanket tree preservation order and the site is accessed from Hatherley Lane.

6.3 The acceptability of the proposed use

- 6.3.1** As advised above, the recent history of the site has seen it used as a wedding and conference venue as an ancillary part of the wider film studio use.
- 6.3.2** It is apparent that this use does generate noise but members should note that the application has only given rise to three letters of representation (one of which relates to parking provision).
- 6.3.3** Impact on neighbouring amenity will be considered in the following section of this report but subject to this being adequately controlled, the use would be appear to be appropriate in this location.

6.4 Impact on neighbouring property

- 6.4.1** Local plan policy CP4 considers impact on neighbouring amenity and advises that permission will only be granted where development does not have an unacceptable impact on neighbouring amenity. In light of the comments received by neighbours the applicant has provided the following comments in response;

We do not agree that the proposed change of use will result in any increase in noise or anti-social behaviour.

A designated smoking area has been created which is significantly further away from the main entrance to the Manor and adjacent to the planned ballroom. Smoking is no longer permitted outside the front door, a rule which is enforced by staff during (and at the end of) weddings and other events as well as at other times.

Similarly, there is a tarmac area in front of the proposed ballroom which will be the main entrance/exit for guests attending functions and which provides adequate room for taxis to collect guests at the end of an evening. The vast majority of evening functions will take place in the ballroom, with guests using the facilities in that area of the building which is located further away from neighbouring properties than the existing function rooms and bar/evening suite. Consequently we anticipate a reduction for neighbours in the level of audible noise created by evening functions, not an increase.

Accordingly the main front door entrance to the Manor will be closed in future during the evening and be unavailable for normal use by guests. Use of the car park in front of this entrance for parking, or for use by taxis, will not be permitted and will be prevented by a suitable barrier between the stone piers at the entrance to this area. As already stated, smoking will not be permitted underneath the arches at the front of the building.

Whilst we cannot comment on the experience of neighbours whilst under the previous ownership of the Manor, we will ensure that our staff possess a suitable level of experience and training to enforce these arrangements with regard to smoking, parking, taxi pick-ups and, where necessary, the behaviour and noise level of guests generally. We have a clear organisational structure with accountabilities

and operating procedures to support this (based upon our successful experience of running a similar event venue for several years).

We are anxious to avoid any repetition of problems local residents may have experienced in the past and maintain good relations with all our neighbours by avoiding unwarranted noise or disturbance. We are confident that our proposals and supporting arrangements will achieve this.

6.4.2 The Council's Environmental Health team have considered the proposals and subject to the two suggested conditions (relating to noise spillage and kitchen extraction equipment) no objection has been raised.

6.4.3 Officers do not consider that the change of use to a wedding and function venue will unacceptably harm amenity. The use has already been taking place as an ancillary aspect to the film studios; this application allows matters to be formalised and gives the LPA a greater level of control over how the site is managed. Subject to the conditions suggested by Environmental Health, it is considered that the proposal is fully compliant with the provisions of local plan policy CP4.

6.5 Listed building considerations

6.5.1 Members will note from the consultation response from the conservation team that there are number of unresolved matters. Since this response, the applicant has held a very constructive meeting with the conservation officer and it is quite apparent that the concerns can be satisfactorily resolved.

6.5.2 Unfortunately due to Council ICT problems and other matters outside of the applicant's control, revised drawings from the applicant have not yet arrived with the case officer. These are expected imminently and officers expect them to resolve all of the concerns identified within the initial consultation response.

6.5.3 Members will be updated upon receipt of these drawings.

6.6 Trees

6.6.1 Members will be aware from the initial officer report that the tree officer has raised concern in relation to car parking, with the suggestion that a driveway through the woodland was being considered. Members should note that this does not form part of this application; this proposal purely relates to the use of the building and some internal alterations. A driveway of this nature would require planning permission in its own right and if an application is made, the impact on the trees would be a material consideration at this point.

6.6.2 The general comment about car parking, whilst not a tree specific issue, is something that the applicant is giving consideration to, and it is anticipated that a parking strategy with a greater level of detail will be received in advance of the committee meeting. Members will be updated regarding this matter by way of update.

6.7 Access and highway issues

6.7.1 It is not anticipated that the use will result in significantly greater levels of traffic than is currently generated by the site. Members are aware that the premises are currently used for similar purposes (albeit without the formal issuing of planning permission) and whilst this has generated concerns from a noise perspective, the access road has performed in a perfectly acceptable manner.

6.7.2 Officers have requested additional information to clarify car parking arrangements and these form part of the details that are yet to be received. The site does benefit from parking spaces adjacent to the listed building and also from a further 30 spaces located beyond the lake. It would appear that there is a dispute over access to these spaces but they do exist (and are within the applicant's ownership) and are therefore

a material consideration. The access dispute is unfortunate but the fact that the resource is there gives officers some comfort that the proposed change of use will not compromise highway safety by virtue of indiscriminate car parking in the locality. Members will also be aware that the use has been functioning (albeit in ancillary nature to the film studios) for a long period of time without compromising highway safety.

6.7.3 Members will be updated on this matter upon receipt of additional drawings.

7. CONCLUSION AND RECOMMENDATION

- 7.1** To conclude, it is considered that the proposed use is acceptable subject to the final comments being received from the Council's conservation and heritage manager. As advised earlier in the report, a constructive meeting was held with the applicant and it was quite apparent that the outstanding issues will be resolved; the submission of the drawings has been delayed unfortunately but this should not affect the determination of the applications. Members will be updated with the final thoughts of the conservation team.
- 7.2** The use will not compromise neighbouring amenity to an unacceptable degree (subject to the restrictive conditions suggested by Environmental Health) and the trees will not be affected. Furthermore, subject to clarification over parking arrangements, the proposal is acceptable in highway terms.

APPLICATION NO: 13/00691/COU		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 2nd May 2013		DATE OF EXPIRY : 27th June 2013	
WARD: Benhall/The Reddings		PARISH: NONE	
APPLICANT:	Manor By The Lake		
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane		
PROPOSAL:	Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house		

REPRESENTATIONS

Number of contributors	3
Number of objections	1
Number of representations	2
Number of supporting	0

Dowty Aerospace
Hatherley Lane
Cheltenham
Gloucestershire
GL51 0EU

Comments: 12th June 2013
Letter attached.

42 Redgrove Park
Cheltenham
Gloucestershire
GL51 6QY

Comments: 8th June 2013

Noise problems from past experiences were often due to loud music and the use of a microphone. The existing function suite did not have appropriate air conditioning units installed therefore external doors from the function room were opened to allow a flow of fresh air. Of course, this also resulted with external noise pollution to boundary properties.

Therefore, could you please confirm that the new function suite will have appropriate air conditioning units installed?

47 Grace Gardens
Cheltenham
Gloucestershire
GL51 6QE

Comments: 2nd June 2013

We have lived at 47 Grace Gardens since the house was built nearly 12 years ago. Whilst there has always been an occasional wedding in the garden or jazz evenings inside the house, we rarely suffered problems with noise until the last couple of years, when the number of weddings,

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evening parties etc increased dramatically. We are the closest house to the main entrance to the Manor, and the main problem we have had is with guests (usually smokers) congregating outside that entrance and talking loudly. Often they are shouting and using offensive language well into the early hours of the morning. We complained on numerous occasions about the noise, to no avail. There is supposedly an area round the other side of the house which smokers are told to use, but the previous owners did not seem able to enforce this.

Our concern with this change of use is that there will be an increase in the number of weddings/events held at the Manor which could lead to an increase in noise. We therefore object to this planning application on the grounds that it is likely to increase noise and anti-social behaviour in what is a quiet residential area. We would urge the planning committee to visit the site before any applications are granted, so that they can understand just how close the Manor is to private houses. Committee members would be very welcome to visit us to appreciate just how close the main entrance to the Manor is to our home.

If the application is granted, we would ask the committee to place restrictions on the owner to ensure that noise ends at a reasonable hour, that entry/egress for guests is not from what has been the main entrance, and similarly cars/taxis are not allowed round that side of the house closest to private dwellings.

From: Chandler, Martin
Sent: 12 June 2013 15:06
To: Internet - Planning Comments
Subject: FW: Online comment form - Reference planning applications 13/00691/COU &LBC

-----Original Message-----

From: Internet - Customer Relations
Sent: 12 June 2013 11:13
To: Chandler, Martin
Subject: Online comment form - Reference planning applications 13/00691/COU &LBC

Hi Martin

Can you respond to the comment below please?

Many thanks
Emily

Emily Adams
Customer Relations and Research Officer
Room 126
Municipal Offices
Cheltenham Borough Council
Tel 01242 774931
E-mail emily.adams@cheltenham.gov.uk
or customerrelations@cheltenham.gov.uk

COMMENT – 12/6/13 10:33

C3 Church
The Pavilion
Hatherley Lane
Cheltenham
Glos
GL51 6PN

"Dear Mr Chandler

Reference planning applications 13/00691/COU &LBC

Whilst delighted that the Manor is going to be put to a good use and not left to deteriorate I would like to know what arrangements in the development of the site are being made for parking. The previous owners used our car park occasionally when they had large events on (which we were happy to help with, likewise with the model railway engineers) but since it has been taken over the new owners are requesting parking spaces on a weekly basis. This is not always possible and is beginning to raise some concerns with my building manager that once the site is up and running there are going to be some difficulties with parking locally. Is there a requirement for the new owners to provide a certain number of parking spaces, and are there other car parks they can negotiate with (we are not the only ones in the area, there are others closer to them). Whilst we are happy to help we need to be able to provide sufficient spaces ourselves for those using the Pavilion. I would be grateful if you could let me know what provision is being made for this.

yours sincerely

SERVICE - Mr M Chandler, Planning
RESPONSE - Yes

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APPLICATION NO: 13/00691/COU	OFFICER: Mr Martin Chandler
DATE REGISTERED: 2nd May 2013	DATE OF EXPIRY : 27th June 2013
WARD: Benhall/The Reddings	PARISH: NONE
APPLICANT:	Manor By The Lake
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane
PROPOSAL:	Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house

ADDITIONAL REPRESENTATIONS

5 Wade Court
Cheltenham
Gloucestershire
GL51 6NL

Comments: 11th July 2013
Letter attached.

3 Wade Court
Cheltenham
Gloucestershire
GL51 6NL

Comments: 11th July 2013
Letter attached.

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[REDACTED]

From: Internet - Built Environment
Sent: 11 July 2013 09:45
To: Internet - Planning Comments
Subject: FW: PLANNING APPLICATION NO 13/00691/COU MANOR IN THE LAKE CHELTENHAM

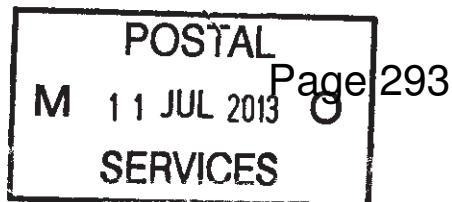
-----Original Message-----

From: [REDACTED]
Sent: 10 July 2013 17:22
To: Internet - Built Environment; Councillor Jacky Fletcher; Councillor Nigel Britter
Subject: PLANNING APPLICATION NO 13/00691/COU MANOR IN THE LAKE CHELTENHAM

[REDACTED] 5 Wade Court The Reddings Cheltenham GL51 6NL.

My objection to these plans relates to the disturbances and noise from Marquee erected on Thursday 27th June 2013 at the Manor in the Lake very close to the end of my garden. The music was very loud and so there needs to be restrictions on noise levels and timings of events. Also the site of the marquee area needs to be questioned at the hearing for this planning as it is so close to my house. I would also like to object to a bandstand being erected.

Thank you



11 JUL 2013

3 Wade Court,
Cheltenham,
GL51 6NL

Dear Sir/Madam,

I'm writing to object to the proposed use of The Manor By The Lake as a wedding venue (13/00691/COU) .

Noise from music being played into the evening and the numbers of people that will be there will make it very difficult for people living nearby in particular families with children of which there are a number living close by (music and noise will keep children awake at night way beyond there bedtimes, or wake them up).

Yours sincerely,



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APPLICATION NO: 13/00691/COU		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 2nd May 2013		DATE OF EXPIRY: 27th June 2013	
WARD: Benhall/The Reddings		PARISH: None	
APPLICANT:	Manor By The Lake		
AGENT:	Mr David Scott		
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane		
PROPOSAL:	Proposed change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis) including extension and alterations to elevations and creation of studio accommodation within existing gate house		

Update to Officer Report

1. OFFICER COMMENTS

1.1. Determining Issues

1.1.1. The key considerations in relation to these applications are the acceptability of the proposed use, including its potential impact on neighbouring amenity, the impact the proposals will have on the listed building and how the proposal may affect the protected trees on the site.

1.2. The site and its context

1.2.1. The application site is a grade II listed building set in spacious grounds. The site was previously used as film studios but this has also evolved into a venue for weddings and conferences. This use has never been formalised and with the building now in new ownership, this application seeks to establish the use.

1.2.2. The trees on the site are covered by a blanket tree preservation order and the site is accessed from Hatherley Lane.

1.3. The acceptability of the proposed use

1.3.1. As advised above, the recent history of the site has seen it used as a wedding and conference venue as an ancillary part of the wider film studio use.

1.3.2. It is apparent that this use does generate noise but members should note that the application has only given rise to three letters of representation (one of which relates to parking provision).

1.3.3. Impact on neighbouring amenity will be considered in the following section of this report but subject to this being adequately controlled, the use would appear to be appropriate in this location.

1.4. Impact on neighbouring property

1.4.1. Local plan policy CP4 considers impact on neighbouring amenity and advises that permission will only be granted where development does not have an unacceptable impact on neighbouring amenity. In light of the comments received by neighbours the applicant has provided the following comments in response;

We do not agree that the proposed change of use will result in any increase in noise or anti-social behaviour.

A designated smoking area has been created which is significantly further away from the main entrance to the Manor and adjacent to the planned ballroom. Smoking is no longer permitted outside the front door, a rule which is enforced by staff during (and at the end of) weddings and other events as well as at other times.

Similarly, there is a tarmac area in front of the proposed ballroom which will be the main entrance/exit for guests attending functions and which provides adequate room for taxis to collect guests at the end of an evening. The vast majority of evening functions will take place in the ballroom, with guests using the facilities in that area of the building which is located further away from neighbouring properties than the existing function rooms and bar/evening suite. Consequently we anticipate a reduction for neighbours in the level of audible noise created by evening functions, not an increase.

Accordingly the main front door entrance to the Manor will be closed in future during the evening and be unavailable for normal use by guests. Use of the car park in front of this entrance for parking, or for use by taxis, will not be permitted and will be prevented by a suitable barrier between the stone piers at the entrance to this area. As already stated, smoking will not be permitted underneath the arches at the front of the building.

Whilst we cannot comment on the experience of neighbours whilst under the previous ownership of the Manor, we will ensure that our staff possess a suitable level of experience and training to enforce these arrangements with regard to smoking, parking, taxi pick-ups and, where necessary, the behaviour and noise level of guests generally. We have a clear organisational structure with accountabilities and operating procedures to support this (based upon our successful experience of running a similar event venue for several years).

We are anxious to avoid any repetition of problems local residents may have experienced in the past and maintain good relations with all our neighbours by avoiding unwarranted noise or disturbance. We are confident that our proposals and supporting arrangements will achieve this.

1.4.2. The Council's Environmental Health team have considered the proposals and subject to the two suggested conditions (relating to noise spillage and kitchen extraction equipment) no objection has been raised.

1.4.3. Officers do not consider that the change of use to a wedding and function venue will unacceptably harm amenity. The use has already been taking place as an ancillary aspect to the film studios; this application allows matters to be formalised and gives the LPA a greater level of control over how the site is managed. Subject to the conditions suggested by Environmental Health, it is considered that the proposal is fully compliant with the provisions of local plan policy CP4.

1.5. Listed building considerations

1.5.1. At the time of writing this report, the consultation response from the conservation officer had not yet been received. The conservation team were fully involved at pre-application stage but comments on this application are necessary before the committee can make a decision. Upon receipt of the comments, members will be updated.

1.6. Trees

1.6.1. Members will be aware from the initial officer report that the tree officer has raised concern in relation to car parking, with the suggestion that a driveway through the woodland was being considered. Members should note that this does not form part of this application; this proposal purely relates to the use of the building and some internal alterations. A driveway of this nature would require planning permission in its own right and if an application is made, the impact on the trees would be a material consideration at this point.

1.6.2. The general comment about car parking, whilst not a tree specific issue, is something that the applicant is giving consideration to, and it is anticipated that a parking strategy with a greater level of detail will be received in advance of the committee meeting. Members will be updated regarding this matter by way of update.

1.7. Access and highway issues

1.7.1. It is not anticipated that the use will result in significantly greater levels of traffic than is currently generated by the site. Members are aware that the premises are currently used for similar purposes (albeit without the formal issuing of planning permission) and whilst this has generated concerns from a noise perspective, the access road has performed in a perfectly acceptable manner. Officers have requested additional information to clarify car parking arrangements but the site does benefit from 30 spaces. Subject to this clarification being acceptable, no objection will be raised relating to highway considerations.

2. CONCLUSION AND RECOMMENDATION

2.1. To conclude, it is considered that the proposed use is acceptable subject to the final comments being received from the Council's conservation and heritage manager – these will be issued by way of an update to this report.

2.2. The use will not compromise neighbouring amenity to an unacceptable degree (subject to the restrictive conditions suggested by Environmental Health) and the trees will not be affected. Furthermore, subject to clarification over parking arrangements, the proposal is acceptable in highway terms.

Email from SFPlanning

17th June 2013

-----Original Message-----

From: Mark Godson [mailto:mark@sfplanning.co.uk]

Sent: 17 June 2013 15:20

To: Chandler, Martin

Cc:

Subject: Manor by the Lake - 13/00691/COU and 13/00383/FUL

Dear Martin

Further to our telephone conversation, I am writing to confirm that:

1. We are retained by the owners of the adjacent site as planning consultants. Our client is the Rathbone Trust.
2. The Rathbone Trust has informed us that they have not received a neighbour notification letter from the Council regarding the current applications at 'Manor by the Lake'. Please could you check this and advise us accordingly? (if it exists it should have gone to the Cheltenham Film and Photo Studios, and regardless of the above, please could you include us as their agent for any future consultations regarding Arle Court?).
3. Land within our client's ownership (Rathbone Trust) is included within the application site, and notice has not been served on our client. I have attached a copy of the three land registry title plans relating to the original land holding (the third relating to 'The Lodge' on the A40 is only included for completeness). Our client owns the land edged in green – titles GR297145 and GR357298 (as specified on the first two plans attached). You will note that land to the north of the application site (title GR297145) is owned by our client, and not the applicant. The application site is therefore smaller than is currently being suggested.
4. The access road to the public highway is not included within the application site. The access road is within the ownership of our client, and therefore notice should have been served.
5. There are no details online with regard to the proposed plans and elevations for 'The Gatehouse'; it is therefore impossible to comment on this element of the scheme.
6. Parking and highway safety appears to be a matter of concern locally, and it would appear that no consultation has been issued to the Highway Authority on application ref. 13/00691/COU. Perhaps you could explain why?
7. The application submission suggests that there are 30 car parking spaces on site; it is not clear where these are located. Please could this be clarified, and an opportunity provided to comment on this arrangement.
8. Given the apparent lack of notification, our client was only made aware of the application when we noticed it on the schedule last week. Our client hasn't therefore had sufficient time to assess whether or not there are grounds for an objection, and indeed because of the lack of information it is more than a little difficult to assess the submission anyway. However, for now and in the absence of further information from the applicant, our client has concerns regarding parking and the safety aspects regarding the

use. For example, functions of size suggested will need permanent parking for larger delivery vehicles associated with discos, sound systems, bands, catering, florists etc. This is in addition to around 100 guests. Our client owns the access road and Cheltenham Film and Photo studios. The studios are home to a large number of businesses which are important to the town, without further information on parking arrangements it is difficult to understand how the proposal might impact on the day-to-day running of the Film and Photo studios (and the safety of the internal access roads).

Notwithstanding all of the above our client has arranged to meet the new owners of Arle Court on 25 June 2013 with a view to addressing any concerns our client might have. They would rather not enter this meeting with the prospect of having to challenge any positive decision on Thursday. I therefore respectfully request that you make the application invalid (the application submission should be clearer with regard to parking arrangements, the plans for 'The Gatehouse' should be made available, the application site should exclude our client's land to the north, the application site should include access to the public highway within the red line, and notice should be served on our client), and hence defer it from committee this week.

I look forward to hearing from you with regard to the status of the application in due course. I would be very grateful if you could let me know your decision as soon as possible. I simply request early feedback because, if the decision is made to proceed with a determination on Thursday, I will need to instruct Charles Russell to prepare a formal notice of our client's intention to challenge any positive decision through a Judicial Review (I have copied this email to Ian Brothwood at Charles Russell), I will need to prepare a more formal objection, and I would like the opportunity to register to speak in objection at committee (assuming that I haven't been beaten to this).

I look forward to hearing from you.

Best regards
Mark

Mark Godson **MRTPI**

SF Planning Limited • 12 Royal Crescent
Cheltenham • Gloucestershire • GL50 3DA
Mobile: 07515 985130 • Tel: 01242 231575
mark@sfplanning.co.uk • www.sfplanning.co.uk

Email from SFPlanning

15th July 2013

-----Original Message-----

From: Mark Godson [mailto:mark@sfplanning.co.uk]

Sent: Mon 15/07/13 14:44

To: Chandler, Martin

Cc:

Subject: Manor by the Lake - 13/00691/COU and 13/00383/FUL

Dear Martin

I am writing following the publication of the report for this week's planning committee.

I note that my previous comments have not been recorded as a third party comment on behalf of our client (the owners of the Cheltenham Film and Photography Studios). Although the issues previously raised primarily relate to technicalities I see no reason why they shouldn't be treated as a comment and reported in the normal way.

With regard to the access for 30 cars as referenced at section 6.7 of your report, whilst I fully appreciate that the Council will not want to get embroiled in a rights of way issue I can confirm on behalf of my clients that they will not grant access to the parking via the estate roads to the north and it should be made clear that this entry point to the Manor land (i.e. car park) was previously created without lawful authority.

My clients do not wish to have any vehicle movements associated with the proposed use taking place in this part of their land holding. Clearance works have taken place and the extant planning permission for extensions to the Film Studios involves re-routing of the estate roads. They therefore do not wish to have any vehicle movements associated with Manor by the Lake taking place in this part of their land. Members should therefore be aware that if the 30 space car park is considered to be important to the acceptability of the use then I am afraid that the Council cannot currently assume that these spaces will be accessible.

I should advise you that all the estate roads are under my client's ownership and the land purchased by the new owners at the Manor means they do not need any access to my client's land other than from the main road to their property.

In addition to the above, I am pleased to report that discussions are taking place between my clients and the applicant but they are not completed. My clients are more than happy to allow Manor by the Lake access from the estate road in a position closer to the Gatehouse, but this has still to be agreed and legally documented.

The applicant can also arrange access to the parking from within his land ownership through the provision of a driveway from the parking close to the listed building. However, we are not aware of any details in this respect having been submitted by the applicant.

I also note that County Highways do not appear to have been consulted? I mentioned this in my previous correspondence, and unless I am mistaken it doesn't appear to have been dealt with? (there is no record on Public Access of a consultation being issued). I am not therefore sure how it can be reported (apparently without usual expert input?) that the proposal will not compromise highway safety through the indiscriminate parking of cars. I appreciate that there is a fall-back use for the building but shouldn't this be compared to the proposed use in highway safety terms?

Please therefore record this email and my previous correspondence as third party comments. My clients do not wish to object, simply point out that if the parking is seen as important then it should not currently be considered available. If an agreement on the access that involves my clients is found then I will let you know as soon as I know. I also respectfully request that the comments of County Highways are sought (for the robustness of the decision making process if nothing else!).

Can you please confirm that this email and my previous correspondence are now included as third party comments. If this is not the case I formally request the reasons for not including my comments.

I hope this email is clear and we hope the matter can be resolved prior to the Council taking its decision. Should you wish to discuss the content of this email any further then please do not hesitate to call me.

Best regards,
Mark

Mark Godson MRTPI

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APPLICATION NO: 13/00383/FUL		OFFICER: Mr Martin Chandler	
DATE REGISTERED: 8th March 2013		DATE OF EXPIRY : 3rd May 2013	
WARD: Benhall/The Reddings		PARISH: NONE	
APPLICANT:	Manor By The Lake Ltd		
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane		
PROPOSAL:	Erection of pavilion and gazebo within grounds.		

ADDITIONAL REPRESENTATIONS

8 Redgrove Park
 Cheltenham
 Gloucestershire
 GL51 6QY

Comments: 16th July 2013

Following a letter dated 24.6.13 from CBC, we have been invited to view the revised proposal and submit comments. My objection would be the noise nuisance levels and frequency, regardless of the constraints made. In addition, voices outside day and night of both smokers and non smokers are inevitable and unavoidable. I believe the impact to neighbours would be detrimental.

Grace Gardens Residents Association
 Grace Gardens
 Cheltenham
 GL51 6QE

Comments: 16th July 2013

Letter attached.

13/00383/FUL
13/00691/COU

GRACE GARDENS RESIDENTS ASSOCIATION

Grace Gardens, Cheltenham. GL51 6QE

Mr Martin Chandler

Planning Department

Cheltenham Borough Council

Municipal Offices

Promenade

Cheltenham GL50 1PP

15th July 2013

Dear Mr Chandler

Re: Planning Applications 13/00383/FUL and 13/00691/COU

I am writing on behalf of Grace Gardens Residents Association to object to the above planning applications. As an association, we wish to object to both applications on behalf of all residents in Grace Gardens and Wade Court who have been and might in future be disturbed by activities at Manor by the Lake.

13/00383/FUL

We are deeply concerned about continuing and additional noise which is likely to be created by the two proposed structures. The use of amplified noise would be quite unacceptable in any outside area and has already been a serious problem to residents over the last few years. However, there is also serious concern about the possibility that these structures would be used by smokers and drinkers gathering during the day or in the evening with the additional loud noise that this creates. Up to now, staff at Manor by the Lake have been unable to control wedding guests sufficiently to ensure they use the designated smoking area, which, although a little further away from the houses in Grace Gardens, is not actually far enough away itself to prevent noise disturbance.

We understand that Environmental Health have suggested that weddings and other similar events could take place in either of these structures between 8am and 9pm, but this could mean music, singing and applause well after small children are likely to be in bed and would not be acceptable to the residents. We have also noted that Environmental Health have not specified anything about the use of amplified noise in their latest recommendations. We would want to be completely sure that amplified noise is never allowed in these outside structures and that any time restrictions apply equally to wedding ceremonies etc and to other usage, such as smoking.

The proposed site of the gazebo is only approximately 20 metres from the nearest house. It is clear that the gazebo could be situated elsewhere in the grounds; apart from a minor aesthetic justification, there seems to us to be no other reason why it should be placed in the proposed site. There is plenty of room for it on the Hatherley Lane side of the Manor, much further away from both Grace Gardens and Wade Court.

Having gatherings of approximately 150 people at the Pavilion and 50 at the gazebo would generate enough noise (applause, singing etc) to disturb the nearest residents and this could be happening at least once every single weekend during the summer.

Manor by the Lake is very close to neighbouring houses and it cannot therefore expect to function as a country estate might do in terms of the way it hosts weddings.

Amenity will definitely be impacted if there is regular noise which can be heard by residents either in their houses or in their gardens.

13/00691/COU

There are a number of concerns here, should the application be granted:

- Traffic and parking. There is very little parking available at Manor by the Lake and if there is a wedding for, say, 200 people, the guests will be forced to park on Hatherley Lane (already very congested) or on Wade Court with its numerous driveways or possibly come into Grace Gardens. All these options raise the possibility of a serious accident occurring, as none of those roads were designed with on-road parking in mind.
- The entrance/exit of guests. This has been a serious problem in the past with loud noise late at night as guests are leaving. We would want to be sure that guests do not leave via the current main entrance and that taxis/cars are not allowed into the main car park at night, as that is the area of Manor by the Lake nearest to the Grace Gardens houses.
- The proposed doors to the ballroom. We understand that there will be a restriction on these being opened during events and we would like to see this clearly stated and enforced, otherwise noise levels are likely to be as high as when there is external amplified music.
- With food being prepared on site, we would want to see sufficient controls over food smells and waste (including quiet disposal of empty bottles).

Yours sincerely



Treasurer, GGRA

39 Grace Gardens

Cheltenham GL51 6QE

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Page 306

APPLICATION NO: 13/00691/LBC and COU		OFFICER: Mr Martin Chandler
DATE REGISTERED: 2nd May 2013		DATE OF EXPIRY: 27th June 2013
WARD: Benhall/The Reddings		PARISH: None
APPLICANT:	Manor By The Lake	
AGENT:	Mr David Scott	
LOCATION:	The Manor By The Lake, Cheltenham Film Studios, Hatherley Lane	
PROPOSAL:	Internal and external alterations to facilitate change of use from film studios and associated conference centre (use class B1) to wedding and function venue with overnight accommodation (use class Sui Generis)	

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. The Conservation and Heritage Manager has reviewed the revised drawings and has confirmed that all of her initial reservations have been resolved; the objection to the scheme has therefore been removed subject to conditions.
- 1.2. Further to this, officers have discussed the parking provision with the County Council who have confirmed that the provision shown to the front of the listed building is acceptable for the use proposed. Should access be secured to the spaces to the north of the lake (which members saw on planning view) this would be beneficial to the use, but in light of the advice from the County Council, the application in its current format is acceptable.

2. CONCLUSION AND RECOMMENDATION

- 2.1. It is recommended that planning permission and listed building consent be granted for the proposals subject to the conditions suggested below.

3. CONDITIONS/REFUSAL REASONS

13/00691/LBC

- 1 The works hereby granted consent shall be begun before the expiration of five years from the date of this consent.
Reason: To accord with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 numbers received [**Officer note: there are a number of approved drawings, the list of which had not be prepared at the time of writing this report**]
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 3 Prior to the commencement of development, the detailed design including materials and finishes of the following items shall be submitted to and approved in writing by the Local Planning Authority:
 - all new internal doors including architraves to opening
 - all new external doors including cills

- all existing door opening being blocked up

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections, where mouldings are used. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the NPPF. These are important details which need to be constructed in a manner which ensures that they serve to preserve the special interest of the building.

- 4 Within 6 months of the date of this consent, the existing palisade fencing located to the north west of the application site shall be removed and the ground reinstated in a manner to be agreed in writing with the Local Planning Authority.

Reason: The fencing compromises the setting of the listed building and does not have the formal benefit of planning permission.

13/00691/COU

- 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 3 doors to the south side of the function room shall be kept closed during periods of licensed entertainment or live music.

Reason: To protect nearby residential property from loss of amenity due to noise from amplified music or other entertainment.

- 3 The details of the kitchen air handling plant shall be provided to and approved by the Local Planning Authority before first use.

Reason: To protect nearby residential property from loss of amenity due to noise from air handling plant.

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 applicant is advised that the Local Planning Authority expects the 9 spaces located to the front of the listed building (labelled 19 - 27 on drawing number S13/736/120) to be removed should permission be granted for access to the car parking spaces located to the north of the lake. The removal of these spaces should form part of the subsequent application.

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APPLICATION NO: 13/00679/OUT		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 20th May 2013		DATE OF EXPIRY: 15th July 2013	
WARD: Prestbury		PARISH: Prestbury	
APPLICANT:	Mr Andrew Sullivan		
AGENT:	Mr Ron Harrison		
LOCATION:	Ramblers Rest, 81 New Barn Lane, Cheltenham		
PROPOSAL:	Erection of a detached dwelling at the rear of 81 New Barn Lane		

RECOMMENDATION: Permit



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 The application site relates to a parcel of land which lies between nos. 81 and 81a New Barn Lane. The site is situated in a residential area within the Prestbury ward.
- 1.2 The proposal seeks outline planning permission for the erection of a dwelling at the rear of no.81 New Barn Lane and is accompanied by an indicative layout drawing. All matters apart from means of access (appearance, landscaping, layout and scale) have been reserved and therefore will not be considered as part of this application.
- 1.3 The application is to be considered by Planning Committee as there has been an objection from the Parish Council. Members will have the opportunity to visit the site on planning view.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

None

Relevant Planning History:

01/01032/OUT - PERMIT 5th May 2002

New single dwelling

04/01141/REM - APPROVAL OF RESERVED MATTERS 5th August 2004

New dwelling (revised scheme)

04/01859/REM - REFUSED 16th December 2004

Garage ancillary to dwelling (approval ref. 04/01141/REM - approval of reserved matters)

04/02168/REM - APPROVAL OF RESERVED MATTERS 23rd February 2005

Revised details. (New dwelling approved 26/08/04: CBC ref. 04/01141/REM)

None It might be worth adding the applications for the house to the rear? Cllr Godwin will raise it.

05/00166/REM – APPROVAL OF RESERVED MATTERS 24th March 2005

Garage ancillary to dwelling. Approval of reserved matters.

05/00782/REM – APPROVAL OF RESERVED MATTERS 17th May 2005

Revised details (new dwelling approved 26.08.04, CBC Ref: 04/01141/REM)

07/01734/FUL – PERMIT 5th February 2008

Amendment to detached garage as approved in March 2005 ref: 05/00782/REM

3. POLICIES AND GUIDANCE

Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

RC 6 Playspace in residential development
HS1 Housing
TP 1 Development and highway safety
UI3 Sustainable drainage systems

Supplementary Planning Guidance/Documents

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

National Guidance

National Planning Policy Framework

4. CONSULTATIONS

Cheltenham Civic Society

20th June 2013

We found insufficient information in the plans to gauge the application, but from what we could gather it did not look promising.

Parish Council

3rd June 2013

Objection. Excessive garden development.
Health & Safety - Difficult of access to fire was needed.

22nd June 2013

Objection on the grounds of excessive garden development. Also concerns with regard to emergency access.

GCC Highways Planning Liaison

4th June 2013

TOWN AND COUNTRY PLANNING ACT 1990
HIGHWAY RECOMMENDATIONS

Location: Ramblers Rest 81 New Barn Lane, OAKLEY PITTVILLE and PRESTBURY
Proposal: Erection of a detached dwelling at the rear of 81 New Barn Lane

I refer to the above planning application received on 20th May 2013, with Plan(s) Nos: 679.01A & 679.02A to which no Highway objection is raised.

The existing access arrangement on to New Barn Lane is suitable for the proposed development and appears to be operating without incident. The increased usage by the proposed dwelling would not have a significant impact.

HMO Division

29th May 2013

Analysis of proposal/s

1. The bed compartments within the development form inner rooms with respect to fire safety and means of escape in case of fire.

Recommendation/s

1. An alternative escape from the bed compartment should exist in accordance with current building regulations.

Recommendation/s

In general and as a minimum the development proposal and/or existing residential use should be free of any deficiencies and defects giving rise to Category 1 Hazards with respect to the Housing Health and Safety Rating System (Housing Act 2004). Consideration should also be given to reducing the seriousness of Category 2 Hazards to an acceptable level

The applicant / owner should be informed concerning compliance with the provisions of Housing Act 2004, as inadequate, insufficient or hazardous accommodation may be subject to enforcement action under the Housing Act 2004, which can include prohibition of use.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	8
Total comments received	1
Number of objections	1
Number of supporting	0
General comment	0

5.1 Eight letters have been sent out to nearby properties and one response has been received.

5.2 Comments Received

A letter of objection has been received from the neighbouring occupier at no.83b New Barn Lane. The main concerns relate to the detrimental impact of the proposal on neighbouring amenity and specifically the increase in overlooking and loss of light. The neighbour has also expressed concern that the planning application form makes no reference to the loss of trees to accommodate the proposed dwelling.

6. OFFICER COMMENTS

Determining Issues

6.1 The proposal seeks outline planning permission for the erection of a new dwelling with all matters reserved except means of access.

6.2 As such, the main considerations at this stage relate to the principle of a dwelling in this location, the suitability of the proposed access and the impact of the proposal on neighbouring amenity. In order to assess the proposal the applicant has submitted a number of indicative drawings.

Principle of development

6.3 Officers consider that the principle of a small scale dwelling in this location is acceptable. The indicative drawings demonstrate that the applicant wishes to erect a one and a half storey dwelling, which officers consider will respond well to the scale of existing properties in the area.

6.4 The existing properties within the area are set within a mixed urban grain which has evolved over time and therefore there are a variety of house types surrounding the application site. Some are set within larger plots and others on smaller plots, with the building line differing along New Barn Lane.

- 6.5** A response has been received from Cheltenham Civic Society who are unable to gauge the application based on the information provided. This is not entirely surprising given that the application is for outline planning permission. What is important however is that the information provided is sufficient to allow officers to objectively assess the principle of development and the acceptability of the proposed access; this has been achieved with the submission.
- 6.6** Furthermore, concerns have been raised from the Parish Council regarding what they have termed '*excessive garden development*'. Officers are not entirely sure what is meant by this phrase but having objectively assessed the proposal against the provisions of the Garden Land SPD, it is considered that the site is of a sufficient size to support a new dwelling of the indicative scale proposed. The proposal is also reflective of neighbouring development.
- 6.7** In response to initial officer comments, the applicant amended the red line to increase the size of the site and therefore the amount of amenity space provided for the dwelling. There is adequate space surrounding the property and between the neighbouring properties to ensure the development would not appear cramped.
- 6.8** Subject to the detailed design, siting and scale of the dwelling (all of which will be considered at the reserved matters stage) officers are satisfied that the site is sufficiently large enough for a new dwelling. The indicative proposals are considered in accordance with Local Plan Policy CP7 in terms of complementing and respecting neighbouring development and also consistent with the aspirations of the Council's adopted Supplementary Planning Document: Development on garden land and infill sites in Cheltenham.

Impact on neighbouring amenity

- 6.9** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.10** A letter of objection has been received from the neighbouring occupier at 83b. The concerns relate primarily to amenity issues such as overlooking, noise and general disturbance.
- 6.11** The objector has stated the proposal would have a detrimental impact on the limited amenity space at no. 83b and would be overbearing in appearance. The siting and scale of the proposal is such that it would not be overbearing to neighbouring properties, or result in an unacceptable reduction in light levels. Should members resolve to grant outline planning permission, it is advised that a condition be attached restricted the height of the proposed dwelling to ensure that first floor accommodation is contained within the roof slope. This is what is shown on the submitted drawings which officers consider to be of a scale that is considered acceptable and would not have an overbearing impact on neighbouring properties.
- 6.12** Officers consider that the proposed dwelling at no.83b could receive an unacceptable level of overlooking if windows were to be incorporated into the south facing roof slope, due to unusual shape of the boundary with no.83b. Should a reserved matters application be forthcoming, conditions have been included to ensure there are no windows in the south facing roof slope and also to remove permitted development rights.

Access and highway issues

- 6.13** Local Plan Policy TP1 advises that development will not be permitted where it would endanger highway safety. The proposed dwelling would utilise the existing access onto New Barn Lane.
- 6.14** Gloucestershire Highways have been consulted on the proposal and have raised no objection, as the existing access appears to be operating without incident and the increased usage would not have a significant impact.
- 6.15** An objection has been received from the Parish Council raising concerns regarding the access in the event of an emergency. The proposed dwelling would utilise an existing access and no highway objection has been raised to this. As such, officers consider the proposal would not endanger highway safety and is therefore in accordance with Policy TP1.

Other considerations

- 6.16** An additional concern has been raised regarding misleading information provided within the application form relating to the loss of trees on the site. The applicant has since confirmed that the proposal would result in the loss of trees, however, these trees are not protected and could be removed with any prior consent.
- 6.17** Local Plan Policy RC6 seeks to ensure provision for play space is made in new residential development. A condition has been included to ensure this is the case.

7. CONCLUSION AND RECOMMENDATION

- 7.1** Overall, the principle of the dwelling and the access are considered acceptable. The proposal is in accordance with the relevant Local Plan policies and with the included conditions, meets the criteria set out in the Council's adopted Supplementary Planning Document: Development on garden land and infill sites in Cheltenham. As such, the recommendation is to grant outline planning permission, subject to the conditions set out below.

8. CONDITIONS / INFORMATIVES

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun not later than whenever is the later of the following dates:-
(a) the expiration of 5 years from the date of this permission;
(b) the expiration of 2 years from the final approval of reserved matters;
(c) in the case of approval on different dates the final approval of the last such matters to be approved.
Reason: As required by Section 92 of the Town and Country Planning Act 1990.
- 2 Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
Reason: This is an outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

- 3 Prior to the commencement of development, an annotated elevation with a detailed specification of all external materials and finishes (including all windows and external doors) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the details so approved and maintained as such thereafter.
Reason: To ensure a satisfactory form of development in accordance with Local Plan Policy CP7 relating to design.
- 4 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 extensions, garages, walls, fences or other structures of any kind (other than those forming part of the development hereby permitted) shall be erected without planning permission.
Reason: Any further extension or alteration requires 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.
- 5 The dwelling so approved shall consist of ground floor accommodation with first floor rooms located within the roof space. Full details regarding the height of the dwellings shall be submitted to and approved by the Local Planning Authority at reserved matters stage and development shall be implemented strictly in accordance with the details so approved.
Reason: To ensure a satisfactory form of development, limiting the scale of the dwellings in this backland location.
- 6 The dwelling so approved shall have no windows in the south facing roof slope.
Reason: To protect the amenity of the neighbouring property.
- 7 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.
- 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.

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.

APPLICATION NO: 13/00679/OUT		OFFICER: Miss Chloe Smart	
DATE REGISTERED: 20th May 2013		DATE OF EXPIRY : 15th July 2013	
WARD: Prestbury		PARISH: PREST	
APPLICANT:	Mr Andrew Sullivan		
LOCATION:	Ramblers Rest, 81 New Barn Lane, Cheltenham		
PROPOSAL:	Erection of a detached dwelling at the rear of 81 New Barn Lane		

REPRESENTATIONS

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

Whytehurst
 83B New Barn Lane
 Cheltenham
 Gloucestershire
 GL52 3LF

Comments: 10th June 2013
 Letter attached.



Whytehurst

83b New Barn Lane, Cheltenham, GL52 3LF



Cheltenham Borough Council Environment Group			
USED TO			
DATE	- 7 JUN 2013		
Type of Response		Type of Response	
Initials of Respondent		File Ref.	

**Miss Chloe Smart
Planning Dept
Cheltenham Borough Council
Cheltenham**

Wednesday, 5 June 2013

Dear Miss Smart

Ref: 13/00679/OUT

My objections are as follow.

The Proposal is contrary to the Council's SPD Development on Garden Land and Infill Sites in Cheltenham, in that it would have detrimental effect on the limited amenity space which my property enjoys immediately adjacent to the south side of the site, by reason of overlooking, noise and general disturbance.

Such is the unusual shape of the boundary that a house built alongside ours will directly overlook the amenity of our front garden and I would request the planning committee members view the site from my front garden to appreciate the impact the proposed building would have.

At box 15 in the application both 'no' boxes have been ticked. This is misleading as you would see from a visit and the loss of trees on the site which would have to be removed to accommodate the proposed dwelling would further increase the impact which both the proposed building and the existing property has on my dwelling house.

The building will also overlook and block what little sunlight we get in the amenity space of our small back garden and the effect, coupled with the soon to be built upward extension at 83 in front of us, will be to totally box us in.

In the event of permission being granted I would request that conditions covering the following issues be included on any Outline permission granted.

- a) Only a single storey dwelling shall be erected on this site.
- b) Permitted development rights for any additional upper floors or windows in the roof shall be removed.
- c) The building should not extend beyond the rear wall of my house.

Miss Smart

