



# CHEL TENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Planning Committee

**Thursday, 21 April 2016  
6.00 pm  
Council Chamber - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Garth Barnes (Chair), Jacky Fletcher (Vice-Chair), Paul Baker, Andrew Chard, Diggory Seacome, Bernard Fisher, Colin Hay, Adam Lillywhite, Helena McCloskey, Andrew McKinlay, Klara Sudbury, Pat Thornton, Louis Savage, Malcolm Stennett and Simon Wheeler

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

### Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **DECLARATIONS OF INDEPENDENT SITE VISITS**
4. **PUBLIC QUESTIONS**
5. **MINUTES OF LAST MEETING** (Pages 5 - 10)
6. **PLANNING/LISTED BUILDING/CONSERVATION AREA  
CONSENT/ADVERTISEMENT APPLICATIONS,  
APPLICATIONS FOR LAWFUL DEVELOPMENT  
CERTIFICATE AND TREE RELATED APPLICATIONS**
6. **15/02268/FUL 57-59 WINCHCOMBE STREET** (Pages 11 - 26)
7. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES  
URGENT AND REQUIRES A DECISION**

**Contact Officer:** Judith Baker, Planning Committee Co-ordinator,  
**Email:** [builtenvironment@cheltenham.gov.uk](mailto:builtenvironment@cheltenham.gov.uk)





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## Planning Committee

24<sup>th</sup> March 2016

**Present:**

**Members (15)**

Councillors Barnes, Chair (GB); Fletcher, Vice-Chair (JF); Baker (PB); Chard (AC); Fisher (BF); Colin Hay (CH); Lillywhite (AL); McCloskey (HM); Savage (LS); Seacome (DS); Stennett (MS); Sudbury (KS); Thornton (PT); Wheeler (SW).

NB: Councillor McKinlay (AM) arrived during the meeting.

Present as an observer: Councillor Rowena Hay

**Officers**

Martin Chandler, Team Leader, Development Management (MC)

Michelle Payne, Planning Officer (MP)

Lorna McShane, Legal Officer (LM)

Present as an observer: Nick Jonathan, Legal Officer

**1. Apologies**

There were none.

**2. Declarations of interest**

There were none.

**3. Declarations of independent site visits**

There were none.

**4. Public Questions**

There were none.

**5. Minutes of last meeting**

Resolved, that the minutes of the meeting held on 18<sup>th</sup> February 2016 be approved and signed as a correct record with the following correction, made by Councillor Stennett:

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~~**MS:** ...both MS and Councillor Payne have asked for a committee decision, as they want to understand what exactly is being proposed for the site and what has changed since the outline stage. They want the opportunity to look at this before it is permitted, but are being told by officers that this is not necessary.~~

To be replaced with:

*MS: ‘...Councillor Stennett and Councillor Payne have asked for a committee decision as they want the opportunity for residents to look at the application before it is permitted, but have been told by officers, supported by the Chair, Vice-Chair, and Councillor McKinlay, that this is not necessary.’*

## 6. Planning applications

Application Number:	<b>16/00071/FUL</b>
Location:	<b>166 Cirencester Road, Cheltenham</b>
Proposal:	<b>Proposed two storey side extension and refurbishment</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>1</b>
Update Report:	<b>None</b>

**MP** introduced the application as above. It is at Planning Committee following an objection from the Parish Council, which considers that the extension will have an overbearing effect on the neighbouring property. The officer recommendation is to permit.

### Public Speaking:

#### **Mr David Trendle, applicant, in support**

Thanked planning officers for their support of his clear intention to create a family home from a run-down house purchased a year ago, through careful and sensitive refurbishment and modernisation. Engaged with planning officers and neighbours from the start, and took advice to ensure a good design. The proposed extension is subservient, stepped back from the main dwelling, and fits well in the street scene without harming the amenity of the neighbours. It is situated 5m from the neighbour's boundary, and 19m and 13m in from the boundaries to the west and east – much reduced in size from the first application. There are to be no windows or doors on the neighbour's side, and additional screening for privacy and seclusion is a priority and can be assured. Will take any preference of the neighbours into consideration for this.

### Member debate:

**PB:** this is a superb scheme, a clever, high-quality design and a huge improvement on what is currently there. It is fantastic to see this property coming into use as a family home, and fully supports the proposal.

**MS:** agrees – this is a planning gain. It will improve the street scene, a sensitive modernisation, and the improved house will not be incongruous in the area. We should be appreciative of this proposal.

### Vote on officer recommendation to permit

14 in support – unanimous

**PERMIT**

Application Number:	<b>16/00086/COU</b>
Location:	<b>4 Albert Street, Cheltenham</b>
Proposal:	<b>Change of use from a residential 2/3 bed property into a 7-person House in Multiple Occupation (HMO) (retrospective)</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>6</b>
Update Report:	<b>None</b>

**MJC** introduced this retrospective application for an HMO for seven people, explaining that planning permission is needed for conversion of a house to an HMO for more than six people – conversion for up to six people comes under permitted development. It is at Committee at the request of Councillor Walklett amid concerns in St Paul's about the proliferation of HMOs. The recommendation is to grant planning permission.

**Public Speaking:**

None.

**Member debate:**

**JF:** received an email from St Paul's residents this morning, concerned about the proliferation of HMOs in their area. This is a real concern, and the council needs a meeting to discuss the way forward. Asks that this be taken on for further discussion between officers and all councillors.

**PB:** supports the application but agrees with JF. Was previously a councillor for St Paul's, and can see that the ward has now changed beyond all measure. CBC needs to look at what it can do to prevent the gradual degradation of the area. Other college towns have the same problem, as do other parts of Cheltenham.

**PT:** agrees with what has been said so far, and faces similar issues in St Peter's, with some streets practically at war over car parking. Is there any legislation in planning to say only a certain number of HMOs can be created in an area, and further applications have to be turned down?

**HM:** has similar concerns about the number of HMOs in the town, but is also worried about the adequacy of accommodation for the people living in them. There are A4 directives CBC can adopt, and suggests the Planning and Liaison Member Working Group looks at this when looking at the Local Plan.

**MS:** supports the application, and agrees that the time to discuss this issue is when developing the Local Plan – there is a problem in St Paul's, St Peter's and elsewhere. New policies will help the Planning Committee in their decision-making.

**BF:** is concerned about the number of people living in a single dwelling in the event of emergencies. With the loft converted to a bedroom, it could be hard to get everyone out in the event of a fire. Realises this is a retrospective application, but what about fire regulations? How many people can live safely in an area this size?

**SW:** has the same concerns as other speakers, but is also taking a different angle. Students need somewhere to live. Having seen the property, wonders how it can accommodate seven people; we need to look at the quality of HMOs for everyone, including students. Supports BF's concerns about fire regulations, his own son having had a lucky escape from a fire in a student house, and would like to be sure that this will be followed through.

**KS:** it is disappointing when everyone is so concerned about this application that there is no way to consider turning it down. There are two main issues here: is the application suitable and the number of people to be living in this house appropriate? And the effect of the ever-increasing number of HMOs on the area. Grew up in St Paul's in the 1970s and '80s, at a time when everyone owned their property; it was a good area for the less well-off, and for people starting out on the property ladder. Now that 50% of the houses are HMOs, young families don't want to live there, and this is having an impact on the cohesion of the area. Cannot support this application. Students need somewhere to live but this proposal is not good for the area, including potential parking issues. The council needs to be more proactive and to form policies to control this. The new student accommodation at Pittville will help, but converting these two-bedroomed houses into accommodation for seven people is not good – students deserve better. Wishes we could turn the application down.

**AL:** is surprised at the number and size of the rooms. Is there no minimum room size to apply here? These rooms should comply with the minimum standard.

**[Councillor McKinlay arrived at the meeting at this point.]**

**MJC, in response:**

- took the first point of concern – the number of HMOs in the area – away after Planning View, and has been informed that this issue has already been raised in a paper to Planning and Liaison Member Working Group. It is an ongoing issue, with Councillors Walklett and Jeffries, and discussions will continue to take place;
- Planning Committee cannot fix the issue through one application, which must be determined on its own merits, and in this case, the application is only at Planning Committee because it includes one additional tenant over the six that are allowed without planning permission under permitted development. Members must ask themselves what harm one additional tenant will cause;
- agrees that there is a bigger issue here and a more comprehensive view needs to be taken, but for the purpose of this particular application, officers do not feel there are any valid grounds to refuse;
- to BF, HMOs need to be licensed before they can be let out; in this case, a license already exists for this property, and it is therefore compliant with regulations;
- to AL, regarding the minimum standards for room size etc, there aren't any at the moment. The government recently introduced guidelines, and these will be part of the new Cheltenham Plan for future applications to be used in cases such as this, but not at present.

**PB:** for clarification, what stage are we at with the review of HMOs? A paper was presented to Planning and Liaison Member Working Group in December, but nothing else appears to have happened and it's now March. A note for Planning Committee about where it is and where it is going would be useful.

**MJC, in response:**

- the notes of the Planning and Liaison Member Working Group can be circulated. Members need to speak between themselves to get momentum on this issue.

**Vote on officer recommendation to permit**

11 in support

2 in objection

2 abstentions

**PERMIT**

Application Number:	<b>16/00161/FUL</b>
Location:	<b>Wallace House, Buttermere Close, Hatherley</b>
Proposal:	<b>Installation of mobility scooter store (1.8m deep x 7.3m wide x 2.1m high) to provide 6no. individual secure compartments with charging points and erection of fencing</b>
View:	<b>Yes</b>
Officer Recommendation:	<b>Permit</b>
Committee Decision:	<b>Permit</b>
Letters of Rep:	<b>0</b>
Update Report:	<b>None</b>

**MP** introduced the application, similar to those considered at the last two meetings, for mobile scooter stores at Cheltenham Borough Homes-owned properties, and at Committee because the applicant and the owner is Cheltenham Borough Council.



**Public Speaking:**

None.

**Member debate:**

**CH:** raised the issue about providing facilities to charge mobility scooters when he was a member of CBH. Without proper stores, they had to be charged in corridors, creating a fire risk, as well as a health and safety risk with trailing cables. These proposals are an excellent idea for the tenants, and will improve their lives – is very pleased to see them introduced. It's a shame that they can't be more attractive structures and less utilitarian, but they work, and that is the main consideration.

**GB:** CBH is doing a very good job updating properties round the town; this scheme forms part of that work and is a positive way forward. There has been some discussion about why straightforward applications such as this have to come to Committee.

**MJC, in response:**

- Planning Committee has considered a lot of these applications over the last few months, with CBH upgrading its housing stock. The relationship between CBC and CBH requires that they come to Committee, but has today taken legal advice on whether this is necessary, as the work undertaken falls under permitted development rights. Legal officers agree, and it will save time for everyone if these types of works are not referred to Planning Committee.

**Vote on officer recommendation to permit**

14 in support – unanimous

**PERMIT**

**The meeting ended at 6.25pm.**

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<b>APPLICATION NO:</b> 15/02268/FUL		<b>OFFICER:</b> Miss Michelle Payne
<b>DATE REGISTERED:</b> 30th December 2015		<b>DATE OF EXPIRY:</b> 30th March 2016
<b>WARD:</b> All Saints		<b>PARISH:</b> n/a
<b>APPLICANT:</b>	Gallery Estates Limited	
<b>AGENT:</b>	Aspect360 Ltd	
<b>LOCATION:</b>	57-59 Winchcombe Street, Cheltenham	
<b>PROPOSAL:</b>	Partial demolition and mixed-use conversion to 11no. apartments and commercial/retail unit (Use Classes A1, A2, or B1a) with associated external alterations, fourth floor extension, car parking, cycle and refuse storage	

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF PROPOSAL

- 1.1 This is a full application for various alterations and extensions to the former 'Axiom' building at 57-59 Winchcombe Street to facilitate the conversion of the building to 11no. apartments on the upper floors with a commercial/retail unit (Use Classes A1, A2, or B1a), undercroft car parking, cycle and refuse storage at ground floor.
- 1.2 The application has been submitted following pre-application discussions; the proposals tabled at pre-application were not supported by officers. Further revised/additional plans have been submitted during the course of this application to address officer concerns and concerns raised by the Highways officer.
- 1.3 The application is before the planning committee at the request of Councillor Sudbury and Councillor Babbage, due to the level of interest in the local community; however, it should be noted that only one local objection has been received.
- 1.4 Members will visit the site on planning view.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### **Constraints:**

Conservation Area  
Core Commercial Area  
Locally Listed Building  
Residents Association  
Central Shopping Area  
Smoke Control Order

### **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 6 Mixed use development  
CP 7 Design  
BE 11 Buildings of local importance  
HS 1 Housing development  
RC 6 Play space in residential development  
TP 1 Development and highway safety

### **Supplementary Planning Guidance/Documents**

Play space in residential development (2003)  
Old Town Character Area Appraisal and Management Plan (2007)

### **National Guidance**

National Planning Policy Framework

#### 4. CONSULTATION RESPONSES

**County Archaeology**

*30th December 2015*

Thank you for consulting me concerning the above planning application. I wish to make the following observations.

I advise that I have checked the proposed development area against the County Historic Environment Record and there is no archaeology known at this location. The application site is located outside Cheltenham's medieval settlement area.

In my view the development proposal has low potential to have an adverse impact on any significant archaeological remains. Therefore, I recommend that no archaeological investigation or recording should be required in connection with this development proposal.

I have no further observations.

**Cheltenham Civic Society**

*25th January 2016*

We are sympathetic to this proposal. We acknowledge that a mix of retail and residential is the most viable way forward as the possibility of the use of this site as an arts centre is no longer realistic. We think that what is proposed retains the essential character of the old mill buildings, which is important as it is an unusual style for Cheltenham. We also accept - given that the structure is not listed - that alterations necessary to make it a workable scheme must be accepted, provided the overall character of the building is retained - as it is. It is also our view that for a residential scheme in this area to be viable parking must be provided. We are slightly concerned about the small size of the smaller units.

**Architects Panel**

*2nd February 2016*

Design Concept: The panel had no objection to the development in principle, recognising that the existing building was locally indexed and that the conversion to apartments put the redundant building to good use. The additional storey and new roof profile was considered perfectly acceptable in this location. The panel were pleased the scheme retained much of the original building features.

Design Detail: The panel generally felt the scheme was carefully considered and well designed. Some concern was raised about the shared pedestrian and vehicular access off Winchcombe Street, visibility issues and the practicality of having gates. A change of surface treatment to ensure pedestrian priority is recommended.

Recommendation: Support, subject to Highway Authority approval of site access.

**Environmental Health**

*18th February 2016*

I have reviewed this application and offer the following comments:

I have no objection to the proposed development in principle, but I am concerned that there is potential for residents of the accommodation directly above the shop to be affected by noise from commercial use. I would therefore recommend the following conditions:

Condition:

The hours of opening of the retail unit will be restricted to:

8AM - 8PM Monday - Saturday, 9AM - 6PM Sundays

Reason: To protect the residents of adjacent (upstairs) property from loss of amenity due to noise from commercial operations.

Condition:

No deliveries shall be made to the retail unit, nor collections of waste material made from the unit outside the opening hours above.

Reason: To protect the residents of adjacent (upstairs) property from loss of amenity due to noise from commercial vehicles accessing the site for loading and unloading.

## **Heritage and Conservation**

*14th March 2016*

### Analysis of Site

Two storey, architecturally distinct commercial building formerly in retail and office use with extensive three storey warehousing range to the rear. An internally enclosed open yard is accessed from the street frontage through an opening to the side of the front-range from Winchcombe Street. The entire complex of buildings is arranged in a C plan-form. Fishers Lane runs to the rear of the building but there is no current access. There are views into the site from Winchcombe Street from where the side and rear elevations of the warehouse range can be appreciated.

The building in its current footprint appears on the historic maps in the early part of the 20th C and is essentially unaltered in form. The maps indicate that the service yard was partially covered by a lightweight structure which is probably the extant iron canopy that would have provided a covered area to keep goods dry when loading and transporting it.

### Comments

1. The principle of a mixed-use conversion is acceptable however the extent of demolition and alteration proposed initially was a major concern: a modified scheme has now been submitted and whilst there is overall support for the scheme there are still some outstanding concerns that need to be addressed before this scheme can be fully supported.
2. The building is locally listed and in accordance with policy BE11 the demolition of, or harmful alteration of a building on the Index of Buildings of Local Importance will be resisted. This building is valued locally for its historic and architectural significance and is a rare example, in Cheltenham, of this building type. Furthermore the rear ranges of the building retain a number of distinctive characteristics which provide evidence of its former use: sack hoist lifts and trap doors etc. and distinctive arched windows with steel frames and multiple panes of glass associated with this building type. These external features define the building and their retention, or replacement with like for like features, is absolutely necessary to retaining the building's heritage significance and aesthetic value.
3. The provision of on-site parking is a contentious issue due to the physically constrained external space of the building and the desire of the applicant to provide allocated parking spaces for all occupiers of the building: the under-croft parking proposed will substantially alter the appearance of the lower ground floor with implications for the openings on the ground floor which is a concern. I understand that the proposed parking level has been lowered as far as is possible from the current yard level but it is not sufficient for the upper floor levels to remain untouched. It is regrettable that the ground and first floor must be removed and a new ground floor inserted above the

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parking level, however, the insertion of a mezzanine floor setback from the front elevation of the main range will mean that the majority of the openings on the main section of the building will be unaltered which will preserve the inherent historic visual character of the building.

4. On balance the contemporary interventions which include the large voids to accommodate lower ground floor parking and the additional glazed storey, 'cap', do not conflict with the overall industrial aesthetic of the building.
5. Whilst it is welcomed that the design of the windows and doors have been revised following a site meeting, in my view the timber/glazed fixed door/window design should be used consistently across the site on the existing warehouse and stable building rather than the fully glazed full height window/door version that is used in a couple of locations, furthermore the smaller windows should all have the same appearance - i.e. with small panes which will provide a consistent and suitable contrast to the large glazed sections on the added top floor.
6. Where new openings are being inserted the relieving arches should be in brick to match the building rather than in blue engineering bricks as is the case with some of the historic openings: this distinction will, it is anticipated, allow for the phases of the building to be subtly read without distortion.
7. There are concerns regarding the overbearing impact that the additional storey will have on the front facing two storey building and the awkward relationship created between these two parts of the building at the roofline: setting the terrace further back has improved this relationship but it could go further back. A modest setback would lessen its visibility and impact on the conservation area and in particular improve the oblique views of the roofline from Winchcombe Street and beyond.
8. I have additional concerns regarding the use of large roof-lights on the front and side roof slopes of the Winchcombe Street building: the traditional appearance of this building is being maintained which is welcomed and the new roof will match the profile, pitch, height and materials of the existing historic roof however the introduction of roof-lights on these very visible slopes will be visually intrusive and, in my view, harmful to the appearance of this locally listed building.
9. Revisions are required for this scheme to be acceptable but the overall approach is considered to be positive.

### **Heritage and Conservation (revised comments)**

*4th April 2016*

#### Analysis of Site

Two storey, architecturally distinct commercial building formerly in retail and office use with extensive three storey warehousing range to the rear. An internally enclosed open yard is accessed from the street frontage through an opening to the side of the front-range from Winchcombe Street. The entire complex of buildings is arranged in a C plan-form. Fishers Lane runs to the rear of the building but there is no current access. There are views into the site from Winchcombe Street from where the side and rear elevations of the warehouse range can be appreciated.

The building in its current footprint appears on the historic maps in the early part of the 20th C and is essentially unaltered in form. The maps indicate that the service yard was partially covered by a lightweight structure which is probably the extant iron canopy that would have provided a covered area to keep goods dry when loading and transporting it.



## Comments

1. The revisions made to the design of the windows and doors and materials for the arched openings are acceptable: there is now a more comprehensive design approach which is consistent with the character of the building and this is welcomed.
2. It is disappointing that the fourth floor extension has not been set further back from the roof line but on balance it is acceptable due to the size of the terrace area providing a buffer from the impact of the additional floor on the front building. Any future proposed reduction in the terrace area or enlargement of this part of the building would be firmly resisted.

## Summary

The revisions address most of the concerns with this application and are on balance considered to be acceptable to secure a viable use for this locally listed building. The character of the building will be largely retained and the proposed alterations and enlargements will have a limited impact on the conservation area and is therefore recommended for approval.

## **GCC Highways Planning Liaison Officer**

*29th March 2016*

This response is based on the following amended information:

### Technical Note

0618-017B

0618-018B

0618-019A

Road Safety Audit

The Highway Authority initially raised concerns regarding the vehicular and pedestrian visibility at the existing access. The developer has undertaken to improve the visibility at the junction by building the kerb out by approximately 300mm. The submitted plans show 54m junction visibility is available to the signal controlled junction and 30m to the junction. The Technical Note demonstrates that based on the radii of the bend, using MfS2 guidance, that 30m visibility is suitable for the anticipated vehicle speeds. Pedestrian visibility and driver to driver inter visibility has also been demonstrated on plan. A bollard will be provided either side of the access to ensure that vehicles exit in the centre of the access; this will ensure that pedestrians can see and be seen by drivers exiting the site. The width of the existing access is relatively narrow and not suitable for two vehicles to pass, however given the need to re-use the existing building and the local constraints, the access is considered acceptable to serve the development. A road safety audit has not identified any safety problems with the proposals.

I recommend that no highway objection be raised to this application subject to the following conditions being attached to any permission granted:

The proposed highway works, including kerb build out, bollards, junction and pedestrian visibility splays shall be provided in accordance with the approved drawings 17B, 18B and 19A, before any of the dwellings are first occupied and shall be maintained as such thereafter.

Reason: To ensure that there is a safe and suitable access available, in accordance with the National Planning Policy Framework.

The buildings hereby permitted shall not be occupied until the vehicular parking facilities have been provided in accordance with the approved plan and those facilities shall be maintained available for those purposes thereafter.



Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework.

Informative:

The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

## 5. PUBLICITY AND REPRESENTATIONS

- 5.1 Letters of notification were sent out to 38 neighbouring properties. In addition, a site notice was posted and an advert published in the Gloucestershire Echo. In response to the publicity, two representations have been received – see attached.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

- 6.1.1 The key considerations when determining this application are the principle of the proposed development; the design and layout of the scheme and its impact on the conservation area; the potential impact on neighbouring amenity; and highways safety considerations.

### 6.2 The site and its context

- 6.2.1 The application site is located on the eastern side of Winchcombe Street within the Old Town Character Area, one of 19 character areas that together form Cheltenham's Central Conservation Area. The site is also located within the Core Commercial Area and Central Shopping Area.
- 6.2.2 To the front, the site is occupied by a two storey building with a pitched, part hipped, roof and brick elevations. Whilst not a statutory listed building, the building is locally indexed for its local architectural value and historic interest, and unusual brickwork. The building is notable for the use of glazed blue brick at ground floor and as a string course, and is considered an attractive building despite its utilitarian appearance.
- 6.2.3 To the rear, a large three storey, red brick, warehousing range extends along the southern and eastern site boundaries, with an open courtyard alongside.
- 6.2.4 The building dates from c1890 and was constructed as a corn and seed merchants with the frontage building being used as shop premises, and the rear building used for storage and stabling. The building is unique in Cheltenham, having retained evidence of its former use, with features such as sack hoist lifts and trap doors, and distinctive arched windows with steel frames and multiple panes of glass, consistent with this type of building.
- 6.2.5 The building was last in use as an Arts Centre but has been vacant for a number of years and is in an extremely poor state of repair.

### 6.3 Principle of development

- 6.3.1 As noted above, the building is of local value but has been vacant for a number of years and is in a poor state of repair. As such, the principle of converting and extending the building to bring it back into a sustainable and active use is welcomed, subject to the material considerations set out below:

#### 6.4 Design and layout

- 6.4.1** Local plan policy CP7 (design) requires all new development to be of a high standard of architectural design; to adequately reflect principles of urban design; and to complement and respect neighbouring development and the character of the locality. In addition, as a result of the buildings inclusion on the Index of Buildings of Local Importance, local plan policy BE11 (buildings of local importance) is triggered which seeks to resist any harmful alteration to the building.
- 6.4.2** At pre-application stage, in order to achieve the undercroft parking, it was proposed to change the internal floor levels resulting in the need to alter almost all of the original door and window openings to the rear warehousing range. Such fundamental alterations to the external elevations were considered to be wholly inappropriate and extremely harmful to the character and appearance of the building.
- 6.4.3** Whilst this application also proposes the creation of undercroft parking, requiring the removal of the ground and first floors and the provision of a new ground floor, the majority of the existing openings are shown to be retained, albeit in an altered form. During the course of the application, revisions have been secured to ensure that a consistent timber/glazed fixed door/window design approach is used across the site on the existing warehouse and stable building, and that the smaller windows all have the same appearance - i.e. with small panes. Such an approach would also ensure a suitable contrast to the large glazed sections in the proposal additional floor.
- 6.4.4** The extent of accommodation within this new floor of accommodation, which is contemporary in design, has also been reduced during the course of the application to lessen its visibility and impact on the conservation area.
- 6.4.5** The Conservation Officer considers that *“On balance the contemporary interventions which include the large voids to accommodate lower ground floor parking and the additional glazed storey...do not conflict with the overall industrial aesthetic of the building”*.
- 6.4.6** This view is shared by the Civic Society who think *“that what is proposed retains the essential character of the old mill buildings”* and that *“given that the structure is not listed - that alterations necessary to make it a workable scheme must be accepted, provided the overall character of the building is retained”*. Additionally, the Architects’ Panel consider the additional storey and new roof profile *“to be perfectly acceptable in this location. The panel were pleased the scheme retained much of the original building features”*.
- 6.4.7** The proposals are considered to accord with the requirements of local plan policies CP7 and BE11.

#### 6.5 Impact on neighbouring amenity

- 6.5.1** Local plan policy CP4 (safe and sustainable living) advises that development will only be permitted where it will not cause unacceptable harm to the amenity of adjoining land owners or the locality.
- 6.5.2** Given the town centre location, and the nature of the surrounding development, it is not considered necessary to impose the conditions suggested by Environmental Health. Additionally, for the same reasons, it is not considered that the proposal would result in any significant or unacceptable impact on neighbouring amenity.
- 6.5.3** The only area of concern relates to a terrace at fourth floor level which would serve Flat 11. This terrace, adjacent to Fishers Lane, would be in close proximity to the rear gardens of properties recently constructed on the former Haines and Strange site to the rear and would allow direct overlooking of these gardens. Therefore, should Members be minded to grant

planning permission, a condition is suggested which requires details of a privacy screen to be submitted for approval.

**6.5.4** The proposals therefore meet the requirements of policy CP4.

### **6.6 Access and highway issues**

**6.6.1** Local plan policy TP1 (development and highway safety) sets out that development will not be permitted where it would endanger highway safety by altering or increasing the use of an existing access where it would be hazardous to highway users unless a satisfactory improvement has been carried out.

**6.6.2** The Highway Authority initially raised concerns regarding the vehicular and pedestrian visibility at the existing access. In response to these concerns, the developer is now proposing to improve the visibility at the junction by building the kerb out by approximately 300mm. In addition, a bollard will be provided either side of the access to ensure that vehicles exit in the centre of the access; this will ensure that pedestrians can see and be seen by drivers exiting the site. A road safety audit has not identified any safety problems with the proposals.

**6.6.3** A total of 12no. car parking spaces would be provided within the curtilage of the site, together with ample secure and covered cycle parking.

**6.6.4** Therefore, the proposals are considered to be acceptable in relation to the requirements of policy TP1.

### **6.7 Other considerations**

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

## **7. CONCLUSION AND RECOMMENDATION**

7.1 Given the poor condition of the existing buildings on site and the lack of any realistic opportunities to redevelop the site wholly for commercial purposes, the principle of redeveloping the site for residential use is considered to be acceptable.

7.2 Officers consider that any identified harm to the building is far outweighed by the benefits of providing new residential accommodation within this highly sustainable location, together with the benefits the proposed scheme would bring to the appearance of the locally indexed building and the wider conservation area.

7.3 In addition, following the submission of revised/additional detail, the scheme would not result in any significant or unacceptable harm to neighbouring amenity or highway safety.

7.4 Therefore, in conclusion, the recommendation is to grant planning permission subject to the following conditions:

## **8. SUGGESTED CONDITIONS**

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- 1 The development hereby permitted shall be begun before the expiration of three 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 the approved plans listed in Schedule 1 of this decision notice.  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Prior to their installation, the design and details including materials and finishes of the following items shall be submitted to and approved in writing by the Local Planning Authority:
  - a. All external doors and windows (including head and cill treatment and reveals)
  - b. Rooflights
  - c. External cladding to additional floor
  - d. Rainwater goods
  - e. Extract/boiler flues
  - f. Entrance gates

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with full size cross section profiles. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

- 4 Details of a privacy screen to serve the external terrace to Flat 11 shall be submitted and approved in writing by the Local Planning Authority. The approved privacy screen shall be installed prior to first occupation of Flat 11 and retained as such thereafter.  
Reason: To safeguard the amenities of neighbouring properties in accordance with Local Plan Policy CP4 relating to safe and sustainable living.
- 5 Prior to first occupation of any of the dwellings hereby permitted, 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.
- 6 Prior to first occupation of any of the dwellings hereby permitted, the proposed vehicular and cycle parking facilities shall be provided in accordance with approved Drawing No. 1257 10B and thereafter maintained available for those purposes thereafter.  
Reason: To ensure that adequate parking facilities are available within the curtilage of the site in accordance with Local Plan Policy TP1 (development and highway safety) and national guidance set out within the National Planning Policy Framework.
- 7 Prior to first occupation of any of the dwellings hereby permitted, the proposed highway works, including kerb build out, bollards, junction and pedestrian visibility splays shall be carried out in their entirety in accordance with approved Drawing Nos. 0618-017 B, 0618-018 B and 0618-019 A, and thereafter maintained as such thereafter.  
Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in

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accordance with Local Plan Policy TP1 (development and highway safety) and national guidance set out within the National Planning Policy Framework.

- 8 Prior to first occupation of the development, the proposed refuse and recycling facilities (including appropriate containers in accordance with adopted Supplementary Planning Document - Waste Minimisation in Development Projects) shall be provided in accordance with approved Drawing No. 1257 10B and thereafter maintained available for those purposes thereafter.

Reason: To achieve sustainable waste management and to facilitate recycling in accordance with Gloucestershire Waste Local Plan Policy W36 relating to waste minimisation.

- 9 No wires, pipe work, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and maintain the character and appearance of the area in which this development is located in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. Careful consideration has been given to the detailed design of this development and its relationship with neighbouring properties.

### **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, the authority sought revisions/additional information to ensure the retention of the character of the building and to address highways concerns.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.

- 2 The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is therefore required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

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<b>APPLICATION NO:</b> 15/02268/FUL		<b>OFFICER:</b> Miss Michelle Payne	
<b>DATE REGISTERED:</b> 30th December 2015		<b>DATE OF EXPIRY :</b> 30th March 2016	
<b>WARD:</b> All Saints		<b>PARISH:</b>	
<b>APPLICANT:</b>	Gallery Estates Limited		
<b>LOCATION:</b>	57-59 Winchcombe Street, Cheltenham		
<b>PROPOSAL:</b>	Partial demolition and mixed-use conversion to 11no. apartments and commercial/retail unit (Use Classes A1, A2, or B1a) with associated external alterations, fourth floor extension, car parking, cycle and refuse storage		

### REPRESENTATIONS

Number of contributors	<b>2</b>
Number of objections	<b>2</b>
Number of representations	<b>0</b>
Number of supporting	<b>0</b>

Basement Flat  
 31C All Saints Villas Road  
 Cheltenham  
 Gloucestershire  
 GL52 2HB

**Comments:** 20th January 2016

This proposal is an over development of an historic site within the centre of Cheltenham. It destroys the integrity of a building considered by the council and the general public as one of merit.

The scale of the extensions dominates and belittles the importance of a building which has charm and character. The existing building is of a specific type which has possibilities for adaption for a number of uses but the overall size of the proposal is out of context and reflects over development.

The entrance off Winchcombe Street is too small to cope with the number of cars proposed. There are no sight lines and will ultimately result in cars parking over the footpath to come out onto what is a busy road. Exiting and entering cars will need to jockey for position.

The scheme unfortunately is not sensible for the site and I would expect planning officers to reflect the values of the local conservation area and the wider fabric of Cheltenham and either refuse or request substantial alterations.

20 Brizen Lane  
 Cheltenham  
 Gloucestershire  
 GL53 0NG

**Comments:** 5th January 2016

Apart from being pleased and relieved the application isn't for demolition, there is not very much that is redeeming about the planning application.



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The planned parking spaces look like they will require some rather brutal reworking of floor levels, which if so will be damaging to the character of the building.

The levels at the back and side facing on to the courtyard are really important to the history of the building. The rear large room being the former stables and the door heights above ground level for loading the hay and corn etc onto the carts.

There is a brief synopsis of the history of the building and the site here - <http://www.gsia.org.uk/reprints/2002/gj200255.pdf>

Also the penthouse level and added roof height of the shop part of the building will look weird and harm the character and appearance of the central conservation area.

I object to the bin store in the kitchen of the old cafe part of the building and also that the application is seeking uses for that which would prevent it being used as a cafe.

I think the bit earmarked as a bin store has the potential to cause unpleasant smells in the retail unit and also without a kitchen it impedes the opportunity for a cafe there.

Such a use would bring that part of Winchcombe Street to life and provide the opportunity for community to still have access to part of its former art centre.

Also I would like to know what the owners of the building have done to weather proof the building since purchasing it. The roof at the front of the building is sagging and looks like it could collapse if there is delays to doing something with the building.



<b>APPLICATION NO: 15/02268/FUL</b>		<b>OFFICER: Miss Michelle Payne</b>	
<b>DATE REGISTERED: 30th December 2015</b>		<b>DATE OF EXPIRY: 30th March 2016</b>	
<b>WARD: All Saints</b>		<b>PARISH:</b>	
<b>APPLICANT:</b>	Gallery Estates Limited		
<b>AGENT:</b>	Mr Colin Pemble		
<b>LOCATION:</b>	57-59 Winchcombe Street, Cheltenham		
<b>PROPOSAL:</b>	Partial demolition and mixed-use conversion to 11no. apartments and commercial/retail unit (Use Classes A1, A2, or B1a) with associated external alterations, fourth floor extension, car parking, cycle and refuse storage		

## Update to Officer Report

The following additional condition is recommended should Members be minded to grant planning permission to ensure the re-use of the existing cobblestones within the courtyard:

1 Notwithstanding the approved drawings, prior to implementation, a detailed plan for the hard surfacing works within the courtyard to incorporate the re-use of the existing cobblestones shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason: To ensure a satisfactory form of development in accordance with Local Plan Policies CP3 and CP7 relating to sustainable environment and design, and national guidance set out within the National Planning Policy Framework and the Historic Environment Planning Practice Guide. These are important details which need to be constructed in the traditional manner to ensure that the development is compatible with its surroundings.

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